

CITY COUNCIL AGENDA

Brainerd, Minnesota
September 18, 2017
7:30 P.M.
Brainerd City Hall
Council Chambers

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

2. **Roll Call**

___ J. Lambert ___ K. Stunek ___ K. Bevans ___ D. Badeaux
___ G. Johnson ___ S. Hilgart ___ 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 September 5, 2017

Documents:

[20170905_CCdraft.pdf](#)

B. **Approval Of Licenses**

1. Contractors Licenses - 1 - New; 4 - Renewals

Documents:

[Contractor Licenses.pdf](#)

C. **Department Activity Reports**

1. Police Chief
2. Finance Director

Documents:

[PD Report.pdf](#)

D. **Accept Retirement Of Paid On-Call Firefighter Dave Cox - Effective 2/1/17**

Documents:

[*Accept Retirement of Paid on-call Firefighter Dave Cox.pdf*](#)

E. Interim City Administrator Employment Agreement With James M. Thoreen - Terms Based On .6 FTE As Approved By Council On 8/21/17 - Approval Of And Authorize Signatures

Documents:

[*Interim City Administrator Employment Agreement with James M. Thoreen.pdf*](#)

6. Council Committee Reports

A. Personnel And Finance Committee

Documents:

[*20170918_PF.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>
Tom's Backhoe	14- 15	Airport Util Ext thru 9/8	\$5,191	\$161
Landscape Structures	N/A	Gregory Park Fountain	\$30,653	\$0

2. Brainerd Lakes Area Economic Development Corporation's (BLAEDC) Unified Fund (BUF)

Documents:

[*BLAEDCs Unified Fund.pdf*](#)

3. Request To Waive Recertification Of Special Assessments On Property Addressed 601 10th Street South

Documents:

[*Request to Waive Recertification.pdf*](#)

4. Consider Allocating Year 3 Of The Brainerd Lakes Area Community Foundation (BLACF) Grant For NJPA Riverfront Coordinator

Documents:

[*3rd Year Use of BLACF Grant.pdf*](#)

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

Documents:

HART Rate Increases.pdf

B. Safety And Public Works Committee

Documents:

20170918_SPW.pdf

1. Event/Street Closure Application - Crop Walk

Documents:

Crop Walk Event Application.pdf

2. Event/Street Closure Application - Turkey Run

Documents:

Turkey Run Event Application.pdf

3. Change Order #1 - Imp 14-03 (SAP 108-129-002) Jackson Street Railing

Documents:

Imp 14-03 Change Order 1.pdf

4. Large Patch Quotes And Discussion On Brook Street

Documents:

Quote.pdf

5. South 6th Street Trees And Willow Street Intersection Discussion

Documents:

Memo.pdf

6. Update On 2016 Airport Utility Extension Project

Documents:

Memo - Airport Utility Extension.pdf

7. Downtown Special Services District And 2017 Nuisance Abatement (City Wide) - Resolution Declaring The Costs To Be Assessed, Ordering Preparation Of Proposed Assessment, And Ordering A Public Hearing On Proposed Assessment

Documents:

Res - DTSS and Nuisance Abatement Declare Assessments and Set PH.pdf

8. Improvements 14-03 And 16-13 - Resolution Declaring Costs To Be Assessed, Ordering The Preparation Of Proposed Assessment, And Ordering A Public Hearing On Proposed Assessment

Documents:

Res - Imp 14-03 and Imp 16-13 Declare Assessments and Set PH.pdf

9. Improvements 15-12 And 16-10 - Resolution Declaring The Costs To Be Assessed, Ordering Preparation Of Proposed Assessment, And Ordering A Public Hearing On Proposed Assessment

Documents:

Res - Imp 15-12 and Imp 16-10 Declare Assessments and Set PH.pdf

10. Supplemental Assessments Discussion And Resolution Declaring The Costs To Be Assessed, Ordering The Preparation Of Proposed Supplemental Assessment, And Ordering A Public Hearing On Proposed Supplemental Assessment

Documents:

Res - Supplemental Assessments Declare Assessments and Set PH.pdf

11. Animal Control Officer

Documents:

Animal Control.pdf

7. Unfinished Business

- A. **Final Reading - Proposed Ordinance No. 1472 - An Ordinance Amending Section 900 Of The Brainerd City Code Pertaining To Public Safety And Animals**

Documents:

ORD 1472.pdf

- B. **Call For Applicants - Informational**
(Application Information at the City's Website
[*http://www.ci.brainerd.mn.us*](http://www.ci.brainerd.mn.us))

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

Charter Commission - 1 term (Expire 2020)
Transportation Advisory Committee - 1 term (Expire 2018)

8. **New Business**

A. **Adopt Resolution Providing For The Private Placement And Sale Of Electric Revenue Bonds In The Proposed Aggregate Principal Amount Of \$6,520,000**

Documents:

[Sale of Electric Revenue Bonds .pdf](#)

B. **2018 Preliminary Levy**

1. Adopt Resolution Setting Preliminary Levy for the City and HRA
2. Set Date and Time for Budget Public Hearing

Documents:

[2018 Preliminary Levy.pdf](#)

C. **Resolution For FY 2018 TZD Traffic Safety Enforcement Grant**

Documents:

[TZD Grant.pdf](#)

D. **1st Reading - Ordinance To Amend Intoxicating Liquor Sunday Hours**

Documents:

[Sunday Hours.pdf](#)

E. **Comprehensive Plan Steering Committee Appointments**

Documents:

[Comprehensive Plan - Discuss Steering Committee Appointments.pdf](#)

F. **Downtown Public Parking Use Survey**

Documents:

[Downtown Parking Survey Presentation.pdf](#)

9. **Public Forum**

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

10. **Staff Reports**

(Verbal: Any Updates since Packet)

11. **Council Member Reports**

12. **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 6:30 P.M.
Personnel and Finance Committee will meet at 6:30 P.M.

ANY INDIVIDUAL NEEDING SPECIAL ACCOMMODATIONS,
PLEASE CALL 828-2307

Visit the [City's Website](http://ci.brainerd.mn.us) (ci.brainerd.mn.us)

MISSION

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

7:00 P.M. – Presentation: League of Minnesota Cities

The Chair welcomed Mr. Dave Unmacht, Executive Director of the League of Minnesota Cities (LMC). Mr. Unmacht thanked the Council for the opportunity to discuss the membership and goals of the LMC. The LMC is the state's largest and most comprehensive membership organization serving Minnesota cities and is integrated with the LMC Insurance Trust. The staff provides services in three main ways; 1) Legislatively – LMC spends a lot of time at the State Capitol lobbying and to provide information 2) Training and Conferences –webinars, events and meetings 3) Information Sharing and Resources – provides data and responses to questions from cities. The Mission and Vision of the League is to promote excellence in local government and envision a future for Minnesota where cities are thriving and meeting ongoing challenges. The four major priorities the League has in 2017-2018 are; 1) Technology Access 2) Federal Advocacy 3) Racial Equity 4) Legislative Session.

Mr. Unmacht introduced Mr. Dan Greensweig, Administrator of the League of MN Cities Insurance Trust (LMCIT). Mr. Greensweig explained what the LMCIT is and what they do. The trust is a self-insured membership cooperative that was formed by Minnesota cities and is owned by its members. The coverage is specifically designed for cities. There are three main principals that are adhered to regarding coverages; 1) Provide as broad of a range as possible - they cover a lot of things that are not common in other venues such as land use claims. 2) Very conservative in terms of financial management and the importance of stability in premium costs. 3) Strong emphasis on loss control and one goal is to help members avoid losses. A current concern are the police issues that are taking place; liability, training and wellness of the officers as well as First Responders. LCMIT has implemented a number of initiatives, such as trainings, workshops, data security and land use resources to name a few. The Council thanked them both for the presentations.

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

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

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

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

MOVED AND SECONDED BY ALDERMEN BEVANS AND JOHNSON, DULY CARRIED, TO ADD A TEMPORARY ON-SALE LIQUOR LICENSE SUBMITTED BY THE CROSSING ARTS ALLIANCE FOR AN EVENT TO BE HELD SEPTEMBER 28, 2017 TO THE CONSENT CALENDAR.

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

- A. Approval of the Minutes of the Regular Meeting held on August 21, 2017 and the Budget Workshop held on August 28, 2017 - Approved**
- B. Department Activity Reports - Approved**
1. Fire Chief
 2. Parks Director
- C. Minnesota Lawful Gambling Application for Exempt Permit – Submitted by Brainerd Amateur Hockey Association for an Event to be Held February 13, 2018 at Essentia Health Sports Center, 502 Jackson St., Brainerd - Approved**
- D. (Added Item) Temporary On-Sale Liquor License Application – Submitted by The Crossing Arts Alliance, 711 Laurel St., Brainerd for an Event to be held September 28, 2017, Contingent on Background Investigation - Approved**

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

Council Committee Reports

Personnel and Finance Committee Report

Approval of Bills & Payments to Contractors

<u>Contractor</u>	<u>Imp. #</u>	<u>Project</u>	<u>Amount Paid</u>	<u>Amount Retained</u>
Braun Intertec	14-01	Material Testing Oak St. thru 8/11	\$15,175	\$0
Braun Intertec	14-03	Material Testing Jackson St. thru 8/11	\$2,792	\$0
North Star Drilling	14-15	Seal Anderson Brothers Wells	\$3,807	\$0
S.E.H.	14-15	Airport Util. Ext thru 7/29	\$23,391	\$0
Tri-City Paving	16-13	Buffalo Hills Resurfacing thru 8/25	\$269,376	\$14,178
Tri-City Paving	14-01	Oak St. Mill & Overlay thru 8/25	\$809	\$43
Anderson Brothers	15-12	S. 6 th St. Frontage thru 8/25	\$76,958	\$4,050
Anderson Brothers	16-10	NW Brainerd Resurfacing thru 8/25	\$41,098	\$2,163

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

Consultant Presentations for Compensation Study - Approved

MOVED AND SECONDED BY ALDERMEN HILGART AND STUNEK TO APPROVE RETAINING THE SERVICES OF DAVID DOWNS AND ASSOCIATES (DDA) HUMAN RESOURCES, INC. TO PERFORM A COMPENSATION SYSTEM AND PAY EQUITY STUDY FOR CITY OF BRAINERD AND BRAINERD PUBLIC UTILITIES.

Council Member Hilgart stated the proposal from DDA Human Resources Inc. includes a shared fee benefit from the National Joint Powers Alliance (NJPA). The services that will be provided are reasonable and the costs of the services are appropriate.

Council Member Johnson indicated he chose Gallagher & Company due to being a superior plan versus the basic plan offered by DDA Human Resources. The cost was higher, but it included a brand new compensation plan study with new ways to evaluate rather than a point system. This is a long-term decision that will affect the city for the next generation forward and we should use the best possible firm.

Council discussion took place regarding the differences of the two companies and the need to comply with the Pay Equity Act regardless of which firm is chosen.

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

Authorization for Disposal of Bucket Truck - Approved

MOVED AND SECONDED BY ALDERMEN JOHNSON AND HILGART, DULY CARRIED, TO AUTHORIZE STAFF TO DISPOSE OF THE BUCKET TRUCK AT THE BRAINERD PUBLIC UTILITIES (BPU) AUCTION.

Request of Phelps Developers for Revolving Loan – Approved

MOVED AND SECONDED BY ALDERMEN JOHNSON AND STUNEK, DULY CARRIED, TO AUTHORIZE A DEFERRED AND TRADITIONAL LOAN FROM LOCAL INCOME FUND 275 BE USED IN THE AMOUNT OF \$39,500. \$19,750 WILL BE IN THE FORM OF A DEFERRED LOAN AND \$19,750 WILL BE A TRADITIONAL LOAN WITH THE REMAINING PROJECT COSTS BE OWNER'S MATCH.

Committee Chair Johnson explained this fund was usually set up as one-third revolving loan, one-third deferred loan and one-third owner match. However, the fund only has \$39,500 available and the recommended option was each loan in the amount of \$19,750 and the balance would be owner match. The Economic Development Authority (EDA) recommended approval.

League of MN Cities Insurance Trust (LMCIT) Premium Renewal '17-'18 - Approved

MOVED AND SECONDED BY ALDERMEN JOHNSON AND HILGART, DULY CARRIED, TO APPROVE THE INSURANCE RENEWAL FROM THE LEAGUE OF MN CITIES INSURANCE TRUST (LCMIT) FOR JUNE 1, 2017 THROUGH MAY 31, 2018 AND INCLUDE AN INCREASE OF \$800 IN THE PREMIUM FOR A PERFORMANCE BOND INCREASE AND AN ADDITIONAL \$800 IN PREMIUM TO INCREASE THE REPLACEMENT VALUE OF CITY HALL.

Committee Chair Johnson stated the two additional changes were recommended by the insurance agent. City Hall was appraised this year and the replacement cost of the building went from \$3.5 million to \$4.9 million. The extra funds will bring it to the insured value it needs to be.

Brainerd Fire Department Vehicle Washing - Approved

MOVED AND SECONDED BY ALDERMEN JOHNSON AND STUNEK TO APPROVE THE WASHING OF FIREFIGHTER'S PERSONAL VEHICLES AT THE BRAINERD FIRE DEPARTMENT WITHIN THE GUIDELINES OF THE PROPOSED STANDARD OPERATING GUIDELINES (SOG).

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

Brainerd Public Utilities (BPU) Refunding and Bond Issue – Informational Only

Committee Chair Johnson explained Brainerd Public Utilities (BPU) is planning on refunding their 2007A bond issue as well as getting additional funds to finish the apron project. The Utility is considering a private placement rather than a public sale. The private sale is not certain, but indications are such that the rates being proposed are very good.

RFP Annex Remodeling - Approved

MOVED AND SECONDED BY ALDERMEN JOHNSON AND STUNEK, DULY CARRIED, TO AUTHORIZE THE ISSUANCE OF A REQUEST FOR PROPOSALS (RFP) FOR REFURBISHING THE DRIVER'S LICENSE OFFICE SPACE IN THE CITY HALL ANNEX AS REQUIRED UNDER PROVISIONS OF AMENDMENT NO. 1 TO LEASE NO.11934 WITH THE STATE OF MINNESOTA.

Safety and Public Works Committee Report

No Parking Request North Side of Vine Street from Broadway Street to the Alley - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT, DULY CARRIED, TO ACCEPT STAFF RECOMMENDATION TO DENY THE NO PARKING REQUEST FOR THE NORTH SIDE OF VINE STREET BETWEEN BROADWAY STREET WEST TO THE ALLEY CROSSING.

Event/Street Closure Application – Fire Department Open House - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND BADEAUX, DULY CARRIED, TO APPROVE THE EVENT/STREET CLOSURE APPLICATION FOR THE FIRE DEPARTMENT OPEN HOUSE TO TAKE PLACE ON OCTOBER 12, 2017 FROM 5 PM – 7 PM WITH THE CONDITIONS THAT THE APPLICANT ORGANIZE TRAFFIC CONTROL WITH THE STREET DEPARTMENT STAFF.

S. 6th Street Cooperative Agreement with MnDOT - Approved

Council Member Johnson inquired about the infrastructure being installed for a future stop light at Willow and Washington. City Engineer Sandy will consult with MnDOT, but it was not included on the bid thus a minimum of 50% cost could be the city's responsibility. An update on the findings will be presented to Council.

City Planner Ostgarden indicated the quote provided by MnDOT did not include any trees. City Engineer Sandy will inquire with some of our contingencies as to what could be done to incorporate landscaping into the project.

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT TO ADOPT RESOLUTION NO. 45:17 TO AUTHORIZE SIGNATURES ON THE COOPERATIVE AGREEMENT WITH MNDOT FOR THE 2018 SOUTH 6TH STREET RECONSTRUCTION PROJECT.

RESOLUTION 45:17

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

Safe Routes to School (SRTS) and Sidewalk Extension Proposals - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT, DULY CARRIED, TO ACCEPT THE PROPOSALS FROM S.E.H. FOR THE GARFIELD SRTS PHASE II AND PHASE III AND THE SOUTH 6TH STREET SIDEWALK PROPOSAL IN THE AMOUNT OF \$229,981 AND AUTHORIZE PROPER SIGNATURES ON THE CONSULTANT AGREEMENT FOR PROFESSIONAL SERVICES.

Wright Street Appraisal - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND BADEAUX, DULY CARRIED, TO AUTHORIZE STAFF TO SEND OUT A LETTER WITH THE OFFER OF \$7,000 TO THE CURRENT OWNER, DLP INVESTMENTS LLC. IF A COUNTER OFFER IS RECEIVED, STAFF WILL RETURN TO THE COUNCIL WITH THE COUNTER OFFER.

(Added Item) Quote for Winter Sand - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT, DULY CARRIED, TO APPROVE THE QUOTE FROM HENGEL CONSTRUCTION FOR 1,000 CUBIC YARDS OF WASHED SAND IN THE AMOUNT OF \$2.50 PER YARD PICKED UP AND LOADED BY THE CITY.

Unfinished Business

Call for Applicants – Informational:
(Application Information at www.ci.brainerd.mn.us/boards/)

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

Charter Commission – 1 term (Expire 2020)

Transportation Advisory Committee – 1 term (Expire 2018)

New Business

First Reading of Proposed Ordinance No. 1472 – An Ordinance Amending Section 900 of Brainerd City Code Pertaining to Public Safety and Animals - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT, DULY CARRIED, TO APPROVE THE FIRST READING OF PROPOSED ORDINANCE NO. 1472 – AN ORDINANCE AMENDING BRAINERD CITY CODE SECTION 900 – PUBLIC SAFETY AND ANIMALS.

Public Hearing to Comment on Police Worn Body Cameras - Informational

Police Chief McQuiston explained legislation governing police body worn cameras allows for each community the opportunity to give feedback prior to the program starting. This is an opportunity for anyone to come forward and give comments that may be incorporated into the policy. It is anticipated the majority of the communities' responses will be submitted using the electronic form posted online. The equipment has arrived and the IT staff has been working to get the equipment set up. The training is scheduled for the end of September with an anticipated start date the first part of October.

The Chair Opened the public hearing at 8:06 p.m.

No one came forward.

The Chair Closed the public hearing at 8:08 p.m.

Supporting River to Rail Initiative – Adopted by Resolution No. 46:17

MOVED AND SECONDED BY ALDERMEN JOHNSON AND HILGART TO ADOPT RESOLUTION NO. 46:17 TO SUPPORT THE RIVER TO RAIL INITIATIVE.

RESOLUTION NO. 46:17

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

Public Forum

The Chair Opened the public forum at 8:10 P.M.

No one came forward.

The Chair Closed the public forum at 8:10 P.M.

Staff Reports

City Planner Ostgarden reminded the Council of the need to appoint the Comprehensive Plan steering committee at the September 18, 2017 meeting.

City Planner Ostgarden gave an update to the rezoning application for the Riverside Drive garage project request. It has brought to the attention of the Planning Department a rezoning is not necessary due to a 1975 MN Supreme Court decision that there is a difference in a continuation of a non-conforming use and an expansion of a non-conforming use. If the owner chooses to install the garage attached to the apartment building, this would be considered an expansion of a non-conforming use. If the owner chooses to build a separate building, the Supreme Court ruled this as a continuation. Based on that decision, the owner

does not need to rezone in order to build a garage. However, there are other requirements to follow in the request for a garage. City Attorney Langel stated the non-conformity is on the structure itself, which is an apartment building. Since there is no expansion to the building, it is not considered an expansion of the non-conformity.

Council Member Reports

Council Member Johnson stated the Economic Development Authority (EDA) met last week. The commission sent a positive recommendation to switch our local development organization from the EDA to Brainerd Lakes Area Economic Development Corporation (BLAEDC) and join in on the Brainerd Unified Fund. This will be on the Council agenda later this month. In Housing and Redevelopment Authorities (HRA) news, the grant that was received for renovating downtown commercial properties exceeds the costs of the proposed projects so more projects can be added. John Schommer, HRA Rehab Specialist indicated the grant was set up for 9 commercial properties with 17 rental units. If all the applications go through, there will be 32 rental units and 9 commercial.

Council Member Hilgart complimented staff on a great job arranging the Employee Picnic in August.

Council President Pritschet stated he will be meeting with the Brainerd Art Council, as they want to be involved. A future date will be arranged to meet with Region V, BLAEDC and City Planner.

Mayor Menk added that The Crossing Arts Alliance is busy setting up at their new location on 711 Laurel Street. He commented on the Special Progress Edition that was recently published in the newspaper as it represented the progress the city is making and he thanks the Brainerd Dispatch for the great job they did with the articles.

Adjourned

The Chair adjourned the meeting at 8:16 P.M.

James M. Thoreen
City Administrator

CITY OF BRAINERD
LICENSED CONTRACTORS
CITY COUNCIL MEETING
September 18, 2017
(1 New, 4 Renewals)

CONTRACTOR	TELEPHONE	TYPE	INSURANCE	BOND	STATE NO.
KRUCHTEN'S HEATING & AC, LLC 15140 INGLEWOOD DRIVE BAXTER, MN 56425 17-0195	(218) 828-4991	MECH	11/10/2017	4/8/2018	MB003039
RICE COMPANIES, INC. 1019 INDUSTRIAL DRIVE S. SAUK RAPIDS, MN 56379 17-0196	(320) 252-0404	GENL	1/1/2018	12/31/2017	
BANDEL CONCRETE & MASONRY 11490 SLEEPY HOLLOW ROAD BRAINERD, MN 56401 17-0197	(218) 825-0825	MASO	12/15/2017	12/31/2017	
VECTOR SERVICES 712 VISTA BLVD STE 102 WACONIA, MN 55387 17-0198 (new)	(651) 888-0886	MECH	9/15/2018	7/23/2018	MB690582
J.M. HEATING COOLING & GEO SERVICES 1051 25TH AVENUE N ST. CLOUD, MN 56303 17-0199	(320) 492-8798	MECH	10/3/2017	10/3/2018	MB658862

**BRainerd POLICE DEPARTMENT
MEMORANDUM**

TO: Brainerd City Council
FROM: Police Chief Corky McQuiston
DATE: 09-13-17
RE: Monthly Report



Pictured above is Officer Travis Kostreba and Maddy Wgieshofski. Maddy was the winner in the 7 to11-year-old age group for a computer tablet from the Lakes Area Law Enforcement Association's at the Crow Wing County Fair.

Again, this year at the Crow Wing County Fair we partnered with the Lakes Area Law Enforcement Association(LALEA) for an educational opportunity at the fair with kids that visited the LALEA both in the Public Safety Building. For this year's activity, the kids had to read a one-page sheet on drug prevention to find the answers to five multiple choice questions. The answer sheet was then entered in a drawing for the computer tablets. Lakes Area Law Enforcement Association funded the event.

Below is Officer Jay Personius with the winner from the 12 to15-year-old age group Emily Dukowitz.



Police Activity

A search by volunteers and police on August 17th, located the body of missing person 29-year-old John Greenwaldt.

Greenwaldt's body was located in a wooded area near the 300 block of Hattie Street in Brainerd at about 4:50 pm by police officers searching that area as part of an organized search. Investigators had developed search areas based on information that was received on possible destinations and last seen points for Greenwaldt and the areas in between. His missing bicycle was also found in that area.

The Ramsey County Medical Examiner's Office confirmed Greenwaldt's identity. Greenwaldt was originally reported missing by family members on July 14th, but had not been seen or heard from since July 4th. The Medical Examiner reported the manner and cause of death as Undetermined.

Shortly after 6 pm on August 22nd, "911" dispatchers received a call that a person had jumped off the Laurel Street Bridge into the Mississippi River. Responding officers determined that no one had jumped off the bridge, but that a vehicle was in the river on the north side of the bridge partially submerged in approximately two to three feet of water.

As officers descended the river bank, they discovered that a vehicle had apparently been traveling westbound on Laurel Street and left the roadway on the north side of the street, crashing through small trees and continued down the steep embankment stopping shortly after entering the river. Brainerd Fire Fighters responded to the scene and located a female driver in the vehicle. The driver was assisted from the vehicle by fire fighters and brought to the river bank. She appeared to be for the most part unharmed from the crash. She was later transferred by boat to the Kiwanis Park area and transported by ambulance to the hospital.

After being released from the hospital, police took the 31-year-old Brainerd woman into custody and transported her to the Crow Wing County Jail on charges of 4th Degree DWI.

On August 24th at a jury trial for Failure to Register, Level 3 Predatory Offender Terrance Lindmark was found guilty of a registration violation, and sentenced to prison. Multiple officers testified at this trial and it stems from when Brainerd Police arrested him in March on charges of Predatory Offender Registration Violation and Possession of a Controlled Substance. Officers attempting to conduct a compliance check on Lindmark in March, discovered he had moved without completing a change of information notice with law enforcement. While awaiting trial on those charges Lindmark had changed to a "Homeless" status effective June 1st.

Conduct on Premises Activity Report for August

ICR	Date Reported	Title	Address	Summary
17011926	08/24/17	Conduct on Premises	727 Walnut Street	Conduct on Premise subsequent violation. Received Written Management Plan

Monthly Police Activity

August	2017	2016
Calls	1562	1588
Citations (Inc. Parking)	191	216
Part I and Part II Crimes Reported	253 **	370

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

38 parking tickets were issued in the month of August with the following dispositions:

1	Dismissed
0	Business Validations
23	Paid in Full
1	Partial Payments Received
13	No Payment Received

Revenue Recapture Receipts:

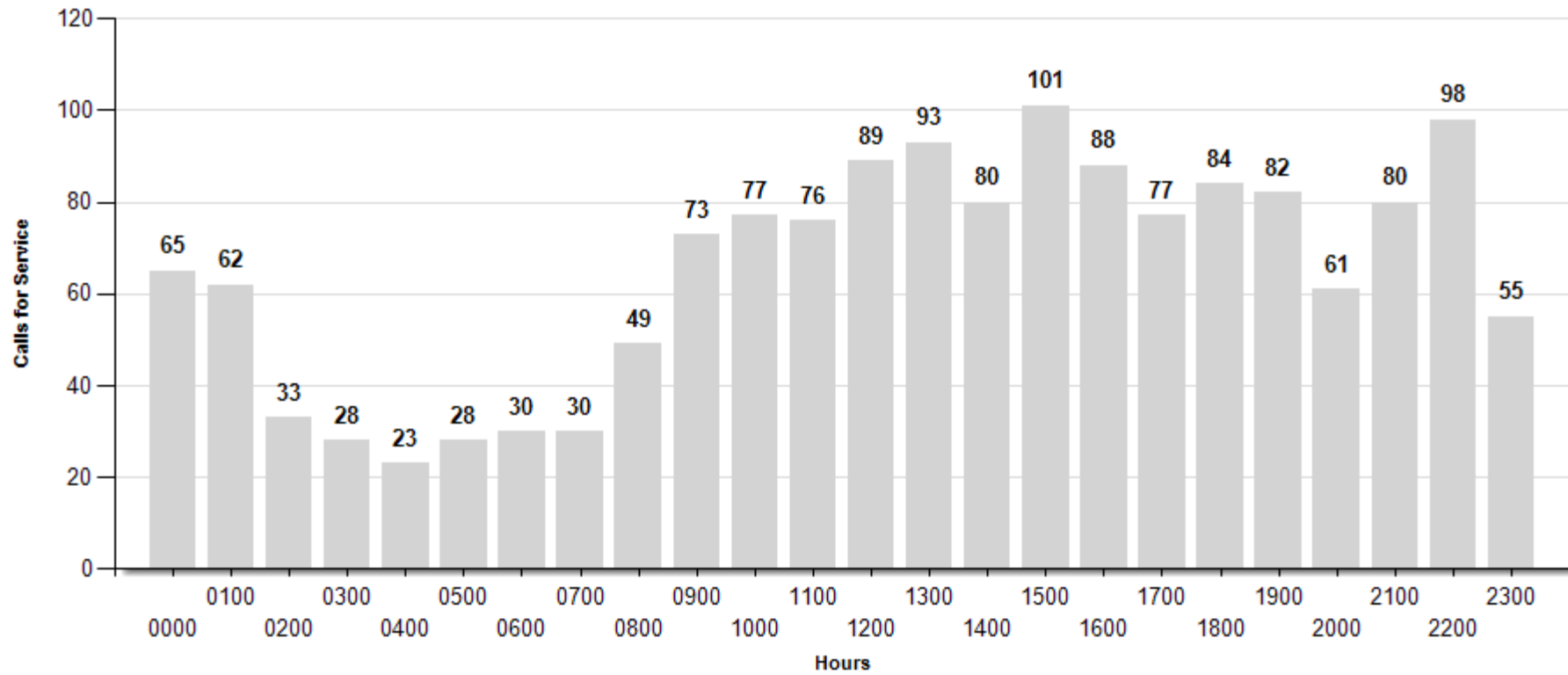
To Date: \$ 33,438.69
In 2017: \$ 5,429.23



Calls for Service Hourly

8/1/2017 to 8/31/2017

Total Calls: 1616





Brainerd City Council Agenda Request

Agenda Item #

Requested Meeting Date: September 18, 2017

Title of Item: Accept Retirement of POC Firefighter Dave Cox

☐ INFORMATION ONLY ☒ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: HR Coordinator Kris Schubert	Department: Administration
Presenter (Name & Title): HR Coordinator Kris Schubert	Estimated Time Needed: n/a
Summary of Issue: Attached is a letter from Dave Cox officially retiring as a Paid on-call Firefighter effective February 1, 2017.	
Alternatives, Options, Effects on Others/Comments: The Brainerd Fire Relief Association has already officially accepted his resignation.	
Recommended Action/Motion: Accepting his retirement is included on the consent calendar; therefore, no additional action is 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>	

Dave Cox
9858 Haven Trail
Brainerd MN 56401
April 1, 2017

Brainerd Fire Department Relief Association
23 Laurel Street
Brainerd MN 56401

Dear Brainerd Fire Department Relief Association:

Please accept this letter as my notice of retirement from the Relief Association as of February 1, 2017. I've enjoyed the 18 years that I served as a Paid-on Call member of the Brainerd Fire Department. I feel fortunate to have the opportunity to continue to work with the members of the Brainerd Fire Department as Deputy Chief/Fire Marshal.

Sincerely,

Dave Cox



Brainerd City Council Agenda Request

Agenda Item #

Requested Meeting Date: September 18, 2017

Title of Item: Interim City Administrator Employment Agreement with James Thoreen

☐ INFORMATION ONLY ☒ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: HR Coordinator Kris Schubert	Department: Administration
Presenter (Name & Title): HR Coordinator Kris Schubert	Estimated Time Needed: n/a
Summary of Issue: Our City Attorney's Office prepared the attached Interim City Administrator Employment Agreement with James M. Thoreen. The terms are based on his offer to work 24 hours per week or .6 full-time equivalency (FTE) effective October 28, 2017. These terms were approved by Council on August 21, 2017.	
Alternatives, Options, Effects on Others/Comments: The Contract allows Mr. Thoreen to serve as the Interim City Administrator until the earlier of (1) the start of work of a City Administrator approved by the City Council; or (2) the close of business on December 31, 2017. The Contract does allow for an extension if the parties agree in writing. An extension could be discussed in the future if the Council and the new Administrator would like Mr. Thoreen to assist during a transitional period i.e. up to two weeks after the new Administrator is hired to get he/she up to speed on city issues, policies, etc.	
Recommended Action/Motion: Approval of the Interim City Administrator Agreement is included on the consent calendar; therefore, no additional action is 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>	

INTERIM CITY ADMINISTRATOR EMPLOYMENT AGREEMENT

THIS AGREEMENT, made and entered into as of September ____, 2017, by and between the **CITY OF BRAINERD, MINNESOTA**, a municipal corporation and Charter City ("City") and **JAMES M. THOREEN** ("Employee").

