

CITY COUNCIL AGENDA

Brainerd, Minnesota
October 2, 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 Licenses**

1. Contractors Licenses - 1 - New

Documents:

[Contractor License.pdf](#)

B. **Approval Of Minutes**

1. Regular Meeting Held on September 18, 2017

Documents:

[20170918_CCdraft.pdf](#)

C. **Department Activity Reports**

1. City Administrator
2. Fire Chief
3. Parks Director

Documents:

[City Adm Report.pdf](#)

[FD Chief Report.pdf](#)

[Park Report.pdf](#)

D. **Minnesota Lawful Gambling Application To Conduct Excluded Bingo - Submitted By Lakes Area USBC Bowling Association. Bingo Events To Be Held November 13th - 17th, 2017 At Jack's House, 300 State Highway 25, Brainerd, MN**

E. **On-Sale Beer And Wine License - Submitted By Sage On Laurel, 606 Laurel**

Street, Brainerd, MN - Contingent Upon Background Investigation And Fire Inspection

F. Settlement Agreement For IBEW Grievance 2017-1 - Approval Of And Authorize Signatures Of City Officials

Documents:

[*IBEW Grievance 2017-1 10_2_17.pdf*](#)

6. Resolution Ratifying The Sale Of Electric Utility Revenue And Refunding Bond, Series 2017A In The Aggregate Principal Amount Of \$6,230,000

Documents:

[*Res Ratifying Sale of Electric Rev Bonds Series 2017A.pdf*](#)

7. Council Committee Reports

A. Personnel And Finance Committee

Documents:

[*PF Agenda.pdf*](#)

1. Approval Of Bills & Payments To Contractors

<u>Contractor</u>	<u>Imp #</u>	<u>Project</u>	<u>Amount Paid</u>	<u>Amount Retained</u>
Braun Intertec	16-10	Material Testing NW St thru 9/9	\$3,684	\$0
Braun Intertec	16-13	Material Testing Buffalo Hills thru 9/9	\$11,140	\$0
Millsop Assoc	17-05	Slte Investigation services thru 9/15	\$5,382	\$0
S.E.H.	14-15	Airport Util Ext thru 8/31	\$21,074	\$0
Tri-City Paving	16-13	Buffalo Hills Resurfacing thru 9/22	\$1,659	\$87
Tri-City Paving	14-01	Oak Street Mill & Overlay thru 9/22	\$13,181	\$694
Tri-City Paving	14-03	Jackson St thru 9/22	\$2,224	\$117
Anderson Brothers	15-12	S 6th Street Frontage thru 9/22	\$70,606	\$3,716
Anderson Brothers	16-10	NW Brainerd Resurfacing thru 9/22	\$125,053	\$6,582

2. Discussion Of The City's Federal And State Minnesota Investment Funds (MIF) Funds

Documents:

[*Federal and State MIF Funds.pdf*](#)

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

Documents:

[Res to Waive Recert 601 10th St S.pdf](#)

4. Deferment Of Assessments

Documents:

[Deferment of Assessment.pdf](#)

5. Mills Property Annexation Area - Taxes To Park Dedication Fund

Documents:

[Mills Property Tax Allocation.pdf](#)

6. 2018 Health Insurance Renewal Rates

Documents:

[2018 Health Ins Renewal Rates_ 10_2_17.pdf](#)

B. Safety And Public Works Committee

Documents:

[SPW Agenda.pdf](#)

1. Municipal State Aid Street Revision

Documents:

[Res - Municipal State Aid Street Revision.pdf](#)

2. Speed Limit - County Road 48 - Informational

Documents:

[County Road 48 Speed Limit.pdf](#)

8. Unfinished Business

A. Public Hearing - Final Reading Of Proposed Ordinance No. 1473 - An Ordinance Amending Zoning Ordinance Section 1200.03 Intoxicating Liquor Regarding Sunday Hours

- a. Hold Public Hearing
- b. Consider Testimony and Alternatives
- c. Hold Final Reading of Ordinance (Voice Vote)
- d. Adopt Ordinance (Roll Call)

Documents:

[Ordinance 2nd Reading - Amending Sunday Intoxicating Liquor Serving Hours.pdf](#)

- B. **Call For Applicants - Informational**
(Application Information at the City's Website
<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)

Park Board - 1 term (Expire 2021)

9. **New Business**

- A. **Clarification Of Fire Department Vehicle Wash Guideline**

Documents:

FD Vehicle Wash Jeff C.pdf

- B. **Resolution For Authorization For Brainerd Public Utilities Commission To Submit A Grant Application To The Business Development Infrastructure Program (BDIP)**

Documents:

Res BDPI.pdf

- C. **HR Intern Megan Duhn - Discuss Intern Experience**

Documents:

HR Intern Presentation.pdf

10. **Planning Commission**

- A. **Comprehensive Plan Steering Committee Appointments**

Documents:

Comprehensive Plan - Discuss Steering Committee Appointments - 2nd Time.pdf

11. **Public Forum**

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

12. **Staff Reports**

(Verbal: Any Updates since Packet)

13. **Council Member Reports**

14. **Committee Resignations - Accept With Regret**

- A. **Holly Holm, Park Board - Effective October 25, 2017**

Documents:

Resignation Park Board Member.pdf

15. **Adjourn**

NOTE: Safety and Public Works Committee will meet at 7:15 P.M.
Personnel and Finance Committee will meet at 6:45 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"

CITY OF BRAINERD
LICENSED CONTRACTORS
CITY COUNCIL MEETING
October 2, 2017

(1 New)

CONTRACTOR	TELEPHONE	TYPE	INSURANCE	BOND	STATE NO.
NORTH STAR SIGNS & ENGRAVING INC. 6610 GREGORY PARK RD ST. CLOUD, MN 56301 17-0200	(320) 252-7871	SIGN	9/19/2018	11/8/2018	SB690581

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 JOHNSON AND HILGART, DULY CARRIED, TO AMEND THE AGENDA BY MOVING ITEM 8A – ADOPT RESOLUTION PROVIDING FOR THE PRIVATE PLACEMENT AND SALE OF ELECTRIC REVENUE BONDS – TO 6A BEFORE COMMITTEE REPORTS.

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

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

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

B. Approval of Licenses – Approved

Contractor's Licenses – 1 – New; 4 – Renewals

C. Department Activity Reports - Approved

1. Police Chief
2. Finance Director

D. Accept Retirement of Paid On-Call Firefighter Dave Cox – Effective 2/1/17 - Approved

E. Interim City Administrator Employment Agreement with James M. Thoreen – Terms Based on .6 FTE as Approved by Council on 8/21/17 – 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.

Adopt Resolution No. 52:17 Providing for the Sale of Electric Utility Revenue and Refunding Bond, Series 2017A, in the Maximum Principal Amount of \$6,560,000; And Taking Other Actions with Respect Thereto - Approved

The Chair recognized Mr. Paul Steinman, Financial Advisor from Springsted. Mr. Steinman presented details to the Council to approve a resolution to provide for the private

placement and sale of the electric revenue bonds series 2017A in the maximum principal amount of \$6,560,000 to Branch Banking & Trust Company (BB&T).

MOVED AND SECONDED BY ALDERMEN BEVANS AND JOHNSON TO ADOPT RESOLUTION NO. 52:17 PROVIDING FOR THE SALE OF ELECTRIC UTILITY REVENUE AND REFUNDING BOND, SERIES 2017A, IN THE MAXIMUM PRINCIPAL AMOUNT OF \$6,560,000; AND TAKING OTHER ACTIONS WITH RESPECT THERETO.

RESOLUTION NO. 52:17

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

Council Committee Reports

Personnel and Finance Committee Report

Approval of Bills & Payments to Contractors - Approved

<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

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.

Brainerd Lakes Area Economic Development Corporation's (BLAEDC) Unified Fund (BUF) - Informational

Committee Chair Johnson explained this fund would pool all the economic development funds from the entire region into one lending institution. The Personnel & Finance Committee had further questions for staff to address in order to proceed.

Request to Waive Recertification of Special Assessments on Property Addressed 601 10th Street South – Approved

MOVED AND SECONDED BY ALDERMEN JOHNSON AND STUNEK, DULY CARRIED, TO DIRECT STAFF TO WORK WITH THE ATTORNEY TO TAKE THE APPROPRIATE STEPS AND/OR ACTION FOR THE CITY TO WAIVE ITS RIGHTS TO RECERTIFICATION OF THE OUTSTANDING NUISANCE ASSESSMENTS.

Consider Allocating Year 3 of the Brainerd Lakes Area Community Foundation (BLACF) Grant for National Joint Powers Alliance (NJPA) Riverfront Coordinator - Approved

Committee Chair Johnson stated there have been some questions that were addressed. S.E.H. will continue to work on the projects they are currently working on, but no future projects. The coordinator will be an employee of NJPA, but will be housed at City Hall.

MOVED AND SECONDED BY ALDERMEN JOHNSON AND HILGART, DULY CARRIED, TO AUTHORIZE THE CITY ADMINISTRATOR TO WORK WITH NJPA TO HIRE A RIVERFRONT COORDINATOR USING THE YEAR 3 BLACF GRANT FOR THE 50% MATCH.

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

Committee Chair Johnson indicated the rate is increasing from \$1.50 per capita to \$1.60 per capita as well as the boarding fees from \$16.00 per day to \$17.00 per day.

MOVED AND SECONDED BY ALDERMEN JOHNSON AND HILGART, DULY CARRIED, TO AUTHORIZE STAFF TO ENTER INTO A REVISED AGREEMENT WITH HART WITH THE RATE INCREASE AS PROPOSED, EFFECTIVE JANUARY 1, 2018.

Safety and Public Works Committee Report

Event/Street Closure Application- Crop Walk - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND BADEAUX, DULY CARRIED, TO APPROVE THE CROP WALK SPECIAL EVENT WITH THE CONDITIONS THAT THE APPLICANT WORK WITH POLICE STAFF IF LOCAL STREET CLOSURES ALONG THE ROUTE ARE NEEDED.

Event/Street Closure Application – Turkey Run - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT, DULY CARRIED, TO APPROVE THE TURKEY RUN SPECIAL EVENT WITH THE CONDITIONS THAT THE APPLICANT WORK WITH THE POLICE STAFF IF LOCAL STREET CLOSURES WITHIN THE CITY ALONG THE ROUTE ARE NEEDED.

Improvement 14-03 (SAP 108-129-002) Jackson Street Railing - Change Order #1 - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND BADEAUX, DULY CARRIED, TO AUTHORIZE PAYMENT OF \$2,600 FOR THE RAILING. THE EXPENSE IS ELIGIBLE FOR STATE AID REIMBURSEMENT.

Large Patch Quotes and Discussion on Brook Street - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT, DULY CARRIED, TO APPROVE ANDERSON BROTHERS PATCHING TOTAL FOR THE SMALL PATCH WORK AS PART OF THIS REQUEST FOR A TOTAL OF \$9,863 LUMP SUM.

South 6th Street Trees and Willow Street Intersection Discussion - Informational

Committee Chair Bevans explained there are no trees included in the MnDOT Reconstruction Project, nor is the infrastructure for signal lights at the Willow Street intersection

included. MnDOT's approach with this intersection has been developed into a method as to not predetermine the future intersection control at this intersection.

Update on 2016 Airport Utility Extension Project – Informational

Committee Chair Bevans stated the project is coming to a conclusion. Anderson Brothers has connected to both sewer and water and the wells on their property have been sealed. The airport contractor is back on site to connect the airport and tenants to the utilities.

Resolution No. 48:17 Adopted - Declaring Costs to be Assessed, Ordering Preparation of Proposed Assessment and Ordering a Public Hearing to be Held at 7:30 P.M. on October 16, 2017 for the Downtown Special Services District

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT TO ADOPT RESOLUTION NO. 48:17 DECLARING COSTS TO BE ASSESSED, ORDERING PREPARATION OF THE PROPOSED ASSESSMENTS AND ORDERING A PUBLIC HEARING TO BE HELD ON OCTOBER 16, 2017 TO DISCUSS PROPOSED ASSESSMENTS FOR THE DOWNTOWN SPECIAL SERVICES DISTRICT.

RESOLUTION 48:17

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

Resolution No. 49:17 Adopted - Declaring Costs to be Assessed, Ordering the Preparation of Proposed Assessment and Ordering a Public Hearing to be Held at 7:30 P.M. on October 16, 2017 for Improvement 14-03 and 16-13

MOVED AND SECONDED BY ALDERMEN BEVANS AND BADEAUX TO ADOPT RESOLUTION NO. 49:17 DECLARING COSTS TO BE ASSESSED, ORDERING PREPARATION OF THE PROPOSED ASSESSMENTS AND ORDERING A PUBLIC HEARING TO BE HELD ON OCTOBER 16, 2017 FOR IMPROVEMENT 14-03 AND IMPROVEMENT 16-13 AS FOLLOWS:

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

RESOLUTION NO. 49:17

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

Resolution No. 50:17 Adopted - Declaring Costs to be Assessed, Ordering the Preparation of Proposed Assessment and Ordering a Public Hearing to be Held at 7:30 P.M. on October 16, 2017 for Improvement 15-12 and 16-10

MOVED AND SECONDED BY ALDERMEN BEVANS AND BADEAUX TO ADOPT RESOLUTION NO. 50:17 DECLARING COSTS TO BE ASSESSED, ORDERING PREPARATION OF THE PROPOSED ASSESSMENTS AND ORDERING A PUBLIC HEARING TO BE HELD ON OCTOBER 16, 2017 FOR IMPROVEMENT 15-12 AND IMPROVEMENT 16-10 AS FOLLOWS:

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

RESOLUTION NO. 50:17

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

Resolution No. 51:17 Adopted - Declaring Costs to be Assessed, Ordering the Preparation of Proposed Supplemental Assessment and Ordering a Public Hearing to be Held at 7:30 P.M. on October 16, 2017 for Improvement 05-28 and 09-02

MOVED AND SECONDED BY ALDERMEN BEVANS AND BADEAUX, DULY CARRIED, TO APPROVE STAFF TO GO THROUGH 429 PROCEEDINGS RELATING TO SUPPLEMENTAL ASSESSMENTS AND BEGIN THE FORMAL 429 PROCEEDINGS ACCORDING TO STATUTE 429 SUPPLEMENTAL ASSESSMENT GUIDELINES FOR IMPROVEMENT 05-28 AND IMPROVEMENT 09-02.

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT TO ADOPT RESOLUTION NO. 51:17 DECLARING COSTS TO BE ASSESSED, ORDERING PREPARATION OF THE PROPOSED SUPPLEMENTAL ASSESSMENT AND ORDERING A PUBLIC HEARING TO BE HELD ON OCTOBER 16, 2017 FOR IMPROVEMENT 05-28 AND IMPROVEMENT 09-02 AS FOLLOWS:

IMPROVEMENT 05-28

PID 09196041023Z889

IMPROVEMENT 09-02

PID 09188015007Z009

PID 09188015009Z009

RESOLUTION 51:17

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

Animal Control Officer - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND BADEAUX, DULY CARRIED, TO AUTHORIZE THE MAYOR AND ADMINISTRATOR TO EXECUTE AN AGREEMENT FOR THE PROVISION OF ANIMAL CONTROL SERVICES IN THE CITY OF BRAINERD; THE AGREEMENT IS A MODIFIED CONTINUATION WITH ANIMAL CONTROL ENFORCEMENT SERVICES WITH FORMER OWNER DONALD HANNAHS, NOW UNDER OWNERSHIP OF MR. JOHN HERRMANN AS SOLE PROPRIETER.

Unfinished Business

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

City Engineer Sandy stated the Personnel & Finance Committee had requested the assistance of the Safety and Public Works Committee to review and make an ordinance change to reflect the State Statute minimum amount of days required to keep animals. The ordinance language has been revised to the State Statute minimum of 5 business days.

The Chair opened the Public Hearing at 8:06 p.m.

No one came forward.

The Chair closed the Public Hearing at 8:06 p.m.

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

MOVED AND SECONDED BY ALDERMEN JOHNSON AND HILGART TO ADOPT ORDINANCE NO. 1472 – AN ORDINANCE AMENDING SECTION 900 OF THE BRAINERD CITY CODE PERTAINING TO PUBLIC SAFETY AND ANIMALS.

ORDINANCE NO. 1472

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

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

2018 Preliminary Levy - Approved

MOVED AND SECONDED BY ALDERMEN JOHNSON AND BADEAUX TO ADOPT RESOLUTION NO. 53:17 SETTING THE PRELIMINARY LEVY FOR TAXES PAYABLE IN 2018 TO \$5,561,860 FOR THE CITY PLUS \$124,718 FOR THE HRA.

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

MOVED AND SECONDED BY ALDERMEN JOHNSON AND BADEAUX, DULY CARRIED, TO SET THE DATE AND TIME FOR THE PUBLIC HEARING AS DECEMBER 11, 2017 AT 6:00 P.M.

RESOLUTION NO. 53:17

Resolution for Fiscal Year 2018 Towards Zero Deaths (TZD) Traffic Safety Enforcement Grant - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT TO ADOPT RESOLUTION NO. 54:17 AUTHORIZING THE POLICE CHIEF AUTHORITY TO EXECUTE THE 2018 FISCAL YEAR TOWARDS ZERO DEATHS (TZD) GRANT.

RESOLUTION NO.54:17

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

Hold First Reading of Proposed Ordinance No. 1473 – An Ordinance to Amend Intoxicating Liquor Sunday Hours – Approved

MOVED AND SECONDED BY ALDERMEN JOHNSON AND BEVANS, DULY CARRIED, TO HOLD THE FIRST READING OF PROPOSED ORDINANCE NO. 1473 – AN ORDINANCE AMENDING INTOXICATING LIQUOR SUNDAY SERVING HOURS.

Comprehensive Plan Steering Committee Appointments – Informational

City Planner Ostgarden questioned if the council members have had the opportunity to reach out to individuals for volunteering for the steering committee. All council members have identified and spoke with potential members. Updates and committee appointments will be finalized at the next council meeting October 2, 2017.

Downtown Public Parking Use Survey – Informational

City Planner Ostgarden explained a parking survey was completed in August by our Planning Intern, Emma Anderson. The daily and hourly data was compiled into a spreadsheet and color coded by volume of parking spaces being occupied. A brief overview shows that on most days, there is adequate parking in the downtown area within a one block radius. Additional afternoon times and weekend data will be gathered and presented at a later date.

Public Forum

The Chair Opened the public forum at 8:39 P.M.

No one came forward.

The Chair Closed the public forum at 8:39 P.M.

Staff Reports

City Attorney Langel indicated the annexation process is moving forward for Brainerd Public Utilities (BPU) land across the river. The hearing has been tentatively scheduled for November 3, 2017 with the location yet to be determined.

City Attorney Langel explained last year Baxter imposed franchise fees asserted against each of the three electrical utility companies in Baxter; one of which is BPU. A franchise fee is something a city can use to generate revenue for funding road improvements, which is very common. The question was raised as to whether a franchise fee can be imposed on a municipal utility and not a private corporation and if it can be imposed on a utility owned by another city. Our response to Baxter will stand as there is no support to back the fee asserted to BPU.

City Administrator Thoreen stated the Three Bridges project by the river will be included in the Legislative-Citizen Commission on Minnesota Resources (LCCMR) presentation on October 5, 2017 in St. Paul at 1:30 p.m. On the same date, Senator Ruud will be in Brainerd to learn the aspects of the project.

Council Member Reports

Council Member Johnson indicated the Brainerd Oaks project has approximately 13 homes under construction nearing completion. The Destination Downtown Contest is down to three finalists and the winner will be announced in the coming weeks.

Council Member Hilgart participated in the Bataan Memorial March on September 9, 2017 at the National Guard Armory. She thanked all of the guards for their dedication and for participating in a memorable event.

Council President Pritschet met with the Crossing Arts Alliance and they are very excited for the River to Rail Initiative and Springboard for the Arts. Mr. Pritschet was requested to meet with BLAEDC and Region V along with Mr. Bruce Buxton. An issue regarding the chalk for under the bridge has been addressed as to environmentally friendly ways for clean-up.

Mayor Menk attended the Bataan Memorial March presentation and stated it was an emotional tribute.

Mayor Menk and City Administrator Thoreen met with a group of people on Friday, September 15th from Operation Heartland as they came through town. The group is paddleboarding the start of the Mississippi River to the Gulf of Mexico to raise awareness on the issues afflicting the veteran community. A plaque was presented to the City and a full report will be presented at a future meeting. There are 44 of these plaques being presented to communities between Itasca State Park and New Orleans.

Adjourn to Closed Session Pursuant to the Attorney-Client Privilege Under MN Statute 13D.05, Subd. 3(B) – 8:53 p.m.

The Chair reconvened into open session at 9:03 p.m.

Adjourn

The Chair adjourned the meeting at 9:03 p.m.

James M. Thoreen
City Administrator

City Administrator's Report

October 2, 2017

1. City Hall Annex Remodeling Project

The call for quotes for the project was advertised last week, with proposals due in the office no later than October 4th. I plan to place on the Council's October 16th agenda the low quotes for the various aspects of the project. We are mailing direct invitations to local firms with whom Tim Caughey has successfully worked in past years. The project is schedule to be completed by mid-December, though this is a busy time of the year with contractors scrambling to finish outdoor projects. Should we fail to receive an adequate number of quotes, we will delay the project by a month in order to allow local contractors to work on this in the winter months. Should that be the case, I will so inform the Drivers License Office staff and the State Department of Administration.

2. Request for Proposals for Facilities Study

We mailed RFP forms to six firms which we believe possess direct knowledge of the Facilities Assessment process and have produced such a product. They are Hy-Tec of Brainerd; Kraus-Anderson's Bemidji Office; WSN Baxter Office; Contegrity Group of Little Falls; Nor-Son of Baxter; and the Bossardt Company of Minneapolis. The responses are due October 11th. The Council will receive at its October 16th meeting the responses and will discuss the need or desire to interview firms, which could be accomplished by the end of the month. We could be in a position to name the firm by November. They have been advised that we will not award a contract until January, 2018 so that all expenses are allocated to that budget year.

(see attached)

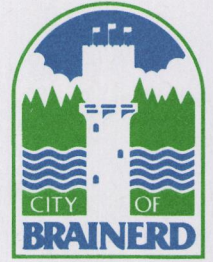
3. Classification/Pay Equity Study

Kris, Connie, Todd Wicklund, Scott Magnuson and I met last week with Tessia Melvin of the David Drown & Associates firm (DDA). Kris will keep you posted as to the schedule of the various activities and processes of the study. Tessia explained in greater detail the process she has successfully completed in several

jurisdictions while working for the firm. She brings more than 12 years experience in city and county government, having specifically served as Maple Plain City Administrator. We are confident that she and the support staff of DDA possess the appropriate skills and experience to produce a useful and accurate product. We discussed in detail some of the shortcomings of the previous study, specifically noting the need to communicate clearly and often with all stakeholders. In hindsight, one of the aspects of the last study which received highest criticism was the lack of information to employees both before and during the study. She will tend to that need frequently. She will initiate the study in early October. Kris will provide the Council with an outline and calendar in the near future.

4. Thank You, Holly!

Parks Director Sailor has informed you of the resignation of Holly Holm from the Park Board due to her move from the city to the country. She has been an active member and speaks to issues with both concern and passion. Her presence in those meetings will be missed. She is a great representative of active participation of citizens in our business of meeting city obligations and doing so with awareness of all aspects of the balancing act...provide great services on a limited budget.



www.ci.brainerd.mn.us

September 26, 2017

INVITATION TO RESPOND TO REQUEST FOR PROPOSALS

Greetings:

The Brainerd City Council seeks professional assistance to produce an inventory and assessment of its facilities. The various buildings are showing their age, we have not been gracious stewards of certain facilities, and it is time to produce a road map to solve our challenges.

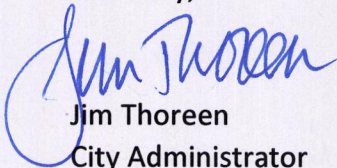
I offer the enclosed RFP for your consideration and response. We will align payment for these services within FY18, thus the City asks that you respond in accordance with the timetable outlined in the request. We will choose this fall the firm(s) which best meets our goals and budget. The City will sign a contract in January, 2018 so that all expenses of the project will be incurred in our next fiscal year.

The City understands that the list of priorities produced from this project will require substantial investment of precious and limited dollars to pay for: critical shortcomings in the near future, long-term needs for our operations, and an approach which brings 21st century technology as an operational cost savings.

Please respond as indicated in the RFQ. As noted, please contact me anytime should you need additional information or clarification.

We look forward to your response.

Sincerely,


Jim Thoreen
City Administrator
218-454-3404

September, 2017



www.ci.brainerd.mn.us

REQUEST FOR PROPOSAL (RFP)

FACILITIES ASSESSMENT FOR THE CITY OF BRAINERD

INTRODUCTION

The City of Brainerd operates and maintains a variety of structures on several campuses which house a variety of functions/departments. We seek proposals to perform a thorough assessment of all facilities in order to plan for renovations and/or replacement of facilities. The successful qualified consulting team will compile for the City Council an assessment and overview of all City Buildings for purposes of determining the safety, performance and remaining useful life of said buildings with specific accounting of the following aspects of each building:

1. Ability to safely serve our citizens and clients
2. Building code/accessibility compliance
3. Structural integrity
4. State of each building's resistance to moisture intrusion (roofing and exterior envelope)
5. Cosmetic appearance of exterior or interior surfaces
6. State of all electrical and data services to and within the building
7. Condition of all plumbing, heating, ventilation, and air conditioning systems
8. Configuration of office spaces and proximity to like- or compatible city functions
9. Assess storage needs for all departments
10. Opportunities to improve energy efficiency of all structures

The assessment will serve as a basis for City Council decisions regarding appropriate improvements, alterations, replacement or elimination of facilities for the coming 10-30 years. The structures are all located in the City of Brainerd as listed on the address sheet attached.

INVITATION

The City seeks to hire a qualified consultant team to conduct the assessment of facilities as summarized in the above paragraph. The consultant team will become part of an integrated effort, working with City representatives, to assure that the goals of the City of Brainerd, as well as the scope and progress of the outcomes of this study, will align with long-term facilities planning. Respondents will indicate which will be the lead firm, if the electrical, HVAC, plumbing, and data services assessment will be performed by a separate contractor.

A. The City's general expectations:

- Identify the conditions of facilities in 2018 with a retrospective examination of what major improvements to facilities were last accomplished, for purposes of assisting the City to make future decisions based, in part, on history;
- Quantify any aspects of current structures which would require, in the opinion of the consultant team and/or regulatory bodies, immediate or near term repair or replacement;
- Prioritize, as a guideline for City decision makers, those aspects of current facilities improvements or corrections which will require attention within 1-5 years. The Council will develop a plan which considers those recommendations based upon affordability, timeliness, and other future needs.

B. Services of the Consulting Team:

- Provide architectural, structural, mechanical, electrical and civil engineering reviews of existing facilities;
- Discuss with each city department their specific needs for serving the public, daily operations and especially as it relates to department efficiencies;
- Prioritize critical facilities challenges within a 1-5 year time frame, allocating lessor important issues or needs within a 10 year time frame;
- Provide probable cost estimates for corrective work and advise as to quality and value comparisons for renovating versus replacement of facilities;
- Assist the City in developing implementation strategies based on agreed upon priorities and construction;
- Meet with City representatives, including the City Administration and department heads, to review progress and to discuss solutions;
- The City Council will monitor the process and will receive updates during the process from either Administration and/or the consulting team.

C. Process and Important Dates:

- ❖ Interested firms are invited to submit a proposal no later than 4:30 p.m. on Wednesday, October 11, 2017. Proposals should be addressed to (either mailed or delivered):

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

- ❖ Questions regarding the RFP may be directed to Mr. Jim Thoreen. Please email questions to; jthoreen@ci.brainerd.mn.us
- ❖ The City does not require any specific format for the proposal other than responding to the general expectations; we defer to the individual firm as to preferred format. The City requires submission of examples of at least two (2) similar projects accomplished in other public sector entities within the past 3 years.
- ❖ Respondents shall include a lump sum fee, or hourly with a maximum total, for the services outlined. Include an itemized amount for reimbursable expenses excluded from the lump sum fee.
- ❖ Projected timeline:
 - a. October 16, 2017: City Council committee or full council reviews and considers RFP's and will direct staff regarding the need or desire to interview respondents.
 - b. October 23, 2017: If deemed appropriate by Council, interviews of respondents
 - c. November 6, 2017: Council will select vendor for this 2018 project
 - d. January 2, 2018: Contract for services to be awarded
 - e. Project deliverables/conclusion dates to be established in January

D. Deliverables

- a. At the conclusion of the assessment the consulting team will provide to the City 20 copies of a comprehensive written report which portrays in print, photos or video:
 - Findings regarding Items 1-10 listed above
 - Prospective time frame to address all major issues in the next 10 years, with concentration on the critical issues which warrant immediate or near-term solutions.
 - Recommendations which may not be requested by the City but which the firm believes to be critical to long-term planning.

CONTRACT AWARD

- ❖ The City of Brainerd reserves the right to award the contract to the most responsible team which meets the needs of the City as ascertained by the City Council and Staff. Total cost to the City will not be the sole factor in the award. Award will be based on the qualifications of the consulting team, availability via personal visits as well as other media, and experience with similar projects.

The successful firm(s) will enter into a single AIA contract, or similar contractual language akin to the AIA family of documents.

Attachment – list of buildings; 1 page

ADDRESSES OF CITY OF BRAINERD PROPERTIES

1. City Hall 501 Laurel Street
2. City Hall Annex (adjoining City Hall)
3. Main Fire Station 23 Laurel Street
4. North Fire Station 1305 Mill Avenue
5. Street & Sewer Dept. 724 Thiesse Drive
6. Library 416 So. 5th Street
7. Police Station 225 East River Road
8. Parks Department 1619 NE Washington Street (main office)
9. Parks Containing Structures and/or Buildings:
 - a. Gregory
 - b. Lum
 - c. Bane
 - d. Buffalo Hills
 - e. Jaycees
 - f. Kiwanis
 - g. Memorial
 - h. Mill
 - i. Gustafson
 - j. Buster Dog Park

Facilities Assessment RFP Requests

September, 2017 jmt

Invited Respondents

Please mail RFP to:

1. Hy-Tec
P.O. Box 621
Brainerd
2. Widseth Smith Nolting
7804 Industrial Park Road
Baxter 56425
3. Contegrity
101 First Street SE
Little Falls, MN 56345
4. Nor-Son Co.
7900 Hastings Road
Baxter, MN 56425
5. Kraus-Anderson Co.
206 Beltrami Ave.
Bemidji, MN 56601
6. Bossardt Corporation
5270 W. 84th Street # 550
Minneapolis, MN 55437

Brainerd Fire Department

To: Mayor and City Council
From: Tim Holmes, Brainerd Fire Chief
Date: September 27, 2017
Re: September 2017 Fire Department Monthly Report, To Date

To start my September report, I would like to thank the Mayor and City Council, and the City of Brainerd for allowing me to represent the City and the Fire Department at Hurricane Irma in Florida. I was part of a 16-member Incident Management Team from Minnesota that was deployed to Florida through EMAC (Emergency Management Assistance Compact.) The experience was educational and humbling. I really feel we made a positive impact during our time there. Our team was tasked with setting up Points Of Distribution (PODs) of food, water and ice throughout the Florida Keys. We setup a total of 6 PODs, with another added the day after we left. We distributed food to over 50,000 people in need. We were able to work with a lot of great people to accomplish this. I was able to bring back a lot of ideas and points to better our emergency response.



September marks the time of the year that our kids return to school and fire safety is presented in our area schools. We presented fire safety talks at Washington KinderClub, Baxter Elementary School and Garfield Elementary School. We also had several presentations and station tours for the YMCA and several adult care facilities.

September is also the month we ramp up our fire department training. We started off the month with Nozzle and Hose Movement training and Water Drafting and Relay Pump Operations training. FM/DC Cox attended Fireworks Display training and I attended a Disaster Recovery workshop at Camp Ripley. Our Officers also attended a Motivation Leadership training session.

Fire crews attended the POW/MIA March in Brainerd and the PetSmart grand opening in Baxter.

FM/DC Cox conducted several alarm and fire system tests along with fire inspections.



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

Structure Fire	3
Outside Rubbish Fire	1
Vehicle Fire	1
Motor Vehicle Crash with Injuries	3
Gas Leak	1
Hazardous Condition	1
Severe Weather	4
Smoke Removal	1
Mutual Aid	1
Good Intent	4
Canceled Enroute	10
Alarm System Activation	9
Carbon Monoxide Detector Activation	2
<u>Total</u>	<u>41</u>

City of Brainerd Incident Report

Structure Fire	1
Outside Rubbish Fire	1
Motor Vehicle Crash with Injuries	2
Hazardous Condition	1
Severe Weather	3
Good Intent	2
Canceled Enroute	1
Alarm Activation	5
Carbon Monoxide Activation	1
<u>Total</u>	<u>17</u>

Parks and Recreation Report

October 2017

Submitted by Tony Sailer, Director

- The Park Board voted to increase daily campground rates from \$35 to \$40, starting with the 2018 season. There is a \$5 daily senior discount for those 55 and older. The last time rates were increased was 2011.
- The Park Board voted to increase 2018 sponsorship fees by \$25 for youth competitive and non-competitive programs.
- The owners of the Northtown Addition have requested a playground structure on an 84' x 250' parcel of land which would be donated to the City. Staff has requested \$30,000 in the 2018 capital budget. The item was tabled until the 2018 final budget is determined.
- Park Board member Holly Holm and her husband are moving outside of the city limits. Per City Charter, a board member must live within the city limits. The Park Board accepted Ms. Holm's resignation with regret, effective Oct. 25.

- Gregory Park fountain sponsor bricks were placed in the new cement pad which the Gregory Park rock rests upon. The two Con O'Brien plaques on the southern stone structures will be restored this month.



- ← The new scoreboard at Buffalo Hills-Lions Park has been installed. Funds for the scoreboard were provided as part of the 5-year vendor contract with Viking Coca-Cola.

- Most of the gravel bed whips have been planted. The whips were purchased through a \$500 grant from the University of Minnesota and planted in the Central Lakes College gravel beds this spring. The willows were planted along the stream which cuts through Lum Park and the Japanese lilacs were planted along the driveway leading to the Park office.
- The Street Department assisted staff in razing the Bane Park hockey rink. Capital project funds were used to purchase the new supports and boards and staff has started building the new rink.
- Blue Sky Support Services spent three days per week tending the flower beds at Gregory Park this summer. Blue Sky is a Day Treatment and Habilitation Center for people with disabilities.
- The 11th annual Great Pumpkin Festival will take place from 1-4 p.m. on Saturday, Oct. 21, at Gregory Park.



Brainerd City Council Agenda Request

Agenda Item #

Requested Meeting Date:

Title of Item:

☐ 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:	Department:
Presenter (Name & Title):	Estimated Time Needed:
Summary of Issue:	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion:	
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>	

SETTLEMENT AGREEMENT

This Settlement Agreement (hereinafter, "Agreement") is entered into between the City of Brainerd (hereinafter, "City") and International Brotherhood of Electrical Workers Local Union #31 (hereinafter, "Union").

WHEREAS, the City and the Union are parties to a collective bargaining agreement governing the terms and conditions of employment for the City's Administrative Support bargaining unit;

WHEREAS, on March 28, 2017, the Union filed Grievance No. 2017-1 alleging that the City failed to offer overtime to bargaining unit members prior to using non-bargaining unit employees to complete the work; and

WHEREAS, the City denied that it violated the collective bargaining agreement and specifically denied that the work in question constituted "bargaining unit work;" and

WHEREAS, the City and the Union desire to settle this dispute through negotiations rather without further proceedings.

NOW, THEREFORE, the parties hereto have agreed as follows:

1. Dismissal of Grievance with Prejudice. The Union hereby withdraws Grievance No. 2017-1, said grievance deemed settled and resolved.
2. Maintenance of the Status Quo. The Union agrees that the City may continue the following employment practices without being deemed to be in violation of the collective bargaining agreement:
 - a. The Police Administrative Supervisor may complete up to 25 transcriptions per year and perform a limited amount of case file processing or other necessary police department records related processing, including transcription of time sensitive reports, in addition to confidential and sensitive records processing functions, which includes transcriptions of confidential or sensitive statements and reports. Transcriptions that have been completed by the Police Administrative Supervisor in 2017 prior to the execution of this Agreement will be considered part of the total 25 transcriptions for the year 2017.
 - b. Community Service Officers may assist as needed with telephone answering and general receptionist duties during periods when bargaining unit employees employed in the Police Department are unable to perform such duties.
 - c. While performing the duties described in Paragraph 2(b), above, Community Service Officers may perform basic records management functions including data entry and/or records processing. In addition, Community Service Officers may perform such functions for training purposes on a limited basis.

- d. The City will cross-train at least one Administration Department bargaining unit member to perform assembly and quality control of Council packet duties. Depending on the selected employee's availability, the City will complete the cross-training by January 1, 2018.
 - e. Additional Administration Department bargaining unit members may be cross trained in the future to assist with preparation of Council packets and minutes, at the City's sole discretion. Nothing in this Agreement requires the City to assign the preparation of Council packets or minutes, or any other duty, to any particular employee. The City retains, and does not waive, its inherent managerial right of assignment of duties, including the right to mandate overtime.
 - f. The appropriate non-union supervisor may also perform assembly and quality control of Council packet duties if the City first offers overtime to cross-trained Administration Department bargaining unit members and they waive the overtime. The non-union supervisor may also perform such duties, without offering overtime to any bargaining unit employee, in the event of an extended absence of the Administration Department Administrative Specialist who is generally assigned to perform those duties and during any vacancy in that position. For purposes of this Paragraph, an "extended absence" is defined as an absence lasting at least five work days.
3. Complete Agreement. This Agreement constitutes the entire agreement between the Union and the City. No party has relied upon any oral statements or promises that are not set forth in this Settlement Agreement. No changes to this Settlement Agreement will be valid unless they are in writing and signed by the parties.
4. Voluntary Agreement. The parties acknowledge that they have read the foregoing Agreement and by signing below affirm that they fully understand and voluntarily agree to be bound by its terms and conditions.

IN WITNESS THEREOF, the parties hereto have hereunto set their hands the date and year affixed below.

FOR THE CITY OF BRAINERD

FOR INTERNATIONAL
BROTHERHOOD OF ELECTRICAL
WORKERS LOCAL UNION #31

James M. Thoreen, City Administrator



Will Keyes, Business Manager

Date:

9-25-2017

Date:



Brainerd City Council Agenda Request

Agenda Item #

Requested Meeting Date:

Title of Item:

☐ 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:	Department:
Presenter (Name & Title):	Estimated Time Needed:
Summary of Issue:	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion:	
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>	



Springsted Incorporated
380 Jackson Street, Suite 300
Saint Paul, MN 55101-2887

Tel: 651-223-3000
Fax: 651-223-3002
www.springsted.com

MEMORANDUM

TO: Connie Hillman, Todd Wicklund
Brainerd City Council

FROM: Paul Steinman

DATE: September 27, 2017

SUBJECT: Brainerd Public Utilities \$6,230,000 Electric Revenue and Refunding Bonds 2017A

The purpose of this memo is to discuss the action to approve the ratifying resolution for the sale of the aforementioned bonds to be considered by the City Council at its meeting on October 2, 2017. \$4.5M is to refund the 2007A bonds and \$1.730M is to complete improvements at the hydroelectric facility. The term of these bonds is 10 years.