RECITALS

- A. The City employs Employee as its City Administrator.
- B. On July 7, 2017, Employee tendered his resignation from the City Administrator position, effective at the close of business on October 27, 2017.
- C. The City anticipates that it will take additional time beyond October 27, 2017, to secure the services of a new full-time City Administrator.
- D. Employee agrees to serve as City Administrator for the City on a part-time, interim basis until a new City Administrator begins work, on the terms and subject to the benefits, inducements, and conditions agreed to by the Parties, which have been negotiated and agreed to by the Parties for their mutual benefit.

NOW, THEREFORE, in consideration of the mutual covenants and agreements set forth in this Agreement, the City and Employee agree as follows:

SECTION 1 - RECITALS

The Parties accept and acknowledge the recitals as part of this Agreement.

SECTION 2 - DUTIES

- A. The City will employ Employee as Interim City Administrator of the City effective October 28, 2017, to perform the functions, duties and powers of the position as established under the Charter and Minnesota law and under the ordinances of the City, and to perform such other duties and responsibilities as shall from time to time be duly assigned by the City Council. Employee will faithfully and diligently perform all of the duties, responsibilities and powers so vested, delegated, or assigned, and shall obey all laws of the United States and of the State of Minnesota and all ordinances of the City. Except as provided herein, Employee will devote full time to his duties and responsibilities to the City and will hold no other employment. Employee will not perform any services for any other entity or for any person, except a member of his family, and will not accept any remuneration therefor, without the prior approval of the City Council. Employee will not engage in any activities or conduct that is foreseeably likely to bring dishonor or disrepute to his position or to the City.

- B. Employee's normal work hours will be Monday through Wednesday from 7:30 a.m. to 4:30 p.m. In addition to the normal work hours, Employee shall attend City Council and other appropriate evening meetings and occasional weekend and/or emergency meetings.

SECTION 3 - TERM OF AGREEMENT

- A. Employee will serve as the Interim City Administrator until the earlier of: (1) the start of work of a City Administrator approved by the City Council; or (2) the close of business on December 31, 2017, at which time this Agreement will automatically expire unless the parties agree, in writing, to extend this Agreement. The parties agree that this Agreement cannot be extended, modified, or renewed by conduct or by any means other than a written agreement signed by both parties.
- B. Employee's tenure, service, and authority as Interim City Administrator of the City shall be subject to termination at will by the City Council at any time by a two-thirds majority vote as specified in the Charter.
- C. Upon expiration or termination of this Agreement, neither Party will have any further claim against the other and the City's employment of Employee will automatically end, unless the Parties enter into a subsequent employment contract.

SECTION 4 – SALARY AND PENSION

- A. During the term of this Agreement, the City will pay Employee \$2,711.52 per bi-weekly pay period. In the event that this Agreement is terminated or expires during a bi-weekly pay period, the final salary payment to the Employee pursuant to this Agreement shall be prorated to reflect the number of days during that period in which this Agreement was in effect.
- B. Employee may choose to receive part of his salary in deferred compensation in accordance with applicable state and federal laws.
- C. Employee shall not be eligible for additional pay or benefits under the City's longevity program.

SECTION 5 – BENEFITS

- A. Subject to the provisions of this Agreement, Employee may use any sick leave, vacation leave, or other paid leave previously accrued due to his employment as City Administrator. For purposes of such benefits, Employee will not be considered to have experienced a break in service by resigning his City Administrator position and accepting the Interim City Administrator position.
- B. The Interim City Administrator position is not eligible for overtime pay.

- C. Employee will be paid for eight hours of time for each Holiday that the City observes on a Monday, Tuesday, or Wednesday during the term of this Agreement. Employee will not receive pay for any Holiday that the City observes on a Thursday or Friday during the term of this Agreement. Employee shall not be entitled to any “floating” holiday during the term of this Agreement.
- D. Vacation will be earned at the rate of 6.8 hours per month. Any request to use more than 3 consecutive days (24 consecutive hours) of vacation leave must be approved, in advance, by the Mayor. The Mayor may grant or deny such request on the basis of City needs, including scheduling needs. The maximum vacation Employee may accrue, including any vacation he accrued as the City Administrator is 240 hours.
- E. Sick leave will be earned at the rate of 4.8 hours per month. The maximum sick leave Employee may accrue, including any sick leave he accrued as the City Administrator, is 960 hours.
- F. Employee will be entitled to receive .6 of the insurance premium payments or opt-out payments described in Attachment A to his City Administrator Employment Agreement (attached hereto as Exhibit 1). For example, if Employee elects the opt-out payment during the term of this Agreement, he will receive \$189 per month (.6 of \$315 per month).
- G. The City will continue to provide a life insurance policy with a total value of \$50,000. The City will pay the full premiums for such policy during the term of this Agreement.
- H. The City will continue to provide Employee a policy of long-term disability insurance. The City will pay the full premiums for such policy during the term of this Agreement.
- I. Eligible employees are required by law to be enrolled in the Minnesota Public Employees Retirement Association (PERA). Contributions will be made in accordance with applicable law.
- J. Employee shall not be entitled to any benefits contained in the City Personnel Policies, any previous contract, or any policy or practice generally applicable to other City employees that are not expressly identified herein.

SECTION 6 - OTHER TERMS OF EMPLOYMENT

- A. Except as otherwise specifically provided in this Agreement, all provisions of the City ordinances and the City Personnel Policy generally applicable to supervisory/confidential City employees with respect to accrual of sick leave and vacation, holidays, and other terms and conditions of employment shall apply to Employee. Upon leaving the City’s employment for whatever reason, Employee

shall be entitled to payment for all of his accrued unused vacation time, and payment for his accrued unused sick leave in excess of 160 hours in accordance with the then existing City policy for supervisory/confidential City employees.

- B. The City shall defend, indemnify, and hold harmless Employee against any and all civil claims, demands, suits, actions or proceedings of any kind or nature arising out of the performance by Employee of his duties and responsibilities as City Administrator, except those arising out of malfeasance, willful neglect of duty, or bad faith. This indemnification shall not apply to any criminal proceedings.
- C. The City will reimburse Employee for miscellaneous job-related expenses that Employee incurs from time to time in accordance with the City's practice and policy for expense reimbursement for supervisory/confidential employees.
- D. It is understood that the position of City Administrator requires attendance at evening meetings, meetings on Thursdays and Fridays, and occasionally at weekend meetings. Employee understands that additional compensation or compensatory time shall not be allowed for such additional expenditures of time. Employee may absent himself from the office to a reasonable extent in consideration of extraordinary time expenditures for evening and weekend meetings or duties required to be performed on a Thursday or Friday.
- E. Nothing in this Agreement prevents, limits or otherwise interferes with the right of the City to terminate the services of Employee at any time, for any reason, subject only to the provisions of this Agreement, the Charter and statutory requirements. Furthermore, nothing in this Agreement prevents, limits or otherwise interferes with the right of Employee to resign at any time from his position with the City, subject only to the provisions of this Agreement.

SECTION 7 - GENERAL PROVISIONS

- A. Whenever in this Agreement reference is made to any action of the City Council, such reference shall mean collective action in an official meeting, except insofar as such action is taken by ordinance or other form requiring the independent action of the Mayor, and unless the context clearly requires another meaning.
- B. The City will make reasonable appropriations and will budget reasonable amounts, in accordance with law and with the City ordinances, for all benefits, payments and reimbursements to which Employee is entitled under this Agreement.
- C. This Agreement shall constitute the entire agreement of Employee and the City, and shall supersede any prior agreements, understandings, or undertakings between them.
- D. This Agreement shall be governed by and shall be construed in accordance with the laws of the State of Minnesota and the Charter and Ordinances of the City.

- E. This Agreement shall be binding upon and shall inure to the benefit of the heirs, executors, and administrators of Employee's estate.
- F. If any section, provision, condition or term of this Agreement, or application thereof to any circumstance, shall be held to be invalid or unenforceable for any reason by any court of competent jurisdiction, the remaining portions or applications hereof as can be given effect without the invalid or unenforceable provision or application shall remain in full force and effect, and to this end the provisions of this Agreement are declared to be severable.

IN WITNESS WHEREOF, the City and Employee have approved and executed this Agreement in two (2) counterparts, this ____ day of September, 2017.

EMPLOYEE

CITY OF BRAINERD

JAMES M. THOREEN

By:_____
EDWIN L. MENK, MAYOR

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

September 18, 2017
City Hall Conference Room
6:30 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>
Tom's Backhoe	14-15	Airport Util Ext thru 9/8	\$5,191	\$161
Landscape Structures	N/A	Gregory Park Fountain	\$30,653	\$0

2. Brainerd Lakes Area Economic Development Corporation's (BLAEDC) Unified Fund (BUF)
3. Request to Waive Recertification of Special Assessments on Property Addressed 601 10th Street South
4. Consider Allocating Year 3 of the Brainerd Lakes Area Community Foundation (BLACF) Grant for NJPA Riverfront Coordinator
5. Heartland Animal Rescue Team (HART) Rate Increases (Carried Over)



Brainerd City Council Agenda Request

Agenda Item #

Requested Meeting Date: September 18, 2017

Title of Item: BLAEDC's Unified Fund (BUF)

☐ 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): Sheila Haverkamp, Executive Director BLAEDC	Estimated Time Needed: 20 Minutes
Summary of Issue: Ms. Sheila Haverkamp from Brainerd Lakes Area Economic Development Corporation will be at the meeting to discuss BLAEDC's Unified Fund.	
Alternatives, Options, Effects on Others/Comments: The following attachments are provided: * Memo from City staff * Letter from BLAEDC's explaining the Unified Fund * K&G's Legal Opinion to the Legal Authority of BLADC to Create & Manage the Unified Fund * Resolution & Agreements for Participation in BUF * Resolution calling for a Public Hearing Regarding BLADC as LDO * BLAEDC Unified Fund Marketing Piece * BLAEDC Unified Fund Loan Application	
Recommended Action/Motion: Discussion of BLAEDC's Unified Fund (BUF).	
Financial Impact: Is there a cost associated with this request: ☒ Yes ☐ No What is the total cost, with tax and shipping \$ _____ Is this budgeted? ☐ Yes ☐ No <u>Please Explain:</u>	

MEMO

TO: Personnel & Finance Committee

FROM: Finance Director Connie Hillman

DATE: September 13, 2017

RE: Brainerd Unified Fund

On September 18, 2017, the Personnel and Finance Committee will discuss BLAEDC's Unified Fund (BUF). At the August 29, 2017 EDA meeting, with a 5-2 vote, the EDA Board recommended approval of the Unified Fund to the City Council. The purpose of this memo is to provide additional information.

Brainerd's Eligible Funds:

The funds the City of Brainerd could contribute to BUF are the City's economic development revolving loan funds – Funds 210 and 296. The funds were generated by grants from both State and Federal legislation and were granted to the City, with BLAEDC's assistance, for a specific project. The goal of the MIF dollars is to provide gap financing to companies to create economic growth and job creation in the community.

As of **August 31, 2017**, below is information regarding the applicable revolving loans funds:

	Cash	Active Loan Balances (City Receives Monthly Payments)	Other Loan Balances^^	Explanation of Other Loan Balances
State MIF (Fund 210)	\$156,275	\$64,717	\$694,427	Amount borrowed to pay for Industrial Lots.
Federal MIF (Fund 296)	\$400,508	\$78,695	\$0	
Total	\$556,783	\$143,412		Total Receivable = \$838,839

^^ The City modified its revolving loan guidelines to be able to loan \$694,427 to itself to assist with the purchase of the Industrial Park Land. The loan is to be prepaid with proceeds from the sale of the industrial lots. When the City sold the lots to FedEx, none of the proceeds went to pay off this loan, but rather to pay off the debt associated with putting in the infrastructure of the project, which is scheduled to be paid off February 2018.

City of Brainerd's Options:

- **Do Not Participate in BUF:** The City will continue to maintain the funds and when the City becomes aware of a business who is eligible to access the funds, we will work with BLAEDC to assist determining the eligibility and for assistance with the reporting requirements.
- **Participate in BUF:** The City has the option to participate fully or partially, with allocating only the State MIF or Federal MIF funds, or a percentage of each fund to BUF. Per the legal opinion from K&G, once the funds are transferred to the LDO, the funds are fully under the control of BLADC and may not be returned to the City.
- **Take Advantage of the One-Time Use of State MIF Funds:** Legislation was passed in 2017 which allows a one-time use of the State MIF cash balance for non-economic purposes. The City would submit an application to the state stating how the City plans to use the funds, examples could be but not limited to a specific piece of capital equipment, facility study, Rail to River initiative, downtown incentives, etc. Staff would have to do additional research to ensure the proper use. If the application was approved, 20% of the cash balance (\$31,255 as of August 31, 2017) would be returned to the state by June 30, 2018, and by February 15, 2019 the City must submit an accounting and explanation of the use of the remaining 80% (\$125,020) of the cash balance. Please see attachment.

Action Needed:

The following action is needed by the City Council:

- If the Council decides not to participate in BUF, a motion as such would be recommended.
- If the Council decides to participate in BUF:
 1. The Council would need to pass a resolution calling for a public hearing regarding designating BLAEDC as the City's Local Development Organization (LDO). A draft resolution is attached to the agenda request.
 2. The Council would need to determine its level of participation.
 3. Hold a public hearing regarding designating BLAEDC as the City's LDO at a council meeting within 10 to 30 days of the notice calling for the public hearing.
 4. After the Public Hearing, the Council would need to adopt a resolution approving the agreements participating in BUF and sign the agreements. A draft resolution and agreements are also attached to the agenda request.
 5. Appoint a representative(s) to the BUF Board.



Minnesota Investment Fund One-Time Exception

One-time Exception to Restrictions on Use of State Funded Minnesota Investment Fund Local Government Loan Repayment Funds

The Minnesota Legislature has authorized a one-time exception to how revolving loan fund (RLF) dollars seeded from State funded Minnesota Investment Fund (MIF) project are used. These dollars have been retained by local units of government from repayments of their MIF grants. The funds are generally required to be re-used for economic development projects in their jurisdiction.

For More Information

Contact [Lisa Dargis \(mailto:lisa.dargis@state.mn.us\)](mailto:lisa.dargis@state.mn.us) at 651-259-7446.

[Overview](#)[FAQs](#)[Contacts](#)[Reporting](#)

Overview

The one-time exception would allow a home rule charter or statutory city, county, or town that has uncommitted money in their RLF fund to use 80% of the balance as a general purpose aid for any lawful expenditure. In order to be eligible for the exception, the city, county or town would need to return 20% of the uncommitted balance to the State's general fund prior to June 30, 2018.

By February 15, 2019, any home rule charter or statutory city, county or town that exercises the option to utilize 80% of their balance as general purpose aid must submit to the chairs of the legislative committees with jurisdiction over economic development policy and finance, an accounting and explanation of the use and distribution of the funds.

In order to take advantage of the one-time exception, the local unit of government must submit the [MIF RLF Request for Exception Form \(//deed/assets/rlf-exception-request_tcm1045-299340.docx\)](#) prior to June 1, 2018. Once the Request for Exception has been approved by the DEED Loan Officer, you will receive authorization and instructions on how to remit the required 20% of the RLF balance to the State general fund.



Brainerd Lakes Area
ECONOMIC DEVELOPMENT
Corporation

We're ready. Let's grow!

August 25, 2017

Re: BLAEDC's Unified Fund

Dear Mayor, Brainerd City Council and EDA Members,

BLAEDC has identified an initiative to bring enhanced economic development opportunities to Crow Wing County through the establishment of a business financing capital pool for entrepreneurs, existing businesses and new companies that locate in our community. Below is information that further defines the proposed project.

BLAEDC Overview and Enhanced Economic Development Opportunity

The Brainerd Lakes Area Development Corp, (BLADC), doing business as Brainerd Lakes Area Economic Development Corporation (BLAEDC) is a private non-profit 501c3 organization with a mission to expand business, build community, and grow jobs and is funded by local units of government, businesses, community leaders, and individuals who believe that together we create our own destiny and make a difference in our community. The organization has been very successful over the years with a wide variety of accomplishments. Private sector businesses and community leaders frequently engage BLAEDC's professional staff and volunteer business leaders to assist with their individual needs. Some of our success stories include

- Assisting new businesses to start,
- Aiding local companies to secure financing to purchase equipment and build new facilities,
- Attracting new companies to the community,
- Obtaining shovel ready site certification for industrial park property,
- Supporting redevelopment of existing facilities,
- Promoting and marketing the economic development opportunities of the area.
- Leading special project initiatives to spur economic development such as the EXEC's and Tech Services Programs.

We are very proud to share that as a result of BLAEDC's and other organization's work over the years, several Crow Wing County communities/entities have secured funding to support development projects. This has resulted in multiple economic development funds in our area. Due to these pools of money, we are in a great position to collaborate and create a streamlined process for business to access these funds. The proposal described below is an outline of

BLAEDC's aspirations to assemble the funds in an organized way in order to bring numerous benefits to business and the area's economic development efforts.

Existing Funding Pools in Crow Wing County

There are nearly a dozen funding pools currently in Crow Wing County. The original source of funds includes a variety of sources such as:

- MN Dept. of Employment and Economic Development (MNDEED) Minnesota Investment Fund program, both federal and state dollars
- United States Dept. of Agriculture Rural Utility Services (RUS) dollars
- Tax Increment Financing dollars
- Other

The total amount of money includes more than \$3 million of which nearly \$2.5 million is in cash accounts. (It should be noted that these funds are restricted and can only be used for specified purposes such as community/economic development. A one-time exception for State MIF dollars was recently approved by the legislature. See attached information.)

BLAEDC frequently has the opportunity to assist companies in securing financing to help make their projects a reality. There are a variety of private sources and economic development funds to support business growth. However, our local revolving loan funds are frequently not tapped by companies due to a variety of reasons including the relatively low balances in each pool, complicated or confusing public processes, lack of marketing, and unknown outcomes.

BLAEDC's vision is to assemble the resources into a "BLAEDC Unified Fund" that will coordinate marketing and management processes in order to streamline customer-friendly access to financing for businesses and result in the funds being invested in development projects in Crow Wing County.

Benefits for Business

Enhanced understanding and knowledge of available local resources including BLAEDC

Streamlined approach to securing financial resources at a local level

(Identical process to tap into all the pools of funds, limited public meetings)

BLAEDC staff support

(Initial contact with companies, vetting financing probability, interaction with decision-makers and ability to direct financing process through to completion.)

Benefits for Communities

Promoting and marketing of funding pool

Project vetting, loan management, streamlined process

Investment diversification opportunities

Greater likelihood of funds being invested in private sector business projects

Enhanced ability to secure additional resources for economic development

Mechanics and Technicalities

BLAEDC's hope is that a program will be created that benefits all of our communities/entities and creates economic development opportunities. To move this concept forward, a legal opinion was attained, draft documents and agreements were prepared, and the program was fully vetted. It has been determined that the city is eligible to participate in this process. According to the State of Minnesota, the city can designate BLAEDC as their local development organization (LDO) and appropriate their funds to the BLAEDC Unified Fund. BLAEDC will utilize the funds by the city and others to create the BLAEDC Unified Fund and offer loans to local and regional businesses.

The City of Brainerd's Federal MIF funds are currently held by the Brainerd EDA, acting as the city's LDO. The state of MN and the BLAEDC Unified Fund attorney have indicated the action required by the city is to include verbiage in the resolution rescinding the EDA as the LDO and naming BLAEDC as the LDO. A public hearing process is required to name BLAEDC as the LDO and agree to participate in the BLAEDC Unified Fund program.

Each participating entity or local unit of government will receive:

- Representation - Each participating entity or local unit of government will appoint a BUF board member.
- Accountability - An annual report will be provided including financing priorities, fund activity, and other accomplishments and performance measures.
- Marketing and Project Vetting – BLAEDC will actively promote this program and available funds to applicable projects.
- Loan Processing (Application Review, Underwriting, Loan Committee Presentation, Loan Documentation, Security Documents, Collections, Portfolio Review, Workouts, etc.) –BLAEDC will support these components of the BLAEDC Unified Fund loan program, either through internal management or through a contractual relationship with an existing loan servicing entity.

We look forward to meeting with you to further articulate the BLAEDC Unified Fund, and ask you to consider taking action.

Respectfully Submitted,



Sheila Haverkamp

Attachments:

- Kennedy and Graven Legal Opinion
- Resolution approving the agreements to participate in the BLAEDC Unified Fund and designate BLAEDC as the LDO
- State MIF Funds - BLAEDC Unified Fund/LDO Participation Agreement between BLADC and City of Brainerd
- Federal MIF Funds - BLAEDC Unified Fund/LDO Participation Agreement between BLADC and City of Brainerd
- Resolution calling public hearing to consider above action
- BLAEDC Unified Fund Marketing Piece
- BLAEDC Unified Fund Application



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December 8, 2016

Sheila Haverkamp
Executive Director
Brainerd Lakes Area Development Corporation
224 West Washington Street
Brainerd, MN 56401

RE: Legal Authority of BLADC to Create and Manage BLADC Unified Fund

Dear Sheila:

Per your request, the following is my legal opinion regarding the legal options of the Brainerd Lakes Area Development Corporation ("BLADC") with regard to creating and managing a pooled fund made up of various revolving loan funds currently administered by local governmental units and rural utilities.

Question

Does BLADC have authorization under current State law to receive dedicated revolving loan funds from governmental or other entities?

Facts

BLADC, a nonprofit corporation established pursuant to Minnesota Statutes, Chapter 317A and designated as a 501(c)(3) charitable corporation under the Internal Revenue Code, is considering the possibility of creating a revolving loan fund ("RLF") for the purpose of offering economic development and redevelopment assistance to private developers. BLADC is considering the creation of a unified RLF, to be known as the BLADC Unified Fund ("BUF"), which would consist of funds allocated to BLADC by several local government units and rural utility companies that currently administer individual RLFs. These RLFs would be pooled together to offer a more streamlined loan program for potential applicants. Local governments and utilities with existing RLFs or interests in existing RLFs include the Cities of Baxter, Brainerd, Crosslake and Deerwood, the Housing and Redevelopment Authority in and for the County of Crow Wing (the "County HRA"), The Brainerd Economic Development Authority, as previously-designated Local Development Organization for the City of Brainerd, Crow Wing

County (the "County"), Lake Edward Township, Crow Wing Power, and Consolidated Telephone Communications. The funding sources for the various existing RLFs include (a) funds allocated by the Minnesota Department of Employment and Economic Development ("DEED") through its Minnesota Investment Fund ("MIF") authority, both from federal sources and from State sources; (b) funds allocated by the United States Department of Agriculture/Rural Development ("RD") to rural utilities through its Rural Economic Development Loan and Grant Program (the "RD Program"); (c) funds allocated to an RLF from tax increments generated by a decertified tax increment financing ("TIF") district; and (d) general funds of various local government units ("LGUs") in the Brainerd Lakes area.

Each of the funding sources for the existing RLFs has its own particular rules and guidelines as to the ownership, use and administration of the funds. In addition, depending on the proposed use of the funds by private developers, business subsidy law and other rules create varying procedural requirements that may create obstacles for potential users of these funds. BLADC would like to offer a more streamlined loan program for economic development and redevelopment by private developers. For ease of administration and to the extent possible, BLADC would prefer to have the funds in existing RLFs appropriated to the BUF to create a true pooled RLF, rather than administering the funds in each RLF on behalf of the individual municipalities. You have requested our opinion as to whether and to what extent the creation of the BUF would accomplish this goal.

Discussion

Does BLADC have authorization under current state law to receive dedicated revolving loan funds from governmental or other entities and to create the BLADC Unified Fund?

The existing funding sources being considered for the BUF are state MIF dollars, federal MIF dollars, RD Program dollars, TIF dollars, and general fund dollars from local LGUs. Each of these funding sources will be discussed separately, as they are subject to separate rules.

A. **Federal MIF Funds.** The law governing both federal and State MIF grants is Minnesota Statutes, Section 116J.8731 (the "MIF Act"). Under the MIF Act, Minnesota cities and other LGUs may receive federal funds pursuant to federal grants given to the State under State Community Development Block Grant (CDBG) regulations. The primary authority for determining eligible activities under the CDBG regulations is Section 105(a) of the Housing and Community Development Act of 1974 (the "HCDA Act"). Generally speaking, these eligible activities are quite broad and comprise most forms of economic development activities, including "assistance to ... local development corporations" (see Section 105(a)(15) of the HCDA Act).

DEED has interpreted the HCDA Act to allow federal MIF dollars to flow from LGU grantees to a local development corporation, which the LGU must designate by resolution as a Local Development Organization ("LDO"). The DEED guidelines contemplate that the LGU will designate an LDO, hold a public hearing on the transfer of MIF funds to the LDO, and enter

into an agreement with the LDO providing for the administration of the grant funds prior to the making of any loans to a private business, and that the LDO will establish RLF policies and procedures and administer all RLF loans from that point on. Under this scheme, the first loans made by the LDO must meet all federal MIF requirements, but once the funds are repaid to the LDO, subsequent loans are not subject to federal CDBG or State MIF requirements and may presumably be made for any purpose allowed under the LDO's own RLF policies and procedures (which must be approved by DEED).

DEED's guidelines allow for both the transfer of federal MIF dollars from an LGU to an LDO using preexisting MIF dollars that have already been used to establish a revolving loan fund, and the designation of new federal MIF grant awards to be allocated to the LDO. The DEED guidelines provide that any LGU considering the option of transferring its federal MIF funds to an LDO should contact a DEED Senior Loan Officer for guidance, and we would recommend this step to ensure that the existing RLFs are transferred to BLADC following the procedures set forth by DEED. Once transferred, these funds are fully under the control of BLADC and may not be returned to the LGU (unless BLADC ceases its existence as a development corporation).

B. State MIF Funds. In addition to CDBG funds, the MIF is funded in part through the allocation of State funds to the program. These funds are subject to the HCDA Act and to additional State requirements, primarily the requirement that any economic development grant awarded must meet the following state economic development objectives: A. creation or retention of permanent private sector jobs; B. stimulation or leverage of private investment; C. increase in local tax base; or D. improved employment and economic opportunity for Minnesota citizens to create a reasonable standard of living (see Minnesota Rules, Chapter 4300.1901).

The MIF Act and DEED's guidelines for the use of State MIF dollars both contemplate that an LGU may allocate grant money to a "regional development commission [or] other regional entity" to capitalize or provide a local match required for capitalization of a regional RLF. The language in the MIF Act does not expressly state that a nonprofit development corporation such as BLADC would be considered a regional development commission, or whether a regional development commission is an alternative term for an LDO. However, DEED advice and guidelines suggest that development corporations such as BLADC would qualify as an LDO for state MIF funds as well as federal MIF funds as long as it receives DEED approval. As with federal MIF dollars, DEED approval would be required for the LDO designated by any LGU wishing to transfer its revolving loan fund. And as with federal MIF funds, any State MIF-funded RLF that is transferred to BLADC by an LGU would become BLADC funds and may not be returned to the LGU.

The single biggest difference between the ongoing character of federal MIF dollars and State MIF dollars is that under HUD regulations, federal MIF dollars may, upon the first repayment of any loan to a private borrower, be considered cleansed of CDBG and MIF requirements, as discussed above, but that the MIF Act contains no similar authorization. As a result, State MIF dollars retain their characterization as MIF funds forever, and remain subject to the requirements of the MIF Act and State reporting requirements. Thus, if existing RLFs

funded through MIF funds are appropriated to BLADC, it will be important to retain separate sub-accounts within the BUF and to comply with all relevant MIF reporting requirements.

C. RD Program Funds. As described above, RD developed the RD Program to provide funding to rural projects through local utility organizations. These utilities receive grant funds from RD to create a revolving loan fund, and use the revolving loan fund to make loans to local businesses for projects intended to create and retain employment opportunities in rural areas. If the revolving loan fund is terminated, the grant must be repaid to RD. Under the RD Program, LGUs are not eligible to receive and administer grant funds. Only rural utilities of various types (primarily electric or telecommunications utilities) may hold an RLF through the RD Program.

RD Program RLF funds may be used for eligible projects, which include business incubators, community development assistance, facilities and equipment for education and training of rural residents for economic development purposes, medical facilities and equipment, start-up venture capital costs, business expansion, and technical assistance.

Although the RD Program does not permit an entity other than a rural utility to hold RLF funds, the RD Program guidelines themselves are silent as to whether a rural utility holding and RLF through the RD Program is authorized to enter into an agreement with a third party (such as BLADC) to administer and market the RLF on behalf of the utility. However, 7 Code of Federal Regulations ("CFR"), Section 4280.27, which governs the RD Program, provides that utilities "may contract with a third party for administrative services regarding the [RLF, provided that] the Intermediary must permanently retain all Project review, approval, and monitoring authority and responsibility. This authority and responsibility cannot be delegated to any other person or entity." The capitalized term "Project" is defined in the CFR to provide that a "revolving fund established in whole or in part with grant funds will be considered a Project."

Currently, two rural utilities in the Brainerd Lakes area, Crow Wing Power and Consolidated Telephone Communications, hold and administer RLFs through the RD Program. From the CFR language cited above, it appears that BLADC has limited authority with regard to RLF funds established through the RD Program. BLADC may enter into a contract with either or both of these utilities for "administrative services," which could include marketing these funds as part of the BUF, processing and reviewing applications from potential borrowers, and ongoing coordination of approved and closed loans. Based on the CFR provision that the utilities must "permanently retain all Project review, approval, and monitoring authority and responsibility," however, I do not believe that a BUF loan committee may formally approve or reject loan applications in place of the utilities that hold the RD Program RLFs. In the case of these RLFs, it appears that the BUF loan committee would be required to play an advisory role only, but that ultimate decision-making for any loans funded through RD Program RLFs would rest solely with the utilities.

D. TIF Funds. The County HRA is a county housing and redevelopment authority established pursuant to Minnesota Statutes, Sections 469.001 to 469.047 (the "HRA Act"). In 1995, after receiving an opinion of Mackall, Crounse & Moore, PLC as to the legality and

mechanics of establishing a development account funded in part by tax increments, the County HRA created an RLF made up of tax increments from the County's Tax Increment Financing ("TIF") District No. 1 (the "TIF District"). The TIF District was an economic development TIF district established by the County and the County HRA in 1989, and thus the TIF District is not subject to pooling limitations. The tax increments comprising the County HRA's RLF are increments that had been budgeted in the TIF Plan for the TIF District, but not expended. Under the guidelines for the RLF, use of the funds is limited to loans for purposes generally qualified under Minnesota Statutes, Sections 469.174 to 469.1791 (the "TIF Act").

Pursuant to a 1997 amendment, Section 469.174, subd. 25 of the TIF Act defines tax increment to include "principal and interest received on loans or other advances made by the authority with tax increments." Although the TIF RLF was created in 1995, prior to the amendment to the TIF Act that added this provision to the definition of increment, no loans were actually made from the TIF RLF until 1997, after the change in law became effective. Therefore, funds in the TIF RLF must be considered tax increment for as long as the RLF remains in existence. These TIF funds must remain under the control of the County HRA, and must be included in the County HRA's annual TIF reporting. There does not appear to be any prohibition against entering into an agreement with BLADC for the coordination of funds in the TIF RLF (similar to funds in the RD Program), but BLADC is not authorized to accept full ownership of these funds. Therefore, my recommendation would be to treat these funds similarly to any RD Program funds coordinated by BLADC. That is, these funds could be used and loaned through the BUF, but the County HRA would have the final authority as to the use of the funds and would retain the responsibility for reporting them as tax increment in its annual reporting.

One additional legal requirement applies to the TIF RLF funds. Any loans made using these funds must be reviewed to see if the loan terms cause the loan to be a business subsidy under Minnesota Statutes, Sections 116J.993 to 116J.995 (the "Business Subsidy Act"). The County HRA will retain control over these funds, and is a "grantor" as defined in the Business Subsidy Act. Thus, if BLADC and the County HRA determine to make a loan that meets the definition of a business subsidy under the Business Subsidy Act, the requirements of the Business Subsidy Act will apply, including the holding of a public hearing, a written business subsidy agreement containing job and wage goals, and annual reporting to DEED. It should be noted that this additional requirement is unique to loans funded through TIF RLF funds. BLADC itself is not a grantor for purposes of the Business Subsidy Act, so any loans made from funds under the control of BLADC are free from Business Subsidy Act requirements. Similarly, loans made by the rural utilities using RD Program funds are exempt from the requirements of the Business Subsidy Act, since the rural utilities are also not grantors as defined in the act.

E. General Funds. The County HRA currently also has an RLF created using funds other than MIF funds, Program funds, or TIF funds. The source of funds for this RLF is HRA tax levies.

The HRA Act does not expressly authorize a housing and redevelopment authority to appropriate funds to a development corporation. However, Section 469.012, subd. 1w of the

HRA Act provides that an authority may "sell, lease, exchange, transfer, assign, pledge, or dispose of any real or personal property or any interests therein," and Section 469.012, subd. 2a provides that the authority may "make expenditures necessary to carry out the purposes of [the HRA Act]." Reading these two provisions together, it appears clear that the County HRA may pledge any RLF funds to BLADC, as long as the funds are used consistent with the existing RLF guidelines. An additional requirement also applies, given the original source of the non-TIF RLF funds: Since pursuant to the HRA Act, HRA levies may only be spent for authorized purposes of a housing and redevelopment authority, loans made from the County HRA's existing non-TIF RLF are presumably limited to the housing and redevelopment activities permitted under the HRA Act. Although these funds can be appropriated by the County HRA to the BUF, BLADC would be required to make sure that any loans made using this funding source would conform to the same housing and redevelopment activities that are currently authorized under the HRA Act.

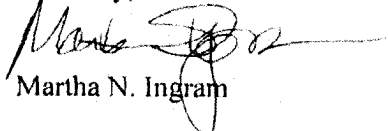
It should be noted that a single set of guidelines currently exists for the County HRA's two RLFs. The TIF RLF was established first, and because the tax increments used to create the RLF came from an economic development TIF District, loans from this portion of the RLF may be used for new businesses and other economic development uses, as long as such uses would comply with the requirements of the TIF Act. It appears that when the guidelines were revised to include the non-TIF sources of funds, the guidelines erroneously allowed loans made from non-TIF HRA funds to be used for economic development purposes. BLADC will need to ensure that if these funds are appropriated to the BUF, BLADC establishes a separate account for the portion of the BUF funded through the HRA levy dollars, and uses these funds only for purposes authorized under the HRA Act.

Conclusion

BLADC has legal authority to receive funds from the existing RLFs and to consolidate such funds into a unified pool for revolving loan purposes, subject to the various constraints discussed above. BLADC does not have legal authority to accept an appropriation of RUS Program funds or any tax increment (but is authorized to coordinate loans using these funds on behalf of the rural utilities and County HRA). In addition, BLADC will be required to account for each of the funding sources described above separately, and will be required to limit loans made from each funding source to the purposes authorized by the existing rules for such funding source.

If you have any questions about this opinion, please contact me at the number above.

Sincerely,



Martha N. Ingram

CITY OF BRAINERD, MINNESOTA

RESOLUTION NO. _____

RESOLUTION APPROVING AGREEMENTS CONCERNING PARTICIPATION IN THE BLADC UNIFIED FUND BETWEEN THE CITY OF BRAINERD AND THE BRAINERD LAKES AREA DEVELOPMENT CORPORATION, AND DESIGNATING THE BRAINERD LAKES AREA DEVELOPMENT CORPORATION AS THE CITY'S LOCAL DEVELOPMENT ORGANIZATION

BE IT RESOLVED By the City Council ("Council") of the City of Brainerd, Minnesota ("City") as follows:

Section 1. Recitals.

1.01. The City is the recipient of federal and state Minnesota Investment Fund ("MIF") grants from the Minnesota Department of Employment and Economic Development ("DEED"), and has recouped payments of principal and interest to utilize as revolving loan funds (the "Loan Funds").

1.02. The City and the Brainerd Lakes Area Development Corporation ("BLADC") have proposed to enter into an LDO and BLADC Unified Fund Participation Agreement in connection with both the federal and state Loan Funds (the "Agreements"), setting forth the terms and conditions of participation by the City in a pooled revolving loan fund to be known as the BLADC Unified Fund (the "BUF") to be administered by BLADC on behalf of local governments and other entities in the greater Brainerd Lakes and Cuyuna Lakes area (the "Region"), including the City. The Agreements, along with the BLADC Unified Fund Governance Guidelines and Policies governing the BUF (the "Guidelines"), are on file in the offices of the City and available for public inspection.

1.03. Pursuant to the Agreement related to the federal Loan Funds, the City also proposes to rescind its prior designation of the Brainerd Economic Development Authority ("EDA") as the City's LDO for the federal portion of the Loan Funds, to designate BLADC as the City's local development organization ("LDO") and to appropriate both its federal and state Loan Funds to BLADC. BLADC will utilize such funds, along with funds contributed by other local entities, to create the BUF and to offer economic development loans to local and regional businesses, subject to the terms of the Agreements and Guidelines.

1.04. Also pursuant to the Agreements and Guidelines, the City will designate an authorized representative to serve as a member of the BUF Board and BUF Loan Committee.

1.05. The Council has reviewed the Agreements and Guidelines and finds that the execution of the Agreements and performance of the City's obligations thereunder are in the public interest and will further the objectives of its general plan of economic development, because it will facilitate marketing and closing of business loans that foster economic development goals for the City and Region.

Section 2. City Approval; Further Proceedings.

2.01. The Council hereby rescinds and terminates its designation of the EDA as its LDO in connection with the federal Loan Funds.

2.01. BLADC is hereby designated as the LDO for the City. The Agreements as presented to the Council are hereby in all respects approved, subject to approval by DEED and further subject to modifications that do not alter the substance of the transaction and that are approved by the Mayor and City Administrator, provided that execution of the documents by such officials shall be conclusive evidence of approval.

2.02. The Mayor and City Administrator are hereby authorized to execute on behalf of the City the Agreements and any documents referenced therein requiring execution by the City, and to carry out, on behalf of the City, its obligations thereunder, including without limitation the transfer of the Loan Funds to BLADC as the City's designated LDO.

2.03. The Council hereby designates _____ as the City's authorized representative to serve on the BUF Board and BUF Loan Committee, as appropriate, on behalf of the City.

2.04. City staff are authorized and directed to take all actions necessary to implement the Agreements.

Approved by the City Council of the City of Brainerd this ____ day of _____, 2017.

Mayor

ATTEST:

Clerk

**LDO AND BLADC UNIFIED FUND PARTICIPATION AGREEMENT BETWEEN
CITY OF BRAINERD
AND THE BRAINERD LAKES AREA DEVELOPMENT CORPORATION
(State MIF)**

THIS AGREEMENT is entered into this ____ of _____, 2017, by City of Brainerd (the "City") and the Brainerd Lakes Area Development Corporation ("BLADC"), a nonprofit corporation serving the economic development needs of the Brainerd Lakes and Cuyuna Lakes region.

WHEREAS, BLADC's mission is to expand business, build community, and grow jobs, and thereby foster economic development and redevelopment throughout the Brainerd Lakes and Cuyuna Lakes area (the "Area") and provide streamlined services to potential developers and employers throughout the Area; and

WHEREAS, the City is the recipient of state Minnesota Investment Fund ("MIF") grants from the Minnesota Department of Employment and Economic Development ("DEED"), and has recouped payments of principal and interest to utilize as revolving loan funds (the "Loan Funds"); and

WHEREAS, BLADC has proposed the establishment of a consolidated revolving loan fund to be known as the BLADC Unified Fund (the "BUF"), made up of multiple revolving loan funds currently administered by individual governmental and utility entities within the Area; and

WHEREAS, BLADC has submitted proposed BLAEDC Unified Fund Governance Guidelines and Policies (the "Guidelines") for review by the City, in the form attached to this Agreement as Exhibit A and incorporated herein by reference, and has requested that the City become a member of the BUF subject to the terms of such Guidelines and this Agreement and designate BLADC as its local development organization ("LDO"); and

WHEREAS, the City desires to designate BLADC as its LDO pursuant to DEED guidelines and grant the Loan Funds to the LDO, and to engage the LDO to administer the Loan Funds as part of the BUF; and

WHEREAS, BLADC is qualified as a public or private nonprofit organization serving the development needs of the communities of nonentitlement areas as defined by §105 (a) (15) of Title I of the Housing and Community Development Act; and

WHEREAS, BLADC's use of the Loan Funds must adhere to all state program and reporting requirements; and

WHEREAS, BLADC will be subject to audit by the local unit of government and must provide access to all Loan Funds records to the City upon request.

NOW, THEREFORE, BE IT RESOLVED as follows:

1. All capitalized terms, if not otherwise defined in this Agreement, shall have the meanings provided in the Guidelines.
2. The City designates BLADC as its LDO for purposes of the Loan Funds.
3. With the Loan Funds and all repayments of any outstanding loans from the Loan Funds, BLADC will establish and retain the BUF for the benefit of all eligible businesses located within the Brainerd Lakes and Cuyuna Lakes region, and will use repayments of all loans made from the BUF to offer additional loans meeting the requirements of the Guidelines and this Agreement.
4. BLADC will administer the full \$ _____ of the Loan Funds as part of the BUF. BLADC will administer all moneys in the BUF, and subject to the Guidelines and this Agreement, will review applications, make recommendations to the BUF Board and/or BUF Loan Committee (as applicable), make and administer loans to qualifying businesses, and account for all repayments of loans made under the BUF.
5. The City will appoint an authorized representative (the "City Representative") to the BUF Board and BUF Loan Committee, and the City Representative will participate in the loan application review and approval process. The term of service of the City Representative will be as provided in the Guidelines.
6. The parties expressly agree and acknowledge that the BUF Loan Committee or BUF Board, as applicable, shall have the final authority for making decisions regarding the approval or denial of loan applications for loans using the account, except as otherwise provided in the Guidelines.
7. BLADC will provide all staff required to perform services under this Agreement. BLADC will appoint BLADC's Executive Director, who will be responsible for communication with the City, as liaison to the City.
8. BLADC will retain in its possession the principal and interest from the repayment of all loans made from the Loan Funds, and will utilize such funds solely for additional BUF loans as described in Exhibit B; provided that BLADC will not use any of the Loan Funds to pay administrative costs.
9. The City may not recall the Loan Funds from the LDO unless:
 - a. The LDO fails to carry out its obligations to administer the Loan Funds, and/or
 - b. The LDO ceases to exist.
10. The City will remain responsible for compliance reporting for the Loan Funds.
11. The City and BLADC have approved this Agreement by action of their respective governing bodies.

IN WITNESS THEREOF, the parties have caused this Agreement to be executed as of the date first written above.

CITY OF BRAINERD

BRAINERD LAKES AREA
DEVELOPMENT CORPORATION

Chair

President

Administrator

Executive Director

Date

Date

EXHIBIT A

Brainerd Lakes Area Economic Development Corporation Unified Fund (BUF)

BLAEDC's vision is to assemble existing revolving loan fund resources into a "BLAEDC Unified Fund" that will coordinate marketing and management processes in order to streamline customer-friendly access to financing for businesses and result in the funds being invested in development projects in the greater Brainerd Lakes and Cuyuna Lakes area.

Current Issue – Local revolving loan funds are frequently not tapped by companies for a variety of reasons, including the relatively low balances in each fund, relatively small maximum loan amounts by each entity, complicated and confusing public processes, lack of marketing, and unknown outcomes.

The Unified Fund offers several benefits for business including:

- An enhanced understanding and knowledge of available local resources
- A streamlined approach to securing financial resources at a local level
(Identical process to tap into all the pools of funds, limited public meetings)
- BLAEDC staff support
(Initial contact with companies, vetting financing probability, interaction with decision makers and ability to direct financing process through to completion.)

The Unified Fund offers several benefits for partners including:

- Promotion and marketing of funding pool
- Project vetting, loan management, streamlined process
- Investment diversification opportunities
- Greater likelihood of funds being invested in private sector business projects
- Enhanced ability to secure additional resources for economic development

BLAEDC Unified Fund Governance Guidelines and Policies

The primary purpose of the BLAEDC Unified Fund (the "BUF") is to offer economic development financing for business to enhance the economic base and vitality of the greater Brainerd Lakes and Cuyuna Lakes area (the "Region").

Authority

BLAEDC Board of Directors is the governing entity of the BUF program. It has the oversight of the program development, operating guidelines and procedures, loan policies, committee structure, fund management, contractual agreements, insurance and accounting requirements, reporting, compliance with original funding sources, and all aspects of the program.

Partner Organizations – Partner organizations and entities are being asked to consider partnering with BLAEDC and the BUF program. They will utilize the BUF program for marketing, vetting, loan packaging, committee review and approval of loans, and loan documentation, collections, and workout.

Note: Consolidated Telephone Communications (CTC) and Crow Wing (CW Power) have revolving loan funds that were capitalized in part by USDA Rural Utility Service (RUS) funds, which require that the revolving loan funds must remain under the control of CTC and CW Power, and which subject the funds to certain federal law requirements, which are available upon request. Once these organizations commit to BUF, they will utilize the BUF program for marketing, vetting, loan packaging, committee review, approval recommendations, and loan documentation, collections, and workout. However, CTC and CW Power will have final approval authority for loans made with RUS funds.

Similarly, the Housing and Redevelopment Authority in and for the County of Crow Wing (the Crow Wing HRA) administers a revolving loan fund comprised of tax increment from a decertified City of Brainerd tax increment financing district. State law requires that the Crow Wing HRA retain final approval and state reporting responsibilities with regard to this fund, but like CTC and CW Power, the Crow Wing HRA will utilize the BUF program for marketing, vetting, loan packaging, committee review, approval recommendations, and loan documentation, collections and workout.

Operating Guidelines and Procedures – See Exhibit A.

Loan Policies – See Exhibit A.

Structure/Organizational Chart

BUF Board Members – A standing BUF Board of Directors exists to implement the BUF operating guidelines and procedures and loan policies. The BUF Board members include:

- 2 BLAEDC Board Members
- 1 Cuyuna Range Economic Development Inc. (CREDI) Board Member
- One designated representative of each entity that has allocated its funds to the BUF pool, or in the case of RUS- or TIF-funded revolving loan funds, has committed to participate in and utilize the BUF process. The City of Crosslake will also participate as a member of the BUF Board in recognition of its transfer of RUS funds from the former Crosslake Telecommunications Company to the Crow Wing Cooperative Power and Light Company.

Each entity will appoint a designated representative to serve on the BUF Board upon approval of entry into the BUF. The designated representative will serve until the earlier of such representative's resignation or termination of such representative by the member entity. A new designated representative will be appointed by such entity in a timely manner.

BUF Board Decision-Making Process and Oversight – The BUF Board's responsibilities include:

- Implementing the operating guidelines, procedures and loan policies.
- Periodically reviewing the operating guidelines, procedures, and loan policies and approving necessary changes.
- Holding 2 standing meetings per year
- Holding meetings as needed to review and approve loan applications (or to recommend approval to CTC and CW Power if RUS funds are proposed, or to Crow Wing HRA if TIF funds are proposed as part of the overall BUF financing structure for a given loan). In the case of loan applications that have been reviewed by the BUF Loan Committee, but for which the BUF Loan Committee has been unable to reach a consensus, the BUF Board shall have final authority to approve or deny such loan applications.
- Supporting the BUF program including fundraising activities and promotion and marketing initiatives.

BUF Loan Committee Members – An ad hoc loan committee will be established to make loan decisions as authorized in the operating guidelines and procedures and loan policies. The loan committee members include:

- One BLAEDC Board Member
- One representative from each proposed loan pool and/or geographic location of the proposed project, if represented on the BUF Board.
- Additional BUF Board members if required to reach a minimum of five BUF Loan Committee members in connection with consideration of any loan. Additional BUF Board members will be selected on a rotating basis from the membership of the BUF Board.

BUF Loan Committee Decision Making Process and Oversight – The BUF Loan Committee's responsibilities include:

- Holding meetings as needed to review and approve or deny loan applications (or to recommend approval to CTC and CW Power if RUS funds are proposed, or to Crow Wing HRA if TIF funds are proposed as part of the overall BUF financing structure for a given loan).
- Supporting the BUF program including fundraising activities and promotion and marketing initiatives.
- In the event that the BUF Loan Committee fails to reach a consensus as to approval or denial of a loan application, the application will be presented to the BUF Board as a whole for final determination of approval or denial.

The BLAEDC Board of Director's governance of the BUF program will include:

Fund Management - As a prudent management practice, BLAEDC will invest funds in risk-free financial instruments such as Certificates of Deposit in City of Brainerd FDIC-insured financial institutions. The economic development opportunities that result from funds being available to our local lenders outweigh the potential of additional interest income that may result from alternative risk investment strategies.

Contractual Agreements – BLAEDC will enter into contractual relationships to support the management and operational efficiencies of the program.

Insurance – The BUF program will be incorporated into BLAEDC's insurance policies.

Accounting – BLAEDC has an outside accounting firm and will have all financial records included in year-end reporting.

Reporting and Compliance – All reporting and compliance reports will be conducted by BLAEDC staff and consultants, with the exception of RUS and TIF reporting.

Legal – Legal services will be provided by BLAEDC legal counsel as needed.

Notice as to loans made with RUS funds:

This institution is an equal opportunity provider and employer.

If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found online at http://www.ascr.usda.gov/complaint_filing_cust.html, or at any USDA office, or call (866) 632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442 or email at program.intake@usda.gov.

EXHIBIT A to Guidelines

General Operating Guidelines & Procedures and Loan Policies

Eligible Applicants and Costs

Eligible Applicants – The BUF program is open to considering all applicants regardless of size or business type, assuming they meet the overall public purpose of private sector investment, job creation and/or retention, and economic growth in the greater Brainerd Lakes and Cuyuna Lakes area (the "Region").

Project Costs – All capital project costs are potentially eligible, assuming they meet the overall public purpose to encourage private sector investment, job creation and/or retention, and economic growth and/or redevelopment in the Region. Loans for working capital are not eligible.

"Funding Pool Specific" Eligible Projects, Costs and Other Items

The BUF program is a consortium of many funding pools that were originally capitalized from a variety of sources including TIF funds, Minnesota Investment Fund (MIF) funds (both federal and state), RUS funds, and others. Specific rules and limitations apply to loans made from some of these sources. BUF staff and consultants will identify and match appropriate sources of funds based on the specifics of a project.

Type of Financing

The BUF Board and BUF Loan Committee will consider loans, loan guarantees, and other financing needs a business may have, in order to encourage private sector investment, job creation or retention, and economic growth in the Region. Incentive financing may also be considered under special circumstances.

Requirements and Terms

The BUF program has significant flexibility. BLAEDC desires to partner with private sector banking institutions to have a positive financial impact on high-quality economic development or redevelopment projects. In general, projects should include local bank financing, equity contributions, and livable-wage job creation, and have a positive reception in our community.

Financing Terms

Minimum Loan Size – \$25,000

Maximum Loan Size – \$500,000

Loan Origination Fee – 1% or minimum of \$1,500

Loan Application and Processing/Closing Fees – Paid by borrower.

Loan Terms – Loans will typically be amortized over 3-15 years, to match the useful life of the capital asset that is being financed. Balloon payments will frequently be structured.

Interest Rates, Including Loan Servicing Fees – Varies but typically market rate.

Collateral Requirements – All loans must be collateralized. Personal guarantees will be required.

Application and Approval Process

Loan applications will be accepted as long as funds are available and will be processed on an ongoing basis. Following staff review and vetting, financing applications for assistance of \$100,000 or more will be presented to the BUF Board, and applications for assistance of less than \$100,000 will be presented to the BUF Loan Committee. The BUF Board and BUF Loan Committee are authorized to approve loans from any funding source other than RUS and TIF dollars. In the case of loans funded by RUS or TIF funds, the BUF Board or BUF Loan Committee, as appropriate, will make recommendations to the entity that administers the RUS or TIF funds in question, but the governing body of the entity controlling these funds will make the final determination to approve or deny the loan. The BLAEDC board of directors must also approve loans if more than \$300,000.

Loan Documentation, Closing, Servicing Arrangements

BLAEDC will support these components of the BUF loan program, either through internal management or through a contractual relationship with an existing loan servicing entity.

Conflict of Interest Provisions

Any conflicts of interest by BLAEDC board, BUF Board members, BUF Loan Committee members, BLAEDC staff or others, should be noted immediately, and the member disclosing the conflict shall not participate in the consideration or approval of any loan request related to such conflict.

EXHIBIT B

Administrative Fees

As provided in the BUF Management Services Agreement between BLADC and the Initiative Foundation ("IF"), the administrative duties connected to the BUF are called "Management Services," and consist of the following:

- a. Marketing the BUF;
- b. Prescreening BUF Loan applicants;
- c. Review of proposed terms;
- d. Write-up and presentation of proposed terms to BUF Loan Committee and/or BUF Board;
- e. BUF Loan documentation;
- f. BUF Loan closing;
- g. BUF Loan servicing and administration;
- h. BUF Loan workouts.

Pursuant to the Management Services Agreement, Management Services to be performed by IF consist of items c, d, f, g, and h, provided that IF shall perform item h solely upon authorization by BLADC and BLADC coverage of third-party expenses. Items a and b will be performed by BLADC or its legal counsel. Item e may be performed by either IF or BLADC, depending on the circumstances.

The Management Services Agreement further provides that the compensation for performance of the Management Services shall consist solely of the following:

- A BUF Loan origination fee equal to the greater of \$1,500.00 or 1% of the total principal amount of the BUF Loan will be charged to the borrower at the time of closing on any BUF Loan. This origination fee will be allocated equally between BLADC and IF.
- A servicing fee equal to an annualized rate of two percent (2%) of the principal balance of all outstanding BUF Loans shall be retained upon receipt of monthly loan payments by each BUF Loan borrower. This servicing fee will be allocated equally between BLADC and IF.
- Borrowers will be required to pay all reasonable legal and other loan closing costs, including those costs that may be incurred by or attributable to IF.

Illustration of the compensation for Management Services:

Borrower applies for BUF Loan of \$100,000 at 4% annual interest, and the BUF Loan is approved. At closing, the borrower pays \$1,500 as an origination fee. This fee will be divided equally between BLADC and IF. The Borrower also pays the costs necessary to close the loan.

On a monthly basis, the Borrower pays principal and interest payments. Principal payments are deposited into the BUF. Interest payments are split such that on an annualized basis, the BUF will retain an amount equal to payment of 2% interest on the outstanding principal balance, which will be added to BUF funds available for further loans,* and 2% will be retained for Management Services. Under the proposed Management Services Agreement, this Management Services fee will be allocated equally between BLADC and IF.

*For BUF Loans made from RD Loan Funds, the BUF will retain an amount equal to payment of 2% interest on the outstanding principal balance, which may be added to RD Loan Funds available for other BUF Loans or expended for other permissible uses under federal regulations, at the sole option of the RD Loan grantor.

**LDO AND BLADC UNIFIED FUND PARTICIPATION AGREEMENT BETWEEN
CITY OF BRAINERD
AND THE BRAINERD LAKES AREA DEVELOPMENT CORPORATION
(Federal MIF)**

THIS AGREEMENT is entered into this ____ of ____, 2017, by the City of Brainerd, Minnesota (the "City") and the Brainerd Lakes Area Development Corporation, a nonprofit development organization serving the economic development needs of the community ("BLADC").

WHEREAS, BLADC's mission is to expand business, build community, and grow jobs, and thereby foster economic development and redevelopment throughout the Brainerd Lakes and Cuyuna Lakes area (the "Area") and provide streamlined services to potential developers and employers throughout the Area; and

WHEREAS, the City was the recipient of a grant funded through a Community Development Block Grant – Economic Development Set Aside by the Minnesota Department of Employment and Economic Development (hereafter, "DEED"), and has recouped payments of principal and interest to utilize as revolving loan funds (hereafter, "the Account"); and

WHEREAS, by Resolution No. 09:03, adopted February 3, 2003, the City designated the Brainerd Economic Development Authority (the "EDA") as its local development organization ("LDO") for purposes of administering the Account; and

WHEREAS, BLADC has proposed the establishment of a consolidated revolving loan fund to be known as the BLADC Unified Fund (the "BUF"), made up of multiple revolving loan funds currently administered by individual governmental and utility entities within the Area; and

WHEREAS, BLADC has submitted proposed BLAEDC Unified Fund Governance Guidelines and Policies (the "Guidelines") for review by the City, in the form attached to this Agreement as Exhibit A and incorporated herein by reference, and has requested that the City become a member of the BUF subject to the terms of such Guidelines and this Agreement, rescind and terminate its designation of the EDA as LDO for the Account, and designate BLADC as its LDO; and

WHEREAS, the City desires to grant the funds in the Account and any outstanding payments of principal and interest to BLADC and engage BLADC as its LDO to administer the Account as a participant in the BUF; and

WHEREAS, BLADC is qualified as a public or private nonprofit organization serving the development needs of the communities of nonentitlement areas as defined by §105 (a) (15) of Title I of the Housing and Community Development Act (the "Act"), and is therefore a qualified LDO; and

WHEREAS, the funds from the Account have been loaned and paid back to the EDA as the City's original LDO, and therefore, are considered miscellaneous revenue and are not subject to federal program income or reporting requirements.

NOW, THEREFORE, BE IT RESOLVED, in consideration of the foregoing and for other good and valuable consideration, the receipt and sufficiency of which are hereby acknowledged, the parties hereto represent, warrant and agree as follows:

1. All capitalized terms, if not otherwise defined in this Agreement, shall have the meanings provided in the Guidelines.
2. The City hereby rescinds and terminates its designation of the EDA as its LDO, and designates BLADC as its LDO.
3. BLADC will administer the Account [and all outstanding loan repayments of (\$ _____)], to be used as a funding source of BUF loans to prospective borrowers.
4. BLADC will establish and maintain the BUF for the benefit of all eligible businesses located within the Area, and will use repayments of all loans made from the BUF to offer additional loans meeting the requirements of the Guidelines and this Agreement.
5. BLADC will administer all moneys in the BUF, and subject to the Guidelines and this Agreement, will review applications, make recommendations to the BUF Board and/or BUF Loan Committee (as applicable), make and administer loans to qualifying businesses, and account for all repayments of loans made under the BUF.
6. The City will appoint an authorized representative (the "City Representative") to the BUF Board and BUF Loan Committee, and the City Representative will participate in the loan application review and approval process. The term of service of the City Representative will be as provided in the Guidelines.
7. The parties expressly agree and acknowledge that the BUF Loan Committee or BUF Board shall have the final authority for making decisions regarding the approval or denial of loan applications for loans using the Account, as provided in the Guidelines, and that neither the City or BLADC individually shall have such authority.
8. BLADC will provide all staff required to perform services under this Agreement. BLADC will appoint a liaison who will be responsible for communication with the City Representative and with the governing body of the City when warranted.
9. BLADC will retain in its possession the principal and interest from the repayment of all loans made from the Account, and will utilize such funds solely for additional BUF loans and reasonable administrative fees as described in Exhibit B.
10. The City may not recall the Account funds from BLADC unless:
 - a. BLADC fails to carry out its obligations to administer the BUF, and/or

CITY OF BRAINERD, MINNESOTA

Mayor

Clerk

EXHIBIT A

Brainerd Lakes Area Economic Development Corporation Unified Fund (BUF)

BLAEDC's vision is to assemble existing revolving loan fund resources into a "BLAEDC Unified Fund" that will coordinate marketing and management processes in order to streamline customer-friendly access to financing for businesses and result in the funds being invested in development projects in the greater Brainerd Lakes and Cuyuna Lakes area.

Current Issue – Local revolving loan funds are frequently not tapped by companies for a variety of reasons, including the relatively low balances in each fund, relatively small maximum loan amounts by each entity, complicated and confusing public processes, lack of marketing, and unknown outcomes.

The Unified Fund offers several benefits for business including:

- An enhanced understanding and knowledge of available local resources
- A streamlined approach to securing financial resources at a local level (Identical process to tap into all the pools of funds, limited public meetings)
- BLAEDC staff support
(Initial contact with companies, vetting financing probability, interaction with decision makers and ability to direct financing process through to completion.)

The Unified Fund offers several benefits for partners including:

- Promotion and marketing of funding pool
- Project vetting, loan management, streamlined process
- Investment diversification opportunities
- Greater likelihood of funds being invested in private sector business projects
- Enhanced ability to secure additional resources for economic development

BLAEDC Unified Fund Governance Guidelines and Policies

The primary purpose of the BLAEDC Unified Fund (the "BUF") is to offer economic development financing for business to enhance the economic base and vitality of the greater Brainerd Lakes and Cuyuna Lakes area (the "Region").

Authority

BLAEDC Board of Directors is the governing entity of the BUF program. It has the oversight of the program development, operating guidelines and procedures, loan policies, committee structure, fund management, contractual agreements, insurance and accounting requirements, reporting, compliance with original funding sources, and all aspects of the program.

Partner Organizations – Partner organizations and entities are being asked to consider partnering with BLAEDC and the BUF program. They will utilize the BUF program for marketing, vetting, loan packaging, committee review and approval of loans, and loan documentation, collections, and workout.

Note: Consolidated Telephone Communications (CTC) and Crow Wing (CW Power) have revolving loan funds that were capitalized in part by USDA Rural Utility Service (RUS) funds, which require that the revolving loan funds must remain under the control of CTC and CW Power, and which subject the funds to certain federal law requirements, which are available upon request. Once these organizations commit to BUF, they will utilize the BUF program for marketing, vetting, loan packaging, committee review, approval recommendations, and loan documentation, collections, and workout. However, CTC and CW Power will have final approval authority for loans made with RUS funds.

Similarly, the Housing and Redevelopment Authority in and for the County of Crow Wing (the Crow Wing HRA) administers a revolving loan fund comprised of tax increment from a decertified Crow Wing County tax increment financing district. State law requires that the Crow Wing HRA retain final approval and state reporting responsibilities with regard to this fund, but like CTC and CW Power, the Crow Wing HRA will utilize the BUF program for marketing, vetting, loan packaging, committee review, approval recommendations, and loan documentation, collections and workout.

Operating Guidelines and Procedures – See Exhibit A.

Loan Policies – See Exhibit A.

Structure/Organizational Chart

BUF Board Members – A standing BUF Board of Directors exists to implement the BUF operating guidelines and procedures and loan policies. The BUF Board members include:

- 2 BLAEDC Board Members
- 1 Cuyuna Range Economic Development Inc. (CREDI) Board Member
- One designated representative of each entity that has allocated its funds to the BUF pool, or in the case of RUS- or TIF-funded revolving loan funds, has committed to participate in and utilize the BUF process. The City of Crosslake will also participate as a member of the BUF Board in recognition of its transfer of RUS funds from the former Crosslake Telecommunications Company to the Crow Wing Cooperative Power and Light Company.