On Monday September 18 the City Council approved moving forward with the sale of the bonds in a private placement to BB&T through Robert W. Baird (underwriter). The offer was for an interest rate of 2.25% and after comparative evaluation to a competitive sale, we recommended this approach. The offer would result in total interest cost savings (on the refunding portion of the bonds) of \$522,232.

The resolution before the Council for their October 2 meeting ratifies the action taken on Monday September 18. Todd Wicklund will be in attendance at the Council meeting to answer any questions you may have.

Extract of Minutes of Meeting
of the City Council of the City of
Brainerd, Crow Wing County, Minnesota

Pursuant to due call and notice thereof, a regular meeting of the City Council of the City of Brainerd, Minnesota, was duly held in the City Hall in said City on Monday, October 2, 2017, commencing at 7:30 P.M.

The following members were present:

and the following were absent:

* * *

* * *

* * *

The President announced that the next order of business was the ratification of the sale of the City's Electric Utility Revenue and Refunding Bond, Series 2017A, to be issued in the original aggregate principal amount of \$6,230,000.

Member _____ then introduced the following written resolution, the reading of which was dispensed with by unanimous consent, and moved its adoption:

RESOLUTION NO. _____

A RESOLUTION RATIFYING THE SALE OF ELECTRIC UTILITY REVENUE AND REFUNDING BOND, SERIES 2017A, IN THE ORIGINAL AGGREGATE PRINCIPAL AMOUNT OF \$6,230,000; FIXING ITS FORM AND SPECIFICATIONS; DIRECTING ITS EXECUTION AND DELIVERY; PROVIDING FOR ITS PAYMENT; AND PROVIDING FOR THE REDEMPTION OF BONDS REFUNDED THEREBY

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

Section 1. Sale of Series 2017A Bond.

1.01. Authorization for Sale of Series 2017A Bond.

(a) The Brainerd Public Utilities Commission (the "BPUC"), the municipal utility arm of the City, is responsible for the operation of the City's electric utility (the "Utility"). On September 18, 2017, the Board of Commissioners of the BPUC adopted a resolution formally requesting the City to issue obligations on behalf of the BPUC for the purposes set forth below.

(b) On September 5, 2007, the City issued its Electric Utility Revenue Bonds, Series 2007A (the "Prior Bonds"), in the original aggregate principal amount of \$11,140,000, which are currently outstanding in the principal amount of \$5,385,000, \$4,585,000 in principal amount of which is callable on or after December 1, 2017, in order to finance the construction by the BPUC of improvements to the Utility.

(c) The BPUC has recommended the construction of repairs to and completion of the hydroelectric apron project in the City (the "Project").

(d) The City is authorized by Minnesota Statutes, Section 475.67, subdivision 3 to issue and sell its general obligation bonds to refund obligations and the interest thereon before the due date of the obligations, if consistent with covenants made with the holders thereof, when determined by the City Council to be necessary or desirable for the reduction of debt service costs to the City or for the extension or adjustment of maturities in relation to the resources available for their payment.

(e) On September 18, 2017, the City Council found it necessary and expedient to the sound financial management of the affairs of the City and for the extension or adjustment of maturities of the Prior Bonds in relation to the resources available for their payment to issue its Electric Utility Revenue and Refunding Bond, Series 2017A (the "Bond"), in the original aggregate principal amount of \$6,230,000, pursuant to Minnesota Statutes, Sections 453.51 through 453.62, as amended, and Chapter 475, as amended, including Section 475.67, subdivision 3 (collectively, the "Act"), and the home rule charter of the City, in order to defease, redeem, and prepay the Prior Bonds on December 1, 2017 (the "Redemption Date") and to finance the Project.

(f) The Series 2017A Bond will be issued on a parity lien with the Electric Utility Revenue Bonds, Series 2014A (the "Series 2014A Bonds"), issued by the City on October 9, 2014, in the original aggregate principal amount of \$6,070,000. The Series 2014A Bonds, the Series 2017A Bond, and any additional bonds issued on a parity lien therewith (the "Additional Bonds") are referred to collectively herein as the "Bonds."

1.02. Award to the Purchaser and Interest Rate. The proposal of Branch Banking and Trust Company, Charlotte, North Carolina, its successors and assigns (the “Purchaser”), to purchase the Series 2017A Bond of the City is hereby found and determined to be a reasonable offer and is hereby accepted, the proposal being to purchase the Series 2017A Bond at a price of \$6,230,000, plus accrued interest to date of delivery, if any, for the Series 2017A Bond bearing interest at the rate of 2.250% per annum, subject to adjustment in the event of a Determination of Taxability (as defined in Section 7.06 hereof).

1.03. Terms and Principal Amounts of the Series 2017A Bond. The City will forthwith issue and sell the Series 2017A Bond pursuant to the Act and the home rule charter of the City in the total principal amount of \$6,230,000, originally dated October 18, 2017, in the denomination of \$5,000 each or any integral multiple thereof, numbered No. R-1, bearing interest as above set forth, and maturing on December 1, 2027.

1.04. Optional Redemption. The City may elect on December 1, 2024, and on any payment date thereafter to prepay the outstanding principal amount of the Series 2017A Bond. Redemption of the Series 2017A Bond may be in whole but not in part. Prepayments will be at a price of par plus accrued interest to the date of redemption.

1.05. Mandatory Redemption. The Series 2017A Bond is subject to mandatory sinking fund redemption and shall be redeemed in part at par plus accrued interest on December 1 of the years and in the principal amounts set forth in the table below. Subject to Section 2.01 hereof, the Purchaser is not required to present the Series 2017A Bond to receive each mandatory sinking fund redemption payment.

<u>Year</u>	<u>Amount</u>	<u>Year</u>	<u>Amount</u>
2018	\$ 445,000	2023	\$ 655,000
2019	490,000	2024	715,000
2020	525,000	2025	710,000
2021	585,000	2026	735,000
2022	620,000	2027	750,000

(a) \$1,730,000 of the Series 2017A Bond (the “Project Bond”), subject to mandatory sinking fund redemption on December 1 of the years and in the amounts set forth below, will be used to finance the construction of the Project:

<u>Year</u>	<u>Amount</u>	<u>Year</u>	<u>Amount</u>
2018	\$ 50,000	2023	\$ 200,000
2019	75,000	2024	250,000
2020	100,000	2025	235,000
2021	150,000	2026	245,000
2022	175,000	2027	250,000

(b) The remainder of the Series 2017A Bond in the amount of \$4,500,000 (the “Refunding Bond”), subject to mandatory sinking fund redemption on December 1 of the years and in the amounts set forth below, will be used to redeem and prepay the Prior Bonds on the Redemption Date:

<u>Year</u>	<u>Amount</u>	<u>Year</u>	<u>Amount</u>
2018	\$ 395,000	2023	\$ 455,000
2019	415,000	2024	465,000
2020	425,000	2025	475,000
2021	435,000	2026	490,000
2022	445,000	2027	500,000

Section 2. Registration and Payment.

2.01. Registered Form. The Series 2017A Bond will be issued only in fully registered form in the name of the Purchaser. The interest thereon and the principal amount thereof is payable by check, draft, or wire issued by the Registrar described herein. On the maturity date of the Series 2017A Bond or the final payment of principal of the Series 2017A Bond, whichever is earlier, the principal of the Series 2017A Bond shall be paid only upon presentation and surrender of such Series 2017A Bond to the paying agent.

2.02. Dates; Interest Payment Dates. The Series 2017A Bond will be dated as of the date of original issue. The interest on the Series 2017A Bond will be payable on June 1 and December 1 of each year, commencing June 1, 2018, to the Purchaser.

2.03. Registration. The City appoints the Finance Director, City of Brainerd, Minnesota, as bond registrar, transfer agent, authenticating agent and paying agent (the “Registrar”). The City reserves the right to remove or replace the Registrar upon the appointment of a successor Registrar, in which event the predecessor Registrar must deliver all cash and the Series 2017A Bond in its possession to the successor Registrar and must deliver the bond register to the successor Registrar. The effect of registration and the rights and duties of the City and the Registrar with respect thereto are as follows:

(a) Register. The Registrar must keep a bond register in which the Registrar provides for the registration of ownership of the Series 2017A Bond.

(b) Transfer of Series 2017A Bond. Upon surrender for transfer of the Series 2017A Bond duly endorsed by the Purchaser thereof or accompanied by a written instrument of transfer, in form satisfactory to the Registrar, duly executed by the Purchaser thereof or by an attorney duly authorized by the Purchaser in writing, the Registrar will authenticate and deliver, in the name of the designated transferee or transferees, one or more new Series 2017A Bonds of a like aggregate principal amount and maturity, as requested by the transferor.

(c) Exchange of Series 2017A Bond. If the Series 2017A Bond is surrendered by the Purchaser for exchange the Registrar will authenticate and deliver one or more new Series 2017A Bonds of a like aggregate principal amount and maturity as requested by the Purchaser or the Purchaser’s attorney in writing.

(d) Cancellation. The Series 2017A Bond surrendered upon transfer or exchange will be promptly cancelled by the Registrar and thereafter disposed of as directed by the City.

(e) Improper or Unauthorized Transfer. If the Series 2017A Bond is presented to the Registrar for transfer, the Registrar may refuse to transfer the Series 2017A Bond until the Registrar is satisfied that the endorsement on the Series 2017A Bond or separate instrument of transfer is valid and genuine and that the requested transfer is legally authorized. The Registrar will incur no liability for the refusal, in good faith, to make transfers which it, in its judgment, deems improper or unauthorized.

(f) Persons Deemed Owners. The City and the Registrar may treat the person in whose name the Series 2017A Bond is registered in the bond register as the absolute owner of the Series 2017A Bond, whether the Series 2017A Bond is overdue or not, for the purpose of receiving payment of, or on account of, the principal of and interest on the Series 2017A Bond and for all other purposes, and payments so made to the Purchaser or upon the Purchaser's order will be valid and effectual to satisfy and discharge the liability upon the Series 2017A Bond to the extent of the sum or sums so paid.

(g) Taxes, Fees and Charges. The Registrar may impose a charge upon the owner thereof for a transfer or exchange of the Series 2017A Bond sufficient to reimburse the Registrar for any tax, fee or other governmental charge required to be paid with respect to the transfer or exchange.

(h) Mutilated, Lost, Stolen or Destroyed Series 2017A Bond. If the Series 2017A Bond becomes mutilated or is destroyed, stolen or lost, the Registrar will deliver a new Series 2017A Bond of like amount, number, maturity date and tenor in exchange and substitution for and upon cancellation of the mutilated Series 2017A Bond or in lieu of and in substitution for a Series 2017A Bond destroyed, stolen or lost, upon the payment of the reasonable expenses and charges of the Registrar in connection therewith; and, in the case of a Series 2017A Bond destroyed, stolen or lost, upon filing with the Registrar of evidence satisfactory to it that the Series 2017A Bond was destroyed, stolen or lost, and of the ownership thereof, and upon furnishing to the Registrar of an appropriate bond or indemnity in form, substance and amount satisfactory to it and as provided by law, in which both the City and the Registrar must be named as obligees. The Series 2017A Bond so surrendered to the Registrar will be cancelled by the Registrar and evidence of such cancellation must be given to the City. If the mutilated, destroyed, stolen or lost Series 2017A Bond has already matured or been called for redemption in accordance with its terms it is not necessary to issue a new Series 2017A Bond prior to payment.

(i) Redemption. In the event the of the Series 2017A Bond is called for redemption, notice thereof identifying the Series 2017A Bond to be redeemed will be given by the Registrar by mailing a copy of the redemption notice by first class mail (postage prepaid) not more than sixty (60) days and not fewer than thirty (30) days prior to the redemption date to the Purchaser at the address shown on the registration books kept by the Registrar. The Series 2017A Bond so called for redemption will cease to bear interest after the specified redemption date, provided that the funds for the redemption are on deposit with the place of payment at that time.

2.04. Execution, Authentication and Delivery. The Series 2017A Bond will be prepared under the direction of the City Administrator and executed on behalf of the City by the signatures of the Mayor and the City Administrator, provided that those signatures may be printed, engraved or lithographed facsimiles of the originals. If an officer whose signature or a facsimile of whose signature appears on the Series 2017A Bond ceases to be such officer before the delivery of the Series 2017A Bond, that signature or facsimile will nevertheless be valid and sufficient for all purposes, the same as if the officer had remained in office until delivery. When the Series 2017A Bond has been so prepared, executed and authenticated, the City Administrator will deliver the same to the Purchaser upon payment of the purchase price in accordance with the contract of sale heretofore made and executed, and the Purchaser is not obligated to see to the application of the purchase price.

2.05. Temporary Series 2017A Bond. The City may elect to deliver in lieu of the printed definitive Series 2017A Bond one or more typewritten temporary Series 2017A Bonds in substantially the form set forth in EXHIBIT A attached hereto with such changes as may be necessary to reflect more than

one maturity in a single temporary bond. Upon the execution and delivery of the definitive Series 2017A Bond the temporary Series 2017A Bonds will be exchanged therefor and cancelled.

Section 3. Form of Series 2017A Bond.

3.01. Execution of the Series 2017A Bond. The Series 2017A Bond will be printed or typewritten in substantially the form as attached hereto as EXHIBIT A.

3.02. Approving Legal Opinion. The City Administrator is directed to obtain a copy of the proposed approving legal opinion of Kennedy & Graven, Chartered, Minneapolis, Minnesota, which is to be complete except as to dating thereof and to cause the opinion to be printed on or accompany each Series 2017A Bond.

Section 4. Pledges; Security; and Covenants.

4.01. Electric Utility Fund and Accounts. For the convenience and proper administration of the moneys to be borrowed and repaid on the Bonds, and to make adequate and specific security to the Purchaser and holders of the Bonds from time to time, there are continued and maintained separate special accounts in the Electric Utility Fund of the BPUC. The Electric Utility Fund and the special accounts created within will be continued and maintained as separate permanent accounts of the BPUC until all Bonds herein authorized or similarly authorized and issued are paid and retired or, if the Bonds are refunded, adequate funds are placed in escrow to retire the Bonds when due and to pay all interest to the date when the Bonds are due or are called for payment, and all income and receipts from the operation of the electric plant and system of the City (the "Electric System"), including all additions thereto and extensions thereof, will be credited to the proper account as follows:

(a) A Capital Expenditure Account to be used only to pay costs and expenses that under generally accepted accounting principles constitute capital costs necessarily incurred for the acquisition and betterment of electric utility properties, including but not limited to land, easements, buildings, structures, machinery, and equipment, and the costs of architectural, engineering, legal and other professional services, printing and publication and other costs reasonably necessary and incidental thereto. Upon delivery of the Series 2017A Bond, the City shall credit to the Capital Expenditure Account the proceeds of the Project Bond, less amounts credited to the Sinking and Interest Account, to be used to pay costs of the Project. To the Capital Expenditure Account there must be credited the proceeds of any Additional Bonds or other funds appropriated thereto for financing improvements to the Electric System. Upon completion of the construction and installation of the Project and a determination by the BPUC that all costs thereof have been paid, any balance remaining in the Capital Expenditure Account shall be transferred to the Sinking and Interest Account.

(b) An Operation and Maintenance Account into which will be paid all gross revenues and earnings derived from the operation of the Electric System. From the Operation and Maintenance Account there will be paid all, but only, current expenses of the Electric System. Current expenses include the reasonable and necessary costs of operation, maintenance and insurance of the system, salaries, wages, costs of materials and supplies, necessary legal, engineering and auditing services, and all other items which, by generally accepted accounting principles, constitute normal, reasonable and current costs of operation and maintenance, but excluding any allowance for depreciation, extraordinary repairs, transfers to other City funds, and payments into the Sinking and Interest Account. All money remaining in the Operation and Maintenance Account after paying or providing for the foregoing items will constitute and are referred to in this resolution as "Net Revenues."

(c) A Sinking and Interest Account for payment of principal of and interest on the Bonds and any other or Additional Bonds payable out of the Net Revenues of the Electric System. Upon delivery of the Series 2017A Bond, the City shall credit to and there is hereby irrevocably pledged to the Sinking and Interest Account (i) accrued interest paid by the Purchaser upon delivery of the Series 2017A Bond, if any; (ii) capitalized interest financed by the Project Bond, if any; and (iii) from the Net Revenues, on the first day of each month commencing November 1, 2017, a sum equal to at least one-twelfth of the total principal payment chargeable against the account on the next December 1 and at least one-sixth of the total interest payment chargeable against the account on the next interest payment date; provided that no payments need be made to this account when the moneys held therein are sufficient for the payment of all principal due on the Bonds, and any other or Additional Bonds payable therefrom, on or before the next maturity date and all interest due on the bonds, payable from this Account on the next interest payment date. No money may be paid out of the Sinking and Interest Account except to pay principal and interest on the Bonds and any Additional Bonds or other bonds that are issued in accordance with this resolution or otherwise payable from the Sinking and Interest Account. The payments due pursuant to this subparagraph must be adjusted to insure that sufficient funds are on hand in the Sinking and Interest Account to make the initial principal and interest payments on the Bonds.

(d) A Reserve Account to be used only when and if money in the Sinking and Interest Account is insufficient to pay principal of and interest on the Bonds issued hereunder, and any other or Additional Bonds provided, however, that any amounts in the Reserve Account in excess of the maximum amount of principal and interest due in any succeeding fiscal year on then outstanding Bonds and bonds issued on a parity therewith may be used to purchase and retire any of the outstanding bonds at a price not to exceed par and accrued interest or to call and redeem such outstanding bonds as may then be subject to redemption prior to maturity. Upon delivery of the Series 2017A Bond, the City shall credit to the Reserve Account from amounts available to the BPUC from other sources not needed for debt service on the Bonds the sum of \$1,230,000, which consists of transferred proceeds of the Prior Bonds from the reserve account established for the Prior Bonds pursuant to the resolution providing for the issuance and sale of the Prior Bonds (the "Prior Resolution"), which amount (i) is determined to be a reasonably required reserve for the Bonds and (ii) does not exceed the maximum payment of principal and interest to become due on the Bonds. The amount in the Reserve Account will always be the least of (A) ten percent (10%) of the original principal amount of the Bonds, (B) the maximum annual debt service on the Bonds, or (C) one hundred twenty-five percent (125%) of the average annual debt service on the Bonds (the "Reserve Requirement"). The Reserve Account will be maintained in that amount until all Bonds have been paid and retired; provided, however, that at any time when the amount on deposit in the Reserve Account is sufficient to pay in full the principal of all Bonds then outstanding and all interest accrued or to accrue on all Bonds then outstanding to the date of maturity or earlier redemption, it may be used for such purpose. When the Reserve Account is used to pay principal and interest, the Reserve Account must be restored from the next available Net Revenues. Investments made with funds on hand in the Reserve Account will be valued at cost.

(e) A Surplus Account, into which Net Revenues in excess of those required for the foregoing purposes are to be deposited and which may be used for any purpose authorized by law.

(f) Investments. Moneys on deposit in the Sinking and Interest Account and the Reserve Account may be invested in any securities described in Minnesota Statutes, Chapter 118, as amended. The investments may be liquidated at any time and the proceeds thereof applied for the purpose or purposes for which the respective account was created. Income derived from the investments constitute Net Revenues of the Electric System and must be deposited in the Electric Utility Fund.