Each entity will appoint a designated representative to serve on the BUF Board upon approval of entry into the BUF. The designated representative will serve until the earlier of such representative's resignation or termination of such representative by the member entity. A new designated representative will be appointed by such entity in a timely manner.

The BLAEDC Board of Director's governance of the BUF program will include:

Fund Management - As a prudent management practice, BLAEDC will invest funds in risk-free financial instruments such as Certificates of Deposit in Crow Wing County FDIC-insured financial institutions. The economic development opportunities that result from funds being available to our local lenders outweigh the potential of additional interest income that may result from alternative risk investment strategies.

Contractual Agreements – BLAEDC will enter into contractual relationships to support the management and operational efficiencies of the program.

Insurance – The BUF program will be incorporated into BLAEDC's insurance policies.

Accounting – BLAEDC has an outside accounting firm and will have all financial records included in year-end reporting.

Reporting and Compliance – All reporting and compliance reports will be conducted by BLAEDC staff and consultants, with the exception of RUS and TIF reporting.

Legal – Legal services will be provided by BLAEDC legal counsel as needed.

Notice as to loans made with RUS funds:

This institution is an equal opportunity provider and employer.

If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found online at http://www.ascr.usda.gov/complaint_filing_cust.html, or at any USDA office, or call (866) 632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442 or email at program.intake@usda.gov.

EXHIBIT A to Guidelines

General Operating Guidelines & Procedures and Loan Policies

Eligible Applicants and Costs

Eligible Applicants – The BUF program is open to considering all applicants regardless of size or business type, assuming they meet the overall public purpose of private sector investment, job creation and/or retention, and economic growth in the greater Brainerd Lakes and Cuyuna Lakes area (the “Region”).

Project Costs – All capital project costs are potentially eligible, assuming they meet the overall public purpose to encourage private sector investment, job creation and/or retention, and economic growth and/or redevelopment in the Region. Loans for working capital are not eligible.

“Funding Pool Specific” Eligible Projects, Costs and Other Items

The BUF program is a consortium of many funding pools that were originally capitalized from a variety of sources including TIF funds, Minnesota Investment Fund (MIF) funds (both federal and state), RUS funds, and others. Specific rules and limitations apply to loans made from some of these sources. BUF staff and consultants will identify and match appropriate sources of funds based on the specifics of a project.

Type of Financing

The BUF Board and BUF Loan Committee will consider loans, loan guarantees, and other financing needs a business may have, in order to encourage private sector investment, job creation or retention, and economic growth in the Region. Incentive financing may also be considered under special circumstances.

Requirements and Terms

The BUF program has significant flexibility. BLAEDC desires to partner with private sector banking institutions to have a positive financial impact on high-quality economic development or redevelopment projects. In general, projects should include local bank financing, equity contributions, and livable-wage job creation, and have a positive reception in our community.

Financing Terms

Minimum Loan Size – \$25,000

Maximum Loan Size – \$500,000

Loan Origination Fee – 1% or minimum of \$1,500

Loan Application and Processing/Closing Fees – Paid by borrower.

Loan Terms – Loans will typically be amortized over 3-15 years, to match the useful life of the capital asset that is being financed. Balloon payments will frequently be structured.

Interest Rates, Including Loan Servicing Fees – Varies but typically market rate.

Collateral Requirements – All loans must be collateralized. Personal guarantees will be required.

Application and Approval Process

Loan applications will be accepted as long as funds are available and will be processed on an ongoing basis. Following staff review and vetting, financing applications for assistance of \$100,000 or more will be presented to the BUF Board, and applications for assistance of less than \$100,000 will be presented to the BUF Loan Committee. The BUF Board and BUF Loan Committee are authorized to approve loans from any funding source other than RUS and TIF dollars. In the case of loans funded by RUS or TIF funds, the BUF Board or BUF Loan Committee, as appropriate, will make recommendations to the entity that administers the RUS or TIF funds in question, but the governing body of the entity controlling these funds will make the final determination to approve or deny the loan. The BLAEDC board of directors must also approve loans if more than \$300,000.

Loan Documentation, Closing, Servicing Arrangements

BLAEDC will support these components of the BUF loan program, either through internal management or through a contractual relationship with an existing loan servicing entity.

Conflict of Interest Provisions

Any conflicts of interest by BLAEDC board, BUF Board members, BUF Loan Committee members, BLAEDC staff or others, should be noted immediately, and the member disclosing the conflict shall not participate in the consideration or approval of any loan request related to such conflict.

EXHIBIT B

Administrative Fees

As provided in the BUF Management Services Agreement currently in final stages of negotiation between BLADC and the Initiative Foundation ("IF"), the administrative duties connected to the BUF are called "Management Services," and consist of the following:

- a. Marketing the BUF;
- b. Prescreening BUF Loan applicants;
- c. Review of proposed terms;
- d. Write-up and presentation of proposed terms to BUF Loan Committee and/or BUF Board;
- e. BUF Loan documentation;
- f. BUF Loan closing;
- g. BUF Loan servicing and administration;
- h. BUF Loan workouts.

Pursuant to the Management Services Agreement, Management Services to be performed by IF consist of items c, d, f, g, and h. Items a, b, and e will be performed by BLADC or its legal counsel.

The Management Services Agreement further provides that the compensation for performance of the Management Services shall consist solely of the following:

- A BUF Loan origination fee equal to the greater of \$1,500.00 or 1% of the total principal amount of the BUF Loan will be charged to the borrower at the time of closing on any BUF Loan. This origination fee will be allocated equally between BLADC and IF.
- A servicing fee equal to an annualized rate of two percent (2%) of the principal balance of all outstanding BUF Loans shall be retained upon receipt of monthly loan payments by each BUF Loan borrower. This servicing fee will be allocated equally between BLADC and IF.
- Borrowers will be required to pay all reasonable legal and other loan closing costs, including those costs that may be incurred by or attributable to IF.

Illustration of the compensation for Management Services:

Borrower applies for BUF Loan of \$100,000 at 4% annual interest, and the BUF Loan is approved. At closing, the borrower pays \$1,500 as an origination fee. This fee will be divided equally between BLADC and IF. The Borrower also pays the costs necessary to close the loan.

On a monthly basis, the Borrower pays principal and interest payments. Principal payments are deposited into the BUF. Interest payments are split such that on an annualized basis, the BUF will retain an amount equal to payment of 2% interest on the outstanding principal balance, which will be added to BUF funds available for further loans, and 2% will be retained for Management Services. Under the proposed Management Services Agreement, this Management Services fee will be allocated equally between BLADC and IF.

CITY OF BRAINERD

RESOLUTION NO. _____

RESOLUTION CALLING A PUBLIC HEARING REGARDING
DESIGNATION BY THE CITY OF THE BRAINERD LAKES AREA DEVELOPMENT
CORPORATION AS THE CITY'S LOCAL DEVELOPMENT ORGANIZATION

WHEREAS, the City of Brainerd ("City") has received a proposal from the Brainerd Lakes Area Development Corporation ("BLADC") to participate in a pooled revolving loan fund for economic development purposes to be known as the BLADC Unified Fund (the "BUF"), serving the Brainerd Lakes and Cuyuna Lakes region; and

WHEREAS, the City is the recipient of federal and state Minnesota Investment Fund ("MIF") grants from the Minnesota Department of Employment and Economic Development ("DEED"), and is authorized to transfer the administration of its grant funds to a designated Local Development Organization ("LDO"); and

WHEREAS, in order to participate in the BUF, the City must designate BLADC as its LDO; and

WHEREAS, DEED requires an entity designating an LDO to hold a duly noticed public hearing on such designation, and the City Council has determined to hold the required public hearing and consider the terms of participating in the BUF and designating BLADC as its LDO.

NOW, THEREFORE, BE IT RESOLVED by the City Council (the "Council") of the City of Brainerd that:

1. The Council directs staff and consultants to prepare the required City documentation for designation of BLADC as the City's LDO, for consideration by the Council at a public hearing on _____, 2017, including without limitation preparation of an agreement on the terms and conditions of participating in the BUF and a resolution designating BLADC as the City's LDO.

2. The City Administrator is authorized and directed to publish a notice in the City's official newspaper announcing a public hearing before the City Council on _____, 2017 at approximately _____ p.m.. in the Council Chambers, regarding the LDO designation. The notice shall be published in the newspaper at least 10 days but less than 30 days prior to the public hearing, and shall be in substantially the form attached as Exhibit A to this resolution.

Approved by the City Council of the City of Brainerd this ___ day of September, 2017.

Mayor

ATTEST:

City Administrator

EXHIBIT A

NOTICE OF PUBLIC HEARING

Notice is hereby given that the City Council of the City of Brainerd, Minnesota will meet at approximately _____ p.m. on _____, 2017 in the City Council Chambers at the City Hall, 326 Laurel Street, Brainerd, Minnesota, to conduct a public hearing regarding (i) rescinding and terminating the designation of the Brainerd Economic Development Authority as the City's local development organization ("LDO") for purposes of administering the City's existing loan fund of approximately \$ _____ in federal Minnesota Investment Fund dollars (the "Federal Loan Fund") granted to the City for economic development purposes by the Department of Employment and Economic Development; and (ii) designating the Brainerd Lakes Area Development Corporation ("BLADC") as the City's LDO for purposes of administering both of the City's existing revolving loan funds, which consist of the Federal Loan Fund and an additional revolving loan fund of approximately \$ _____ in state Minnesota Investment Fund dollars granted to the City for economic development purposes by the Department of Employment and Economic Development.

Information concerning the proposed LDO designation, including a draft copy of the resolution and a copy of the LDO agreements, will be on file at the City offices and available for inspection during regular business hours on and after the date of this notice. Any person wishing to express an opinion on the matters to be considered at the public hearing will be heard orally or in writing.

Dated: [Date of publication]

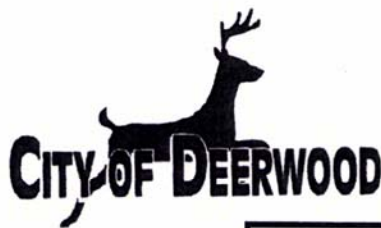
/s/
City Administrator

BLAEDC Unified Fund

We are very proud to share that as a result of BLAEDC's and other organization's work over the years, several Crow Wing County communities have secured funding to support development projects. This has resulted in multiple economic development funds in our communities. Our local revolving loan funds are frequently not tapped by companies due to a variety of reasons including the relatively low balances in each pool, complicated or confusing public processes, lack of marketing, and unknown outcomes. Due to these pools of money, we are in a great position to collaborate and create a streamlined process to access these funds.

***BLAEDC's vision is to assemble the resources into a
"BLAEDC Unified Fund"
that will coordinate marketing and management processes in order to
streamline customer-friendly access to financing for businesses and
result in the funds being invested in development projects in
Crow Wing County.***

Possible BLAEDC Unified Fund participants are listed below:



LAKE EDWARD TOWNSHIP



Crow Wing County HRA

BRAINERD EDA



**BRAINERD
MINNESOTA**

Private Contributions

"This institution is an equal opportunity provider and employer."



Brainerd Lakes Area
ECONOMIC DEVELOPMENT
Corporation
We're ready. Let's grow!

BLAEDC Unified Fund Loan Application 2017

Dear BLAEDC Unified Fund Loan Applicant:

In order for your application to be reviewed and considered, please submit:

- Completed, signed BLAEDC Unified Fund loan application
- Copies of required documents listed below

If you have any questions regarding the completion of this application, please contact BLAEDC staff at 218-828-0096.

Mail or deliver documents to: BLAEDC
 224 W. Washington St.
 Brainerd, MN 56401

BLAEDC reserves the right to accept or reject any and all applications.

REQUIRED DOCUMENTS TO ACCOMPANY APPLICATION:

Financial/Business Information:

- ☐ Business Plan (including project information and owner and management team)
- ☐ Financial Projections:
 - ☐ Monthly Cash Flow and Profit/Loss Projections (*2 years*)
 - ☐ Notes to Financial Projections detailing supporting assumptions
- ☐ Financial Statements: Balance Sheet and Profit & Loss Statement
 - ☐ Current Interim Statements (*dated within 90 days*)
 - ☐ Historical Statements (*year end for last 3 years*)
- ☐ Current Aging Schedules: Accounts Receivable and Accounts Payable
- ☐ Copies of Business Income Tax Returns (*for 3 years including all schedules*)
- ☐ IRS SS-4 Application showing Employer Identification Number (EIN) issues by IRS
- ☐ Legal documentation for business entity:

Limited Liability Corporation (LLC)

- Certificate of Organization
- Articles of Organization (with amendments)
- By Laws / Operating Agreement
- Roster of Managers

Corporation

- Certificate of Incorporation
- Articles of Incorporation (with amendments)
- By Laws
- Roster of Officers

Sole Proprietorship

- Certificate of Assumed Name
- Affidavit of Publication

Personal Financial Information (owners >20%):

- ☐ Personal Financial Statements (*signed and dated*)
- ☐ Copies of Personal Tax Returns (*including all schedules for 3 years*)
- ☐ Source/Amount of owner equity for project
- ☐ Resumes for principal owners and key management

BLAEDC Unified Fund Loan Application

Name of Business: _____
 Address: _____ City: _____ Zip: _____
 Telephone: _____ Fax: _____ Website: _____
 Federal ID #: _____ Contact Name: _____
 Work Phone: _____ Mobile Phone: _____ Email: _____

It is agreed that in the event that we make a credit application elsewhere either prior to, during the term of, or following the making of the loan sought by this application, BLAEDC is also authorized to receive additional credit information through the credit reporting agency of its choice and to answer any questions by third parties on its credit experiences with the undersigned.

Principal(s)	Address	Ownership %	SSN #	Principal(s) Signature

Amount of Loan Requested from BLAEDC Unified Fund \$ _____

Total Financing Package (include all sources) \$ _____

Please Select Appropriate Answer for Type of Business:

☐ Sole Proprietorship
 ☐ Partnership
 ☐ S Corporation
 ☐ C Corporation
 ☐ Limited Liability Corporation
☐ Start-up Business
 ☐ Existing Business
 Date Business Established: _____

DESCRIPTION

#1 Describe the type of business that the applicant is engaged in:

#2 Describe the project for which the applicant is seeking funding, including geographic location, site and facility information, and required permit information:

#3 How does this project benefit and/or impact the region?

#4 Does the project have any potential adverse impacts to the community or region?

Primary Participating Lender: _____

Contact Person: _____

Address: _____

Telephone: _____ Fax: _____ Email: _____

Jobs which will be created or retained as a result of this project:

	Full Time	Hourly Wage (average)	Part Time	Hourly Wage (average)
Number of Existing Employees:				
Number of New Jobs Created:				

Employee Benefits (*check all that apply*):

☐ Health
 ☐ Dental
 ☐ Life
 ☐ 401K
 ☐ Retirement
 ☐ Disability
 ☐ Sick
 ☐ Vacation
 ☐ Holiday
 ☐ Profit Sharing
☐ Other _____

SOURCE AND USE OF FUNDS

Use of Funds	BLAEDC Unified Fund Loan Request	Participating Lender	Other (Specify)	Your Equity	Total
Property Acquisition					
Site Improvement					
Building Renovation					
New Construction					
Machinery/Equipment					
Inventory					
Other (Specify)					
TOTAL					

Please describe any loan terms and conditions that you are requesting, including security and collateral information.



Brainerd Lakes Area
ECONOMIC DEVELOPMENT
Corporation
We're ready. Let's grow!

SCHEDULE OF EXISTING BUSINESS DEBT

Creditor Name & Address	Original Date/Amount	Current Debt Balance	Terms	Monthly Debt Service	Security
1.					
2.					
3.					
4.					
5.					

INFORMATION FOR GOVERNMENT MONITORING PURPOSES

The following information is requested by the Federal Government for certain types of loans in order to monitor the Lender's compliance with equal credit opportunity, and Title VI of the Civil Rights Act of 1964. You are not required to furnish this information, but are encouraged to do so. The law provides that a Lender may neither discriminate on the basis of this information, nor on whether you choose to furnish it. However, if you choose not to furnish it, under Federal regulations this Lender is required to note race and sex on the basis of visual observation or surname. If you do not wish to furnish the information, please check the box below.

Applicant 1 ☐ Applicant 2 ☐ I do not wish to furnish this information Race Categories ☐ American Indian or Alaskan Native ☐ Black or African American ☐ Asian ☐ White ☐ Native Hawaiian or Pacific Islander Ethnic Categories ☐ Hispanic or Latino ☐ Not Hispanic or Latino	Applicant 1 ☐ Applicant 2 ☐ Military Service ☐ Veteran ☐ Non Veteran Sex ☐ Female ☐ Male Low Income Households – Information from Business ☐ % ☐ Do not know
--	---

ENVIRONMENTAL CONCERNS

No Net Loss Wetlands

Will your project result in the loss or diminution of wetlands?

☐ Yes ☐ No

Litigation

Are you or your business currently involved or have any history of being involved in litigation? If yes, please provide details on a separate page.

☐ Yes ☐ No



Brainerd Lakes Area
ECONOMIC DEVELOPMENT
Corporation
We're ready. Let's grow!

JOB AND WAGE AGREEMENT

By submitting this application, the business is committed to the following:

1. A commitment that it will create the new jobs identified above within two years after the loan is made;
2. A commitment to retain those jobs for at least three years;
3. A commitment to provide information, as requested, to BLAEDC documenting the creation and/or retention of jobs, to include wage and benefit information.

INFORMATION RELEASE AUTHORIZATION

I certify that all statements made in this application are an accurate representation of my financial condition on this date and are made for the purpose of obtaining the loan indicated. Verification and re-verification of any information contained in this application may be made at any time by BLAEDC, the Initiative Foundation (a partner with BLAEDC and underwriting the loan request), its agents, successors and assigns, either directly or through a credit reporting agency or another source named in this application at any time while checking the credit worthiness of this loan, or if approved, at any time while said loan has an outstanding balance due.

PRIVACY ACT NOTICE

The information to be obtained will be used by the lender and any federal agency insuring, guaranteeing, or purchasing the mortgage to determine whether you qualify as a prospective borrower under the lender's and the agency's underwriting standards. The information will not be disclosed outside the lender or the federal agency without your consent except to the person or company verifying the information, including but not limited to your employer, bank, lender, and any other credit reference as needed to verify other credit information and as permitted by law. You do not have to give us this information but if you do not, your loan application may be delayed or rejected. The information we will obtain is authorized by Title 38, U.S.C., Chapter 37 (if VA); and 12 U.S.C., Section 1701 et seq. (if FHA/HUD).

BLAEDC, its agents, successors and assigns will rely on the information contained in this application and I/we have a continuing obligation to amend and/or supplement the information provided in this application if any of the material facts which I/we have represented herein should change prior to advancement of funds by BLAEDC, or the Initiative Foundation or at any time thereafter if requested.

It is further agreed that in the event that we make a credit application elsewhere either prior to, during the term of, or following the making of the loan sought by this application, BLAEDC is also authorized to receive additional credit information and to answer any questions by third parties on its credit experiences with the undersigned.

I further acknowledge that BLAEDC shares cursory information about loan recipients in press releases and other media in marketing programs and reporting to constituents. In addition, I/we understand that BLAEDC has created a partnership of many entities to streamline accessing funds in Crow Wing County. Funding for this loan may include multiple sources that will be packaged into one loan for the applicant's convenience through the Initiative Foundation.

Applicant's Full Name **(ORIGINAL SIGNATURE REQUIRED)**
(faxsimile or electronic signature **not** accepted)

Date

Applicant's Full Name (Printed)

Applicant's Title

"This institution is an equal opportunity provider and employer."

DATA COLLECTION SYSTEM AND DISCLOSURE STATEMENT FOR RD RECIPIENTS



The BLAEDC Unified Fund is an equal opportunity provider and employer.

USDA Rural Development (RD) Staff is responsible for advising federally assisted program recipients of data collection requirements and ensuring an acceptable data collection system is in place for acquiring information required by Civil Rights compliance reviews. The BLAEDC Unified Fund partners with USDA Rural Development Loan fund recipients as one source of funds in their revolving loan program. Rural Development financed programs are required to maintain ethnic, racial, and gender data for participants/beneficiaries, employees, Board of Directors and applicants to monitor adherence to Title VI and other civil rights laws. The recipient of Federal financial assistance agrees to this requirement by signing the Form RD 400-4 Assurance Agreement.

The Standards for the Classification of Federal Data on Race and Ethnicity can be found in the Federal Register Volume 62, No.210. The five categories for race and the two categories for ethnicity are listed below. For Multi-Family Housing projects, refer to HB-2-3560, Chapter 6 (section 6.18), for data collection and disclosure statement requirements on applications and waiting lists.

Business and Community Program recipients are encouraged to collect the required data at the time of service, application, registration, eligibility determination, screening, membership or intake, etc. All application type forms for RD financed programs must include the following disclosure and data collection options below the signature and date block. The disclosure statement, which outlines the parameters for this requirement must precede the data collection options.

If you wish to file a Civil Rights program complaint of discrimination, complete the USDA Program Discrimination Complaint Form, found online at

http://www.ascr.usda.gov/complaint_filing_cust.html, or at any USDA office, or call (866) 632-9992 to request the form. You may also write a letter containing all of the information requested in the form. Send your completed complaint form or letter to us by mail at U.S. Department of Agriculture, Director, Office of Adjudication, 1400 Independence Avenue, S.W., Washington, D.C. 20250-9410, by fax (202) 690-7442 or email at program.intake@usda.gov.

"The following information is requested by the Federal Government in order to monitor compliance with Federal Laws prohibiting discrimination against applicants seeking to participate in this program. You are not required to furnish this information, but are encouraged to do so. This information will not be used in evaluating your application or to discriminate against you in any way. However, if you choose not to furnish it, we are required to note the race, ethnicity and sex of applicants on the basis of visual observation or surname."

☐ I do not wish to furnish this information

Ethnicity:

- ☐ Hispanic or Latino
☐ Not Hispanic or Latino

Race: (Mark all that apply)

- ☐ White
☐ Black or African American
☐ American Indian or Alaska Native
☐ Asian
☐ Native Hawaiian or Other Pacific Islander

Sex:

- ☐ Male
☐ Female



Our community. Our commitment.

Vision

Build on current momentum to revitalize Brainerd's community district and create a strategic narrative that encourages planning and new private sector investments for the future.

Stakeholders

Elected Officials/Gov. Representatives

-City of Brainerd, Brainerd HRA, Others

Property Owners

Business Owners

Financing Institutions

Groups and Organizations

-ISD 181, Central Lakes College, YMCA,

Arts and Music, BLAEDC, Destination

Downtown/Chamber, Brainerd

Restoration, Others



Opportunities

- Significant infrastructure and foundations exist
- Strengthened economy
- Sense of urgency and momentum today
- Changing generational perspective
- Substantial private investment and interest in Brainerd's community district
- Brainerd Comprehensive Plan Update
- Chance to collaborate on major community projects for a shared benefit

Next Steps

- Continue to meet with stakeholders, potential investors, and city representatives
- Present concept plan to Brainerd City Council and seek their support to continue
- Create vision task force to further articulate initiative into a strategy to be included in the Brainerd Comp. Plan
- Obtain City of Brainerd adoption and support of plan
- Promote and provide support to business owners and prospects



Brainerd Lakes Area
ECONOMIC DEVELOPMENT
Corporation

August 2017

Brainerd City Council Presentation

Marketing Informational Piece

Potential Projects, Renovations, and Redevelopment

- Multi-Family Housing
- Millennial Housing
- Hotels
- New Business Opportunities
- Performing Arts
- Offices
- Schools
- Parking Ramps
- Trails, Museums, and New Recreational Facilities
- Roadways—Reconstruction, Realignments, New Systems

What Does this Mean for Brainerd?

- New Tax Base
- New Jobs
- New Business/Living Options
- Revitalized Community
- Reason to Come Downtown
- New Strategic Narrative



*Wideth Smith Nolting Concept Renderings

Dream Big

- Envision the future – A Private/Public Partnership
- Agree to work together – Long Term
- Compromise where beneficial – To All

Start Small

- Have pride in our community
- Little things show progress
- Support others' efforts
- Work to change - image and attitude

1. Handed out at the meeting



Brainerd City Council Agenda Request

Agenda Item #

Requested Meeting Date: September 18, 2017

Title of Item: Request to Waive Recertification of Special Assessments

☐ 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): Jennifer Bergman, HRA Executive Director	Estimated Time Needed: 10 Minutes
Summary of Issue: Please see the attached memo from Ms. Jennifer Bergman detailing the status of the property with the address of 601 10th Street South.	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion: Direct staff to work with attorney to take the appropriate steps/action for the City to waive its right to recertification of the outstanding nuisance assessments.	
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>	



324 East River Road
Brainerd, MN 56401

Phone: 218/828-3705
Fax: 218/828-8817

To: Personnel and Finance Committee Members

From: Jennifer Bergman, Executive Director 

Date: September 14, 2017

Re: Consider Waiving Special Assessment on 601 10th Street S

The property at 601 10th Street South in Brainerd is going into tax forfeiture on September 19th, 2017. This has been a problem property for the City and we have been asked by Building Official Tim Caughey to assist in the acquisition and demolition of the house through our Scattered Site Replacement Program.

By Ordinance and State Statute, the County is required to sell the property for the estimated market value plus any outstanding assessments. However, if the property meets the blight criteria, the County is able to convey the property to the Brainerd HRA for less.

Currently there is a total of \$4,470.98 in special assessments from 2011-2016 plus an additional \$1,129.00 that will be assessed for pay year 2018. The delinquent taxes will be forgiven by the County but we would still be responsible for the balance of the delinquent assessments that have been accumulated by the City of Brainerd in the amount of \$5,599.88 excluding interest for 2017 assessments.

The Brainerd HRA is asking the City Council to consider the resolution that the City agrees upon conveyance of the tax forfeit parcel by the County to the Brainerd HRA, that it will waive in perpetuity its statutory right to recertify the assessments to 601 10th Street South.

City of Brainerd Special Assessments 601 10th Street South		
Date	Action	Cost
1/26/2012	Citation - Junk	\$ 125.00
2/16/2012	Citation - Junk	\$ 125.00
5/23/2012	Citation - Grass	\$ 125.00
5/25/2012	P&J Tree Service - Yard Clean Up & Landfill Charge	\$ 575.16
5/25/2012	Mowing - Abatement Invoice	\$ 236.07
6/13/2012	Citation - Grass	\$ 125.00
6/15/2012	Mowing - Abatement Invoice	\$ 141.49
7/13/2012	Citation - Grass	\$ 125.00
7/14/2012	Mowing - Abatement Invoice	\$ 141.49
8/15/2012	Citation - Grass	\$ 125.00
8/15/2012	Mowing - Abatement Invoice	\$ 141.49
	Interest	\$ 69.50
Total 2012 Assessed - Currently Outstanding		\$ 2,055.20
6/13/2013	Citation - Grass	\$ 125.00
6/20/2013	Mowing - Abatement Invoice	\$ 94.47
6/26/2013	Citation - Grass	\$ 125.00
7/18/2013	Citation - Grass	\$ 125.00
7/19/2013	Mowing - Abatement Invoice	\$ 115.84
7/25/2013	Mowing - Abatement Invoice	\$ 94.47
8/8/2013	Citation - Grass	\$ 125.00
8/15/2013	Mowing - Abatement Invoice	\$ 94.47
	Interest	\$ 44.96
Total 2013 Assessed - Currently Outstanding		\$ 944.21
6/16/2014	Citation - Grass	\$ 125.00
6/20/2014	Mowing - Abatement Invoice	\$ 90.00
7/21/2014	Citation - Grass	\$ 125.00
7/28/2014	Mowing - Abatement Invoice	\$ 90.00
9/24/2014	Mowing - Abatement Invoice	\$ 90.00
	Interest	\$ 26.00
Total 2014 Assessed - Currently Outstanding		\$ 546.00
9/5/2014	Citation - Grass	\$ 125.00
10/20/2014	Citation - Grass	\$ 125.00
10/23/2014	Mowing - Abatement Invoice	\$ 90.00
12/8/2014	Citation - Grass	\$ 125.00
6/22/2015	Mowing - Abatement Invoice	\$ 90.00
9/3/2015	Mowing - Abatement Invoice	\$ 90.00
	Interest	\$ 25.16
Total 2015 Assessed - Currently Outstanding		\$ 670.16

9/24/2015 Secure Building	\$	120.00
5/26/2016 Citation - Grass	\$	125.00
Interest	\$	10.41
Total 2016 Assessed - Currently Outstanding	\$	255.41
6/1 & 7/29/16 Mowing - Abatement Invoice	\$	155.00
9/9/2016 Mowing - Abatement Invoice	\$	90.00
10/3/2016 Mowing - Abatement Invoice	\$	90.00
12/5/2016 Citation - Skunks	\$	125.00
3/6/2017 Adams Pest Control - Skunk Issue	\$	424.00
6/14 & 7/6/17 Mowing - Abatement Invoice	\$	155.00
7/25/2017 Mowing - Abatement Invoice	\$	90.00
Total 2017 TO BE Assessed - Currently Outstanding	\$	1,129.00
Total Assessments		\$ 5,599.98



Brainerd City Council Agenda Request

Agenda Item #

Requested Meeting Date: September 18, 2017

Title of Item: Year 3 of the BLACF Grant

☐ 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): Jennifer Bergman, HRA Executive Director	Estimated Time Needed: 10 Minutes
Summary of Issue: Please see attached memo.	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion: Authorize City Administrator to work with NJPA to hire a Riverfront Coordinator using the Year 3 BLACF grant for the 50% match.	
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>	



324 East River Road
Brainerd, MN 56401

Phone: 218/828-3705
Fax: 218/828-8817

To: Personnel and Finance Committee Members

From: Jennifer Bergman, Executive Director 

Date: September 14, 2017

Re: Consider Allocating Year 3 BLACF For NJPA Riverfront Coordinator

The City applied for and received a three-year grant for a total of \$100,000 from the Brainerd Lakes Area Community Foundation (BLACF). The City Council asked the Brainerd HRA to manage the BLACF grant on their behalf.

The main goal of the grant was to hire a Riverfront Coordinator to build relationships, facilitate the process, research funding opportunities, engage the community and be the go to person. The Brainerd HRA appointed a 9-member Brainerd Riverfront Committee (BRC) and a liaison from the Brainerd HRA Board. The Brainerd HRA upon the recommendation of the BRC then hired Short Elliot Hendrickson (SEH) as the Riverfront Coordinator.

The BRC established goals for the grant (see attached Brainerd Riverfront Goals) which I am proud to report have all been accomplished. Attached is a copy of the most recent Progress Report to the BLACF.

After spending much of the first year reviewing the recommendations from the U of M Center for Rural Design's Mississippi River Partnership Plan and reaching out to stakeholders, the BRC decided to move forward with the Three Bridges Trail. Applications for funding have been submitted to the Legislative-Citizen Commission on Minnesota Resources (LCCMR) to design the trail and a request was made to the Office of Management and Budget to be on the fall Legislative Tour which would position us to make a bonding request in 2018.

The decision to hire SEH for the first two years of the grant to act as the Riverfront Coordinator was made because it allowed us to capitalize on a number of areas of expertise (architects, landscape architects, planners, engineers, etc.). As we are preparing to go into Year 3 of the grant, a recommendation was made to consider an



individual to position the Riverfront project to be successful in future years. Since the BLACF grant is a three-year grant, it will be important to look for funding for subsequent years.

Jim Thoreen and I met with Anna Gruber from the National Joint Powers Alliance (NJPA) to inquire about funding to sustain this position. NJPA has agreed to hire a Riverfront Coordinator on behalf of the City of Brainerd and fund 50% of the position. The other 50% would come from the City of Brainerd. Our recommendation is to use the Year 3 BLACF grant as that match.

The Riverfront Coordinator could move forward with the Three Bridges Trail as well as coordinate other efforts along the Mississippi River including a potential plaza located at the parking lot just south of the North Star Apartments. SEH is currently using the rest of the funding from the BLACF Year 2 grant to design the plaza. However, it will be important to continue to secure funding both for the projects and the position.

Action Requested: Authorize the City Administrator to work with NJPA to hire a Riverfront Coordinator using the Year 3 BLACF Grant for the 50% match.



324 East River Road
Brainerd, MN 56401

Phone: 218/828-3705
Fax: 218/828-8817

Brainerd Riverfront Goals: Year One

- 1) Prepare a phased implementation plan based on the Mississippi Riverfront Partnership Plan
 - a. Identify and summarize similar successful riverfront projects in other communities
 - b. Identify which projects are feasible and achievable
 - c. Provide a timeline with benchmarks
 - d. Identify property owners and parcel information along the corridor
- 2) Identify funding sources and uses
 - a. Provide a list of eligible funding sources based on identified projects
 - b. Identify additional expertise
 - c. Determine a budget
- 3) Identify and begin one achievable and visible project within the first year
- 4) Create a community engagement strategy with a public relations campaign
 - a. Engage the community in the process for their input
 - b. Create videos, website, social media communications for the project

Mississippi Riverwalk Coordinator

2014 BLACF "Difference Maker" Grants

City of Brainerd

Jim Thoreen

501 Laurel Street

Brainerd, MN 56401

O: 218-828-2309

Mr. Mark Allyn Ostgarden

501 Laurel Street

Brainerd, MN 56401

mostgarden@ci.brainerd.mn.us

O: 218-454-3409

FollowUp Form

Project Name*

Name of Project

Mississippi Riverwalk Coordinator

Project Description*

Please give a brief description of your project. This description will be used for marketing and publicity purposes if your project is chosen for this grant.

The city of Brainerd was awarded a \$33,000 grant from the Brainerd Lakes Area Community Foundation to hire a Riverfront Coordinator to develop measurable goals, objectives and timelines to implement the design and development along the river. The City Council entered into an agreement with the Brainerd HRA to manage the grant on their behalf.

Amount Requested*

Amount Requested

\$33,000.00

Grant - Final Report

Please answer the following questions:

1.*

List the overall goal(s) of the project or grant activities.

- 1) Prepare a phased implementation plan based on the Mississippi Riverfront Partnership Plan
 - a. Identify and summarize similar successful riverfront projects in other communities
 - b. Identify which projects are feasible and achievable
 - c. Provide a timeline with benchmarks
 - d. Identify property owners and parcel information along the corridor
- 2) Identify funding sources and uses
 - a. Provide a list of eligible funding sources based on identified projects
 - b. Identify additional expertise
 - c. Determine a budget
- 3) Identify and begin one achievable and visible project within the first year
- 4) Create a community engagement strategy with a public relations campaign
 - a. Engage the community in the process for their input
 - b. Create videos, website, social media communications for the project

2.*

Describe how the project has progressed in achieving these goals.

The main goal of the grant was to hire a Riverfront Coordinator; however, the Brainerd Riverfront Committee (BRC) established more detailed goals as listed above. After much discussion, the Brainerd HRA and the (BRC) decided to hire a firm which could bring in several expertise such as engineers, architects, landscape architects, planners, grant writers, etc. The Brainerd HRA hired Short Elliot Hendickson (SEH). The first year of the grant was spent going through the U of M Center for Rural Design's Partnership Plan which made many recommendations for improvements along and access to the Mississippi River through Brainerd. The BRC has met monthly since their appointment and also held meetings with Stakeholders that were conducted in small roundtable settings where our stakeholders were asked a series of questions to help the BRC narrow down the recommendations in the Partnership Plan.

We are proud to report that we have completed all of the goals listed above. After much discussion and research, the BRC decided to move forward with an elevated trail along the river called the Three Bridges Trail. SEH compiled a list of funding sources and applications have been submitted to the LCCMR and for the 2018 Legislative Tour so we can position ourselves for a bond request in 2018. With the assistance of SEH, the BRC has also created a website (www.brainerdriverfront.org) and a Facebook page. We continue to reach out to our partners.

3.*

What are your criteria for success?

The Brainerd HRA and BRC's criteria for success was to accomplish all of the goals set out in 2016 and we are proud to report that we have completed those goals!

The BRC wanted to have a bigger impact on the community than just a park bench or small project. The trail is what the BRC defined as the "big, hairy audacious goal" because the cost of the trail is estimated at approximately \$15 million to design and construct. As mentioned, two applications for funding have been submitted. Because this is such an elaborate project, the BRC has decided to use the remaining funds in the Year 2 BLACF grant to have SEH design a plaza that would be located at the foot of the Three Bridges Trail - essentially the gateway to the trail. The hope is to have a ribbon cutting by the City of Brainerd's sesquicentennial in June of 2021.

SEH did an excellent job of getting these projects moving forward with designs completed and funding applications submitted but now we believe an individual is best suited for the project moving forward. The City of Brainerd, the Brainerd HRA and the BRC met with a representative from NJPA to request funding for a full-time Riverfront Coordinator. A formal request for this will go to the City Council in September. In addition, we received a grant from the Initiative Foundation to hire an individual to write an achievement/transition plan to summarize all of the work done to date and provide a road map of the project to the Riverfront Coordinator.

4.*

Describe the impact or results your project had in your community.

For many years, the Mississippi River in Brainerd has pretty much gone unnoticed with very little access to it. Through this grant and the BRC, we have started to bring more attention to the river and to generate excitement about the potential not only to access the river but also about other redevelopment opportunities. For example, a potential performing art center was discussed at the stakeholder meetings held by the BRC. There appears to be some momentum around this with the potential of constructing a facility on the river or

at least with a river view. In addition, there has been discussion about the potential children's museum. We hosted a "floatilla" on the Mississippi River during Brainerd History week with 75 people attending. We have conducted pop-up events trying to educate the community about this project in addition to our Facebook Page. We hope that by consistently reaching out and informing the community, we will see continued success in redevelopment along the Mississippi River in Brainerd.

We would encourage you to review the meeting notes of all the BRC meetings on our website: <https://brainerdriverfront.org/minutes/> That will provide you with information on what the BRC has done through this grant period.

5.*

Tell us the number of persons that were impacted with your project.

This is difficult number to predict. I would estimate it's in the 100s to date. When the Three Bridges Trail and the plaza are built, it will impact many more. One of the intentions of the Three Bridges Trail is to provide a connection to the Paul Bunyan Trail and the Cuyuna Trail. This would provide a connection route to many people who already use those trails and a connection to Downtown Brainerd and the Northern Pacific Center

6.*

What is the potential for sustainability of your project?

The Three Bridges Trail would be a permanent trail in the City of Brainerd. It would provide access to the Mississippi River and a connection to the Paul Bunyan Trail and Cuyuna Trail. It would be an opportunity not only for Brainerd residents but for tourists who come to the area.

In addition, as mentioned above, we received a grant from the Initiative Foundation to hire someone to write an achievement/transition plan. The purpose of this plan is to have everything we have discussed to date in one location and the ability to track all of the potential projects as this project moves forward. There are so many moving pieces and potential future projects. While the BRC wants to stay focused on the Three Bridges Trail, we don't want to lose sight or discourage other projects from happening while maintaining some continuity of projects along the river. The document will help track these projects as well as create a road map for future projects. In order to transition this into the future and to ensure continued success, the BRC and the Brainerd HRA have decided that Year 3 should be to used secure a Riverfront Coordinator. The City of Brainerd, the Brainerd HRA and the BRC had a meeting with representatives from NJPA to request funds to hire a Riverfront Coordinator for Year 3. They have agreed to this in concept and this will be brought to the Brainerd City Council for their consideration in September.

7.*

Please attach a financial accounting for the project specifying the use of the fund to date.

Riverfront Expense Tracking - 7-17.xlsx

8.

Please upload 1-4 photos from this project that can be used for publicity for the Central Minnesota Community Foundation if you .

Floatilla 3.jpg

Floatilla 4.jpg

Floatilla 2.jpg

Electronic Signature*

By typing your name below, you hereby give permission to submit the following information to the Willmar Area Community Foundation and acknowledge that the information provided is true and accurate to the best of your knowledge.

Jennifer Bergman

File Attachment Summary

Applicant File Uploads

- Riverfront Expense Tracking - 7-17.xlsx
- Floatilla 3.jpg
- Floatilla 4.jpg
- Floatilla 2.jpg



Brainerd City Council Agenda Request

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 fees to the August 7, 2017 Meeting. The issues was then carried over to look at the city ordinance and to amend the ordinance to follow state statute for the minimum of days an animal needs to be held.	
Alternatives, Options, Effects on Others/Comments: The proposed increase to the administrative fee would cost the City an additional of \$1,359 a year. The proposed increase for the boarding fee is more difficult to estimate since it is based on the number of animals brought in and how long the animal is required to be held 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 public hearing and final reading of proposed ordinance 1472 amending the number of days a non-dangerous animal needs to be held to 5 business days (per state statute) is on the September 18, 2017 council agenda. No adjustment has been made to the estimated cost of the boarding fees even though we are adjusting the city ordinance from 7 to 5 days, as we do not know the number of animals or the day of the week the animals will be brought in. Since HART is not open on Mondays, a Monday cannot be counted as a business day.	
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> \$ <u>See above</u> <i>Is this budgeted?</i> ☒ Yes ☐ No <i>Please Explain:</i> An estimated annual increase of \$2,860 is included in the preliminary 2018 budget and will be in the final budget if the revised agreement with HART is approved.	



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

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

September 18, 2017
City Council Chambers
6:30 PM

1. Event/Street Closure Application – Crop Walk
2. Event/Street Closure Application – Turkey Run
3. Improvement 14-01 – SAP 108-129-002 – Jackson Street Railing Change Order
4. Large Patch Quotes and Discussion
5. South 6th Street Trees and Willow Street Signal Discussion
6. Update on 2016 Airport Utility Project Status
7. Downtown Special Services District and 2017 Nuisance Abatement (City Wide) Resolution Declaring Costs to be Assessed, Ordering Preparation of Proposed Assessment, and Ordering a Public Hearing on Proposed Assessment
8. Improvements 14-03 and 16-13 Resolution Declaring Costs to be Assessed, Ordering Preparation of Proposed Assessment, and Ordering a Public Hearing on Proposed Assessment
9. Improvements 15-12 and 16-10 Resolution Declaring Costs to be Assessed, Ordering Preparation of Proposed Assessment, and Ordering a Public Hearing on Proposed Assessment
10. Supplemental Assessments Discussion and Resolution Declaring Costs to be Assessed, Ordering Preparation of Proposed Assessment, and Ordering a Public Hearing on Proposed Assessment
11. Animal Control Officer



Brainerd City Council Agenda Request

Agenda Item #

Requested Meeting Date: September 18, 2017

Title of Item: Event/Street Closure Application - Crop Walk

☐ 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 is the event/street closure application for the Crop Walk to take place on October 4, 2017 from 5:00 PM to 7:00 PM.	
Alternatives, Options, Effects on Others/Comments: The application was emailed to all departments for comments and conditions for approval. No comments were received from departments.	
Recommended Action/Motion: Staff recommends approval of the special event with the conditions that the applicant work with police staff if local street closures along the route are 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>	



Street Closure, Special Event And Festival Application

Brainerd, Minnesota

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

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

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

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

Application for a Street Closure, Special Event and Festival Permit

PART I: GENERAL INFORMATION

Name of the event: Brainerd CROP walk

Date(s) of the event: 10/4/17

Time of event (setup to breakdown): 5:00 p.m. to 7:00 p.m.

Location: NE Brainerd - see attached map

Estimated number of attendees: 50

Organizer Information

Organizer's name (Please print): Rob Hall

Organizer's address: 27287 CR 3, Merrifield, MN 56465

Event contact person: Rob Hall

Event contact daytime phone number: (h) 765-4337 (w) _____ (c) 838-0964

Event contact persons e-mail address: rhal@brainerd.net

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

Rob Hall
(h) _____ (w) _____ (c) 838-0964

For Profit/Nonprofit status (type): Nonprofit

Applicant Information, if different from the event organizer:

Applicant name (Please print): Same

Applicant address: _____

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

Event contact e-mail address: _____

Description of Activities

Brief description of the activities planned during the event: An approximate one hour walk through NE Brainerd.

If a parade, please describe the proposed route with the assembly and dispersal locations and attach a map: Start at Bethlehem Lutheran Church. Proceed north, then east + south towards Lum Park. The return trip will be via the trail adjacent to TH 210.

Site Information

Electrical usage?

Yes ☐ No ☒

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

Amplified sound?

Yes ☐ No ☒

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

Restrooms provided?

Yes ☒ No ☐ How many? _____

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

Company contracted for restrooms: walkers will utilize the church facilities.

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

Sign, banners, and posters/flyers?

Yes ☒ No ☐

Locations and descriptions: Small directional signs that will be removed by the last walker.

Trash Disposal?

Yes ☐ No ☒

Company contracted for trash disposal: _____

Event Layout and Street Site Map

Yes ☒ No ☐

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

See attached map for the walk routes.

Area Notification

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

None planned. Should be no impact to local residents.

PART II: STREET CLOSURE REQUEST

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

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

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

None.

Time and date for beginning of street closures: _____

Time and date for reopening of streets: _____

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

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

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

PART III: CONTACTS, PERMITS, AND FEES CHECKLIST

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

MAY BE
REQUESTED
BY
ORGANIZER

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

Contact Information:

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

PART IV: HOLD HARMLESS AGREEMENT AND INSURANCE INFORMATION

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

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

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

PART V: SIGNATURE OF EVENT APPLICANT

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

Robert Hall

Signature of the Event Applicant

9/5/17

Date submitted to the City

Robert Hall

PRINT NAME

Volunteer

Event Applicant Title

PART VI: FOR OFFICIAL USE ONLY

Departmental Sign-Offs Required

	Approval Date/Initials	Comments
Brainerd Public Utilities	<u>OK</u>	<u>N/A</u>
City Administration	<u>OK</u>	<u>N/A</u>
Engineering Depart.	<u>OK</u>	<u>N/A</u>
Fire Department	<u>OK</u>	<u>N/A</u>
Fire Support/EMS	<u>OK</u>	<u>N/A</u>
Parks and Recreation	<u>OK</u>	<u>N/A</u>
Planning Department	<u>OK</u>	<u>N/A</u>
Police Department	<u>OK</u>	<u>ORGANIZE LOCAL CLOSURES w/ PD</u> <u>IF NEEDED</u>

Certification of Street Closure Approval

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

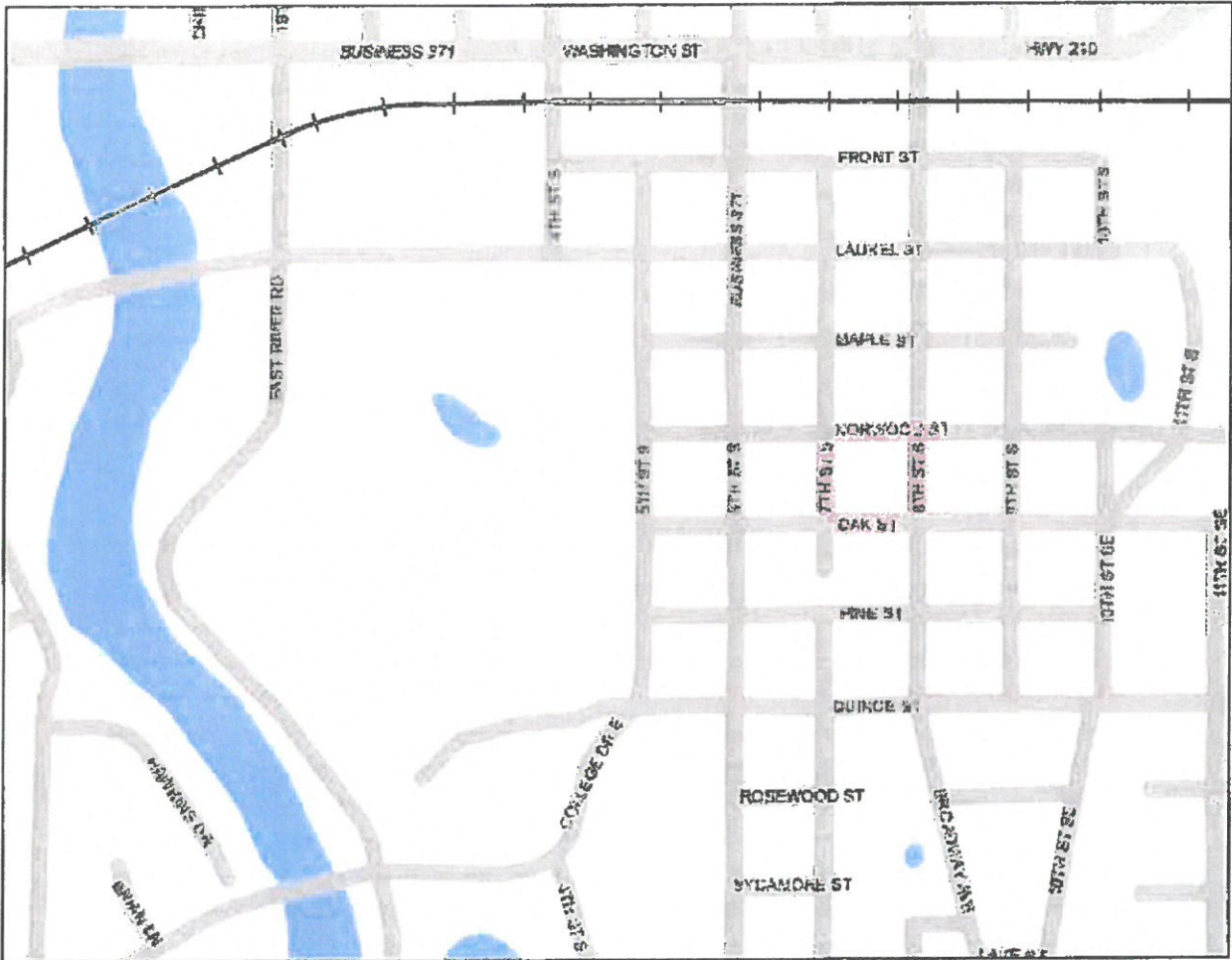
Special Event/Festival Application and Permit Approval

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

City Administrator

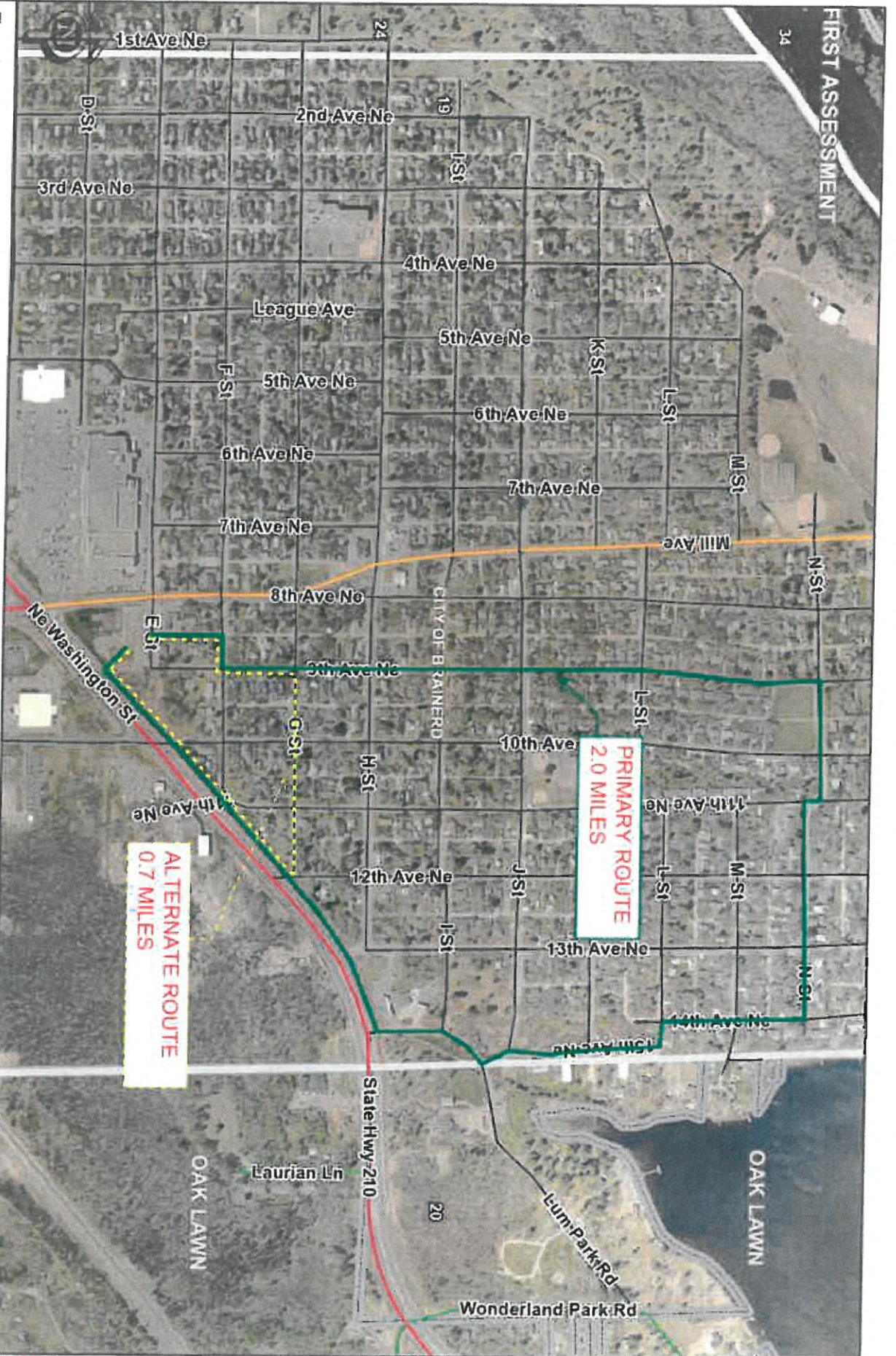
Date

Commonly Used Maps



FIRST ASSESSMENT

34



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.

2017 CROP WALK

BRAINERD LAKES AREA



Brainerd City Council Agenda Request

Agenda Item #

Requested Meeting Date: September 18, 2017

Title of Item: Event/Street Closure Application - Turkey Run

☐ 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 is the event/street closure application for the Turkey Run to take place on November 23, 2017 from 7:00 AM to 12:00 PM. This is an event that was held in Baxter in the past, and the organizers have decided to move the event to Brainerd.	
Alternatives, Options, Effects on Others/Comments: The application was emailed to all departments for comments and conditions for approval. The route is shown on the attached map and will begin at the National Guard Armory. The application was sent to all of the applicable departments. Conditions were received from the Police Chief regarding local closures.	
Recommended Action/Motion: Staff recommends approval of the special event with the conditions that the applicant work with police staff if local street closures within the City along the route are 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>	



Street Closure, Special Event And Festival Application

Brainerd, Minnesota

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

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

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

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

Application for a Street Closure, Special Event and Festival Permit

PART I: GENERAL INFORMATION

Name of the event: Turkey Run

Date(s) of the event: 11-23-17

Time of event (setup to breakdown): 0700 thru 1200

Location: 1115 Wright Street (National Guard Armory)

Estimated number of attendees: 600

Organizer Information

Organizer's name (Please print): Brainerd Shriners

Organizer's address: P.O. Box 287, Brainerd, MN 56401

Event contact person: Cory Johnson

Event contact daytime phone number: (h) 218 (w) 828-5066 (c) 218 820-4728

Event contact persons e-mail address: lakesarea.pizza@brainerd.net

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

(h) 218 (w) 828-5066 (c) 218 820-4728

For Profit/Nonprofit status (type): Nonprofit

Applicant Information, if different from the event organizer:

Applicant name (Please print): Keith Johnson

Applicant address: 1420 Mary Street

Applicant's telephone number (h) 218 (w) 829-6000 (c) 218 851-5045

Event contact e-mail address: lakesarea.pizza@brainerd.net

Description of Activities

Brief description of the activities planned during the event: Around 600 Runners
5K Fun Run

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

Site Information

Electrical usage?

Yes ☐ No ☒

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

Amplified sound?

Yes ☒ No ☐

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

There will be slight use of Megaphone for contestants
to hear

Restrooms provided?

Yes ☒ No ☐ How many? 6

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

Company contracted for restrooms: Blackman

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

Sign, banners, and posters/flyers?

Yes ☒ No ☐

Locations and descriptions: Location: Wright Street

Descriptions: National Guard / Sheriff / Turkey Run Banners

Trash Disposal?

Yes ☒ No ☐

Company contracted for trash disposal: LIFT Tech Marine / KJT LLC

Event Layout and Street Site Map

Yes ☒ No ☐

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

Area Notification

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

National Guard and All Participating Sponsors have notified,
"with Positive Acceptance" all Surrounding Businesses

PART II: STREET CLOSURE REQUEST

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

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

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

Temporary "No Parking" From 1115 Wright Street to
13th Street

Time and date for beginning of street closures: 0700-1200 11/23/17

Time and date for reopening of streets: 1200 11/23/17

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

All Owners, Tenants, and/or Businesses have
already been notified

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

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

All Businesses will be closed - Not Affected -
They will be closed "Thanksgiving Morning"

PART III: CONTACTS, PERMITS, AND FEES CHECKLIST

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

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

Contact Information:

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

PART IV: HOLD HARMLESS AGREEMENT AND INSURANCE INFORMATION

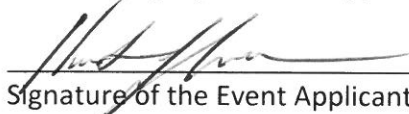
The applicant covenants to save, defend, hold harmless, and indemnify the City of Brainerd and all of its officers, departments, agencies, agents, and employees (collectively the "City") from and against any and all claims, losses, damages, injuries, fines, penalties, costs (including court costs and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

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

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

PART V: SIGNATURE OF EVENT APPLICANT

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


Signature of the Event Applicant

9-8-17
Date submitted to the City

Keith Johnson
PRINT NAME

Tuesday Race Course Supervisor
Event Applicant Title

PART VI: FOR OFFICIAL USE ONLY

Departmental Sign-Offs Required

	Approval Date/Initials	Comments
Brainerd Public Utilities	<u>OK</u>	<u>N/A</u>
City Administration	<u>OK</u>	<u>N/A</u>
Engineering Depart.	<u>OK</u>	<u>N/A</u>
Fire Department	<u>OK</u>	<u>N/A</u>
Fire Support/EMS	<u>OK</u>	<u>N/A</u>
Parks and Recreation	<u>OK</u>	<u>N/A</u>
Planning Department	<u>OK</u>	<u>N/A</u>
Police Department	<u>OK</u>	<u>CONTACT POLICE w/ DETAILS OF RACE AND WHERE POSSIBLE ASSISTANCE MAY BE NEEDED</u>

Certification of Street Closure Approval

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

Special Event/Festival Application and Permit Approval

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

City Administrator

Date



Google Earth

Google Earth





Brainerd City Council Agenda Request

Agenda Item #

Requested Meeting Date: September 18, 2017

Title of Item: Change Order #1 - SAP 108-129-002 - Jackson Street Railing

☐ 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: With the addition of the sidewalk on Jackson Street, there was a large elevation difference between an existing sidewalk to Advantage PCA behind the retaining wall and the new sidewalk abutting the street.	
Alternatives, Options, Effects on Others/Comments: To prevent and aid people from potentially falling off one sidewalk to the other, pricing for railing was requested from the contractor per State Aid specifications. A price of \$2,600 lump sum was received from the Contractor. The railing was subsequently installed after the change order was received and reviewed by staff for reasons of public safety and people entering the building.	
Recommended Action/Motion: Staff would recommend authorizing payment of \$2,600 for the railing. This expense is eligible for State Aid reimbursement.	
Financial Impact: Is there a cost associated with this request: ☒ Yes ☐ No What is the total cost, with tax and shipping \$ 2,600 Is this budgeted? ☐ Yes ☒ No <u>Please Explain:</u> The change order is a project cost and reimbursable through the City's State Aid account.	

STATE AID FOR LOCAL TRANSPORTATION
CHANGE ORDER

City/County of City of Brainerd

Change Order No. 1

FEDERAL PROJECT NO.	STATE PROJECT NO. SAP 108-129-002	LOCAL PROJECT NO. 14-03	CONTRACT NO. 2017-1
CONTRACTOR NAME AND ADDRESS Tri-City Paving, Inc. P.O. Box 326 Little Falls, MN 56345		LOCATION OF WORK JACKSON STREET - NW 4TH STREET TO CITY LIMITS	
		TOTAL CHANGE ORDER AMOUNT \$2,600.00	

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

Addition of a total of 50 LF of Pipe Railing (2402.585) to project along walkway to 624 5th Street NW where retaining wall installed.

COST BREAKDOWN

Item No.	Item	Unit	Unit Price	Quantity	Amount
Funding Category No. 010					
2402.585	PIPE RAILING	L F	\$52.00	50	\$2,600.00
Funding Category No. 010 Total:					\$2,600.00
Change Order No. 1 Total:					\$2,600.00

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

Approved By Project Engineer: Sandy, Paul G	Approved By Contractor: Tri-City Paving, Inc.
Signed <u>7e325bf99b289e23be7cf084c0fa1bb3d4d81e8c575a2d4bd277f37f033c9303</u>	Signed <u>Schneider, Michelle A a1df7d18d5553c290a099e209d59dec0890aed9d42b4d0ffa164ec75998780d1</u>
Date: <u>09/13/2017</u> Phone: <u>0</u>	Date: <u>09/13/2017</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



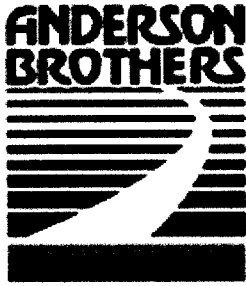
Brainerd City Council Agenda Request

Agenda Item #

Requested Meeting Date: September 18, 2017

Title of Item: Large Patch Quotes

☐ 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 quote from Anderson Brothers Construction for the 2017 Large Patches as requested by Engineering Staff.	
Alternatives, Options, Effects on Others/Comments: Staff decided to add in a cost for a potential thin overlay of the driving lanes in the very bad spots on Brook Street. Brook Street is currently listed as a State Aid Street. Through recent construction of 28th Street, Staff will be bringing a proposal later in the year to potentially swap State Aid Mileage from Brook Street to 28th Street. The amount of traffic on Brook Street does not necessitate Brook Street being a State Aid Street, and 28th Street SE is a much better candidate for a State Aid route being that it is a connection between major collector and a Trunk Highway and is currently constructed to a 9 ton design standard. With that being said, staff is concerned with the condition of Brook Street currently. Staff would like to have some discussion with the committee about Brook Street. Staff's thought about this is to potentially get Brook Street off of the State Aid system this winter when system revisions can be made, then potentially develop a project to resurface Brook Street and the connection to S 10th Street in 2018. Brook Street has been in the 5 year CIP for a few years now, however, if the street was constructed using State Aid funds, there is a payback period of 25 years. Staff feels that keeping Brook Street as a State Aid route is not in the best interest long term for the City, however, expresses the need to get both S 10th and Brook Street resurfaced in the very near future.	
Recommended Action/Motion: Staff would recommend approving the patching total for the small patch work as part of this request for a total of \$9,863.00 Lump Sum.	
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>\$9,863.00</u> <i>Is this budgeted?</i> ☒ Yes ☐ No <i>Please Explain:</i> We typically budget for \$10,000 in large patches every year for pavement maintenance.	