(g) Order of Payment – Deficiencies. The money in the Electric Utility Fund must be paid to the various accounts and continued in the order in which those accounts are listed on a cumulative basis, and if in any month the money in the Electric Utility Fund is insufficient to place the required amount in any account, the deficiency must be made up in the following month or months after payment to all other accounts having a prior claim on the Net Revenues has been made in full.

(h) Deposits. Deposits in any of the accounts must be kept separate and apart from all other City or BPUC funds and accounts and must be deposited in any bank or banks selected by the BPUC, subject to provisions of applicable law.

4.02. Redemption Fund. Proceeds of the Refunding Bond, less the appropriations made in Section 4.01 hereof and the costs of issuance of the Series 2017A Bond, along with \$742,412.50 of proceeds of the Prior Bonds transferred from the sinking and interest account established for the Prior Bonds pursuant to the Prior Resolution and \$334,804.77 of proceeds of the Prior Bonds transferred from the reserve account established for the Prior Bonds pursuant to the Prior Resolution, will be deposited in a separate account (the “Redemption Fund”) to be used solely to defease, redeem, and prepay the Prior Bonds on the Redemption Date. Any balance remaining in the Redemption Fund after the redemption of the Prior Bonds on the Redemption Date shall be deposited in the Sinking and Interest Account of the Electric Utility Fund.

4.03. Prior Sinking and Interest Account. The sinking and interest account established for the Prior Bonds pursuant to the Prior Resolution shall be closed following the redemption of the Prior Bonds, and all monies therein shall be transferred to the Sinking and Interest Account of the Electric Utility Fund herein created.

4.04. Additional Obligations. No additional obligations may be issued and made payable from the net revenues of the Electric System unless the same are expressly made a second and subsequent lien upon the Net Revenues; provided, however, that additional obligations may be issued on a parity of lien with the Series 2014A Bonds and the Series 2017A Bond herein authorized, if and only if each of the following conditions is satisfied prior to the issuance thereof, such satisfaction to be shown by a certificate of the Secretary of the BPUC and the resolution authorizing the issuance thereof:

(a) There has been procured and filed with the Secretary of the BPUC a statement by an independent accountant, not in the regular employ of the BPUC, reciting that the annual Net Revenues of the Electric System for the two fiscal years immediately preceding the issuance of such additional obligations, adjusted for any additional Net Revenues from rate increases that become effective prior to the issuance of the parity lien bonds, have averaged not less than one hundred twenty-five percent (125%) of the maximum annual principal and interest coming due thereafter on all outstanding obligations payable from the Sinking and Interest Account including the additional obligations so to be issued. For purposes of this test, the Net Revenues of the Electric System may also be adjusted by including the additional revenues, as determined by a competent feasibility study or rate engineer, to be realized from the area to be served by the facilities to be constructed, provided that the debt service on the proposed parity lien bonds is funded until the dates of completion of the project to be constructed with the parity lien bond proceeds.

(b) The payments required to be made (at the time of the issuance of the parity lien bonds) into the various accounts provided for in this resolution have been made.

(c) The resolution authorizing the Additional Bonds provides for the pledge and payment into the Reserve Account bond proceeds or other available funds in an amount required to fully fund the Reserve Account to the new Reserve Requirement upon the issuance of the Additional Bonds.

(d) The proceeds of parity lien bonds may be used only for the purpose of making improvements, additions, extensions, renewals or replacements to the Electric System, or to refund bonds issued for those purposes.

(e) The Additional Bonds must have principal maturing on December 1 of each year and interest falling due on June 1 and December 1 of each year.

4.05. Refunding. The City also reserves the right to issue additional revenue bonds if and to the extent needed to refund maturing bonds payable from the Sinking and Interest Account in case the moneys in the Sinking and Interest Account are insufficient to pay the same at maturity, which refunding revenue bonds may be on a parity with the Bonds as to interest payments, but may mature subsequent to all obligations which are payable from the revenues of the Sinking and Interest Account and which are still outstanding upon completion of such refunding.

4.06. Additional Bonds; Conditions. Except as authorized in Sections 4.04 and 4.05 hereof, the BPUC and the City covenant and agree that there will not be issued or incurred any obligations payable from the Net Revenues of all or a part of the Electric System or constituting in any manner a lien thereon, unless such obligations are expressly made junior and subordinate to the lien and charge of the Series 2014A Bonds and the Series 2017A Bond herein authorized on the Net Revenues, provided that the Bonds, or any part thereof, may be refunded with the consent of the holders thereof (except as to maturing Bonds or Bonds duly called for redemption in accordance with their terms, in which case such consent is not required) and the refunding bonds issued will enjoy complete equality of lien with the portion of the Bonds not refunded. If only a portion of the outstanding Bonds is so refunded and if such Bonds are refunded in such manner that the interest rate of any refunding bond is greater than the interest rate of any corresponding refunded Bond, or that the maturity date of any refunding bond is earlier than the maturity date of the corresponding refunded Bond, then such Bonds may not be refunded without the consent of the holders of the unrefunded portion of the Bonds issued hereunder and any other then outstanding bonds payable from the Sinking and Interest Account.

4.07. Deficiencies; Pro Rata Payments. In the event that the money in the Sinking and Interest Account is insufficient at any time to pay the principal then due and interest then accrued on all bonds payable therefrom, the moneys must first be applied to the payment pro rata of the accrued interest on all such bonds, and any balance must be applied first in payment of maturing principal; as between bonds having different maturity dates, the earlier maturing bonds must be paid first, as between bonds of different series maturing on the same date, the bonds of the series first issued must be paid first; and as between bonds of the same series maturing on the same date, the bonds will be paid pro rata.

4.08. Remedies. In the event of default, the holders from time to time of the Bonds have all the remedies, powers and privileges granted by the laws of the State of Minnesota for the enforcement of their rights and for the collection of principal and interest. The holders of fifty percent (50%) or more in aggregate principal amount of Bonds at any time outstanding may, in the event of default, declare all outstanding bonds to be immediately due and payable. The holders of twenty percent (20%) or more in aggregate principal amount of Bonds at any time outstanding, may, either at law or in equity, by suit, action, or other proceeding, protect and enforce the rights of all holders of Bonds issued hereunder and then outstanding, or enforce or compel the performance of any and all of the covenants and duties specified in this resolution to be performed by the BPUC or the City or their officers and agents, including the fixing and maintaining of rates and charges and the collection and proper segregation of revenues and the application and use thereof.

4.09. Covenants. For the protection of the holders of the Bonds, the BPUC and the City covenant and agree to and with the holders thereof from time to time as follows:

(a) The BPUC, on behalf of the City, will adequately maintain and efficiently operate the Electric System as a municipal electric system, and will from time to time make all needful and proper repairs, replacements, additions and betterments to the equipment and facilities of the Electric System so that it may at all times be operated properly and advantageously, and whenever any equipment of the Electric System has been worn out, destroyed or otherwise become insufficient for proper use, it will be promptly replaced or repaired so that the value and efficiency of the facilities will be at all times fully maintained and its revenues unencumbered by reason thereof.

(b) In order to ensure the efficient and economical operation of the Electric System and the proper maintenance thereof, the BPUC, on behalf of the City, will employ an experienced manager to operate and maintain the system. The manager must be employed on a full-time basis and the compensation will be paid as an operating expense of the Electric System.

(c) The BPUC, on behalf of the City, will permit no free electric service to any consumer. The rates for all electric service provided and the charges for all electricity supplied by the Electric System and the charges for all electricity supplied by the Electric System to the City and its residents and to all consumers must be reasonable and just, taking into account the cost and value of the Electric System, the cost of maintaining and operating the system and the proper and necessary allowances for depreciation and amounts required for the payment of principal and interest on all bonds payable from the revenues. Charges to all customers must be uniform for all users of the same class. The Electric System must be operated on a fully metered basis. The BPUC will bill its customers and the City on a monthly basis and, to the extent permitted by law, will discontinue electric service only in accordance with established City ordinance and policy.

(d) The BPUC, on behalf of the City, will establish, maintain and collect such charges and rates as will produce revenues sufficient to pay the reasonable cost of operation and maintenance of the Electric System and to produce annually Net Revenues equal to one hundred twenty-five percent (125%) of the maximum annual principal and interest requirements of the Bonds and any other bonds payable from the Sinking and Interest Account. Rates and charges may not be reduced unless the Electric Utility Fund and the accounts therein created by this resolution are funded to the levels required by this resolution and the BPUC receives the written certification of a consulting engineer to the effect that the proposed rate reduction will not adversely affect the ability of the BPUC to meet all requirements of this resolution, including the covenant requiring the rates to produce annually net revenues equal to one hundred twenty-five percent (125%) of the maximum annual principal and interest requirements of all outstanding revenue bonds payable from the Sinking and Interest Account. Rates and charges will be increased from time to time whenever necessary to carry out the obligations of this resolution.

(e) Neither the City nor the BPUC will sell, lease, mortgage, or in any manner dispose of the Electric System or any part thereof including any and all extensions and additions that may be made thereto until all of the Bonds and any Additional Bonds have been paid in full; provided, however, that the City or BPUC may sell the Electric System as a whole if there is, simultaneously with the sale of the Electric System, deposited with the Registrar, the amount necessary to retire all of the outstanding bonds payable from the revenues of the Electric System including interest to accrue to the date when the bonds are callable, or if these bonds are then called in accordance with their terms, to the date of redemption. This covenant is not to be construed to prevent the sale by the City or the BPUC at fair market value of real estate, equipment or other non-revenue-producing properties that in the judgment of the City or the BPUC and its consulting engineer has become unnecessary, uneconomical or inexpedient to use in connection with the Electric System, provided suitable facilities are obtained in place thereof and any cash balance from the transaction is deposited in the Electric Utility Fund.

(f) The City and the BPUC will procure and keep in force insurance upon the Electric System of a kind and in an amount which would normally be carried by private companies in a like business, including public liability insurance, with an insurer or insurers in good standing, and it will keep in full force and effect fiduciary bonds on employees in charge of the system. In the event of any loss, the proceeds from such insurance (including liability insurance) or bonds must be used to make good such loss or to repair or restore the system. Insurance premiums will be paid as a cost of operation. The proceeds of insurance, except the proceeds of public liability insurance, received by the BPUC on its own behalf or on behalf of the City must be placed in the Electric Utility Fund.

(g) The BPUC, on behalf of the City, will cause to be kept proper books, records and accounts adapted to the Electric System, separate from other accounts of the commission and City and cause such books, records and account to be audited at the end of each fiscal year by a qualified firm of public accountants. The expense of preparing the audit must be paid as a current operating expense of the sys Electric System tem. The audit must be prepared in accordance with generally accepted accounting principles as applied to municipal electric utilities.

The holders of the Bonds from time to time may at all reasonable times inspect the Electric System and the books, records, accounts and data relating thereto. The BPUC agrees to furnish copies of such audit to any holder or holders of the Bonds at their request within a reasonable time after the close of each fiscal year.

(h) The City and the BPUC will faithfully and punctually perform all duties with reference to the Electric System required by the Constitution and laws of the State of Minnesota, the Charter of the City, and this resolution.

(i) The City and the BPUC will grant no franchise to any competing electric utility.

4.10. Pledges in Prior Resolution. The pledges and covenants of the City made by the Prior Resolution relating to the Electric System and the improvements financed by the Prior Bonds are restated and confirmed in all respects. The provisions of the Prior Resolution are hereby supplemented to the extent necessary to give full effect to the provisions hereof.

Section 5. Refunding of Prior Bonds; Findings; Redemption of Prior Bonds.

5.01. Purpose of Refunding. On the Redemption Date, the Prior Bonds will be called for redemption in the principal amount of \$4,585,000, plus accrued interest to the Redemption Date. It is hereby found and determined that based upon information presently available from the City's municipal advisor, the issuance of the Series 2017A Bond will result in an adjustment of maturities of the Prior Bonds in relation to the resources available for their payment.

5.02. Application of Proceeds of Bond. It is hereby found and determined that the proceeds of the Series 2017A Bond deposited in the Redemption Fund will be sufficient to prepay all of the principal of, interest on and redemption premium (if any) on the Prior Bonds on the Redemption Date.

5.03. Redemption; Date of Redemption; Notice of Call for Redemption. The Prior Bonds maturing after the Redemption Date will be redeemed and prepaid on the Redemption Date. The Prior Bonds will be redeemed and prepaid in accordance with their terms and in accordance with the terms and conditions set forth in the form of Notice of Call for Redemption attached hereto as EXHIBIT B, which terms and conditions are hereby approved and incorporated herein by reference. The registrar for the Prior

Bonds are authorized and directed to send a copy of the Notice of Call for Redemption to each registered holder of the Prior Bonds at least thirty (30) days prior to the Redemption Date.

Section 6. Authentication of Transcript.

6.01. City Proceedings and Records. The officers of the City are authorized and directed to prepare and furnish to the Purchaser and to the attorneys approving the Series 2017A Bond, certified copies of proceedings and records of the City relating to the Series 2017A Bond and to the financial condition and affairs of the City, and such other certificates, affidavits and transcripts as may be required to show the facts within their knowledge or as shown by the books and records in their custody and under their control, relating to the validity and marketability of the Series 2017A Bond, and such instruments, including any heretofore furnished, will be deemed representations of the City as to the facts stated therein.

6.02. Closing Certificates. The Mayor, City Administrator, and Finance Director are hereby authorized and directed to furnish to the Purchaser at the closing such certificates as are required as a condition of sale. Unless litigation shall have been commenced and be pending questioning the Series 2017A Bond or the organization of the City or incumbency of its officers, at the closing the Mayor, the City Administrator, and the Finance Director shall also execute and deliver to the Purchaser a suitable certificate as to absence of material litigation, and the Finance Director shall also execute and deliver a certificate as to payment for and delivery of the Series 2017A Bond.

6.03. No Official Statement or Prospectus. It is determined that no official statement or prospectus has been prepared or circulated by the City in connection with the sale of the Series 2017A Bond and that the Purchaser has made its own investigations concerning the City and the Series 2017A Bond as set forth in an investment letter to be delivered by the Purchaser as of the issuance and delivery of the Series 2017A Bond.

Section 7. Tax Covenant.

7.01. Tax-Exempt Bonds. The City covenants and agrees with the holders from time to time of the Series 2017A Bond that it will not take or permit to be taken by any of its officers, employees or agents any action which would cause the interest on the Series 2017A Bond to become subject to taxation under the Internal Revenue Code of 1986, as amended (the “Code”), and the Treasury Regulations promulgated thereunder, in effect at the time of such actions, and that it will take or cause its officers, employees or agents to take, all affirmative action within its power that may be necessary to ensure that such interest will not become subject to taxation under the Code and applicable Treasury Regulations, as presently existing or as hereafter amended and made applicable to the Series 2017A Bond.

7.02. Rebate. The City will comply with requirements necessary under the Code to establish and maintain the exclusion from gross income of the interest on the Series 2017A Bond under Section 103 of the Code, including without limitation requirements relating to temporary periods for investments, limitations on amounts invested at a yield greater than the yield on the Series 2017A Bond, and the rebate of excess investment earnings to the United States.

7.03. Not Private Activity Bond. The City further covenants not to use the proceeds of the Series 2017A Bond or to cause or permit them or any of them to be used, in such a manner as to cause the Series 2017A Bond to be a “private activity bond” within the meaning of Sections 103 and 141 through 150 of the Code.

7.04. Qualified Tax-Exempt Obligations. In order to qualify the Series 2017A Bond as “qualified tax-exempt obligations” within the meaning of Section 265(b)(3) of the Code, the City makes the following factual statements and representations:

(a) the Series 2017A Bond is not a “private activity bond” as defined in Section 141 of the Code;

(b) the City hereby designates the Series 2017A Bond as a “qualified tax-exempt obligation” for purposes of Section 265(b)(3) of the Code;

(c) the reasonably anticipated amount of tax-exempt obligations (other than any private activity bonds that are not qualified 501(c)(3) bonds) which will be issued by the City (and all subordinate entities of the City) during calendar year 2017 will not exceed \$10,000,000; and

(d) not more than \$10,000,000 of obligations issued by the City during calendar year 2017 have been designated for purposes of Section 265(b)(3) of the Code.

7.05. Procedural Requirements. The City will use its best efforts to comply with any federal procedural requirements which may apply in order to effectuate the designations made by this section.

7.06. Determination of Taxability. In the event that the City shall fail to observe any covenant, agreement or representation in this resolution, which failure results in the interest on the Series 2017A Bond being determined not to be exempt from federal income tax (the “Determination of Taxability”), the interest rate will increase to a rate equal to the then current tax-exempt rate of interest accruing on the Series 2017A Bond (2.250%) divided by 67.5%. In addition, the City will pay an amount equal to the difference between the interest paid at the tax-exempt rate and the interest which would have been paid if the interest rate would have been the taxable rate from the date of the Determination of Taxability, plus any penalties, interest, assessments and additions to tax payable by the holder as a result of the loss of the tax-exempt status of interest on the Series 2017A Bond.

Section 8. No Requirement of Continuing Disclosure. Participating underwriters need not comply with the continuing disclosure requirements of Rule 15c2-12 promulgated by the Securities and Exchange Commission under the Securities Exchange Act of 1934 (the “Rule”) because the Purchaser will hold the Series 2017A Bond until maturity. Consequently, the City will not enter into any undertaking to provide continuing disclosure of any kind with respect to the Series 2017A Bond. However, the City will provide its audited financial statements to the Electronic Municipal Market Access system operated by the Municipal Securities Rulemaking Board and designated as a nationally recognized municipal securities information repository within two hundred seventy (270) days of the end of each fiscal year so long as the Series 2017A Bond is outstanding.

Section 9. Defeasance. When the Series 2017A Bond and all interest thereon have been discharged as provided in this section, all pledges, covenants and other rights granted by this resolution to the holders of the Bonds will cease. The City may discharge the Series 2017A Bond which is due on any date by depositing with the Registrar on or before that date a sum sufficient for the payment thereof in full. If the Series 2017A Bond should not be paid when due, it may nevertheless be discharged by depositing with the Registrar a sum sufficient for the payment thereof in full with interest accrued to the date of such deposit.

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The motion for the adoption of the foregoing resolution was duly seconded by Member _____, and upon vote being taken thereon, the following voted in favor thereof:

and the following voted against the same:

whereupon said resolution was declared duly passed and adopted.

Adopted this ____ day of _____, 2017.

DAVID PRITSCHET
President of the Council

Approved this ____ day of _____, 2017.