Anderson Brothers Construction Company
11325 State Highway 210
Brainerd, MN 56401
218-829-1768
218-829-7607 Fax

To:	CITY OF BRAINERD	Contact:	
Address:	501 LAUREL STREET BRAINERD, MN 56401	Phone:	218-828-2309
		Fax:	218-828-2316
Project Name:	2017 Patching & Overlay	Bid Number:	
Project Location:		Bid Date:	9/1/2017
Item Description			

Patching

Patching
Mobilization

Total Price for above Patching Items: \$9,863.00

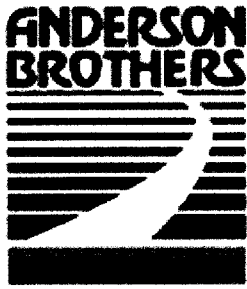
Brook Street Overlay

Brook Street Overlay
Mobilization

Total Price for above Brook Street Overlay Items: \$17,062.00

Notes:

- We are pleased to quote the following on the above-referenced project.
- This proposal may be withdrawn by us if not accepted within 20 days.
- All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents, or delays beyond our control. Owner to carry fire, tornado and other necessary insurance. Our workers are fully covered by Workmen's Compensation Insurance.
- **Patching**
- The grading and construction of 4" class 5 gravel base and the construction of a 2" compacted hot mix bituminous wearing coarse in the following street areas:
 - S 10th Street & Vine: 210 SF
 - Ivy Street Alley Between N 8th Street & N 9th Street: 294 SF
 - Ivy Street Alley Going North Between N 4th Street & N 5th Street: 238 SF
 - Ivy Street Alley Going South Between N 4th Street & N 5th Street: 234 SF
 - Juniper Street Alley Between N 7th Street & N 8th Street: 342 SF
 - Pine Street Between SE 19th Street and Walnut Street: 105 SF
 - Crosswalk Area At 4th Ave NE & G Street NE: 288 SF
- **Brook Street Overlay**
- The cleaning and sweeping of existing asphalt surface.
- A tack coat will be applied to ensure an adequate bond between new and existing surfaces.
- The construction of a 1" compacted hot mix bituminous surface over the areas as marked by the City Of Brainerd.
- Reflective cracking will occur due to existing condition of road surface.



Anderson Brothers Construction Company
11325 State Highway 210
Brainerd, MN 56401
218-829-1768
218-829-7607 Fax

To: CITY OF BRAINERD	Contact:
Address: 501 LAUREL STREET BRAINERD, MN 56401	Phone: 218-828-2309
	Fax: 218-828-2316
Project Name: 2017 Patching & Overlay	Bid Number:
Project Location:	Bid Date: 9/1/2017

ACCEPTED:

The above prices, specifications and conditions are satisfactory and hereby accepted.

Buyer: _____

Signature: _____

Date of Acceptance: _____

CONFIRMED:

Anderson Brothers Construction Company Of Brainerd, LLC

Authorized Signature: _____

Estimator: Doug Tulenchik
218-829-1768 dtulenchik@andersonbrothers.com



Brainerd City Council Agenda Request

Agenda Item #

Requested Meeting Date: September 18, 2017

Title of Item: S 6th Street Trees and Willow Street Signal

☐ 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 memo regarding the request from council regarding trees on S 6th Street and the Willow Street intersection.	
Alternatives, Options, Effects on Others/Comments: See the attached memo.	
Recommended Action/Motion: Discussion/Informational Item.	
Financial Impact: Is there a cost associated with this request: ☐ Yes ☒ No What is the total cost, with tax and shipping \$ _____ Is this budgeted? ☐ Yes ☐ No <u>Please Explain:</u>	

MEMO

TO: Safety and Public Works Committee

FROM: Paul Sandy, City Engineer

DATE: September 7, 2017

RE: S 6th Street Trees and Future Willow Street Signal



www.ci.brainerd.mn.us

At the September 5, 2017 Council Meeting, staff was directed to reach out to MnDOT as it pertains to the S 6th Street Reconstruction project and the absence of trees on the project and the installation of the hardware and pedestals for a future Willow Street signal. I reached out to Jim Hallgren after the meeting regarding these two items, and this memo will explain the MnDOT position on the items discussed.

Trees

When trees are installed on construction projects, there is usually a long maintenance and establishment period that the contractor must protect the trees/landscaping. The typical plant establishment period (PEP), according to the 2016 MnDOT Standard Specifications, is two years. MnDOT will not incorporate a landscaping project into a roadway project due to the additional warranties with the vegetation and the delays to final acceptance. However, if the City agrees to pay 100% of the cost of the new trees/landscaping and agrees to take responsibility for maintenance of these items upon completion of the roadway project, MnDOT will issue the City a permit to install trees/landscaping in the MnDOT right-of-way as a standalone project.

Willow Street Signal

Per discussions during the design of S 6th Street, the intersection of S 6th Street at Willow Street does not warrant a signal. When MnDOT was asked to consider including the signal infrastructure such as conduits and pedestals with the reconstruction project, MnDOT agreed to consider it. MnDOT's approach with the intersection has been developed into a method as to not predetermine the future intersection control at this intersection (i.e. signal, roundabout, reduced conflict intersection, or other controls). The feedback MnDOT District 3 staff has received from their traffic engineers has been such that it is not cost effective to anticipate where conduits or other items would need to be placed as standards and technologies for signals change almost on a yearly basis. However, if a signal becomes the preferred alternative for intersection control in the future and the intersection meets warrants, it will not be a problem to add the needed infrastructure for a signal such as conduits and pedestals at that time. As time and traffic patterns change and increase, the intersection layout and placement of signal infrastructure will most certainly change with it.

Staff agrees with MnDOT's position on these two items. If it is the council's desire, staff can put together types and costs of trees that would be suitable to be placed in the boulevard after the completion of the S 6th Street project, and could be incorporated installed at the time the contractor is working on the S 6th Street sidewalk extension in 2019.

/ps



Brainerd City Council Agenda Request

Agenda Item #

Requested Meeting Date: September 18, 2017

Title of Item: Airport Utility Extension Update Memo

- ☐ INFORMATION ONLY
☐ CONSENT AGENDA
☐ P&F COMMITTEE
☒ SPW COMMITTEE
☐ MAIN AGENDA

Action Requested:

- ☐ Approve/Deny
Motion
☐ Adopt
Resolution
(attach draft)

- ☐ Direction Requested
☒ Discussion Item
☐ Hold Public Hearing*
☐ Ordinance 1st Reading

**provide copy of published hearing notice*

Submitted by:

City Engineer Sandy and City Attorney Langel

Department:

Engineering

Presenter (Name & Title):

Paul Sandy, City Engineer and Joe Langel, City Attorney

Estimated Time Needed:

5 Minutes

Summary of Issue:

Attached is a memo with an update on status of the 2016 Airport Utility Extension.

Alternatives, Options, Effects on Others/Comments:

See the attached memo.

Recommended Action/Motion:

The City Engineer and City Attorney will be present to answer any questions about the memo from the Committee or Council.

Financial Impact:

Is there a cost associated with this request:

☐ Yes ☒ No

What is the total cost, with tax and shipping

\$ _____

Is this budgeted? ☐ Yes ☐ No

Please Explain:

MEMO

TO: Honorable Mayor and Brainerd City Council
FROM: Paul Sandy, City Engineer and Joseph Langel, City Attorney
DATE: September 14, 2017
RE: 2016 Airport Utility Extension Update



www.ci.brainerd.mn.us

This memo to the Mayor and Council is to give an update on the progress on the 2016 Airport Utility Extension Project and potential timelines for project completion along with updating the same on the potential for claims as it pertains to the referenced project.

The project had two original completion dates in the contract: October 21, 2016, for substantial completion and December 14, 2016, for final completion. Change Order #6 extended the final completion date to June 2, 2017. Since the project has gone past the revised completion date, liquidated damages have been accruing at a contractor cost of \$900/day since June 2, 2017.

Watermain

The work on the project originally started on April 11, 2016. All work consisting of horizontal directional drilling, jack and bore pipe installations under Highway 210, open cut utilities through project areas 1 and 2, and booster station installation in project area 1 occurred during the 2016 construction season. During the watermain construction in 2016, the contractor followed with pressure testing and bacteriological testing of the watermain, with the final bacteriological and pressure tests being completed on December 9, 2016. Final testing and demonstration of the booster station occurred on December 7, 2016.

In January of 2017, A major leak was discovered within project area 1. The contractor was able to dig down to the leak to make a correction of the leak by means of a watermain sleeve. During subsequent pressure tests, more leaks were discovered in the newly installed watermain. The contractor worked throughout the spring and summer months detecting leaks through different methods, along with performing repairs, digging up mechanical joints where potential leaks may be occurring, and pressure and bacteriological testing the entire system for a second time. The last repairs to the watermain system were performed the week of July 10th. The booster station was reactivated on July 25th, 2017 after all the repairs to the watermain and subsequent bacteriological tests were completed.

Sanitary Sewer

The work on the project originally started on April 11, 2016. All work consisting of horizontal directional drilling, jack and bore pipe installations under Highway 210, open cut utilities through project areas 1, 2, and 3, and lift station installations in project area 1 occurred during the 2016 construction season. The contractor followed the installation and televising of the sewer main. Cured-in-place pipe lining in project area 4 was completed and tested in 2016.

During the installation of the sewer main under Lum Park Road and subsequent televising, 3 areas were discovered that had pipe sags that were out of tolerance to specifications during the 2016 season. The contractor subsequently dug down to these areas and tried repairing the sags during the 2016 construction season. The repairs were unsuccessful in 2016, so the contractor made plans to restore the area in 2016, and try the repairs again in the spring of 2017. The Contractor also repaired numerous water infiltration leaks at open cut manhole connections throughout the project during the 2016 and 2017 construction seasons. Final repairs to the sags in the sewer main under Lum Park Road were completed in the spring of 2017 and televised by the contractor. The final testing of the lift stations and demonstration occurred on 12/6/2016.

Restoration

All restoration items such as seeding, mulching, and paving have been completed to date. The contractor is currently working on restoration punch list items, and is nearly finished with the last issued punch list.

Staff is currently working with SEH/WSN staff to set a day to do a full final walkthrough of the project to pick up any further punch list items that the City/BPU staff may want to see completed before project closeout.

As you recall from previous council meetings, the schedule for airport connections was dependent upon Anderson Brothers Construction to connect to the water and sewer and to abandon and seal their existing wells on site. Since the well sealing was discussed, Anderson Brothers has connected to both sewer and water and the wells on their property have been sealed.

Staff has been working closely with airport staff, engineers, and contractors to stay in touch on final completion of the system up to the airport property. With the project nearly complete, and the work at Anderson Brothers finished, it allows the airport contractor to come back to the site and finish the airport's project on site and allow connections of the utilities to the airport's and tenant plumbing systems. Last indications were that the airport would be working on connections the week beginning September 11, 2017.

Project Costs to Date

Original Contract Amount:	\$8,591,721.58
Revised Contract Amount (Due to Change Orders):	\$8,472,266.38
Liquidated Damages Accrued through 9/14/2017	\$92,800
Total Work Certified to Date through 9/14/2017:	\$8,213,775.25
Retainage (3%):	\$246,413.26
Total Amount Paid to Contractor through 9/14/2017:	\$7,967,361.99

Claim for Extra Work

As indicated above, multiple leaks were discovered in early 2017 in the newly installed water mains. While these pipes passed the requisite tests in late 2016, it became apparent over the next several months that there were multiple issues with them. Pipes were damaged, and joints were loose or deflected, causing the gaskets to leak. The contractor was directed to test for leaks, find them and then repair them. This took a considerable amount of time and effort. That had to be followed by flushing of the lines and another round of bacteriological testing before the new mains could be put into service.

Tom's asserts that substantial completion occurred in December 2016, that the City had accepted the work, and that all of the leaks were somehow caused by the City/BPU subsequently turning on the pump station and pressurizing the system. They assert that over-pressurization caused the damage. They therefore conclude that the leaks are not their fault and they are not responsible for the cost of repair. Tom's asserted that they were owed an additional \$145,000 for their work through April, but this was only a partial number because more "extra" work was completed after that.

On June 26, 2017, Tom's attorney, Joel Fremstad, sent a lengthy e-mail to the City in which he purports to make a formal claim for additional compensation. That e-mail contained no dollar amount, no details about the nature of the claim, and no supporting documentation. As such, it did not constitute a claim under the contract. Tom's has submitted multiple Notices of Extra Work in support of their characterization of the repairs as being outside their contract, but the documents are not attached to any claim and are sent without any explanation. On September 13th, SEH issued a letter to Tom's denying their claim as being incomplete.

Based on the information we have at this point, there does not appear to be any merit to Tom's contention that it is owed for the "extra work" undertaken to fix the multiple leaks in the water mains and the sags in the sanitary sewer. Their work was defective, and they are obligated by contract to repair it, whether it is deemed within the original contract period or after substantial completion (there is a two-year correction period following final payment, which has not occurred yet). Regardless, it is expected that Tom's will submit a formal claim soon for a substantial change to the contract amount. SEH will analyze the claim and respond accordingly. It is entirely possible that this will result in a protracted legal dispute. We will keep you informed as the process moves forward.



Brainerd City Council Agenda Request

Agenda Item #

Requested Meeting Date: September 18, 2017

Title of Item: DTSS and Nuisance Abatement - Declare Assessments and Set PH

☐ 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: In order to conduct a Public Hearing to consider the proposed assessments for the Downtown Special Services District and Nuisance Abatements, the Council will need to continue the 429 process which includes setting a public hearing, and declare the assessments along with preparation of the assessment role.	
Alternatives, Options, Effects on Others/Comments: Attached to this request is the proposed resolution that sets the public hearing, declares the assessment amount for the Downtown Special Services District and the Nuisance Abatement Assessments, and orders preparation of the assessment role. Also attached is the proposed notice of hearing on the assessments.	
Recommended Action/Motion: Staff would recommend adopting the proposed resolution declaring the assessments, ordering preparation of the assessment role, and setting the public hearing to be held on Monday, October 16, 2017 at 7:30 P.M. during the regular scheduled council meeting.	
Financial Impact: <i>Is there a cost associated with this request:</i> ☐ Yes ☒ No <i>What is the total cost, with tax and shipping</i> \$ _____ <i>Is this budgeted?</i> ☐ Yes ☐ No <i>Please Explain:</i>	

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

**RESOLUTION DECLARING COSTS TO BE ASSESSED
ORDERING PREPARATION OF PROPOSED ASSESSMENT,
AND ORDERING A PUBLIC HEARING ON PROPOSED ASSESSMENT**

WHEREAS, the costs have been determined for Downtown Special Services District and Nuisance Abatement involving the following described areas in the City of Brainerd:

DOWNTOWN SPECIAL SERVICES DISTRICT

Snow Removal, Irrigation Maintenance, Landscaping, Garbage Collection

Laurel Street from South 6th Street to South 8th Street
Front Street from South 6th Street to South 8th Street
South 7th Street from Maple Street to Front Street

NUISANCE ABATEMENT

Nuisance Abatement and Administrative Citations
Misc properties around the City

WHEREAS, the estimated total costs for said improvements are Downtown Special Services District - \$46,981.36 and Nuisance Abatement - \$65,554.57 respectively, and

WHEREAS, the City Council has ordered preparation of the proposed assessment, and

WHEREAS, the City Council hereby sets the Public Hearing for Monday, October 16 2017 at 7:30 p.m.,

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

1. The portion of the cost of such improvement to be paid by the City is hereby declared to be Downtown Special Services District \$21,218.16 and Nuisance Abatement - \$0.00 respectively, and the portion of the cost to be assessed against benefited property owners is declared to be Downtown Special Services District \$25,763.20 and Nuisance Abatement - \$65,554.57 respectively.

2. Assessments shall be payable in annual installments extending over a period of one year, to be paid on or before the first Monday in January, 2018, and shall bear interest at the rate of three and one-half (3.5%) percent per annum from the date of the adoption of the assessment resolution.

3. The owner of any property so assessed may, at any time prior to certification of the assessment to the County Auditor, pay the whole of the assessment on such property with interest accrued to the date of payment to the City Administrator, except that no interest shall be charged if the entire assessment is paid within 30 days from the adoption of the assessment.

The owner of any property so assessed may at any time thereafter pay to the Crow Wing County Auditor the entire amount of the assessment remaining unpaid with interest accrued to December 31 of the year in which such payment is made. Such payment must be made before November 15 or interest will be charged through December 31 of the succeeding year.

4. Pursuant to Ordinance No. 974 deferred assessments may be granted by the City Council where a financial hardship exists and pursuant to Resolution No. 4988 and any amendments thereto, the City Council may defer a special assessment for needy persons.

5. Pursuant to proper notice duly given as required by law, the hearing will be held on the 16th day of October, 2017, in the City Hall building at Brainerd, Minnesota, at 7:30 p.m. concerning such proposed assessments and at such time and place all persons owning property affected by such improvements were given an opportunity to be heard with reference to such assessments.

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

NOTICE OF HEARING ON PROPOSED ASSESSMENT

TO WHOM IT MAY CONCERN:

Notice is hereby given that the City Council of Brainerd, Minnesota will meet in the Council Chambers of the Brainerd City Hall at 7:30 p.m. on October 16, 2017, to pass upon the proposed assessment for the following improvements:

DOWNTOWN SPECIAL SERVICES DISTRICT

Snow Removal, Irrigation Maintenance, Landscaping, Garbage Collection

Laurel Street from South 6th Street to South 8th Street
Front Street from South 6th Street to South 8th Street
South 7th Street from Maple Street to Front Street

NUISANCE ABATEMENT

Nuisance Abatement and Administrative Citations

Miscellaneous properties around the City

The areas proposed to be assessed for these improvements are the properties abutting and/or benefitting from the above described projects.

The proposed assessment role is on file for public inspection at the City Administrator's Office and the City Engineer's Office.

The total cost of Downtown Special Services District is \$46,981.36 of which \$25,763.20 is proposed to be assessed.

The total cost of Nuisance Abatement is \$65,554.57 of which \$65,554.57 is proposed to be assessed.

Written or oral objections will be considered at the meeting. No appeal may be taken as to the amount of any assessment unless a signed, written objection is filed with the City Administrator prior to the hearing or presented to the presiding officer at the hearing. The Council may upon such notice consider any objection to the amount of a proposed individual assessment at an adjourned meeting upon such further notice to the affected property owners as it deems advisable.

The amount to be specifically assessed against your particular lot, piece or parcel of land is shown on the attached enclosure. You may at any time prior to certification of the assessment to the County Auditor pay the entire assessment on such property with interest accrued to the date of payment to the City Administrator. No interest shall be charged if the entire assessment is paid within 30 days from the adoption of this assessment. You may at any time thereafter pay to the County Auditor the entire amount of the assessment remaining unpaid with interest accrued to December 31 of the year in which the payment is made. Such payment must be made before November 15 or interest will be charged through December 31 of the succeeding year. If you decide not to pre-pay the assessment before the date given above, the rate of interest that will apply three and one-half (3.5%) percent per year. The right to partially prepay the assessment pursuant to Section 315 of the Brainerd City Code is available. Further, pursuant to Ordinance 974 deferred assessments may be granted by the City Council where a financial hardship exists and pursuant to Resolution No. 4988, and any amendments thereto, the City Council may defer a special assessment for needy persons. If you feel that you might

qualify for such deferments, please discuss this with the City Administrator at your earliest convenience.

The assessments will be spread over a period of one (1) year.

If an assessment is contested or there is an adjourned hearing, the following procedure will be followed:

1. The City will present its case first by calling witnesses who may testify by narrative or by examination and by the introduction of exhibits. After each witness has testified, the contesting party will be allowed to ask questions. This procedure will be repeated with each witness until neither side has further questions.
2. After the City has presented all its evidence, the objector may call witnesses or present such testimony as the objector desires. The same procedure for the questioning of the City's witnesses will be followed with the objector's witnesses.
3. The objector may be represented by counsel.
4. Minnesota Rules of Evidence will not be strictly applied; however they may be considered and argued to the Council as to the weight of the items of evidence or testimony presented to the Council.
5. The entire hearing will be tape-recorded.
6. At the close of the presentation of evidence, the objector and the City may make final presentations to the council based on the evidence and the law. No new evidence may be presented at this point.
7. The Council may adopt the proposed assessment at the hearing.

An owner may appeal an assessment to the District Court pursuant to Minnesota Statutes Section 429.081 by serving notice of the appeal upon the Mayor or Administrator of the City within thirty (30) days after the adoption of the assessment, and by filing such notice with the District Court within ten (10) days after the service upon the Mayor or City Administrator.

Dated this _____ day of _____, 201__

James Thoreen
City Administrator

Any individual needing special accommodations please call 828-2307.

Published September 29, 2017



Brainerd City Council Agenda Request

Agenda Item #

Requested Meeting Date: September 18, 2017

Title of Item: Improvements 14-03 and 16-13 - Declare Assessments and Set PH

☐ 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: In order to conduct a Public Hearing to consider the proposed assessments for Improvements 14-03 and 16-13: Jackson Street and Buffalo Hills Lane Resurfacing Projects for the proposed assessments on these Improvements, the Council will need to continue the 429 process which includes setting a public hearing, and declare the assessments along with preparation of the assessment role.	
Alternatives, Options, Effects on Others/Comments: Attached to this request is the proposed resolution that sets the public hearing, declares the assessment amount for the two Improvements listed, and orders preparation of the assessment role. Also attached is the proposed notice of hearing on the assessments.	
Recommended Action/Motion: Staff would recommend adopting the proposed resolution declaring the assessments, ordering preparation of the assessment role, and setting the public hearing to be held on Monday, October 16, 2017 at 7:30 P.M. during the regular scheduled council meeting.	
Financial Impact: <i>Is there a cost associated with this request:</i> ☐ Yes ☒ No <i>What is the total cost, with tax and shipping</i> \$ _____ <i>Is this budgeted?</i> ☐ Yes ☐ No <i>Please Explain:</i>	

RESOLUTION
NO. _____

**RESOLUTION DECLARING COSTS TO BE ASSESSED,
ORDERING PREPARATION OF PROPOSED ASSESSMENT,
AND ORDERING A PUBLIC HEARING ON PROPOSED ASSESSMENT**

WHEREAS, the costs have been determined for Improvement 14-03, and Improvement 16-13, involving improvement of the following described street in the City of Brainerd:

IMPROVEMENT 14-03

Street Resurfacing

Jackson Street between NW 4th Street (Riverside Drive) and Brainerd City Limits

IMPROVEMENT 16-13

Street Resurfacing

Buffalo Hills Lane between S 6th Street (TH 371B) and Graydon Avenue

WHEREAS, the estimated total construction costs for said improvements are Improvement 14-03 - \$326,397.59, and Improvement 16-13 - \$342,111.91.

WHEREAS, the City Council has ordered preparation of the proposed assessment, and

WHEREAS, the City Council hereby sets the Public Hearing for Monday, October 16, 2017 at 7:30 p.m.,

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

1. The portion of the cost of such improvement to be paid by the City is hereby declared to be Improvement 14-03 - \$289,174.04, and Improvement 16-13 - \$279,328.68 respectively, and the portion of the cost to be assessed against benefited property owners is declared to be Improvement 14-03 - \$37,223.55, and Improvement 16-13 - \$62,783.23. respectively.

2. Assessments shall be payable in annual installments extending over a period of ten years, the first of the installments to be paid on or before the first Monday in January 2018, and shall bear interest at the rate of three and one-half (3.5%) percent per annum from the date of the adoption of the assessment resolution.

3. The owner of any property so assessed may, at any time prior to certification of the assessment to the County Auditor, pay the whole of the assessment on such property with interest accrued to the date of payment to the City Administrator, except that no interest shall be charged if the entire assessment is paid within 30 days from the adoption of the assessment. The owner of any property so assessed may at any time thereafter pay to the Crow Wing County Auditor the entire amount of the assessment remaining unpaid with interest accrued to December 31 of the year in which such payment is made. Such payment must be made before November 15 or interest will be charged through December 31 of the succeeding year.

4. Pursuant to Ordinance No. 974 deferred assessments may be granted by the City Council where a financial hardship exists and pursuant to Resolution No. 4988 and any amendments thereto, the City Council may defer a special assessment for needy persons.

5. Pursuant to proper notice duly given as required by law, the hearing will be held on the 16th day of October, 2017, in the City Hall building at Brainerd, Minnesota, at 7:30 p.m. concerning such proposed assessments and at such time and place all persons owning property affected by such improvements were given an opportunity to be heard with reference to such assessments.

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

NOTICE OF HEARING ON PROPOSED ASSESSMENT

TO WHOM IT MAY CONCERN:

Notice is hereby given that the City Council of Brainerd, Minnesota will meet in the Council Chambers of the Brainerd City Hall at 7:30 p.m. on October 16, 2017, to pass upon the proposed assessment for the following improvements:

IMPROVEMENT 14-03

Street Resurfacing – Aggregate Base, Bituminous, Concrete Curb and Gutter, and Concrete Walk

Jackson Street between NW 4th Street (Riverside Drive) to Brainerd City Limits

IMPROVEMENT 16-13

Street Resurfacing – Aggregate Base, Bituminous, Concrete Curb and Gutter, and Concrete Walk

Buffalo Hills Lane between S 6th Street (TH 371B) and Graydon Avenue

The proposed assessment role is on file for public inspection at the City Administrator's Office and the City Engineer's Office.

The total cost for Improvement 14-03 is estimated at \$326,397.59 and Improvement 16-13 is estimated at \$342,111.91 of which \$37,223.55 and \$62,783.23 is proposed to be assessed respectively.

Written or oral objections will be considered at the meeting. No appeal may be taken as to the amount of any assessment unless a signed, written objection is filed with the City Administrator prior to the hearing or presented to the presiding officer at the hearing. The Council may upon such notice consider any objection to the amount of a proposed individual assessment at an adjourned meeting upon such further notice to the affected property owners as it deems advisable.

The amount to be specifically assessed against your particular lot, piece or parcel of land is shown on the attached enclosure. You may at any time prior to certification of the assessment to the County Auditor pay the entire assessment on such property with interest accrued to the date of payment to the City Administrator. No interest shall be charged if the entire assessment is paid within 30 days from the adoption of this assessment. You may at any time thereafter pay to the County Auditor the entire amount of the assessment remaining unpaid with interest accrued to December 31 of the year in which the payment is made. Such payment must be made before November 15 or interest will be charged through December 31 of the succeeding year. If you decide not to pre-pay the assessment before the date given above, the rate of interest that will apply is three and one-half (3.5%) percent per year. The right to partially prepay the assessment pursuant to Section 315 of the Brainerd City Code is available. Further, pursuant to Ordinance 974 deferred assessments may be granted by the City Council where a financial hardship exists and pursuant to Resolution No. 4988, and any amendments thereto, the City Council may defer a special assessment for needy persons. If you feel that you might

qualify for such deferments, please discuss this with the City Administrator at your earliest convenience.

The assessments will be spread over a period of ten (10) years.

If an assessment is contested or there is an adjourned hearing, the following procedure will be followed:

1. The City will present its case first by calling witnesses who may testify by narrative or by examination and by the introduction of exhibits. After each witness has testified, the contesting party will be allowed to ask questions. This procedure will be repeated with each witness until neither side has further questions.
2. After the City has presented all its evidence, the objector may call witnesses or present such testimony as the objector desires. The same procedure for the questioning of the City's witnesses will be followed with the objector's witnesses.
3. The objector may be represented by counsel.
4. Minnesota Rules of Evidence will not be strictly applied; however they may be considered and argued to the Council as to the weight of the items of evidence or testimony presented to the Council.
5. The entire hearing will be tape-recorded.
6. At the close of the presentation of evidence, the objector and the City may make final presentations to the council based on the evidence and the law. No new evidence may be presented at this point.
7. The Council may adopt the proposed assessment at the hearing.

An owner may appeal an assessment to the District Court pursuant to Minnesota Statutes Section 429.081 by serving notice of the appeal upon the Mayor or Administrator of the City within thirty (30) days after the adoption of the assessment, and by filing such notice with the District Court within ten (10) days after the service upon the Mayor or City Administrator.

Dated this ____ day of _____, 201__

James Thoreen
City Administrator

Any individual needing special accommodations please call 828-2307.

Published September 29, 2017



Brainerd City Council Agenda Request

Agenda Item #

Requested Meeting Date: September 18, 2017

Title of Item: Improvements 15-12 and 16-10 - Declare Assessment and Set PH

☐ 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: In order to conduct a Public Hearing to consider the proposed assessments for Improvements 16-10: NW Brainerd Resurfacing Project and 15-12: S 6th Street East Frontage Road Reconstruction for the proposed assessments on these Improvements, the Council will need to continue the 429 process which includes setting a public hearing, and declare the assessments along with preparation of the assessment role.	
Alternatives, Options, Effects on Others/Comments: Attached to this request is the proposed resolution that sets the public hearing, declares the assessment amount for the two Improvements listed, and orders preparation of the assessment role. Also attached is the proposed notice of hearing on the assessments.	
Recommended Action/Motion: Staff would recommend adopting the proposed resolution declaring the assessments, ordering preparation of the assessment role, and setting the public hearing to be held on Monday, October 16, 2017 at 7:30 P.M. during the regular scheduled council meeting.	
Financial Impact: <i>Is there a cost associated with this request:</i> ☐ Yes ☒ No <i>What is the total cost, with tax and shipping</i> \$ _____ <i>Is this budgeted?</i> ☐ Yes ☐ No <i>Please Explain:</i>	

RESOLUTION
NO. _____

**RESOLUTION DECLARING COSTS TO BE ASSESSED,
ORDERING PREPARATION OF PROPOSED ASSESSMENT,
AND ORDERING A PUBLIC HEARING ON PROPOSED ASSESSMENT**

WHEREAS, the costs have been determined for Improvement 15-12, and Improvement 16-10, involving improvement of the following described street in the City of Brainerd:

IMPROVEMENT 15-12

Street Reconstruction

South 6th Street East Frontage Road between Wright Street and County Road 117 (Industrial Park Road)

IMPROVEMENT 16-10

Street Resurfacing

NW Brainerd Resurfacing

Williams Street between NW 5th Street to NW 4th Street

NW 5th Street between Williams Street to Washington Street

NW 7th Street between Charles Street and Washington Street

NW 8th Street between Charles Street and James Street

James Street between NW 2nd Street and NW 4th Street and NW 6th Street and NW 8th Street

NW 3rd Street between Washington Street and James Street

WHEREAS, the estimated total construction costs for said improvements are Improvement 15-12 - \$350,401.61, and Improvement 16-10 - \$522,531.08.