EDWIN L. MENK
Mayor

ATTEST:

JAMES M. THOREEN
City Administrator

EXHIBIT A
FORM OF BOND

No. R-1

\$6,230,000

UNITED STATES OF AMERICA
STATE OF MINNESOTA
COUNTY OF CROW WING
CITY OF BRAINERD

ELECTRIC UTILITY REVENUE AND REFUNDING BOND
SERIES 2017A

<u>Rate</u>	<u>Maturity</u>	<u>Date of Original Issue</u>
2.250%	December 1, 2027	October 18, 2017

Purchaser: BRANCH BANKING AND TRUST COMPANY

Principal Amount: SIX MILLION FIVE HUNDRED FIFTEEN THOUSAND DOLLARS

The City of Brainerd, Minnesota, a duly organized and existing municipal corporation in Crow Wing County, Minnesota (the “City”), acting on behalf of the Brainerd Public Utilities Commission (the “BPUC”), the municipal utility arm of the City, acknowledges itself to be specially indebted and for value received hereby promises to pay to the Purchaser above or its registered assigns, the principal amount on the maturity date specified above with interest thereon from the date hereof at the annual rate specified above (calculated on the basis of a 360 day year of twelve 30 day months), payable June 1 and December 1 in each year, commencing June 1, 2018, until said principal amount is paid. Principal and the redemption price are payable in lawful money of the United States of America at the office of the Finance Director, City of Brainerd, Minnesota, or of its successor, as Bond Registrar and Paying Agent. Interest hereon and principal of this Bond are payable in lawful money by check, draft, or wire by the Bond Registrar to the Purchaser at the Purchaser’s address set forth on the registration records maintained by the Bond Registrar. Except with respect to mandatory sinking fund payments, on the maturity date of this Bond or the final payment of principal on this Bond, whichever is earlier, the principal of this Bond shall be paid only upon presentation and surrender of such Bond to the Paying Agent. Any such interest not punctually paid or provided for will cease to be payable on such dates and such defaulted interest may be paid to the Purchaser at the close of business on a date for the payment of such defaulted interest established by the Bond Registrar.

This Bond is issued pursuant to a resolution adopted by the City Council on September 18, 2017, as ratified by resolution adopted on October 2, 2017 (the “Resolution”), for the purpose of providing money to refund certain obligations of the City and to finance repairs to and completion of the hydroelectric plant apron project, pursuant to and in full conformity with the Constitution and laws of the State of Minnesota, including Minnesota Statutes, Sections 453.51 through 453.62, as amended, and Chapter 475, as amended, including Section 475.67, subdivision 3, and the home rule charter of the City. The Bond and interest thereon are payable solely from net revenues of the electric utility plant and system (the “Electric System”) of the City that have been pledged and appropriated to that Account pursuant to and in accordance with the provisions of the Resolution. Reference is hereby made to the Resolution for a complete statement of the pledge of revenues and covenants of the City and the BPUC, the nature of the security thereby created, the rights and limitation of

the rights of the City and the BPUC and holders with respect thereto, and the conditions under which additional bonds may be issued on a parity with the bonds of this issue.

This Bond is issued on a parity lien with the Electric Utility Revenue Bonds, Series 2014A, issued by the City on October 9, 2014, in the original aggregate principal amount of \$6,070,000.

The City may elect on December 1, 2024, and on any payment date thereafter to prepay the outstanding principal amount of this Bond. Redemption of this Bond may be in whole but not in part. Prepayments will be at a price of par plus accrued interest to the date of redemption.

This Bond is subject to mandatory sinking fund redemption and shall be redeemed in part at par plus accrued interest on December 1 of the years and in the principal amounts set forth in the table below. Subject to the first paragraph of this Bond, the Purchaser is not required to present this Bond to receive each mandatory sinking fund redemption payment.

<u>Year</u>	<u>Amount</u>	<u>Year</u>	<u>Amount</u>
2018	\$ 445,000	2023	\$ 655,000
2019	490,000	2024	715,000
2020	525,000	2025	710,000
2021	585,000	2026	735,000
2022	620,000	2027	750,000

Notice of any such redemption shall be given to the Purchaser by first class mail, addressed to the Purchaser, not later than thirty (30) days prior to the date fixed for redemption. Prior to the date fixed for redemption, funds shall be deposited with the Bond Registrar sufficient to pay the Bond called and accrued interest thereon, plus any premium required. Upon the happening of the above conditions, the Bond thus called shall not bear interest on or after the call date and, except for the purpose of payment from the funds so deposited, shall no longer be protected by the Resolution.

The City Council has deemed designated the issue of Bonds of which this Bond forms a part as “qualified tax-exempt obligations” within the meaning of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended (the “Code”) relating to disallowance of interest expense for financial institutions and within the \$10 million limit allowed by the Code for the calendar year of issue.

In the event that the City shall fail to observe any covenant, agreement or representation in this resolution, which failure results in the interest on this Bond being determined not to be exempt from federal income tax (the “Determination of Taxability”), the interest rate will increase to a rate equal to the then current tax-exempt rate of interest accruing on this Bond (2.250%) divided by 67.5%. In addition, the City will pay an amount equal to the difference between the interest paid at the tax-exempt rate and the interest which would have been paid if the interest rate would have been the taxable rate from the date of the Determination of Taxability, plus any penalties, interest, assessments and additions to tax payable by the holder as a result of the loss of the tax-exempt status of interest on this Bond.

IT IS HEREBY CERTIFIED AND RECITED That all acts, conditions and things required by the Constitution and Laws of the State of Minnesota, the home rule charter of the City, and the Resolution to happen, to be done and to be performed precedent to and in the issuance of this bond have happened, have been done and have been performed in due form, time and manner as prescribed by law; and that this Bond together with all other indebtedness of the City outstanding on the date hereof and on the date of its actual issuance and delivery does not exceed any constitutional, statutory, or charter limitation thereon.

This Bond is transferable, as provided in the Resolution, only upon the registration records maintained by the Bond Registrar by the Purchaser in person or by the Purchaser's duly authorized attorney, upon surrender of this Bond for transfer at the office of the Bond Registrar, duly endorsed by, or accompanied by a written instrument of transfer in form satisfactory to the Bond Registrar duly executed by, the Purchaser or the Purchaser's duly authorized attorney, and, upon payment of any tax, fee or other governmental charge required to be paid with respect to such transfer, one or more Bonds of the same maturity, aggregate principal amount and interest rate will be issued to the designated transferee or transferees.

IT IS HEREBY FURTHER CERTIFIED AND RECITED That in and by the Resolution the City and the Commission have covenanted and agreed that they will operate the Electric Utility free from all liens thereon; that suitable insurance and fidelity bonds on employees will be carried; that proper and adequate books of account will be kept showing receipts and disbursements; that a Sinking and Interest Account will be maintained into which will be paid out of the net revenues of the Electric Utility a sum sufficient to pay principal of and interest on all Bonds of this issue when due; that an Operation and Maintenance Account and a Reserve Account will be created and maintained; that rates and charges for electric service sufficient to maintain those Accounts will be imposed; and that no additional obligations will be issued payable ratably from and secured by the net revenues of the Electric Utility except in accordance with the terms of the Resolution.

In the event of any default hereunder or under the Resolution, the holder of any Bond of this issue has the right to compel by appropriate proceedings the performance of the terms hereof and of the Resolution, whether or not a default exists with respect to payment of the principal of or interest on such Bond.

The principal of and interest on this Bond are payable solely from revenues or funds of the Electric Utility; neither the state or any political subdivision thereof other than the City is obligated to pay the principal of and interest on this Bond; and neither the full faith and credit nor the taxing power of the state or any political subdivision of the state is pledged to payment of principal of or interest on this Bond.

IN WITNESS WHEREOF, the City Council of the City of Brainerd, Crow Wing County, Minnesota, has caused this Bond to be executed on its behalf by the manual or facsimile signatures of the Mayor and Administrator and has caused this Bond to be dated as of the date set forth below.

Dated: October 18, 2017

CITY OF BRAINERD, MINNESOTA

(Facsimile)
Mayor

(Facsimile)
City Administrator

CERTIFICATE OF AUTHENTICATION

This is the Bond delivered pursuant to the Resolution mentioned within.

CITY OF BRAINERD, MINNESOTA

Finance Director

ABBREVIATIONS

The following abbreviations, when used in the inscription on the face of this Bond, will be construed as though they were written out in full according to applicable laws or regulations:

TEN COM -- as tenants in common

UNIF GIFT MIN ACT

Custodian _____

TEN ENT -- as tenants by entireties

(Cust) _____ (Minor)
under Uniform Gifts or Transfers to Minors
Act, State of _____

JT TEN -- as joint tenants with right of
survivorship and not as tenants in common

Additional abbreviations may also be used though not in the above list.

ASSIGNMENT

For value received, the undersigned hereby sells, assigns and transfers unto _____ the within Bond and all rights thereunder, and does hereby irrevocably constitute and appoint _____ attorney to transfer the said Bond on the books kept for registration of the within Bond, with full power of substitution in the premises.

Dated: _____

Notice: The assignor's signature to this assignment must correspond with the name as it appears upon the face of the within Bond in every particular, without alteration or any change whatever.

Signature Guaranteed:

NOTICE: Signature(s) must be guaranteed by a financial institution that is a member of the Securities Transfer Agent Medallion Program ("STAMP"), the Stock Exchange Medallion Program ("SEMP"), the New York Stock Exchange, Inc. Medallion Signatures Program ("MSP") or other such "signature guarantee program" as may be determined by the Registrar in addition to, or in substitution for, STAMP, SEMP or MSP, all in accordance with the Securities Exchange Act of 1934, as amended.

The Bond Registrar will not effect transfer of this Bond unless the information concerning the assignee requested below is provided.

Name and Address:

(Include information for all joint owners if this Bond is
held by joint account.)

Please insert social security or other identifying
number of assignee

PROVISIONS AS TO REGISTRATION

The ownership of the principal of and interest on the within Bond has been registered on the books of the Registrar in the name of the person last noted below.

Date of Registration

Owner

Signature of
Finance Director

Branch Banking and Trust Company
Federal ID # _____

EXHIBIT B

NOTICE OF CALL FOR REDEMPTION

\$11,140,000
CITY OF BRAINERD, MINNESOTA
ELECTRIC UTILITY REVENUE BONDS
SERIES 2007A

NOTICE IS HEREBY GIVEN that, by order of the City Council of the City of Brainerd, Minnesota (the "City"), there have been called for redemption and prepayment on

December 1, 2017

all outstanding bonds of the City designated as the Electric Utility Revenue Bonds, Series 2007A, dated as of September 1, 2007, having stated maturity dates of December 1 in the years 2018 through 2022, both inclusive, totaling \$4,585,000 in principal amount, and with the following CUSIP numbers:

Year of Maturity	Amount	CUSIP Number
2018	\$ 835,000	10489R AL3
2019	875,000	10489R AM1
2020	920,000	10489R AN9
2021	950,000	10489R AP4
2022	1,005,000	10489R AQ2

The bonds are being called at a price of par plus accrued interest to December 1, 2017, on which date all interest on said bonds will cease to accrue. Holders of the bonds hereby called for redemption are requested to present their bonds for payment at the main office of U.S. Bank National Association, in the City of Saint Paul, Minnesota, at the following address, on or before December 1, 2017:

U.S. Bank National Association
Corporate Trust Services
111 Fillmore Avenue East
St. Paul, MN 55107

Important Notice: In compliance with the Economic Growth and Tax Relief Reconciliation Act of 2003, the registrar is required to withhold a specified percentage of the principal amount of the redemption price payable to the holder of any bonds subject to redemption and prepayment on the redemption date, unless the registrar is provided with the Social Security Number or Federal Employer Identification Number of the holder, properly certified. Submission of a fully executed Request for Taxpayer Identification Number and Certification, Form W-9, will satisfy the requirements of this paragraph.

Dated: _____, 2017.

**BY ORDER OF THE CITY COUNCIL OF
THE CITY OF BRAINERD, MINNESOTA**

By: /s/ James M. Thoreen
City Administrator
City of Brainerd, Minnesota

STATE OF MINNESOTA)
)
COUNTY OF CROW WING) SS.
)
CITY OF BRAINERD)

I, the undersigned, being the duly qualified and acting City Administrator of the City of Brainerd, Minnesota (the “City”), do hereby certify that I have carefully compared the attached and foregoing extract of minutes of a regular meeting of the City Council of the City held on October 2, 2017, with the original minutes on file in my office and the extract is a full, true and correct copy of the minutes insofar as they relate to the ratification of the sale of the City’s Electric Utility Revenue and Refunding Bond, Series 2017A, in the original aggregate principal amount of \$6,230,000.

WITNESS My hand officially as such City Administrator and the corporate seal of the City this _____ day of _____, 2017.

(SEAL)

City Administrator
City of Brainerd, Minnesota

\$6,230,000
City of Brainerd, Minnesota
Electric Utility Revenue and Refunding Bond
Series 2017A

We have acted as bond counsel to the City of Brainerd, Minnesota (the “Issuer”) in connection with the issuance by the Issuer of its Electric Utility Revenue and Refunding Bond, Series 2017A (the “Bond”), originally dated October 18, 2017, and issued in the original aggregate principal amount of \$6,230,000. In such capacity and for the purpose of rendering this opinion we have examined certified copies of certain proceedings, certifications and other documents, and applicable laws as we have deemed necessary. Regarding questions of fact material to this opinion, we have relied on certified proceedings and other certifications of public officials and other documents furnished to us without undertaking to verify the same by independent investigation. Under existing laws, regulations, rulings and decisions in effect on the date hereof, and based on the foregoing we are of the opinion that:

1. The Bond has been duly authorized and executed and is a valid and binding special obligation of the Issuer, enforceable in accordance with its terms.

2. The principal of and interest on the Bond is payable solely from net revenues of the municipal electric utility system.

3. Interest on the Bond is excludable from gross income of the recipient for federal income tax purposes and, to the same extent, is excludable from taxable net income of individuals, trusts, and estates for Minnesota income tax purposes, and is not a preference item for purposes of the computation of the federal alternative minimum tax, or the computation of the Minnesota alternative minimum tax imposed on individuals, trusts and estates. However, such interest is taken into account in determining adjusted current earnings for the purpose of computing the federal alternative minimum tax imposed on certain corporations and is subject to Minnesota franchise taxes on corporations (including financial institutions) measured by income. The opinion set forth in this paragraph is subject to the condition that the Issuer comply with all requirements of the Internal Revenue Code of 1986, as amended, that must be satisfied subsequent to the issuance of the Bond in order that interest thereon be, or continue to be, excludable from gross income for federal income tax purposes and from taxable net income for Minnesota income tax purposes. The Issuer has covenanted to comply with all such requirements. Failure to comply with certain of such requirements may cause interest on the Bond to be included in gross income for federal income tax purposes and taxable net income for Minnesota income tax purposes retroactively to the date of issuance of the Bond. We express no opinion regarding tax consequences arising with respect to the Bond other than as expressly set forth herein.

4. The rights of the owners of the Bond and the enforceability of the Bond may be limited by bankruptcy, insolvency, reorganization, moratorium, and other similar laws affecting creditor’s rights generally and by equitable principles, whether considered at law or in equity.

5. The Issuer has designated the Bond as a “qualified tax-exempt obligation” for purposes of Section 265(b)(3) of the Code.

We have not been asked and have not undertaken to review the accuracy, completeness or sufficiency of the offering material relating to the Bond, and accordingly we express no opinion with respect thereto.

This opinion is given as of the date hereof and we assume no obligation to update, revise, or supplement this opinion to reflect any facts or circumstances that may hereafter come to our attention or any changes in law that may hereafter occur.

Dated October 18, 2017, at Minneapolis, Minnesota.

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

October 2, 2017
City Hall Conference Room
6:45 PM

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

<u>Contractor</u>	<u>IMP#</u>	<u>Project</u>	<u>Amount Paid</u>	<u>Amount Retained</u>
Braun Intertec	16-10	Material Testing NW St. thru 9/9	\$3,684	\$0
Braun Intertec	16-13	Material Testing Buffalo Hills thru 9/9	\$11,140	\$0
Millsop Associates	17-05	Site Investigation Services thru 9/15	\$5,382	\$0
S.E.H.	14-15	Airport Util Ext thru 8/31	\$21,074	\$0
Tri-City Paving	16-13	Buffalo Hills Resurfacing thru 9/22	\$1,659	\$87
Tri-City Paving	14-01	Oak Street Mill & Overlay thru 9/22	\$13,181	\$694
Tri-City Paving	14-03	Jackson St thru 9/22	\$2,224	\$117
Anderson Brothers	15-12	S 6 th St Frontage thru 9/22	\$70,606	\$3,716
Anderson Brothers	16-10	NW Brainerd Resurfacing thru 9/22	\$125,053	\$6,582

2. Discussion of the City's Federal and State Minnesota Investment Funds (MIF)

3. Resolution to Waive Recertification of Special Assessments on Property Addressed 601 10th Street South

4. Deferment of Assessments

5. Mills Property Annexation Area – Taxes to Park Dedication Fund

6. 2018 Health Insurance Renewal Rates



Brainerd City Council Agenda Request

Agenda Item #

Requested Meeting Date:

Title of Item:

☐ 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:	Department:
Presenter (Name & Title):	Estimated Time Needed:
Summary of Issue:	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion:	
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 of Brainerd's Economic Development Funds

As of August 31, 2017

Federal MIF

Cash Balance: **\$400,508**

Receivable Balance: **\$78,695**

Options for Use:

- A. Status Quo - City Retains Funds
- B. Participate in BUF (BLAEDC's Unified Fund)
(1 BUF Board Member)

State MIF

Cash Balance: **\$156,275**

Receivable Balance: **\$759,144 *****

Options for Use:

- A. Status Quo - City Retains Funds
- B. Participate in BUF (BLAEDC's Unified Fund)
(1 BUF Board Member - (2 Representatives Total))
- C. Exercise One -Time Use (Cash Balance Only)
(Retain 80%; Return 20% to State)
 - I. Use for Economic and/or Community Development
 - II. Equipment
 - III. General Fund

Combined Cash Balance: \$556,783
Combined Receivable Balance: \$838,839 ***

*** Includes receivable of \$694,427 which is the amount borrowed to pay for Industrial Park Land

Brainerd Lakes Area Economic Development's Unified Fund (aka "BUF")

Goal:

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.

Pros:

- A. One application, one process - Streamline approach.
- B. Access to more financial resources through one application process.
- C. Enhanced ability to secure additional resources for economic development.
- D. City of Brainerd projects may received more money than contributed by Brainerd.

Cons:

- A. The "voice" of the City is the representatives on the Unified Fund
- B. All of the City's contributed funds may not go to finance a project within the City limits of Brainerd.
- C. Has the appearance to members of the public that we are spending "our" money in Nisswa or Merrifield.

MEMO

TO: Personnel & Finance Committee

FROM: Finance Director Connie Hillman

DATE: September 27, 2017

RE: BLAEDC Unified Fund Follow Up Questions

The BLAEDC Unified Fund (BUF) discussion was held over from the September 18, 2017 council meeting for staff to address the questions posed by committee members. Staff contacted our City Attorney as well as a representative at DEED to get answers to the questions. The representative at DEED was unable to get back to us before the packet needed to go out regarding the one-time exception questions. Any additional information will be presented at the council meeting.

Opinion Letter from Kennedy & Graven

The question was asked what was meant by the word “all” in the opinion provided by K&G on page 3: “....and that the LDO will establish RLF policies and procedures and administer **all** (emphasis added) RFL loans from that point on.”

The City Attorney believes that “all” refers to only those funds transferred to BLAEDC to be put under their control. Per DEED, the City can designate BLAEDC as the local Development Organization (LDO) for a portion of the funds. As an example, the City can designate the cash balance to the LDO and retain control of the receivable.

One-Time Exception of State MIF Funds

The one-time exception is for the cash balance only. The questions were posed if we can convert the Industrial Park Loan to cash and include the amount in the one-time exception. 20% of the cash balance is to be returned by DEED by June 30, 2018 and any City that exercises the option to utilize 80% of their balance as general-purpose aid, must submit an accounting and explanation of the use and distribution of the funds by February 15, 2019. A couple of options that has been proposed for using 80% of the balance include setting the funds aside for the historic water tower repairs, supporting initiatives like Rail to River, 3 Bridges Trail, Downtown Destination etc. All the funds may not be spent by February 15, 2019.

The City Attorney feels the one-time exception is the cash balance at the time the City applies for the one-time exception. If the term of the Industrial Park loan allows for early repayment, we should be able to convert the receivable to cash. The City Attorney also feels documenting that the funds have been set aside for a specific purpose is what is needed to fulfill the February 15, 2019 reporting requirement.