WHEREAS, the City Council has ordered preparation of the proposed assessment, and

WHEREAS, the City Council hereby sets the Public Hearing for Monday, October 16, 2017 at 7:30 p.m.,

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

1. The portion of the cost of such improvement to be paid by the City is hereby declared to be Improvement 15-12 - \$271,266.15, and Improvement 16-10 - \$390,943.68 respectively, and the portion of the cost to be assessed against benefited property owners is declared to be Improvement 15-12 - \$79,135.46, and Improvement 16-10 - \$131,587.40. respectively.

2. Assessments shall be payable in annual installments extending over a period of ten years, the first of the installments to be paid on or before the first Monday in January, 2018, and shall bear interest at the rate of three and one-half (3.5%) percent per annum from the date of the adoption of the assessment resolution.

3. The owner of any property so assessed may, at any time prior to certification of the assessment to the County Auditor, pay the whole of the assessment on such property with interest accrued to the date of payment to the City Administrator, except that no interest shall be charged if the entire assessment is paid within 30 days from the adoption of the assessment. The owner of any property so assessed may at any time thereafter pay to the Crow Wing County Auditor the entire amount of the assessment remaining unpaid with interest accrued to December 31 of the year in which such payment is made. Such payment must be made before November 15 or interest will be charged through December 31 of the succeeding year.

4. Pursuant to Ordinance No. 974 deferred assessments may be granted by the City Council where a financial hardship exists and pursuant to Resolution No. 4988 and any amendments thereto, the City Council may defer a special assessment for needy persons.

5. Pursuant to proper notice duly given as required by law, the hearing will be held on the 16th day of October, 2017, in the City Hall building at Brainerd, Minnesota, at 7:30 p.m. concerning such proposed assessments and at such time and place all persons owning property affected by such improvements were given an opportunity to be heard with reference to such assessments.

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

NOTICE OF HEARING ON PROPOSED ASSESSMENT

TO WHOM IT MAY CONCERN:

Notice is hereby given that the City Council of Brainerd, Minnesota will meet in the Council Chambers of the Brainerd City Hall at 7:30 p.m. on October 16, 2017, to pass upon the proposed assessment for the following improvements:

IMPROVEMENT 16-10

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

NW Brainerd Resurfacing

Williams Street between NW 5th Street to NW 4th Street

NW 5th Street between Williams Street to Washington Street

NW 7th Street between Charles Street and Washington Street

NW 8th Street between Charles Street and James Street

James Street between NW 2nd Street and NW 4th Street and NW 6th Street and NW 8th Street

NW 3rd Street between Washington Street and James Street

IMPROVEMENT 15-12

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

S 6th Street East Frontage Road between Wright Street and County Road 117 (Industrial Park Road)

The proposed assessment role is on file for public inspection at the City Administrator's Office and the City Engineer's Office.

The total cost for Improvement 16-10 is estimated at \$522,531.08 and Improvement 15-12 is estimated at \$350,401.61 of which \$131,587.40 and \$79,135.46 is proposed to be assessed respectively.

Written or oral objections will be considered at the meeting. No appeal may be taken as to the amount of any assessment unless a signed, written objection is filed with the City Administrator prior to the hearing or presented to the presiding officer at the hearing. The Council may upon such notice consider any objection to the amount of a proposed individual assessment at an adjourned meeting upon such further notice to the affected property owners as it deems advisable.

The amount to be specifically assessed against your particular lot, piece or parcel of land is shown on the attached enclosure. You may at any time prior to certification of the assessment to the County Auditor pay the entire assessment on such property with interest accrued to the date of payment to the City Administrator. No interest shall be charged if the entire assessment is paid within 30 days from the adoption of this assessment. You may at any time thereafter pay to the County Auditor the entire amount of the assessment remaining unpaid with interest accrued to December 31 of the year in which the payment is made. Such payment must be made before November 15 or interest will be charged through December 31 of the succeeding year. If you decide not to pre-pay the assessment before the date given above, the

rate of interest that will apply is three and one-half (3.5%) percent per year. The right to partially prepay the assessment pursuant to Section 315 of the Brainerd City Code is available. Further, pursuant to Ordinance 974 deferred assessments may be granted by the City Council where a financial hardship exists and pursuant to Resolution No. 4988, and any amendments thereto, the City Council may defer a special assessment for needy persons. If you feel that you might qualify for such deferments, please discuss this with the City Administrator at your earliest convenience.

The assessments will be spread over a period of ten (10) years.

If an assessment is contested or there is an adjourned hearing, the following procedure will be followed:

1. The City will present its case first by calling witnesses who may testify by narrative or by examination and by the introduction of exhibits. After each witness has testified, the contesting party will be allowed to ask questions. This procedure will be repeated with each witness until neither side has further questions.
2. After the City has presented all its evidence, the objector may call witnesses or present such testimony as the objector desires. The same procedure for the questioning of the City's witnesses will be followed with the objector's witnesses.
3. The objector may be represented by counsel.
4. Minnesota Rules of Evidence will not be strictly applied; however they may be considered and argued to the Council as to the weight of the items of evidence or testimony presented to the Council.
5. The entire hearing will be tape-recorded.
6. At the close of the presentation of evidence, the objector and the City may make final presentations to the council based on the evidence and the law. No new evidence may be presented at this point.
7. The Council may adopt the proposed assessment at the hearing.

An owner may appeal an assessment to the District Court pursuant to Minnesota Statutes Section 429.081 by serving notice of the appeal upon the Mayor or Administrator of the City within thirty (30) days after the adoption of the assessment, and by filing such notice with the District Court within ten (10) days after the service upon the Mayor or City Administrator.

Dated this ____ day of _____, 201__

James Thoreen
City Administrator

Any individual needing special accommodations please call 828-2307.

Published September 29, 2017



Brainerd City Council Agenda Request

Agenda Item #

Requested Meeting Date: September 18, 2017

Title of Item: Supplemental Assessments - Declare Assessments and Set PH

☐ 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: Back when Improvements 05-28 - Downtown Street Improvements and Improvement 09-02 - NE Brainerd resurfacing were completed, the City held 429 assessment hearings to levy assessments upon benefiting properties in downtown and in NE Brainerd.	
Alternatives, Options, Effects on Others/Comments: There are three parcels in which the same issue came up during the certification of the assessments. In all cases, the owner of the property came into City Hall and paid a portion of their assessment before it was certified to Crow Wing County. When this happened, the City sent out two letters with both the paid amount and the new amount to be assessed. The letters, however, were a little confusing in this case as the first statement reads to delete the following assessments from the tax roles. The parcels in questions are PID 09196041023Z889 from Improvement 05-28 and the two parcels with the same owner listed (PID 09188015007Z009 and PID 09188015009Z009) from Improvement 09-02. Crow Wing County inevitably deleted the entire amount in all 3 cases where a portion of the assessment was paid. In this circumstance, there are two issues at hand that require council action. If the committee and council desires, there is 429 proceedings in statute that allow a supplemental assessment so as to go through public hearings and potentially assess the remaining amount to the properties. If the committee and council do not desire to proceed with assessing the amount, then no further action is required. Total amount of the remaining assessments \$10,460.70 for Imp 05-28 (PID 09196041023Z889) and \$687.50 for Imp 09-02 (PID 09188015007Z009 and PID 09188015009Z009).	
Recommended Action/Motion: Staff recommends two motions: 1. Approving staff to go through 429 proceedings relating to supplemental assessments and therefore begin the formal 429 proceedings according to Statute 429 Supplemental Assessment Guidelines. 2. Staff recommends adopting the attached resolution declaring the assessments, ordering preparation off the proposed supplemental assessment, and setting the public hearing on the proposed supplemental assessment for Monday, October 16, 2017 at the 7:30 P.M. Council Meeting.	
Financial Impact: <i>Is there a cost associated with this request:</i> ☐ Yes ☒ No <i>What is the total cost, with tax and shipping</i> \$ _____ <i>Is this budgeted?</i> ☐ Yes ☐ No <i>Please Explain:</i>	

City Hall
501 Laurel Street
Brainerd, Minnesota 56401

Copy



December 8, 2009

Ms. Deborah Erickson
Crow Wing County Auditor
326 Laurel Street
Brainerd MN 56401

Mayor

(218) 828-2308
Fax (218) 828-2316

City Administrator

(218) 828-2307
Fax (218) 828-2316
admin@ci.brainerd.mn.us

Civil Attorney

411 Front Street
P.O. Box 367
(218) 828-2775
Fax (218) 829-9768

Criminal Attorney

510 Norwood Street
(218) 828-2311
Fax (218) 825-8922

City Engineer

(218) 828-2309
Fax (218) 828-2316
jhulsether@ci.brainerd.mn.us

Chief of Police

225 East River Road
(218) 829-2805
Fax (218) 825-3489

Fire Chief

23 Laurel Street
(218) 828-2312
Fax (218) 828-2331
funderhill@ci.brainerd.mn.us

City Planner

(218) 828-2310
Fax (218) 828-2316
mostgarden@ci.brainerd.mn.us

Director of Parks & Recreation

1619 N.E. Washington Street
(218) 828-2320
Fax (218) 828-2791
staff@brainerdparks.com

Public Utilities

P.O. Box 373
Business
(218) 829-8726 • fax (218) 829-4703
Service
(218) 829-2193 • fax (218) 829-2308
email@bpu.org

Re: Special assessments

Dear Ms. Erickson,

The following assessments have been paid in our office. Therefore, please delete them from your tax rolls. Please contact me if you have any questions.

RE: 09188015007Z009	payment \$343.75	balance \$343.75
RE: 09188015009Z009	payment \$343.75	balance \$343.75

CITY OF BRAINERD

Daniel J. Vogt
City Administrator

Equal Opportunity Employer



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City Hall
501 Laurel Street
Brainerd, Minnesota 56401



www.ci.brainerd.mn.us

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225 East River Road
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Fax (218) 825-3489

Fire Chief
23 Laurel Street
(218) 828-2312
Fax (218) 828-2331
funderhill@ci.brainerd.mn.us

City Planner
(218) 828-2310
Fax (218) 828-2316
mostgarden@ci.brainerd.mn.us

Director of Parks & Recreation
1619 Washington Street N.E.
(218) 828-2320
Fax (218) 828-2791
parks@ci.brainerd.mn.us

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Business
(218) 829-8726 • fax (218) 829-4703
Service
(218) 829-2193 • fax (218) 829-2308
email@bpu.org

Equal Opportunity Employer



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December 4, 2009

Ms. Deborah Erickson
Crow Wing County Auditor
326 Laurel Street, Courthouse
Brainerd MN 56401

Re: Assessments

Dear Ms. Erickson:

Please delete the following City assessments from your tax rolls. These assessments have been paid in full unless noted. Please contact me if you have any questions.

City Improvement 05-15

#01915

Deleted 2010 Install.

Adj 2010 Totals

Adj App Ext.

Adj Book

RE: 09117003023Z009

\$1,917.00P-191.70 I-111.38

RE: 09117003035Z009

\$1,917.00✓

RE: 091961910210009

\$ 958.50P-95.85 I-55.69

RE: 091961910220009

\$ 958.50P-95.85 I-55.69

RE: 09196191023Z009

\$1,917.00P-191.70 I-111.38

City Improvement 09-02

#01919

Deleted 2010 Install.

Adj 2010 Totals

Adj App Ext.

Adj Book

RE: 091880100070009

\$ 687.50P-68.75 I-39.94

RE: 091880070010009

\$ 962.50P-165.00 I-45.87

RE: 091880070010009

\$ 687.50✓

RE: 09188008005Z009

\$1,031.25P-103.13 I-59.92

RE: 09188007012Z009

\$1,010.63✓

City Improvement 05-28

#01916

Deleted 2010 Install.

Adj App Ext.

Adj 2010 Totals

Adj Book

RE: 09196041023Z889

\$2,000.00 Payment P-1046.07

\$10,460.70 Balance I-667.77

RE: 09196043002Z009

\$12,460.70✓

RE: 09196043016Y009

\$4,672.76P-467.28 I-271.49

RE: 09196041001X889

\$4,500.19✓

City Improvement 09-01

#01917

Deleted 2010 Install.

Adj 2010 Totals

Adj App Ext.

Adj Book

RE: 09196185011Z009

\$1,032.88✓

RE: 09196185008Z009

\$841.82✓

RE: 09196078013Z009

\$2,154.93✓

RE: 09196099023Z009

\$335.65✓

RE: 09196010000Z009

\$3,175.95✓

RE: 09196239015Y009

\$747.15P-74.72 I-43.41

RE: 091210000090009

\$951.26P-95.13 I-55.27

RESOLUTION
NO. _____

**RESOLUTION DECLARING COSTS TO BE ASSESSED,
ORDERING PREPARATION OF PROPOSED SUPPLEMENTAL ASSESSMENT,
AND ORDERING A PUBLIC HEARING ON PROPOSED SUPPLEMENTAL ASSESSMENT**

WHEREAS, the City Council originally adopted special assessments in relation to Improvement 05-28 and Improvement 09-02 by Resolution No. 63:09, and

WHEREAS, partial payments on the special assessments levied upon certain parcels in relation to such Improvements were made by the property owner, and

WHEREAS, an error resulted in the remaining assessment amount levied upon certain parcels to be completely deleted from tax rolls, and

WHEREAS, the City Council wishes to correct the error by levying supplemental special assessments upon the parcels impacted by the error pursuant to Minn. Stat. § 429.071, subd. 1, and

WHEREAS, the costs have been determined for certain parcels in relation to Improvement 05-28 and Improvement 09-02

IMPROVEMENT 05-28

PID 09196041023Z889

IMPROVEMENT 09-02

PID 09188015007Z009

PID 09188015009Z009

WHEREAS, the City Council has ordered preparation of the proposed supplemental assessment, and

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

1. The portion of the cost of such improvement to be assessed against benefited property owners is declared to be

PID 09196041023Z889 - \$10,460.70

PID 09188015007Z009 - \$343.75

PID 09188015009Z009 - \$343.75

2. Assessments shall be payable in annual installments extending over a period of ten years, the first of the installments to be paid on or before the first Monday in January, 2018, and shall bear interest at the rate of five (5%) percent per annum from the date of the adoption of the assessment resolution.

3. The owner of any property so assessed may, at any time prior to certification of the assessment to the County Auditor, pay the whole of the assessment on such property with interest accrued to the date of payment to the City Administrator, except that no interest shall be charged if the entire assessment is paid within 30 days from the adoption of the assessment. The owner of any property so assessed may at any time thereafter pay to the Crow Wing County Auditor the entire amount of the assessment remaining unpaid with interest accrued to December 31 of the

year in which such payment is made. Such payment must be made before November 15 or interest will be charged through December 31 of the succeeding year.

4. Pursuant to Ordinance No. 974 deferred assessments may be granted by the City Council where a financial hardship exists and pursuant to Resolution No. 4988 and any amendments thereto, the City Council may defer a special assessment for needy persons.

5. Pursuant to proper notice duly given as required by law, the hearing will be held on the 16th day of October, 2017, in the City Hall building at Brainerd, Minnesota, at 7:30 p.m. concerning such proposed assessments and at such time and place all persons owning property affected by such improvements were given an opportunity to be heard with reference to such assessments.

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

NOTICE OF HEARING ON PROPOSED SUPPLEMENTAL ASSESSMENTS

TO WHOM IT MAY CONCERN:

Notice is hereby given that the City Council of Brainerd, Minnesota will meet in the Council Chambers of the Brainerd City Hall at 7:30 p.m. on October 16, 2017, to pass upon the proposed supplemental assessments to certain identified parcels for the following improvements:

IMPROVEMENT 05-28

PID 09196041023Z889

IMPROVEMENT 09-02

PID 09188015007Z009

PID 09188015009Z009

The proposed supplemental assessment role is on file for public inspection at the City Administrator's Office and the City Engineer's Office.

The portion of the cost of such improvement to be assessed against benefited property owners is declared to be

PID 09196041023Z889 - \$10,460.70

PID 09188015007Z009 - \$343.75

PID 09188015009Z009 - \$343.75

Written or oral objections will be considered at the meeting. No appeal may be taken as to the amount of any assessment unless a signed, written objection is filed with the City Administrator prior to the hearing or presented to the presiding officer at the hearing. The Council may upon such notice consider any objection to the amount of a proposed individual assessment at an adjourned meeting upon such further notice to the affected property owners as it deems advisable.

The amount to be specifically assessed against your particular lot, piece or parcel of land is shown on the attached enclosure. You may at any time prior to certification of the assessment to the County Auditor pay the entire assessment on such property with interest accrued to the date of payment to the City Administrator. No interest shall be charged if the entire assessment is paid within 30 days from the adoption of this assessment. You may at any time thereafter pay to the County Auditor the entire amount of the assessment remaining unpaid with interest accrued to December 31 of the year in which the payment is made. Such payment must be made before November 15 or interest will be charged through December 31 of the succeeding year. If you decide not to pre-pay the assessment before the date given above, the rate of interest that will apply is five (5%) percent per year. The right to partially prepay the assessment pursuant to Section 315 of the Brainerd City Code is available. Further, pursuant to Ordinance 974 deferred assessments may be granted by the City Council where a financial hardship exists and pursuant to Resolution No. 4988, and any amendments thereto, the City Council may defer a special assessment for needy persons. If you feel that you might qualify for such deferments, please discuss this with the City Administrator at your earliest convenience.

The assessments will be spread over a period of ten (10) years.

If an assessment is contested or there is an adjourned hearing, the following procedure will be followed:

1. The City will present its case first by calling witnesses who may testify by narrative or by examination and by the introduction of exhibits. After each witness has testified, the contesting party will be allowed to ask questions. This procedure will be repeated with each witness until neither side has further questions.
2. After the City has presented all its evidence, the objector may call witnesses or present such testimony as the objector desires. The same procedure for the questioning of the City's witnesses will be followed with the objector's witnesses.
3. The objector may be represented by counsel.
4. Minnesota Rules of Evidence will not be strictly applied; however they may be considered and argued to the Council as to the weight of the items of evidence or testimony presented to the Council.
5. The entire hearing will be tape-recorded.
6. At the close of the presentation of evidence, the objector and the City may make final presentations to the council based on the evidence and the law. No new evidence may be presented at this point.
7. The Council may adopt the proposed assessment at the hearing.

An owner may appeal an assessment to the District Court pursuant to Minnesota Statutes Section 429.081 by serving notice of the appeal upon the Mayor or Administrator of the City within thirty (30) days after the adoption of the assessment, and by filing such notice with the District Court within ten (10) days after the service upon the Mayor or City Administrator.

Dated this ____ day of _____, 201__

James Thoreen
City Administrator

Any individual needing special accommodations please call 828-2307.

Published September 29, 2017



Brainerd City Council Agenda Request

Agenda Item #

Requested Meeting Date: September 18, 2017

Title of Item: Approve Contract for Animal Control Services

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☒ P&F COMMITTEE ☐ SPW COMMITTEE ☒ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Jim Thoreen	Department: Administration
Presenter (Name & Title):	Estimated Time Needed: Committee: 15 min.
Summary of Issue: Long-time animal control officer Don Hannahs has sold his business to Jonathon "Jack" Herrmann, thus we need to approve a contract for services with Mr. Herrmann.	
Alternatives, Options, Effects on Others/Comments: A revised contract is attached. Other than approving it in present language or re-writing it, options are limited. 1.) Seek proposals from interested vendors who specialize in this business; to the best of my knowledge, there are none in the area. 2.) Work with other local units of government to develop an alternative means of meeting our obligations or desired means of animal control. Connie and I met with Don and Jack to review his resume and experience. We gained a positive impression of Mr. Herrmann's commitment to this job.	
Recommended Action/Motion: On motion of ____, seconded by ____ and carried the Council authorized the Mayor and Administrator to execute an agreement for provision of animal control services in the City of Brainerd; the agreement is a modified continuation of the with Animal Control Enforcement Services with former owner Donald Hannahs , now under ownership of Mr. John Herrmann as sole proprietor.	
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 No change in the annual cost or monthly payment <u>Please Explain:</u>	

City of Brainerd
City Administrator
501 Laurel Street
Brainerd, MN 56401

RECEIVED

SEP 05 2017

CITY OF BRAINERD
ADMINISTRATION

August 31, 2017

Dear Mr. Thoreen,

It is with mixed emotions I am writing to you to let you know that I will be leaving the field of animal control enforcement. Earlier this year a gentleman approached us about acquiring the business. After careful consideration, along with several meetings and talking extensively with the gentleman, we have decided to accept his offer.

The new owner, Mr. Jonathan 'Jack' Herrmann and I will be working closely together over a three-month transition period. With Mr. Herrmann taking over business responsibilities on October 1, 2017. There is nothing you need to do to continue service, as the municipalities contract is with Animal Control Enforcement Services.

During the transition period, Mr. Herrmann and myself will be handling calls and working through procedures to insure a seamless transition. You can expect to continue to receive the same quality of service, with a fresh new-found excitement, from someone who has a great desire to succeed. Mr. Herrmann has assured me that he intends to make no changes to services or pricing at this time.

You can expect to hear from Mr. Herrmann in the coming weeks to introduce himself and become acquainted with each municipality. He will also be communicating with you about signing service agreements with him listed as the owner/operator of Animal Control Enforcement Services, along with other business-related matters.

After nearly 25 years as the lakes areas animal control officer I feel at ease leaving you in the capable hands of Mr. Herrmann. I know that he will do a tremendous job for your city as its animal control officer.

It has been my pleasure to serve the City of Brainerd.

Sincerely,



Donald C Hannahs Jr
Animal Control Enforcement Services

Jonathan "Jack" Herrmann

Owner / Operator of Animal Control Enforcement Services

The career direction I choose in life was assisting the communities and citizens regardless of where they are located. Upholding laws, ordinances and offering the public peace of mind knowing that people such as myself are always available to serve them at their times of need. This holds true for my decision to acquire Animal Control Enforcement Services. This service matches my career focus and falls into place with my geographical location with my moving to the City of Brainerd. Animal Control is not just a job position; it is a service that allows the community to know that dogs at large, being potentially and/or already classified as dangerous animals, are being regulated and less likely to have a negative encounter with them and/or their children. With that said, not only am I grateful, I am very excited to have the opportunity to provide such a great service to the populous of Brainerd.

Past Work Experience

❖ Law Enforcement

- Organized Retail Crime Investigator within a multi jurisdictional Task Force in the Twin Cities area comprised of local, county, state and federal law enforcement agencies.
- K9 Handler within the City of Minneapolis, predominately located within the densely populated low-income communities with higher crime rates that were focus areas within the city of Minneapolis.

❖ Corporate Positions

- Regional Manager of Loss Prevention and Investigations
- Director of Loss Prevention for national corporation
- Director of Occupational Health and Safety for national corporation

❖ Education

- Criminal Justice - Central Lakes Community College
- Occupational Health and Safety - Southern Columbia University
- Emergency Medical Technician - St. Cloud Community College

My professionalism, ethics and morals will be a positive reflection of the City of Brainerd's choice of public service contractors for the Animal Control Enforcement Services.

My priorities are to reduce unnecessary animal control boarding costs, positively impact the community and build relationships with residents, and promptly assist the Public Safety Department with their needs limiting time spent waiting for the collection of animals that are needing removal from homes or vehicles.

ANIMAL CONTROL ENFORCEMENT SERVICE AGREEMENT

AN AGREEMENT FOR SERVICES by and between the City of Brainerd (CITY) and Animal Control Enforcement Services (CONTRACTOR), a sole proprietor business

WHEREAS, the CITY seeks services of a qualified animal control officer to meet the statutory and/or ordinance obligations for control of animals within the City; and

WHEREAS, CONTRACTOR hereby agrees to the terms and condition of this agreement in its obligations to the CITY; both parties agree that the CONTRACTOR may provide similar services to other communities so long as the terms of this agreement meet the CITY'S needs and expected delivery of services as outlined below;

NOW THEREFORE BE IT RESOLVED that the CITY and CONTRACTOR agree that the following services shall be provided for the term of this contract and these stipulations are agreed:

1. CONTRACTOR within the city limits shall apprehend and deliver back to the owner, if known, or to the appropriate qualified kennel as determined by the CITY all animals found to be running at large in violation of the city's animal control ordinance.
2. CONTRACTOR will meet the obligations as outlined in Paragraph 7 listed below.
3. CONTRACTOR shall provide a suitable motor vehicle to transport animals; the vehicle shall meet the requirements of the City's insurer, The League of Minnesota Cities Insurance Trust (LMCIT) regarding appropriate coverages.
4. CONTRACTOR shall maintain liability insurance for its services in the aggregate amount of at least \$1 million; CONTRACTOR shall name the CITY as additional insured and shall provide annual confirmation of said insurance and any changes, alterations or amendment to the CONTRACTOR'S policy.
5. CONTRACTOR is not a CITY employee;
6. CONTRACTOR shall submit monthly reports summarizing the number of: calls for service, impoundments of animals, and other data which will inform the CITY of the extent of services provided.
7. CONTRACTOR will provide the following services
 - a. Animals Running at Large: CONTRACTOR will pick-up animals reported or observed at large in violation of City Code Section 900 and return animals to the owner, if said person is properly identified, or to the City's designated impound facility; the CITY is responsible to secure an impound location and to collect fees set forth in Section 900.
 - b. Citations: CONTRACTOR will issue appropriate citations upon violation of City ordinance or code, or Minnesota Statutes.

- c. Investigation of Animal Bites: CONTRACTOR will investigate complaints, prepare appropriate records and, when required by law or ordinance, shall refer the case to the Brainerd Police Department. Animals investigated under these provisions shall be impounded at the designated facility or, if under the CONTRACTORS' opinion based on his findings, returned to the owner with the provision that CONTRACTOR will provide periodic inspection to assure compliance with State Statute.
- d. Barking Dog Complaints: CONTRACTOR will respond to complaints from residents by either phone or personal visit to the offending household particularly upon evidence of routinely persistent calls to the same address; he will advise complainants of options for them to pursue.
- e. Cruelty and/or Neglect Complaints: CONTRACTOR will investigate all such complaints and determine appropriate legal action based upon City Code, Ordinance or state law.
- f. Court Appearances: CONTRACTOR will represent the CITY in all court actions required by City Code, Ordinance or state law.
- g. Other Issue or Matters Requested or Directed by CITY: CONTRACTOR will communicate with the Administrator and Police Chief to ensure compliance with lawful matters which may come before the City Council.
- h. Wild Animals: Complaints of wild animals will be forwarded to the DNR; the Animal Control Officer will not be responsible, particularly, for complaints of skunk activity.
- i. Monthly Report: CONTRACTOR will relay to the City Administrator at the end of each month a summary of the activities, actions and data for purposed of informing the City Council.
- j. Mileage: CONTRACTOR will be responsible for all costs of the vehicle he owns and operates to provide the services herein described.
- k. Availability of Services: the CONTRACTOR is on-call 24 hours daily, except as noted below, but will exercise judgment regarding the need for personal response to the scene. The CONTRACTOR shall provide immediate assistance upon receiving contacts/complaints which give the CONTRACTOR reason to believe that injury or harm may come to the complainant or other citizens attributable to behaviors of animals.
- l. Personal Time: the CITY acknowledges: 1.) that the CONTRACTOR will be available six (6) days a week to perform the services in this contract, and that he will seek to be consistent as to which day he is unavailable unless there is an emergency response required; 2.) that the CONTRACTOR will inform the CITY when he takes a two-week vacation. Requests for additional time of unavailability will be reviewed.

BE IT FURTHER RESOLVED, that the CITY agrees to pay on a monthly basis the amount of \$1,360.60; an amount derived from the City's population of 13,606 (U.S. Census) times \$1.20 per person, for an annual total of \$16,327.20;

BE IT FURTHER RESOLVED, that the term of this Agreement shall be on-going effective October 1, 2017; terms and conditions of this agreement and the attached SERVICES PROVIDED agreement shall be reviewed by the parties no later than November 1st each year for purposes of determining need for any amendments or mutually agreed upon changes to these terms; either party may terminate this agreement upon ninety (90) days written notice delivered by certified mail to the following addresses:

City of Brainerd
c/o City Administrator
501 Laurel Street
Brainerd, MN 56401

Animal Control Services
c/o Jack Hermann

Brainerd, MN 56401

IN WITNESS THEREOF, the CITY and the CONTRACTOR have executed this agreement on the _____ day of _____, 2017

CITY OF BRAINERD

ANIMAL CONTROL ENFORCEMENT SERVICES

BY: _____
Mayor

BY: _____
Jonathon "Jack" Herrmann, Owner
Animal Control Officer

BY: _____
City Administrator



Brainerd City Council Agenda Request

Agenda Item #

Requested Meeting Date: September 18, 2017

Title of Item: Final Reading of Proposed Ordinance 1472 - Section 900 Brainerd Code

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☒ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☒ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Paul Sandy, City Engineer	Department: Engineering
Presenter (Name & Title): Paul Sandy, City Engineer	Estimated Time Needed: 5 Minutes
Summary of Issue: Attached to this request is proposed Ordinance 1472 - Section 900 of Brainerd City Code pertaining to Public Safety and Animals.	
Alternatives, Options, Effects on Others/Comments: This issue was first brought up at the August 7 Council Meeting due to HART wanting an increase for boarding of animals. The P & F committee reviewed the request and asked for SPW to review and make an ordinance change to reflect State Statute for the minimum amount of days required to keep animals. The ordinance language has been revised to incorporate by reference the Statute for the minimum amount of time required by law, which is currently 5 business days. The portion of the code that pertains to dangerous dogs already incorporates by reference State Statutes pertaining to dangerous dogs.	
Recommended Action/Motion: Staff would recommend holding the public hearing, consider the testimony and alternatives presented, holding the final reading of the Proposed Ordinance 1472, and adopting Proposed Ordinance 1472.	
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>	

2016 Minnesota Statutes

[Authenticate](#)

346.47 SEIZED ANIMALS.

Subdivision 1. **Definitions.** As used in this section:

(1) "establishment" means any public or private agency, person, society, or corporation having custody of animals that are seized under the authority of the state or any political subdivision of the state; and

(2) "regular business day" means a day during which the establishment having custody of an animal is open to the public not less than four consecutive hours between the hours of 8:00 a.m. and 7:00 p.m.

Subd. 2. **Impoundment; record keeping.** All animals seized by public authority must be held in an establishment for redemption by the owner for at least five regular business days of the establishment or for a longer time specified by municipal ordinance. Establishments must maintain the following records of the animals in custody, and preserve the records for at least six months:

(1) the description of the animal by species, breed, sex, approximate age, and other distinguishing traits;

(2) the location at which the animal was seized;

(3) the date of seizure;

(4) the name and address of the person from whom any animal three months of age or over was received; and

(5) the name and address of the person to whom any animal three months of age or over was transferred.

The records must be maintained in a form permitting easy perusal by the public. A person may view the records and animals in custody at any time during which the establishment is open to the public.

Subd. 3. **Release of animals.** A person must not release an animal seized and held under this section for research or product testing, either directly or through an animal dealer. This subdivision does not apply to the temporary transfer of an animal to a college of veterinary medicine or veterinary technology school accredited by the American Veterinary Medicine Association for the purpose of sterilization or needed veterinary care.

History: 2012 c 244 art 1 s 73

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2016 Minnesota Statutes

[Authenticate](#)

347.54 CONFISCATION.

§ Subdivision 1. **Seizure.** (a) The animal control authority having jurisdiction shall immediately seize any dangerous dog if:

(1) after 14 days after the owner has notice that the dog is dangerous, the dog is not validly registered under section [347.51](#);

(2) after 14 days after the owner has notice that the dog is dangerous, the owner does not secure the proper liability insurance or surety coverage as required under section [347.51, subdivision 2](#);

(3) the dog is not maintained in the proper enclosure;

(4) the dog is outside the proper enclosure and not under physical restraint of a responsible person as required under section [347.52](#); or

(5) the dog is not sterilized within 30 days, pursuant to section [347.52](#), paragraph (d).