Brainerd City Council Agenda Request

Agenda Item #

Requested Meeting Date:

Title of Item:

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☐ Adopt Resolution (attach draft) <i>*provide copy of published hearing notice</i> ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading
Submitted by:	Department:
Presenter (Name & Title):	Estimated Time Needed:
Summary of Issue:	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion:	
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 OF BRAINERD, MINNESOTA
RESOLUTION NO. _____**

**A RESOLUTION WAIVING RECERTIFICATION OF OUTSTANDING NUISANCE
ABATEMENT ASSESSMENTS IN CONNECTION WITH CERTAIN PROPERTY IN THE CITY**

WHEREAS, the City Council of the City of Brainerd, Minnesota (the "City") previously authorized the certification of nuisance abatement assessments (the "Assessments") to be levied against parcel number 091170090210009 with the address of 601 S 10th Street (the "Property"), pursuant to Resolutions No. 52:12; 53:13; 58:14, 52:15, and 51:16 (the "Assessment Resolutions"), and

WHEREAS, the City is considering an additional estimated \$1,129 Assessment for nuisance abatement against the Property for taxes payable in 2018, and

WHEREAS, as of September 19, 2017, the Property will be tax forfeit, and will then be held by the State of Minnesota in trust for Crow Wing County (the "County"); and

WHEREAS, the Housing and Redevelopment Authority in and for the City of Brainerd (the "HRA") will have the opportunity to acquire the Property from the County for housing and redevelopment purposes, specifically the acquisition and demolition of the house on the Property through its Scattered Site Replacement Program; and

WHEREAS, the City hereby finds that it is in the best interest of the City and its residents to agree not to reassess the Property, in order to facilitate the demolition of the house and conveyance of the Property by the HRA to a private party to expeditiously return the Property to the City and County tax rolls.

NOW THEREFORE BE IT RESOLVED, by the Brainerd City Council, that the City agrees, upon the purchase the Property by the HRA, to waive its statutory right to reassess the Property as described in this Resolution, but solely with regard to the Assessments previously levied pursuant to the Assessment Resolutions and the proposed assessment for taxes payable in 2018.

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:

Title of Item:

☐ 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:	Department:
Presenter (Name & Title):	Estimated Time Needed:
Summary of Issue:	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion:	
Financial Impact: <i>Is there a cost associated with this request:</i> ☐ Yes ☐ No <i>What is the total cost, with tax and shipping</i> \$ _____ <i>Is this budgeted?</i> ☐ Yes ☐ No <i>Please Explain:</i>	

RESOLUTION
NO. 54:16

WHEREAS, Minnesota Statutes 435.193 through 435.195 authorizes the City of Brainerd to defer the payment of special assessments against any homestead property for certain citizens; and

WHEREAS, said deferment of assessment may be permitted at the discretion of the City Council; and

WHEREAS, the City Council of the City of Brainerd finds and determines that deferral of special assessments for certain citizens is in the public interest; and

WHEREAS, it is necessary and proper that the City Council set forth its general policies and guidelines for granting said deferrals of special assessments for citizens.

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

1. That the City Council does endorse the principle of deferment of special assessments for citizens where the payment of said special assessments constitutes hardship.
2. The Council, in accordance therewith, may defer the payment of any special assessment on homestead property when payment of the assessment would create a hardship upon the property owner as defined herein.
3. The deferment may be granted upon an application by the owner on a form prescribed by the County Auditor supplemented by the City Administrator to establish the qualifications of the owner for said deferment. All deferments shall be subject to renewal each following year upon the filing of a similar application not later than August 15. The Council shall either grant or deny the deferment, and if it grants the deferment, the deferred assessment shall bear interest at the rate established in the Resolution adopting the assessment. If the Council grants the deferment, the City Administrator shall notify the County Auditor who shall, in accordance with Minnesota Statute 435.194, record a notice of the deferment with the County Recorder setting forth the amount of the assessment.
4. A hardship shall be deemed prima facie to exist when all of the following apply:
 - A. The applicant's spouse and family combines shall not have an annual gross income in excess of the low income limits established by the Housing and Redevelopment Authority of the City of Brainerd in effect at the time of application. All data necessary to confirm applicant's income shall be furnished to the City Administrator.
 - B. The special assessments to be deferred exceed \$300.00.

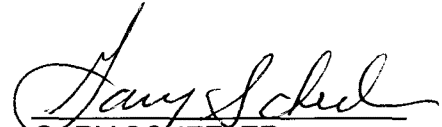
C. The total assets of the applicant and spouse, exclusive of the homestead, do not exceed \$25,000.00.

D. The Crow Wing County Assessor's estimated market value of the applicant's homestead is less than \$110,000.

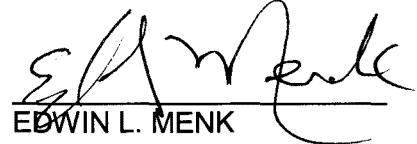
Notwithstanding the foregoing provisions of this paragraph, the City Council may consider exceptional and unusual circumstances pertaining to an applicant not covered by the above standards; but any determination shall be made in a non-discriminatory manner and shall not give the applicant an unreasonable preference or advantage over the other applicants.

5. Retirement by reason of permanent and total disability shall be deemed prima facie to exist when the applicant presents a sworn affidavit by a licensed medical doctor attesting that the applicant is unable to be gainfully employed because of a permanent and total disability.
6. The option to defer the payment of special assessments shall terminate and all amounts accumulated plus applicable interest shall become due upon the occurrence of any of the following events:
 - A. The death of the owner when there is no spouse who is eligible for deferment;
 - B. The sale, transfer, or subdivision of all or any part of the property;
 - C. Loss of homestead status on the property;
 - D. Determination by the Council for any reason that there would be no hardship to require immediate or partial payment; or
 - E. Failure to file a renewal application with the time prescribed by Paragraph 3.
7. This Resolution supersedes Resolution No. 06:05 adopted on February 22, 2005.

Adopted this 21st day of November, 2016


GARY SCHEELER
President of the Council

Approved this 22nd day of November, 2016


EDWIN L. MENK
Mayor

ATTEST:


JAMES M. THOREEN
City Administrator

Query: Homestead Primary Parcel with a Building Value of \$100 or Greater (EMV of Land & Building)



DEFERRED ASSESSMENTS
CITY OF BRAINERD

APPLICATION AND AUTHORIZATION FOR DELAYED PAYMENT OF TAX ON SPECIAL ASSESSMENT FOR SENIOR CITIZENS OR DISABLED PERSONS HOMESTEAD MS. 435.193, MS. 435.194 AND/OR WHERE A FINANCIAL HARDSHIP EXISTS -RESOLUTION. NO. 06:05.

TO: James M. Thoreen, City Administrator, City of Brainerd, Minnesota

NAME Tamara Haberle	I am (check one)
ADDRESS 318 3 rd Ave NE	At least 65 years of age
Brainerd, MN 56401	☐ Retired by virtue of a total or permanent disability
	☒ Financial hardship exists
R.E. CODE OF PROPERTY: 091220100110009	
LEGAL DESCRIPTION OF PROPERTY: Lot 11 Block 10, East Brainerd	

I, the undersigned, declare under penalties of perjury:

That I and family combined shall not have an annual gross income in excess of the low income limits established by the Housing and Redevelopment Authority of the City of Brainerd in effect at the time of the application (see attached).

That the special assessments to be deferred exceed \$300.00.

That my total assets do not exceed \$25,000.00.

That the Crow Wing County Assessor's estimated market value of my homestead is less than \$110,000.

That my interest in the ownership of the above property was acquired in November 1994 and is as follows (check one):

☒ Sole ownership

☐ Joint tenancy

☐ Other (specify)

That on January 1, 2010, I owned and occupied the above property as my homestead and such occupancy began in November 1994.

That the taxes for improvements on the special assessments adopted by Resolution No. 51:10 on October 18, 2010 by the City of Brainerd, which have been allocated against the subject property, would create undue personal hardship on my behalf and I respectfully request that payment be so deferred for the installments payable in the year 2018. (NOTE: Application for deferment shall be made each year.)

I declare under penalties of perjury that the above information is correct to the best of my knowledge and belief:

Signed Tamara Haberle
Owner

I, James M. Thoreen, City Administrator of the City of Brainerd, Crow Wing County, State of Minnesota, do hereby certify that the application of Tamara Haberle, above named, has been duly reviewed and that in accordance with the minutes of official record for the meeting held _____, 2017, in said City Council Chambers, was duly APPROVED or DENIED.

That in accordance with approval granted, that the assessment on the affiant's subject property levied for annual collection composed of principal \$201.55 and interest, which is based on the unpaid principal balance payable in the year 2018 should be so deferred with interest at the annual rate of 3.57%, until such time as it is deemed the applicant no longer qualifies or the property loses its eligibility.

Date: _____ 2017

City Administrator

**DEFERRED ASSESSMENTS
CITY OF BRAINERD**

APPLICATION AND AUTHORIZATION FOR DELAYED PAYMENT OF TAX ON SPECIAL ASSESSMENT FOR SENIOR CITIZENS OR DISABLED PERSONS HOMESTEAD MS. 435.193, MS. 435.194 AND/OR WHERE A FINANCIAL HARDSHIP EXISTS -RESOLUTION. NO. 06:05.

TO: James M. Thoreen, City Administrator, City of Brainerd, Minnesota

NAME Tamara Haberle ADDRESS 318 3rd Ave NE Brainerd, MN 56401	I am (check one) At least 65 years of age Retired by virtue of a total or permanent disability ☒ Financial hardship exists
R.E. CODE OF PROPERTY: '091220100110009 LEGAL DESCRIPTION OF PROPERTY: Lot 11 Block 10, East Brainerd	

I, the undersigned, declare under penalties of perjury:

That I and family combined shall not have an annual gross income in excess of the low income limits established by the Housing and Redevelopment Authority of the City of Brainerd in effect at the time of the application (see attached).

That the special assessments to be deferred exceed \$300.00.

That my total assets do not exceed \$25,000.00.

That the Crow Wing County Assessor's estimated market value of my homestead is less than \$110,000.

That my interest in the ownership of the above property was acquired in November 1994 and is as follows (check one):

- ☒ Sole ownership
☐ Joint tenancy
☐ Other (specify)

That on August 8, 2008, I owned and occupied the above property as my homestead and such occupancy began in November 1994.

That the taxes for improvements on the special assessments adopted by Resolution No. 89:02 on October 21, 2002 by the City of Brainerd, which have been allocated against the subject property, would create undue personal hardship on my behalf and I respectfully request that payment be so deferred for the installments payable in the year 2018. (NOTE: Application for deferment shall be made each year.)

I declare under penalties of perjury that the above information is correct to the best of my knowledge and belief:

Signed Tamara Haberle
Owner

I, James M. Thoreen, City Administrator of the City of Brainerd, Crow Wing County, State of Minnesota, do hereby certify that the application of Tamara Haberle, above named, has been duly reviewed and that in accordance with the minutes of official record for the meeting held _____, 2017, in said City Council Chambers, was duly APPROVED or DENIED. That in accordance with approval granted, that the assessment on the affiant's subject property levied for annual collection composed of principal \$262.20 and interest, which is based on the unpaid principal balance payable in the year 2018 should be so deferred with interest at the annual rate of 6%, until such time as it is deemed the applicant no longer qualifies or the property loses its eligibility. Date: _____ 2017 _____ City Administrator



CITY OF BRAINERD

TO: _____

FROM: _____

DATE: 9-25-2017

RE: _____

RECEIVED

SEP 25 2017

CITY OF BRAINERD
ADMINISTRATION

Tamara Halecki

318- 3rd AVE N.E.

Brainerd, MN 56401

I am permanently disabled, cannot
work, my income is social security
Disability + Disability from my old job.

I am requesting deferred assent due to
my disability.

Been disabled for 30 years!

Tamara Halecki



General Information

Parcel Number: 091220100110009

General Information

Township/City: CITY OF BRAINERD

Taxpayer: HABERLE, TAMARA K
318 3RD AVE NE
BRAINERD, MN 56401

Property Address: 318 3RD AVE NE
BRAINERD 56401

Township: 45

Range: 30

Section: 19

Plat: EAST BRAINERD

Lake Number: 0

Lake Name:

Acres: 0.00

School District: 181

Legal Description:

LOT 11 BLOCK 10

2017 Assessment for 2018 Tax Payable

Class Code 1:	Residential 1 unit
Class Code 2:	N/A
Class Code 3:	N/A
Homestead:	Owner Homestead (may be partial)

Estimated Land Value:	\$29,900.00
Estimated Building Value:	\$100,000.00
Estimated Total Value:	<u>\$129,900.00</u>

2017 Tax Payable

Net Tax (Specials Not Included):	\$775.51
Total Special Assessments:	\$590.49
Current Year Balance Due:	\$683.00
Delinquent:	NO

**DEFERRED ASSESSMENTS
CITY OF BRAINERD**

APPLICATION AND AUTHORIZATION FOR DELAYED PAYMENT OF TAX ON SPECIAL ASSESSMENT FOR SENIOR CITIZENS OR DISABLED PERSONS HOMESTEAD MS. 435.193, MS. 435.194 AND/OR WHERE A FINANCIAL HARDSHIP EXISTS -RESOLUTION. NO. 06:05.

TO: James M. Thoreen, City Administrator, City of Brainerd, Minnesota

NAME Denise Luthjohn ADDRESS 1402 13th Ave NE Brainerd, MN 56401	I am (check one) ☐ At least 65 years of age ☐ Retired by virtue of a total or permanent disability ☒ Financial hardship exists
R.E. CODE OF PROPERTY: 091210000040009 LEGAL DESCRIPTION OF PROPERTY: Lot 4, Doran's Addition to the City of Brainerd	

I, the undersigned, declare under penalties of perjury:

That I, my spouse and family combined shall not have an annual gross income in excess of the low income limits established by the Housing and Redevelopment Authority of the City of Brainerd in effect at the time of the application (see attached).

That the special assessments to be deferred exceed \$300.00.

That my total assets including my spouse's exclusive of the homestead do not exceed \$25,000.00.

That the Crow Wing County Assessor's estimated market value of my homestead is less than \$110,000.

That my interest in the ownership of the above property was acquired on June 14, 1992, and is as follows (check one):

☒ Sole ownership
☐ Joint tenancy, held with _____
☐ Other (specify) _____

That on January 2, 2013, I owned and occupied the above property as my homestead and such occupancy began on June 14, 1992.

That the taxes for improvements on the special assessments adopted by Resolution No. 49:13 on October 21, 2013, by the City of Brainerd, which have been allocated against the subject property, would create undue personal hardship on my behalf and I respectfully request that payment be so deferred for the installments payable in the year 2018. (NOTE: Application for deferment shall be made each year.)

I declare under penalties of perjury that the above information is correct to the best of my knowledge and belief:

Signed _____

Owner

I, James M. Thoreen, City Administrator of the City of Brainerd, Crow Wing County, State of Minnesota, do hereby certify that the application of Denise Luthjohn, above named, has been duly reviewed and that in accordance with the minutes of official record for the meeting held _____, 2017, in said City Council Chambers, was duly APPROVED or DENIED.

That in accordance with approval granted, that the assessment on the affiant's subject property levied for annual collection composed of principal \$312.50 and interest, which is based on the unpaid principal balance payable in the year 2018 should be so deferred with interest at the annual rate of 5%, until such time as it is deemed the applicant no longer qualifies or the property loses its eligibility.

Date: _____, 2017

City Administrator



CITY OF BRAINERD

TO: _____

FROM: _____

DATE: 9-25-17

RE: _____

I am a single parent
House Hold with Two
Children still living at
home

Denise Tröb

RECEIVED

SEP 25 2017

CITY OF BRAINERD
ADMINISTRATION



General Information

Parcel Number: 091210000040009

General Information

Township/City: CITY OF BRAINERD
Taxpayer: LUTHJOHN, DENISE D
1402 13TH AVE NE
BRAINERD MN 56401
Property Address: 1402 13TH AVE NE
BRAINERD 56401
Township: 45
Range: 30
Section: 19
Plat: DORAN'S ADDITION TO THE CITY OF BRAINERD
Lake Number: 0
Lake Name:
Acres: 0.00
School District: 181
Legal Description:
LOT 4

2017 Assessment for 2018 Tax Payable

Class Code 1:	Residential 1 unit
Class Code 2:	N/A
Class Code 3:	N/A
Homestead:	Owner Homestead (may be partial)

Estimated Land Value:	\$31,000.00
Estimated Building Value:	\$90,200.00
Estimated Total Value:	<u>\$121,200.00</u>

2017 Tax Payable

Net Tax (Specials Not Included):	\$1,198.31
Total Special Assessments:	\$125.69
Current Year Balance Due:	\$662.00
Delinquent:	NO



Brainerd City Council Agenda Request

Agenda Item #

Requested Meeting Date:

Title of Item:

☐ 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:	Department:
Presenter (Name & Title):	Estimated Time Needed:
Summary of Issue:	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion:	
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. 05:06

**A JOINT RESOLUTION BETWEEN CROW WING TOWNSHIP
AND THE CITY OF BRAINERD DESIGNATING
AN AREA FOR ORDERLY ANNEXATION**

Crow Wing Township, a public corporation under the laws of the State of Minnesota and the City of Brainerd, a Minnesota municipal corporation jointly agree and resolve as follows:

1. Crow Wing Township and City of Brainerd, through this joint resolution, intend to accomplish annexation into Brainerd a 642.70 acre parcel lying within Crow Wing Township and described in Exhibit A attached and incorporated herein (hereinafter referred to as the "Annexation Area").
2. Crow Wing Township and City of Brainerd hereby designate the "Annexation Area" for orderly annexation, pursuant to Minnesota Statute 414.0325.
3. Crow Wing Township and City of Brainerd do, upon adoption of the Joint Resolution and acceptance of it by the Director of the Minnesota Office of Strategic and Long Range Planning (the "Director"), confer jurisdiction upon the Director, over the "Annexation Area" so as to accomplish said orderly annexation in accordance with the terms of this resolution.
4. No consideration by the Director is necessary.
5. The Director may review and comment, but shall, within 30 days, order annexation in accordance with the terms of this Joint Resolution.
6. The "Annexation Area" is now or about to become urban or suburban in nature. The "Annexation Area" is unincorporated and in need of orderly annexation. The City of Brainerd is capable of providing the services required by the "Annexation Area" within a reasonable time.
7. The "Annexation Area" allows for the logical extension of streets and utilities.
8. By proceeding with orderly annexation within this "Annexation Area", timely development will occur that will not overburden the City of Brainerd's utility infrastructure. The City of Brainerd anticipates utility improvements to serve the "Annexation Area".
9. Crow Wing Township and the City of Brainerd request immediate annexation of the "Annexation Area".
10. Upon development the following City of Brainerd land use controls and ordinances will apply:
 - 2004 Comprehensive Plan
 - Subdivision Design Standards

- Zoning Ordinance
 - Storm Water Management Regulations
 - Mississippi Headwaters Ordinance adopted November, 2001
 - Shoreland Management Regulations adopted July, 2003
 - 2000 International Building Code
 - Other ordinances or codes that may exist
11. To the greatest extent possible, development of the annexed area will utilize site design principles and practices of Conservation Design. Those practices and principles include:
- Flexibility in site design and lot size to save natural resources in other areas
 - Protection and management of the natural resources
 - Providing buffers for sensitive natural areas
 - Create sustainable storm water management using best management design practices
 - Preserve permanent open space in natural areas and for recreation
 - Minimize changes to the natural topography
12. In accordance with City of Brainerd Park Dedication requirements, seven percent (7%) of the land within the “Annexation Area” will be set aside for park purposes.
13. For five years following approval of the “Annexation Area”, property taxes on the property will be dedicated to park development.
14. The City of Brainerd will not initiate, for 15 years from the approval date by the State of Minnesota of the “Annexation Area”, the annexation of the 40 acres commonly known as the “Thompson Forty” legally described and depicted in Exhibit B.

This joint resolution shall be effective solely upon approval by both the Crow Wing Township Board and the Brainerd City Council.

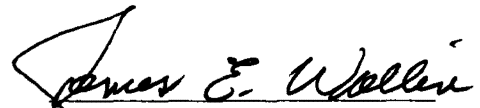
Adopted this 12th day of January, 20056

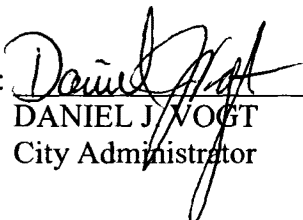
Approved by the Crow Wing Township this 12th day of January, 20056


SCOTT PAKARINEN
Chairman

ATTEST: 
VIRGINIA ROGERS
Township Clerk

Approved by the Brainerd City Council this 17th day of January, 20056


JAMES E. WALLIN
Mayor

ATTEST: 
DANIEL J. VOGT
City Administrator

January 5, 2006

EXHIBIT A

LEGAL DESCRIPTION OF LIVELY AUTO ANNEXATION

NW ¼ of the NW1/4, Section 2, T44N, R31W, containing 43.57 acres, and;

SE ¼ of the NE ¼, Section 2, T44N, R31W, containing 39.04 acres, and;

SW ¼ of the NW ¼, Section 2, T44N, R31W, containing 40.22 acres, and;

SE ¼ of the NW ¼, Section 2, T44N, R31W, containing 40.38 acres, and;

NE ¼ of the SW ¼, Section 2, T44N, R31W, containing 41.96 acres, and;

NW ¼ of the SW ¼, Section 2, T44N, R31W, containing 40.00 acres, and;

SW ¼ of the SW ¼, Section 2, T44N, R31W, containing 40.85 acres, and;

That part of the SE ¼ of the SW ¼, Section 2, T44N, R31W, lying north and west of the centerline of T.H. B371, containing 29.42 acres, and;

That part of the NE ¼ of the SE ¼, Section 2, T44N, R31W, lying north and west of the centerline of T.H. B371, containing 10.93 acres, and;

That part of the NW ¼ of the SE ¼, Section 2, T44N, R31W, lying north and west of the centerline of T.H. B371, containing 36.33 acres, and;

That part of the SW ¼ of the SE ¼, Section 2, T44N, R31W, lying north and west of the centerline of T.H. B371, containing 2.96 acres, and;

Government lot 1, Section 3, T44N, R31W, containing 46.18 acres, and:

Government Lot 2, Section 3, T44N, R31W, containing 19.29 acres, and:

SW ¼ of the NE ¼, Section 3, T44N, R31W, containing 42.13 acres, and;

SE ¼ of the NE ¼, Section 3, T44N, R31W, containing 42.80 acres, and;

Government Lot 3, Section 3, T44N, R31W, containing 12.59 acres, and;

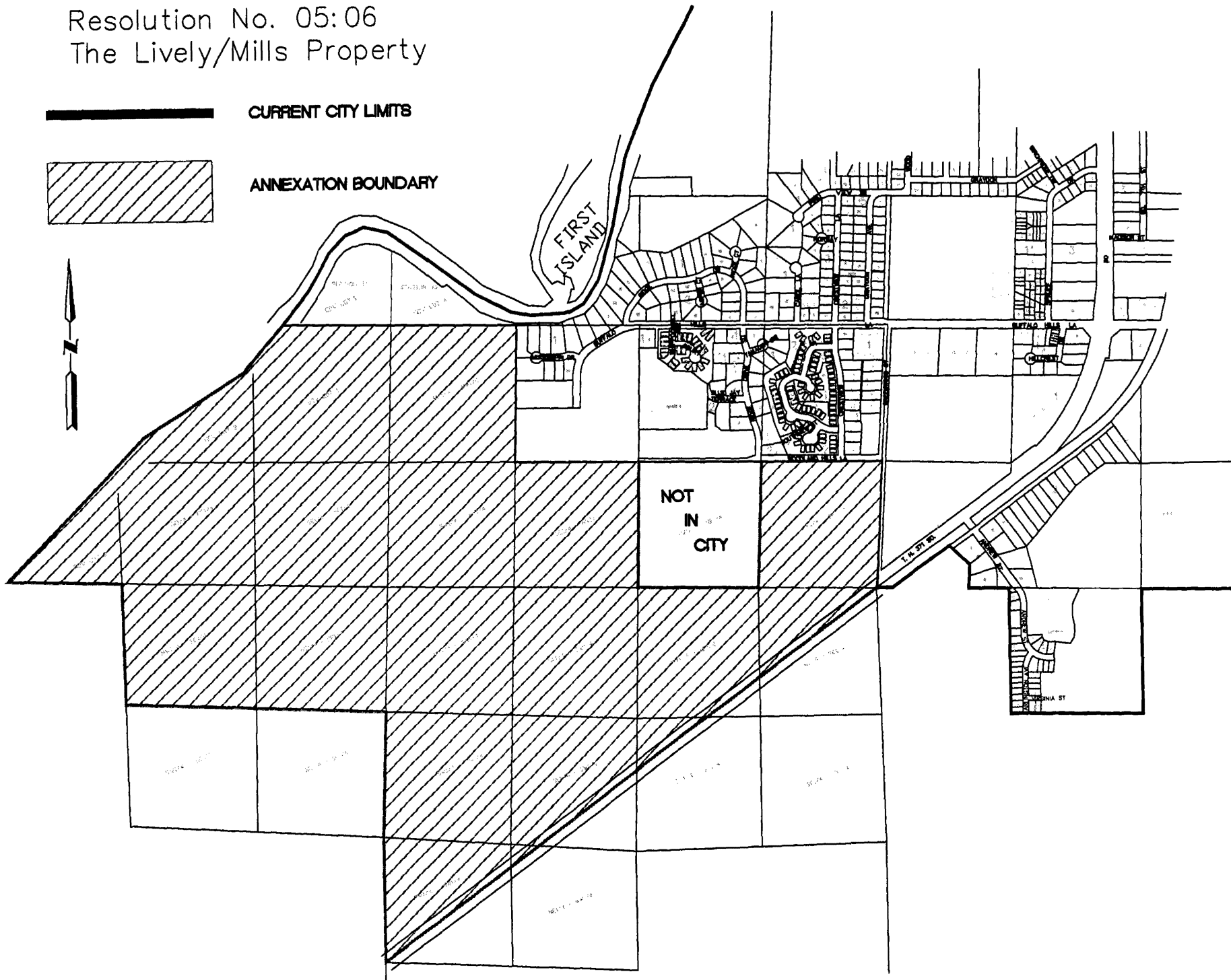
NE ¼ of the SE ¼, Section 3, T44N, R31W, containing 41.61 acres, and;

NW ¼ of the SE ¼, Section 3, T44N, R31W, containing 40.97 acres, and;

That part of the NE ¼ of the NW ¼, Section 11, T44N, R31W, lying north and west of the centerline of T.H. B371, containing 0.29 acres, and;

That part of the NW ¼ of the NW ¼, Section 11, T44N, R31W, lying north and west of the centerline of T.H. B371, containing 20.91 acres.

Resolution No. 05:06
The Lively/Mills Property





MINNESOTA OFFICE OF ADMINISTRATIVE HEARINGS

600 North Robert Street
Saint Paul, Minnesota 55101

Mailing Address:
P.O. Box 64620
St. Paul, Minnesota 55164-0620

Voice: (651) 361-7900
TTY: (651) 361-7878
Fax: (651) 361-7936

September 21, 2010

VIA E-MAIL

The Honorable James Wallin
Mayor of the City of Brainerd
Brainerd City Hall
501 Laurel St
Brainerd, MN 56401-3595

Gregory Smith, Chair (via U.S. Mail)
Crow Wing Town Board
9405 Marshview Ridge
Brainerd, MN 56401

Re: OA-1233 Brainerd/Crow Wing Township;
Joint Resolution No. 34:10 Amending Joint Resolution No. 05:06

Dear Mayor Wallin and Mr. Smith:

On September 21, 2010, the Chief Administrative Law Judge reviewed and accepted Joint Resolution No. 34:10 amending Joint Resolution No. 05:06. Said amendment extends the timeline of the property taxes dedicated to park development by five years.

If you have any questions concerning this matter, please contact this office.

Sincerely,

A handwritten signature in cursive script that reads "Christine M. Scotillo".

Christine M. Scotillo, Executive Director
Municipal Boundary Adjustments
christine.scotillo@state.mn.us
www.mba.state.mn.us

CMS:kjl

c: Daniel Vogt, Brainerd City Administrator (via E-mail)
Virginia Rogers, Crow Wing Township Clerk (via U.S. Mail)

MOVED AND SECONDED BY ALDERMEN KOEP AND NELSON FISHER, DULY CARRIED, TO ADJOURN TONIGHT'S MEETING TO A GATHERING OF THE COUNCIL ON THE NIGHTS OF JUNE 29TH AND JUNE 30TH AT 10:00 P.M. TO OBSERVE STREET LIGHTING CONDITIONS AFTER DARK IN VARIOUS NEIGHBORHOODS USING CITY VEHICLES. SUGGESTIONS OF OBSERVATION AREAS SHOULD TO BE DIRECTED TO BRAINERD PUBLIC UTILITIES AT 829-8726.

Fire Department Sprinkler System – Status of – Held Over to July 6, 2010 – Approved.

MOVED AND SECONDED BY ALDERMEN KOEP AND BEVANS, DULY CARRIED, TO HOLD OVER DISCUSSION OF THE FIRE DEPARTMENT SPRINKLER SYSTEM TO THE JULY 6, 2010 COUNCIL MEETING.

Chair Koep stated that information had been presented by the City Attorney and Interim Fire Chief Stunek as to new options being considered such as some of the work being done by the City; however, there is a question as to the amount of the grant available and reimbursement options.

Mills Property Annexation – Resolution No. 34:10 – Amending Resolution No. 05:06 to Extend the Time Period During Which Taxes Generated on the Property go to the Park Development Fund For Another Five (5) Years – Approved.

This item was carried over from the June 7th meeting in order to discuss the agreement with Crow Wing Township.

Chair Koep stated that Mr. Mark Platta, representing Crow Wing Township, was at the Committee meeting and stated that the township would be in favor of an extension.

MOVED AND SECONDED BY ALDERMEN KOEP AND NELSON FISHER TO ADOPT RESOLUTION NO. 34:10 – AMENDING RESOLUTION NO. 05:06 – A JOINT RESOLUTION BETWEEN CROW WING TOWNSHIP AND THE CITY OF BRAINERD DESIGNATING AN AREA FOR ORDERLY ANNEXATION – SECTION 13 – TO EXTEND THE TIME PERIOD DURING WHICH TAXES GENERATED ON THE MILLS PROPERTY GO TO THE PARK DEVELOPMENT FUND FOR AN ADDITIONAL 5 YEARS FOR A TOTAL OF 10 YEARS.

Alderman Olson spoke against the motion.

Alderman Nelson Fisher stated that in a typical annexation agreement the taxes generated in the township are apportioned at a larger amount in the beginning with the amount lessening over time. She stated that the Township, at the time of the agreement, wanted more funds to go into the Park Dedication so that there would be something for everyone to enjoy in the future.

Alderman Koep spoke in favor of the motion.

RESOLUTION NO. 34:10

Upon roll call, members Nelson Fisher, Cumberland, Koep, Nesheim, Bevans, and Goedker voted "aye." Member Olson voted "nay." The Chair declared the motion carried and the resolution adopted.

Safety and Public Works Committee.

Request to Waive Sidewalk Assessment – Jim Summy, 507 S. 8th Street – Denied.

Per a memo from City Engineer Hulsether that was included in the Packet, Mr. Jim Summy, 507 South 8th Street, has called many times throughout the reconstruction of South 8th Street with concerns about the removal of the sidewalk and construction of the 10 foot bituminous trail and the \$850.40 that he has been assessed for the required replacement of a portion of his sidewalk. City Engineer Hulsether states that staff's opinion is that the sidewalk was hazardous and in need of repair, which is the adjacent property owner's responsibility pursuant to the Charter, and that the determination by the City to replace the sidewalk with a trail should not relieve the property owner of that obligation; therefore, a denial of the request is recommended.

MOVED AND SECONDED BY ALDERMEN OLSON AND CUMBERLAND, DULY CARRIED, TO FOLLOW STAFF'S RECOMMENDATION TO DENY THE REQUEST FROM MR. JIM SUMMY, 507 S 8TH STREET, TO WAIVE THE SIDEWALK ASSESSMENT DUE FROM HIM OF \$850.40.

Liberty Lane Sidewalk Agreement – Approved.

A "Restrictive Covenant Agreement" between Liberty Group of Brainerd, LLC, and the City of Brainerd was attached to the Packet. The Covenant states that the Liberty Group may not further subdivide, develop or construct new buildings upon Lot 2, Block 1, Liberty Commercial Park until it has, at its expense, constructed the sidewalk pursuant to the terms of the Agreement.

MOVED AND SECONDED BY ALDERMEN OLSON AND NESHEIM, DULY CARRIED, TO APPROVE THE RESTRICTIVE COVENANT AGREEMENT BETWEEN LIBERTY GROUP OF BRAINERD, LLC, AND THE CITY OF BRAINERD AS PRESENTED.

Fifteen Minute Parking Sign Request – Anderson Cleaners, 416 S. 8th Street – Approved.

Per a memo from City Engineer Hulsether that was included in the Packet, Anderson Cleaners has requested a 15 Minute time restriction sign on one parking stall in front of their business which has previously been signed for 2-hour parking. Staff recommends approval.

MOVED AND SECONDED BY ALDERMEN OLSON AND CUMBERLAND, DULY CARRIED, TO APPROVE STAFF'S RECOMMENDATION TO INSTALL A "15 MINUTE PARKING DURING REGULAR BUSINESS HOURS" SIGN IN FRONT OF ANDERSON CLEANERS AS REQUESTED.

Request for Resident Parking – Jay Brutsman, 611 S. 9th Street – Relocate "Resident Parking Only" sign from North Property Line to South Property Line along South 9th Street – Approved.

**RESOLUTION
NO. 34:10**

**RESOLUTION AMENDING SECTION 13 OF RESOLUTION NO. 05:06 ENTITLED A JOINT
RESOLUTION BETWEEN CROW WING TOWNSHIP AND THE CITY OF BRAINERD
DESIGNATING AN AREA FOR ORDERLY ANNEXATION**

WHEREAS, Joint Resolution No. 05:06 was adopted by the Brainerd City Council and Crow Wing Township Board of Supervisors in January of 2006 for the purpose of designating an area for orderly annexation referred to as the Mills Property; and

WHEREAS, Section 13 of said resolution stated that "For five years following approval of the "Annexation Area", property taxes on the property will be dedicated to park development."; and

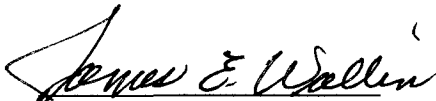
WHEREAS, both parties desire to extend the timeline contained in Section 13 for an additional 5 years to allocate property taxes on the property that will be dedicated to park development for a total of 10 years.

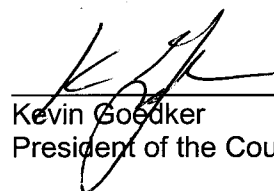
NOW THEREFORE BE IT RESOLVED by the City Council of the City of Brainerd that Section 13 of Resolution No. 05:06 shall be amended to read as follows:

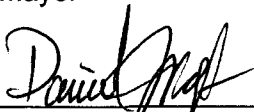
"13. For 10 years following the approval of the "Annexation Area", property taxes on the property will be dedicated to park development."

This joint resolution shall be effective solely upon approval by both the Crow Wing Township Board and the Brainerd City Council.

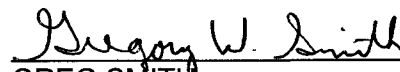
Approved and adopted by the Brainerd City Council this 21st day of June, 2010.

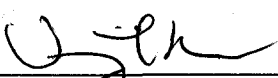

JAMES E. WALLIN
Mayor


Kevin Goedker
President of the Council

ATTEST: 
DANIEL J. VOGT
City Administrator

Approved and adopted by the Crow Wing Township Board this 22nd day of June, 2010.


GREG SMITH
Chairman

ATTEST: 
VIRGINIA ROGERS
Township Clerk

Mills Properties - Lively Auto Company
 Annexation Effective for the tax year 2007
 Per Resolution 05:06 adopted by the City Council on January 17, 2006
 Section 13 states "For five years following approval of the annexation, property taxes on the property will be dedicated to Park Development"

Note: Council action on 6/21/10 extended the 5 years to a total of 10 years.

Taxes			
1st Year	2007	\$5,897	Transferred to Park Dedication Fund on 12/17/07 A/P
2nd Year	2008	\$7,063	Transferred to Park Dedication Fund re j/e @12/31/08
3rd Year	2009	\$7,449	Transferred to Park Dedication Fund on 12/29/09 EOY A/P
4th Year	2010	\$7,968	Transferred to Park Dedication Fund on 12/29/10 EOY A/P
5th Year	2011	\$5,602	Transferred to Park Dedication Fund on 12/19/11 A/P
6th year	2012	\$5,484	Transferred to Park Dedication Fund on 12/28/12 EOY A/P
7th year	2013	\$4,552	Transferred to Park Dedication Fund on 12/20/13 (adjust made)
8th year	2014	\$4,050	Transferred to Park Dedication Fund on 12/30/14 EOY A/P
9th year	2015	\$4,729	Transferred to Park Dedication Fund on 12/30/15 EOY A/P
10th year	2016	\$4,944	Transferred to Park Dedication Fund on 12/30/16 EOY A/P
TOTAL		\$57,739	

Note: This amount is set up as restricted cash in Fund 405

R E S O L U T I O N
NO. ____:17

**RESOLUTION DESIGNATING THE PROPERTY TAXES GENERATED BY THE MILLS
PROPERTY "ANNEXATION AREA" TO THE PARK DEDICATION FUND**

WHEREAS, Joint Resolution No. 05:06 was adopted by the Brainerd City Council and Crow Wing Township Board of Supervisors in January of 2006 for the purpose of designating an area for orderly annexation referred to as the Mills Property; and

WHEREAS, Section 13 of said resolution stated that "For five years following approval of the "Annexation Area", property taxes on the property will be dedicated to park development."; and

WHEREAS, Joint Resolution No. 34:10 was adopted by the Brainerd City Council and Crow Wing Township Board of Supervisors in June of 2010 to extend the timeline contained in Section 13 for an additional 5 years to allocate property taxes on the property that will be dedicated to park development for a total of 10 years; and

WHEREAS, The land was annexed into the City of Brainerd and Resolution No. 34:10 was voluntarily entered into with the Township.

NOW THEREFORE BE IT RESOLVED by the City Council of the City of Brainerd that property taxes generated on the "Annexation Area" will be transferred to the Park Dedication Fund through 2021.