(b) If an owner of a dog is convicted of a crime for which the dog was originally seized, the court may order that the dog be confiscated and destroyed in a proper and humane manner, and that the owner pay the costs incurred in confiscating, confining, and destroying the dog.

Subd. 2. Reclaimed. A dangerous dog seized under subdivision 1 may be reclaimed by the owner of the dog upon payment of impounding and boarding fees, and presenting proof to the appropriate animal control authority that the requirements of sections [347.51](#) and [347.52](#) will be met. A dog not reclaimed under this subdivision within seven days may be disposed of in a manner permitted by law, and the owner is liable to the animal control authority for costs incurred in confining and disposing of the dog.

Subd. 3. Subsequent offenses; seizure. If a person has been convicted of a misdemeanor for violating a provision of section [347.51](#), [347.515](#), or [347.52](#), and the person is charged with a subsequent violation relating to the same dog, the dog must be seized by the animal control authority having jurisdiction. If the owner is convicted of the crime for which the dog was seized, the court shall order that the dog be destroyed in a proper and humane manner and the owner pay the cost of confining and destroying the animal. If the owner is not convicted and the dog is not reclaimed by the owner within seven days after the owner has been notified that the dog may be reclaimed, the dog may be disposed of in a manner permitted by law.

History: [1988 c 711 s 5](#); [1989 c 37 s 12](#); [2008 c 325 s 10, 11](#); [2012 c 244 art 1 s 74, 75](#)

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Subd. 3. Reclaiming. All animals conveyed to the impoundment location shall be kept, with humane treatment and sufficient food and water for their comfort, at least seven (7) days after the animal is taken into custody, unless reclaimed sooner by their owners or keepers as provided by this Section. In case the owner or keeper shall desire to reclaim the animal from the pound, the following shall be required:

- A) Payment of maintenance costs, as provided by the pound, per day or any part of day while animal is in said pound; and
- B) Payment of impound fees pursuant to City Code; and
- C) If a dog is unlicensed, payment of a regular license fee and valid certificate of vaccination for rabies is required.

Subd. 4. Unclaimed Animals. At the expiration of the times established in Subdivision 3, if the animal has not been reclaimed in accordance with the provisions of this Section, the Officer appointed to enforce this Section may let any person claim the animal by complying with all provisions in this Section, or cause the animal to be destroyed in accordance with the provisions of this Section. Any money collected under this Section shall be payable to the City of Brainerd.

900.11 Kennels. Subdivision 1. Definition of Commercial Kennel. The keeping of five (5) or more dogs on the same premises, whether owned by the same person or not and for whatever purpose kept, shall constitute a “commercial kennel”; except that a fresh litter of pups may be kept for a period of four months before such keeping shall be deemed to be a “commercial kennel.”

Subd. 2. Commercial Kennel as a Nuisance. Because the keeping of five (5) or more dogs on the same premises is subject to great abuse, causing discomfort to persons in the area by way of smell, noise, hazard, and general aesthetic depreciation, the keeping of five or more dogs on the premises is hereby declared to be a nuisance and no person shall keep or maintain a commercial kennel within the City.

(Amended Ord. 1047 – 1998, Ord. 1325 – 2008)

900.13 Ownership Limits. Subdivision 1. Household Limitation. No person shall keep, maintain, or otherwise house more than a total of four cats or dogs over the age of four months within any household in the City of Brainerd unless authorized elsewhere in this Section. (For example, the limitation is further clarified as follows: 4 dogs, or 4 cats, or 3 dogs and 1 cat, or 2 dogs and 2 cats, etc.)

- A) For the purposes of this Section, the term “household” refers to a single family residence or single unit of a town home, condominium, apartment or comparable structure that is rented, leased or used as a single unit.

Subd. 2. Confinement. Any animal reasonably suspected of being diseased and presenting a threat to the health and safety of the public, may be apprehended and confined in the pound by any person or Enforcement Officer. The Officer shall have a qualified veterinarian examine the animal. If the animal is found to be diseased in such a manner so as to be a danger to the health and safety of the City, the Officer shall cause such animal to be painlessly killed and shall properly dispose of the remains. The owner or keeper of the animal killed under this Section shall be liable for all costs of maintaining and disposing of the animal, plus the costs of any veterinarian examinations.

Subd. 3. Release. If the animal, upon examination, is not found to be diseased within the meaning of this Section, the animal shall be released to the owner or keeper free of charge.

900.25 Regulation of Dangerous Dogs. Subdivision 1. Definition of Dangerous Dog. The definition of a dangerous dog shall be taken from Minnesota Statutes Sections 347.50-347.56, as those statutes may be amended from time to time, which are hereby adopted and incorporated by reference into the Brainerd City Code. The Enforcement Officer, or designee, shall have the authority to order the euthanasia of a dangerous dog meeting the criteria established in State Statute, subject to the procedure set forth herein.

Subd. 2. Proper Enclosure. Proper enclosure means securely confined indoors or in a securely locked outdoor pen or structure suitable to prevent the dog from escaping and to provide protection for the animal from the elements. A proper enclosure does not include a porch, patio, or any part of a house, garage, or other structure that would allow the animal to exit of its own volition, or any house or structure in which windows are open or in which door or window screens are the only barriers which prevent the animal from exiting. The enclosure shall not allow the egress of the animal in any manner without human assistance. A pen or kennel shall meet all of the following minimum specifications:

- A) Have a minimum overall floor size of thirty-two (32) square feet.
- B) Sidewalls shall have a minimum height of five (5) feet and be constructed of 11-gauge or heavier wire. Openings in the wire shall not exceed two (2) inches, support posts shall be one-and-one-quarter-inch or larger steel pipe buried in the ground eighteen (18) inches or more. When a concrete floor is not provided, the sidewalls shall be buried a minimum of eighteen (18) inches in the ground.
- C) A cover over the entire pen or kennel shall be provided. The cover shall be constructed of the same gauge wire or heavier as the sidewalls and shall also have no openings in the wire greater than two (2) inches.
- D) An entrance/exit gate shall be provided and be constructed of the same material as the sidewalls and shall also have no openings in the wire greater than two (2) inches. The gate shall be equipped with a device capable of being locked and shall be locked at all times when the animal is in the pen or kennel.

**ORDINANCE
NO. 1472**

**AN ORDINANCE AMENDING BRAINERD SECTION 900 OF THE BRAINERD CITY CODE
PERTAINING TO PUBLIC SAFETY AND ANIMALS**

THE CITY COUNCIL OF THE CITY OF BRAINERD DOES ORDAIN:

SECTION ONE: That Section 900.09 be amended by deleting the first paragraph of the Section in its entirety and substituting in lieu thereof the following:

Subd. 3. Reclaiming. All animals conveyed to the impoundment location shall be kept with the humane treatment and sufficient food and water for their comfort for the minimum period of time required by state law. In the event the owners or keepers desire to reclaim the animal from impoundment, the following is required:

- A) Payment of maintenance costs, as provided by the pound, per day or any part of the day while animal is in said pound; and
- B) Payment of impound fees pursuant to City Code; and
- C) If a dog is unlicensed, payment of a regular license fee and valid certification of vaccination for rabies is required.

Adopted this ____ day of September, 2017

DAVID J. PRITSCHET
President of the Council

Approved this _____ day of September, 2017

EDWIN L. MENK
Mayor

ATTEST: _____
JAMES M. THOREEN
City Administrator



Brainerd City Council Agenda Request

Agenda Item #

Requested Meeting Date: September 18, 2017

Title of Item: Resolution Awarding the Sale of Electric Revenue Bonds

☐ 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): Paul Steinman & Todd Wicklund	Estimated Time Needed: 15 Minutes
Summary of Issue: Mr. Paul Steinman from Springsted and Mr. Todd Wicklund from BPU will be at the council meeting to discuss the details of the private placement debt issue. As discussed at the September 5, 2017 council meeting BPU is refunding their 2007A bond issue as well as acquiring additional funds to complete the apron project. The principal portion of the debt is proposed to be \$6,520,000. A private placement offer has been received which is considered favorable from doing a public sale.	
Alternatives, Options, Effects on Others/Comments: Please see the attached memo from Mr. Wicklund, proposal from Branch Banking and Trust Company (BB&T) and comparison of private placement vs. competitive analysis. The draft resolution was not available to be included in the packet. It will be e-mailed to council members as soon as it is available.	
Recommended Action/Motion: Adopt a resolution providing for the private placement and sale of the electric revenue bonds.	
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 PUBLIC UTILITIES

8027 Highland Scenic Road • P.O. Box 373 • Brainerd, Minnesota 56401-0373

COMMISSION SECRETARY – Business Office 218.829.8726 – FAX 218.829.4703

SUPERINTENDENT OF UTILITIES – Repair Service Operations 218.829.2193 – FAX 218.829.2308

INTERNET WEB SITE – www.bpu.org

To: Brainerd Public Utilities Commissioners

From: Todd Wicklund *TOW*

Date: September 14, 2017

Re: Issuance of 2017A Electric Utility Revenue Bonds

BPU has the opportunity to refund the remaining balance of the 2007A Electric Utility Revenue Bonds on December 1, 2017 as well as finance the remaining work to be done on the apron at the hydro facility. A Private Placement Offer (PPO) has been received from Robert W. Baird & Co. on behalf of Branch Banking and Trust Company (BB&T). The options before the Commission and City Council are to approve a resolution to move forward with PPO or to set sale date for future competitive sale.

Paul Steinman of Springsted as well as myself have reviewed the offer received from BB&T and compared to projected competitive sales the recommendation is to move forward with PPO from BB&T on September 18 (see attached summary comparison spreadsheet). By approving a resolution to move forward with PPO would mean the issuance process would be simplified in that an electric utility bond rating would not need to be done with Moody's and the City and BPU would not be required to issue an official statement.

The cash flow savings by refunding the 2007A bond issue as well as issuing \$1,720,000 of new project financing would result in approximately \$1.7 million in cash flow savings for the years 2018 – 2022.

A more detailed discussion will occur at our meeting on September 18, but hopefully this gives a brief overview of the 2017A bonding request.

Brainerd Public Utilities
Sale of Electric Utility Revenue Bonds
September 2017

Year	Principal and Interest Payments		
	Private Placement with Baird	Competitive Sale (1)	Competitive Insured AA Sale (2)
2017	-	-	-
2018	641,150	651,903	646,173
2019	656,125	671,270	667,738
2020	679,425	692,710	689,908
2021	726,938	742,823	740,787
2022	748,100	765,947	759,762
2023	768,475	782,747	782,552
2024	813,063	828,258	829,000
2025	796,300	820,633	817,390
2026	794,537	817,012	819,910
2027	792,437	816,863	820,800
Total Principal and Interest	7,416,550	7,590,166	7,574,020
Summary of Total Bond Costs			
Current Refunded 2007A Bonds	4,800,000	4,890,000	4,920,000
New Project Financing	1,720,000	1,750,000	1,760,000
Interest	896,550	950,166	894,020
	7,416,550	7,590,166	7,574,020
Total Bond Costs Over PP Issue	-	(173,616)	(157,470)
Summary of Issuance Costs			
Costs of Issuance	58,150	86,200	86,200
Underwriters Discount	-	92,960	80,160
Gross Bond Insurance Premium	-	-	53,018
Total Issuance Costs	58,150	179,160	219,378
Net Interest Cost	2.25%	2.57%	2.39%

(1) Competitive sale - based on the current interest rate environment and assuming Baa1 rating.

(2) Competitive sale insured - based on the current interest rate environment and assuming AA rating.

5130 Parkway Plaza Boulevard
Charlotte, North Carolina 28217
(704) 954-1700
Fax (704) 954-1799

September 8, 2017

Branch Banking and Trust Company ("BB&T") is pleased to offer this proposal for the financing requested by the City of Brainerd, Minnesota (the "City").

- (1) **Project:** Electric Utility Revenue Bonds, Series 2017A ("Bonds")
- (2) **Amount to Be Financed:** Approximately \$6,640,000
- (3) **Interest Rates, Financing Terms and Corresponding Payments:**

We offer a financing in which the interest rate will be fixed at 2.25% for the full term. The transaction will be callable at par on or after December 1, 2024.

Payments shall be semi-annual interest on June 1 and December 1, beginning June 1, 2018 and annual principal each December 1, commencing December 1, 2018. The final maturity will be December 1, 2027. Interest shall be calculated on a 30/360 basis in accordance with MSRB standards. The interest rate stated above is valid for a closing no later than October 23, 2017. Closing of the financing is contingent upon completing documentation acceptable to BB&T and its counsel.

Remuneration for our legal review expenses and underwriting for this financing transaction shall not exceed \$5,000. This Bank Counsel fee shall be paid by the City either through financing proceeds or by cash. All applicable costs of counsel for the City and any other costs shall be the City's responsibility and separately payable by the City.

We understand that the City expects to borrow no more than \$10,000,000 in calendar year 2017 and that the financing shall qualify as qualified tax-exempt financing under the Internal Revenue Code. BB&T reserves the right to terminate its interest in this bid or to negotiate a mutually acceptable rate if the financing is not qualified tax-exempt financing. Documentation, unless otherwise required by Federal or Minnesota State Law, should not include any presentation or surrender requirements in order to receive the final principal payment. The financing documents shall include provisions that will outline appropriate changes to be implemented in the event that this transaction is determined to be taxable or non-bank qualified in accordance with Minnesota State Statutes or the Internal Revenue Service code. These provisions must be acceptable to BB&T.

BB&T will wire funds via wire or check, allowing for a maximum of four (4) wires. BB&T does not require a paying agent on this transaction.

(4) Financing Documents:

It shall be the responsibility of the City to retain and compensate bond counsel to appropriately structure the transaction according to Federal and Minnesota State statutes. BB&T shall also require the City to provide an unqualified bond counsel opinion stating the tax exempt status and the validity of the transaction. BB&T reserves the right to review the documents and all documentation shall be acceptable to BB&T and its counsel. BB&T will take physical delivery of the original Bond and of the original opinions at or prior to settlement. BB&T does not require an S&P rating for this project. This issue shall not be assigned a CUSIP number.

(5) Security and Covenants:

The Bonds are secured by Net Revenues from the City's Electric System. There shall be in place a 125% Additional Bonds Test throughout the life of the financing. There shall also be in place a 125% Rate Covenant throughout the life of the financing. BB&T will require audited financial statements to be delivered within 270 days of each fiscal year end throughout the life of the Bonds.

* * * * *

BB&T appreciates the opportunity to provide this financing term sheet and requests to be notified within fifteen days of this term sheet should BB&T be the successful proposer.

BB&T shall have the right to cancel this offer by notifying the City of its election to do so (whether or not this offer has previously been accepted by the City) if at any time prior to the closing there is a material adverse change in the City's financial condition, if we discover adverse circumstances of which we are currently unaware, if we are unable to agree on acceptable documentation with the City or if there is a change in law (or proposed change in law) that changes the economic effect of this financing to BB&T. We reserve the right to negotiate and/or terminate our interest in this transaction should we be the successful proposer.

Please call William DaSilva at (704) 954-1704 with your questions and comments. We look forward to hearing from you.

Sincerely,

A handwritten signature in black ink, appearing to read "William B. DaSilva", with a stylized flourish at the end.

William B. DaSilva
Banking Officer
BRANCH BANKING AND TRUST COMPANY

Brainerd Public Utilities

Comparison between Private Placement with Baird and Competitive Sale

	PRIVATE PLACEMENT with BAIRD	COMPETITIVE (a)	COMPETITIVE INSURED (b)
Projected Par	\$6,520,000	\$6,640,000	\$6,680,000
Estimated Costs of Issuance Including Underwriter's compensation	\$58,150	\$179,160	\$219,378
True Interest Cost (%)	2.2495%	2.5855%	2.3986%
Total Interest	\$896,550	\$950,166	\$894,020
Total Principal and Interest	\$7,416,550	\$7,590,166	\$7,574,020
Rating (Y/N)	N	Y	Y
Debt Service Reserve Fund (Y/N)	Y	Y	Y

(a) Competitive sale - based on the current interest rate environment and assuming Baa1 rating.

(b) Competitive sale insured - based on the current interest rate environment and assuming AA rating.



Brainerd City Council Agenda Request

Agenda Item #

Requested Meeting Date: September 18, 2017

Title of Item: 2018 Preliminary Levy

☐ 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: City Administrator	Department: Administrator
Presenter (Name & Title):	Estimated Time Needed: 10 Minutes
Summary of Issue: The 2018 preliminary levy for the City and the HRA needs to be set by September 30, 2017. The final levy adopted in December can be lower than, but not higher than the preliminary levy. The preliminary levy is used for all of the Truth in Taxations notices sent out in November. The date and time for the public meeting in which the budget and levy are discussed and the public is allowed to speak also needs to be set by September 30, 2016. The date of the public meeting needs to be held between November 25 and December 30, 2017 after 6:00 p.m. and it can be done during a regular council meeting. Historically the City has held a special meeting on the 2nd Monday in December at 6:00 p.m. which this year that would be December 11, 2017.	
Alternatives, Options, Effects on Others/Comments: The general consensus from the budget workshop was to set the preliminary levy at 3.5% increase over the 2017 levy or \$5,561,860, and to set the HRA levy at the maximum amount allowed by state statute. The attached proposed resolution was prepared according to the consensus. The 3.5% levy increase equates to \$188,082. As discussed at the workshop, with this proposed increase, the City needs to cut/find additional revenue sources in the amount of \$226,817 to achieve a balanced budget for the year.	
Recommended Action/Motion: (1) Adopt a resolution setting the preliminary levy for the City and HRA (2) A motion to set the date and time for the budget public hearing	
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. _____

WHEREAS, the Brainerd City Council is required to set a Preliminary Levy by September 30, 2017; and

WHEREAS, the Brainerd City Council held a Budget Workshop on August 28, 2017; and

WHEREAS, the Brainerd City Council, during the Special Meeting, discussed the overall budget process, the overall expenditures and the debt service of the City;

NOW, THEREFORE BE IT RESOLVED by the City of Brainerd, County of Crow Wing, State of Minnesota that the following sums are the preliminary levy for the taxes payable in the year 2018:

\$5,561,860 plus \$124,718 for the HRA.

Adopted this _____ day of _____, 2017

DAVID J. PRITSCHET
President of the Council

Approved this _____ day of _____, 2017

EDWIN L. MENK
Mayor

ATTEST: _____
JAMES M. THOREEN
City Administrator



Brainerd City Council Agenda Request

Agenda Item #

Requested Meeting Date: September 18th, 2017

Title of Item: Office of Traffic Safety TZD Grant Contract Resolution

☐ 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: 2 MINUTES
Summary of Issue: The 2018 fiscal year grant cycle for the Office of Traffic Safety Towards Zero Deaths(TZD) Traffic Safety Enforcement Grant will begin on October 1st 2017. We are the fiscal host for this federal traffic safety enforcement funding administered by the Minnesota Department of Public Safety(DPS). The contract application with DPS for this funding requires a resolution authorizing the police department the authority to enter into the agreement and execute the grant.	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion: Pass the attached resolution authorizing the police chief authority to execute the 2018 FY TZD Grant.	
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>	

R E S O L U T I O N

NO. _____

**RESOLUTION AUTHORIZING EXECUTION OF
THE TZD ENFORCEMENT GRANT CONTRACT**

BE IT RESOLVED BY THE CITY COUNCIL OF BRAINERD, MINNESOTA, that the Brainerd Police Department is hereby authorized to enter into a cooperative agreement with the State of Minnesota Department of Public Safety, for traffic safety enforcement projects as specified in the Grant Contract during the period of October 1, 2017, through September 30, 2018, or until all obligations have been satisfactorily fulfilled, whichever occurs first.

BE IT FURTHER RESOLVED, that Police Chief Corky McQuiston of the Police Department of the City of Brainerd is hereby authorized to execute such agreements and amendments as are necessary to implement the project on behalf of the Brainerd Police Department and to be the fiscal agent and administer the grant.

Adopted this ____ day of September, 2017

DAVID J. PRITSCHET
President of the Council

Approved this ____ day of September, 2017

EDWIN L. MENK
Mayor

ATTEST: _____
JAMES M. THOREEN
City Administrator



Brainerd City Council Agenda Request

Agenda Item #

Requested Meeting Date: September 18, 2017

Title of Item: Ordinance 1st Reading - Amending Sunday Intoxicating Liquor Serving Hours

☐ 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 for 1st reading consideration is an ordinance to amend the current Sunday start time for restaurants, clubs, hotels and bowling centers that serve on-sale intoxicating liquor from the current 10:00 a.m. start time to the state statute permitted 8:00 a.m. start time. See attached memo for detail.	
Alternatives, Options, Effects on Others/Comments: Denying the 1st reading will keep the current hours. Short term it may not be well received by establishment owners that might desire to serve intoxicating liquor on the 28th between kickoff and 10 a.m. There are no options available to grant a one time serving exemption from the City Code.	
Recommended Action/Motion: No recommended action or motion.	
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>	

**ORDINANCE
NO. 1473**

**AN ORDINANCE AMENDING BRAINERD ZONING ORDINANCE SECTION 1200.03
REGARDING SUNDAY SALES OF INTOXICATING LIQUOR PERMITTED HOURS**

THE CITY COUNCIL OF THE CITY OF BRAINERD DOES ORDAIN:

SECTION ONE: That Section 1200.03: Sunday Hours shall be amended as follows:

1200.03 Subd. 7(b): **Sunday Hours.** The sale of on sale intoxicating liquor on Sundays is allowed between the hours of ~~10:00 a.m.~~ 8:00 a.m. on Sunday and 1:00 a.m. Monday. Establishments serving liquor on Sundays must obtain a special license under subdivision 7(a) above.

SECTION TWO: All other provisions of Section 1200.03 shall remain in full force and effect.

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

Adopted this ____ day of ____, 2017

DAVID J. PRITSCHET
President of the Council

Approved this ____ day of ____, 2017

EDWIN L. MENK
Mayor

ATTEST: _____
JAMES THOREEN
City Administrator

Published: One Time, ____, 2017

MEMO

TO: Mayor and City Council

FROM: Mark Ostgarden, City Planner



DATE: September 13, 2017

RE: 1st Ordinance Reading - Amending Sunday Intoxicating Liquor Serving Hours

Issue

Attached for 1st reading consideration is an ordinance to amend the current Sunday start time for restaurants, clubs, hotels and bowling centers that serve on-sale intoxicating liquor from the current 10:00 a.m. start time to the state statute permitted 8:00 a.m. start time.

City Code and State Statute

An inquiry has been made about the time Sunday morning intoxicating liquor sales can begin. The inquiry was brought about because of the upcoming October 29, 2017 8:30 a.m. CDT start time of a Minnesota Vikings game in London, England.

State statute 340A.504 HOURS AND DAYS OF SALE Subd. 3. Intoxicating liquor; Sunday sales; on-sale reads as follows:

(a) A restaurant, club, bowling center, or hotel with a seating capacity for at least 30 persons and which holds an on-sale intoxicating liquor license may sell intoxicating liquor for consumption on the premises in conjunction with the sale of food between the hours of 8:00 a.m. on Sundays and 2:00 a.m. on Mondays.

City Code Section 1200 – Intoxicating liquor reads as follows:

7 (a). Sunday On-Sale License. Special on sale licenses for the sale of intoxicating liquor on Sunday shall be issued only to bowling centers and to hotels, restaurants, and clubs as defined in Minnesota Statutes 340A.101. All sales at such establishments shall be in accordance with Minnesota Statutes 340A.504, Sub. 3.

(Added Ord. 1058 – 1998)

Sub. 7(b). Sunday Hours. The sale of on sale intoxicating liquor on Sundays is allowed between the hours of 10:00 a.m. on Sunday and 1:00 a.m. on Monday. Establishments serving liquor on Sundays must obtain a special license under subdivision 7(a) above. (Added Ord. 1058 – 1998, Amended Ord. 1070 – 1999)

Following communication with the City Attorney and his research on Sunday sales, the ability to serve intoxicating liquor is based on what defines a restaurant and whether an establishment meets the definition. He learned from the State Liquor Commission Office that a restaurant for purposes of Sunday liquor sales is define as:

".... where meals are regularly prepared on the premises and served at tables."

When asked what constitutes "*meal preparation*," heating a frozen pizza or making a sandwich suffices. Yesterday's Gone, The Local, The 612, Last Turn Saloon, meet the restaurant definition and each has the 30 person seating capacity required by statute. The Pit Stop, Big Dawgz, and Shep's meet the seating requirements, and if they do not already, with a little investment can meet the restaurant definition. It is not known whether the O'Neary's and the 9th Street Bar meet the 30 person seating requirement. If so, they too, with little investment, can be considered a restaurant. If they do not meet the seating requirement, they cannot serve intoxicating liquor on Sundays.

Meeting with Establishment Owners

Whether or not the City Council chooses to amend the start time, city staff plan to meet with establishments owners to inform them about the necessity to meet the restaurant definition if they serve Sunday intoxicating liquor.



Brainerd City Council Agenda Request

Agenda Item #

Requested Meeting Date: September 18, 2017

Title of Item: Comprehensive Plan Steering Committee Appointments

☐ 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: The September 18th meeting is set as the meeting at which it is hoped the Comprehensive Plan Steering Committee members can be appointed. Attached is the Steering Committee Sector List.	
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>	

Comprehensive Plan Steering Committee

		Sector	Name	E-mail	Phone
1.		School District Member			
2.	Councilwoman Lambert	Healthcare Representative	Mike Larson - Essentia		
3.	Mayor Menk	Local Industry Representative			
4.	Councilman Bevans	Small Business Owner			
5.	Councilman Pritschet	Resident (with topic expertise)	Staci Headley		
6.	Councilman Badeaux	Park Board Member			
7.		City Council	Jan Lambert		
8.		Planning Commission	Chuck Marohn		
9.	Councilman Johnson	Real Estate			
10.	Councilwoman Hilgart	BLAEDC Board member			
11.	Councilman Stunek	Resident			



Brainerd City Council Agenda Request

Agenda Item #

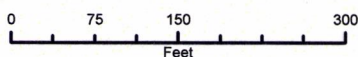
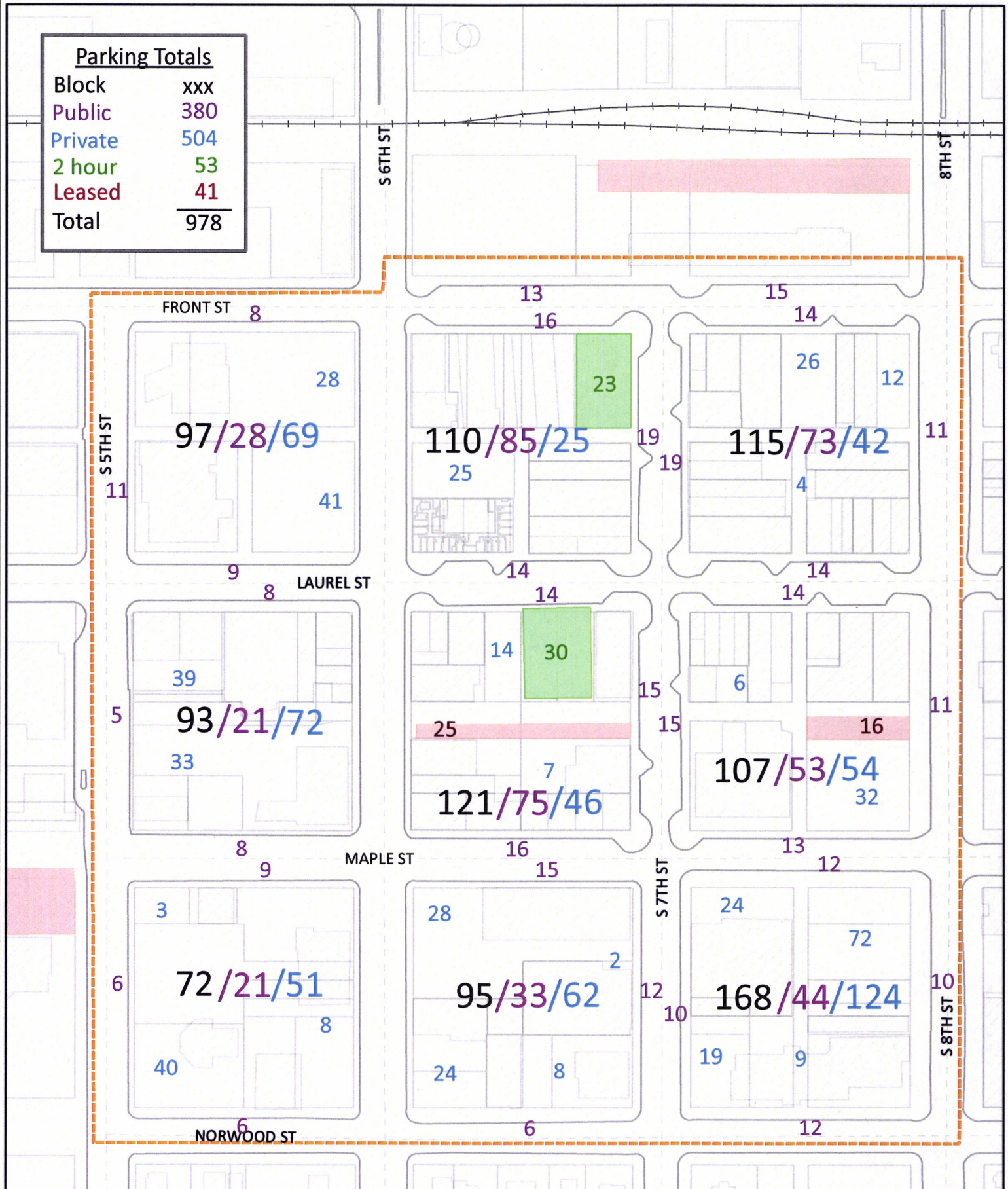
Requested Meeting Date: September 18, 2017

Title of Item: Downtown Public Parking Use Survey Presentation

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☒ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☐ Adopt Resolution (attach draft) *provide copy of published hearing notice ☐ Direction Requested ☒ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading
Submitted by: Mark Ostgarden	Department: Planning
Presenter (Name & Title): Same	Estimated Time Needed: 15 minutes
Summary of Issue: The Planning Department will present a Downtown public parking use survey at the September 18th meeting. Each weekday from August 1-16, 2017 public parking data was collected by Planning Department Intern Emma Anderson. The purpose of the survey is three fold: 1. Have up to date data. 2. Get a better understanding if more leased parking in the public lots could be made available. 3. Once again look at the question of whether there is a parking shortage.	
Alternatives, Options, Effects on Others/Comments: The survey was administered at 7:30 a.m., 9:30 a.m., 11:30 a.m. and 1 p.m. from 5th Street to 8th Street and Front Street to Norwood Street. A total of 44 block by block counts were made during these days and times. Due to Emma's conflicts with other meetings/assignments, August 1st and 2nd had 2 readings each day. There is a total of 433 public spaces available for use in this area. Attached is a map of the survey area.	
Recommended Action/Motion: The daily/hourly data has been entered into in an easy to read Excel spreadsheet. With so many readings it can be overwhelming trying to get ones arms around its meaning. The presentation will give a broad review of the data and then provide a closer look at a couple of parking areas.	
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>	

Parking Totals

Block	xxx
Public	380
Private	504
2 hour	53
Leased	41
Total	978



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