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:

Title of Item:

- ☐ 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 1st Reading

Submitted by:

Department:

Presenter (Name & Title):

Estimated Time Needed:

Summary of Issue:

Alternatives, Options, Effects on Others/Comments:

Recommended Action/Motion:

Financial Impact:

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

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

Is this budgeted? ☐ Yes ☐ No

Please Explain:



7.17% Increase

Company Name: City of Brainerd
Proposed Effective Date: 1/1/2018
Contract Basis: 12/15 (Incurred January 1, 2018 through December 31, 2018 and paid through March 31, 2019)
 \$212,000 Specific Deductible per Member, Unlimited Lifetime Maximum
 Aggregate Attachment Point 110% of Expected Claims

	<u>Contracts</u>	<u>Rates</u>	<u>Monthly Projected Cost</u>
Specific Stop-Loss			
Employee	46	49.35	\$2,270.10
Family	61	129.74	\$7,914.14
Total	107		\$10,184.24
Aggregate Stop-Loss			
Employee	46	1.74	\$80.04
Family	61	4.67	\$284.87
Total	107		\$364.91
Administrative Fee			
Employee	46	19.13	\$879.98
Family	61	51.05	\$3,114.05
Total	107		\$3,994.03
Broker Services Fee			
Employee	46	5.00	\$230.00
Family	61	5.00	\$305.00
Total	107		\$535.00
Non-Compliance Risk Charge			
Employee	46	0.00	\$0.00
Family	61	0.00	\$0.00
Total	107		\$0.00
Total Fixed Costs			
Employee	46	75.22	\$3,460.12
Family	61	190.46	\$11,618.06
Total	107		\$15,078.18

*Fixed Costs will be billed monthly based on actual enrollment.

Claim Cost:

HealthPartners Open Access \$1000 Deductible Plan

	<u>Contracts</u>	<u>Expected Claims Rates</u>	<u>Fixed Costs</u>	<u>Total Rate</u>	<u>Monthly Projected Cost</u>
Employee	5	\$1,062.93	\$75.22	\$1,138.15	\$5,690.74
Family	1	\$1,661.77	\$190.46	\$1,852.23	\$1,852.23
					\$7,542.97

HealthPartners Empower \$2700 H.S.A. Plan

	<u>Contracts</u>	<u>Expected Claims Rates</u>	<u>Fixed Costs</u>	<u>Total Rate</u>	<u>Monthly Projected Cost</u>
Employee	41	\$949.19	\$75.22	\$1,024.41	\$42,000.92
Family	60	\$1,483.38	\$190.46	\$1,673.84	\$100,430.51
					\$142,431.43

Total Annual Expected Costs \$1000 Deductible Plan

\$90,515.59

Total Annual Expected Costs \$2700 H.S.A. Plan

\$1,709,177.13

Excess Risk Insurance Coverage is provided by HealthPartners Insurance Company.
 Third Party Administrative Services provided by HealthPartners Administrators, Inc.
 Quote will expire on: 1/1/2018
 Quote is contingent upon review and approval of the Employer Questionnaire, Underwriting Requirements and Provisions
 and NJPA Board Approval .

2018 NJPA Health Insurance Plan Renewal Information
Plans as of September 1, 2017

CURRENT 2017 PREMIUM							
	\$2,600/\$5,200 HDHP		\$1000 Deductible		Opt Out**	Other	
	Single	Family	Single	Family		IUOE	Teamsters
Total Mthly Prem	955.36	1,562.90	1,061.16	1,728.84	315.00	1,110.00	1,220.74
'ER Share	907.59	1,250.32	1,008.10	1,383.07	315.00	1,110.00	1,220.74
'EE Share	47.77	312.58	53.06	345.77	-	-	-
2018 PROPOSAL (Employee/Employer share based on negotiated split per 2017 union contracts)							
	\$2,700/\$5,400 HDHP		\$1000 Deductible		Opt Out**	Other - 2018 Rates Unknown	
	Single	Family	Single	Family		IUOE	Teamsters
Total Mthly Prem	1,024.41	1,673.84	1,138.15	1,852.23	315.00	1,110.00	1,342.00
2018 Mo. Incr	69.05	110.94	76.99	123.39			
2018 Annual Incr	828.60	1,331.28	923.88	1,480.68			
% Increase	7.23%	7.10%	7.26%	7.14%			
'ER Share	973.19	1,339.07	1,081.24	1,481.78		1,110.00	1,342.00
Add'l HSA Contr.	142.50	178.13	-	-			
Total ER Share	1,115.69	1,517.20	1,081.24	1,481.78	315.00	1,110.00	1,342.00
2018 Mo. Incr	65.60	88.75	73.14	98.71			
2018 Annual Incr	787.18	1,065.00	877.68	1,184.52			
'EE Share	51.22	334.77	56.91	370.45	-	-	-
2018 Mo. Incr	3.45	22.19	3.85	24.68			
2018 Annual Incr	41.43	266.26	46.20	296.16			

2017 Employee Election Statistics:

	\$2,600/\$5,200 HDHP		\$1000 Deductible		Opt Out	Other	TOTAL
	Single	Family	Single	Family			
City	18.00	23.00	2.00	-	10.00	17.00	70.00
BPU	15.00	23.00	4.00	1.00	4.00	-	47.00
HRA	5.00	10.00	-	-	1.00	-	16.00
COBRA, M&C, BPU Com	7.00	3.00	2.00	-	8.00	-	20.00
TOTALS	45.00	59.00	8.00	1.00	23.00	17.00	153.00
TOTAL %	68%		6%		15%	11%	

	HDHP	\$1000 Ded	Opt Out	Other
City	58.6%	2.9%	14.3%	24.3%
BPU	80.9%	10.6%	8.5%	0.0%
HRA	93.8%	0.0%	6.3%	0.0%

Note: Deductible for HDHP must increase to \$2,700 effective 1/1/18 per IRS

Employee Insurance Committee Meeting Notes September 14, 2017

The September 14, 2017, Employee Insurance Committee meeting was called to order at 9:30 a.m. by HR Coordinator Kris Schubert in the Police Department Training Room.

The following representatives were noted present: Elaine Kraemer (FD/Administrative Support); Todd Wicklund (BPU Finance Director); Sharon Jensen and Jana Pernula (Brainerd Public Utilities); John Palcher (LELS/Police Officer); Julie McCullough (PD/Supervisor); HR Coordinator Kris Schubert; HR Intern Megan Duhn and Administration Dept Administrative Specialist Niki Torrence.

Presenters/guests for the meeting were Laura Dwyer (NJPA) and Nancy Peterson (Strong Insurance Inc).

Trends and Utilization: Laura Dwyer with NJPA explained rate information and highlighted changes from last year to this year. There will be a 7.17% increase in our rates, which is calculated per the Expected Claims Rates for City of Brainerd. Laura explained the utilization information, noting the slight changes to benefits designs that are generally mandated by federal and/or state governments every year. Laura explained the reason for the change in deductible from \$2600 in 2017 to \$2700 in 2018 is due to an IRS mandate for embedded health plans. In regards to HSA contribution limits, the annual contribution limit in 2018 for single policies increased to \$3,450 from \$3,400 for an individual. The family contribution limit increased to \$6,900 from \$6,750.

Laura presented the committee with alternate insurance plan options which offered lower premiums with substantially higher deductibles. Kris inquired if this could be an option for pre-Medicare retirees who prefer this model. It was determined that the alternate plans could be a topic of discussion next year if employees are interested. It was also noted that NJPA/HealthPartners offers the Freedom Plan as a Medicare supplement option for retirees as well.

2018 Health Insurance Premium Renewal rates: Laura explained the process of how rates are determined. HealthPartners uses the utilization information to project expected claims costs for the upcoming year. This information is then presented to NJPA and our rate is then figured out as part of a pool of 27 other entities. This includes other cities, school districts and counties. Primarily due to our utilization, our rate increase for this year was 7.17%. It should be noted that the 2018 NJPA pool average health insurance premium increase was 11.8%. Actual increases ranged from 7% to 18.3%.

Health Care Reform Update: Laura noted there is nothing to report at this time.

NJPA Programs:

Flu Shot Clinic – There will be Flu Shot Clinics held on September 19 at Baxter City Hall from 8 – 9:30 a.m. and September 21 at Brainerd City Hall from 3 – 4:30 p.m. NJPA will pay for any employee whether they have our insurance or not, as well as cover the cost for any family member that is also covered with its health insurance.

Employee Assistance Program (EAP) – It was noted that the EAP is a program that is underutilized. Laura gave examples of services within the EAP such as: Financial Counseling (budgeting, restructuring of debt, tax prep help); Legal Services (half-hour consultation); and Work/Life Balance services (help in finding proper daycare, petsitting options, assistance with aging parents). Laura called the EAP a “complete stress reduction program.”

Benovate – July 1st was the start of the new program year. The City is continuing to utilize Benovate as our online Wellness Program Platform. Of the \$330 total possible incentive earnings per employee, NJPA funds \$250 per year per employee on our HealthPartners insurance for Benovate participation. Brainerd also receives an additional \$6,000 grant per year from NJPA for Wellness activities. Our Wellness Committee decided to utilize a portion of the grant funding to pay the remaining \$80 per employee incentive balance. Employees not covered by our HealthPartners plan can still participate on the Benovate platform. Non-covered employees are not eligible for monetary incentives; however, they are eligible for the free vacation day drawing awarded annually. It was noted during the discussion that the Benovate Health Risk Assessment needs to be completed by employees every year in order to receive the incentives in their HSA accounts.

Biometric Screening – The City will be offering Biometric Screenings for employees on the HealthPartners insurance plan. This screening is paid for by NJPA and employees will also receive a \$75 incentive on the Benovate platform for participating in this screening. This \$75 is part of the \$330 total possible earnings. The screening will cover more tests than an annual physical and is quite comprehensive. There will be more information to come regarding date, time and location.

NJPA Pool Life Insurance: There will be a premium increase of 17% for the EMPLOYER only. These rates are guaranteed for two years.

Dental Renewal Rate: There will be a 4.5% increase in the 2018 rate.

Input From Employees:

HR Coordinator Kris Schubert mentioned that she had received complaints regarding the new Group Vision (Avēsis) plan and a specific provider. She wanted to make employees aware that provider Associates In Eyecare covers the exam portion but not materials.

Niki Torrence mentioned that she has noticed that the claim process with Dearborn for Short Term Disability has surprised some employees due to the process taking a little longer than that of the previously-offered plan through AFLAC.

Kris Schubert mentioned that we have tentatively scheduled our 2018 Open Enrollment meetings for November 8th.

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

October 2, 2017
City Council Chambers
7:15 PM

1. Municipal State Aid Street Revision
2. Speed Limits – County Road 48



Brainerd City Council Agenda Request

Agenda Item #

Requested Meeting Date:

Title of Item:

☐ 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:	Department:
Presenter (Name & Title):	Estimated Time Needed:
Summary of Issue:	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion:	
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>	



September 19th, 2017

Mr. Kelvin Howieson
MnDOT District 3 State Aid Engineer
7694 Industrial Park Road
Baxter, MN 56425

Re: City of Brainerd Municipal State Aid Street System Revision Request

Dear Mr. Howieson,

The City of Brainerd is requesting to make a revision to its Municipal State Aid Street System. A list of the revisions and explanations of the revisions can be seen below:

	<u>Miles</u>
Miles Available during 2016 Annual Certification of Mileage:	+0.04
Mileage Revoked:	
South 8 th Street: Willow Street – Brook Street (MSAS 101)	+0.22
Brook Street: South 8 th Street to SE 13 th Street (MSAS 130)	+0.38
S 10 th Street: Front Street to Laurel Street (MSAS 133)	+0.07
Front Street: S 9 th Street to South 10 th Street (MSAS 106)	+0.07
Laurel Street: S 9 th Street to South 10 th Street (MSAS 104)	+0.07
Mileage Requested:	
SE 28 th Street: Oak Street – TH 25	-0.48
5 th Avenue NE: TH 210 (Washington Street) – E Street	-0.28
B Street: 4 th Avenue NE to 5 th Avenue NE	-0.09
Balance of Municipal State Aid Street Mileage	0.00

SE 28th Street, 5th Avenue NE, and B Street carry a significant amount of local and commercial traffic to areas within and around southeast and northeast Brainerd.

SE 28th Street has become a major connection point from the Brainerd residential areas south of Oak Street to the commercial areas in NE Brainerd including the East Brainerd mall since its reconstruction to 2015. Prior to 2015, the street was constructed as a seal coated base course and carried minimal amounts of local traffic. Before the reconstruction of 28th Street, the only routes for local traffic to use to traverse south the north into the commercial areas of NE Brainerd were to take County Road 45 (SE 13th Street) or travel around on TH 25, both of which are a roundabout way to travel from to and from these specific areas of northeast and southeast Brainerd. SE 28th Street meets State Aid criteria by carrying a relatively higher volume of traffic, connects major points of traffic interest such as Oak Street and TH 25, and provides for a coordinated highway system to efficiently move both vehicular and pedestrian traffic in SE and NE Brainerd. The City owns 28th Street SE the entire length until the north end, where the City and Oak Lawn township share the north 550 feet of the road through a maintenance agreement. The City is requesting the portion of which only lies within the municipal limits of Brainerd.

5th Avenue NE is a major thoroughfare for traffic entering the East Brainerd Mall property and other commercial businesses in this area such as Ascensus and Cub Foods. There are only two ways into the East Brainerd Mall property from Washington Street, those being Mill Avenue and 5th Avenue NE. At specific times of the day, traffic turning left from east bound TH 210 will be seen stacking into the travel lanes of TH 210 to take the left-hand turn at 5th Avenue NE. Continued re-development within NE Brainerd, specifically within the East Brainerd Mall property, will only increase the demand for facilities that can accommodate the increased traffic to move vehicles and pedestrians efficiently. 5th Avenue NE connects major points of interest within the City of Brainerd and provides for an easy route in and out of the mall property. It also provides for an integrated and coordinated highway system by allowing traffic to travel north to E Street and other parts of NE Brainerd. 5th Avenue NE carries a heavier volume of traffic along with providing a route for local truck traffic to make deliveries to businesses within the mall property.

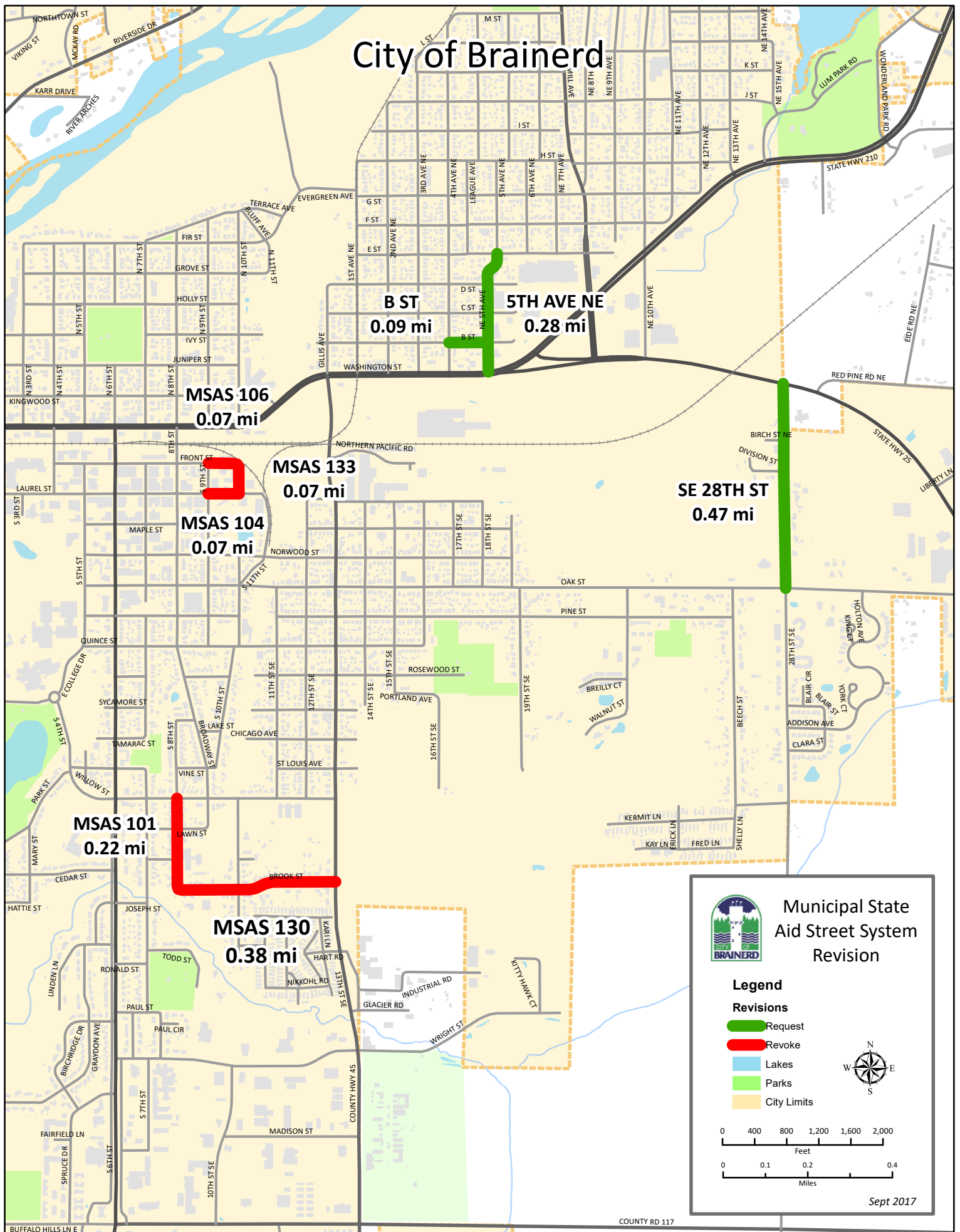
The extension of B Street shown on the attached map is an extension of MSAS 139. B Street serves as backage to commercial properties in NE Brainerd and would also provide the connection to 5th Avenue NE, which I touched on earlier. With continued re-development in NE Brainerd along TH 210 along with the same in the East Brainerd Mall area, ADT will continue to increase at a steady rate. B Street provides to a relief from TH 210 for local deliveries and serves as a connection to multiple other MSAS routes in NE Brainerd. B Street is also a direct route into the East Brainerd Mall property and will serve the commercial businesses with another option to access this commercial area.

The City of Brainerd appreciates your consideration in making these changes to its Municipal State Aid System. If you have any questions or concerns about the requested modifications, please feel free to call me at 218-828-2307.

Sincerely,

Paul G. Sandy, PE
City Engineer
City of Brainerd

City of Brainerd



Municipal State Aid Street System Revision



Legend

Revisions

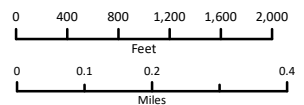
Request

Revoke

Lakes

Parks

City Limits



Sept 2017



Minnesota Department of Transportation
395 John Ireland Boulevard
Saint Paul, MN 55155

Memo

TO: Mr. Paul Sandy
Brainerd City Engineer

FROM: William Lanoux
Manager, Municipal State Aid Needs Unit

DATE: September 27, 2017

SUBJECT: Municipal State Aid Designations and Revocations (no paypacks)

The following Municipal State Aid Street revocations will be approved when the City Council resolution is received:

Part of MSAS 104: *Laurel Street*- S. 9th Street to S. 10th Street (0.07 existing miles)
Part of MSAS 106: *Front Street*- S. 9th Street to S. 10th Street (0.07 existing miles)
MSAS 101: *Brook Street*- S. 8th Street to S.E. 13th Street (0.38 existing miles)
MSAS 130: *S. 8th Street*- Brook Street to Willow Street (0.22 existing miles)
MSAS 133: *S. 10th Street*- Laurel Street to Front Street (0.07 existing miles)

The following Municipal State Aid Street designations will be approved when the City Council resolution is received:

Extension of MSAS 139: *B Street*- 4th Avenue N.E. to 5th Avenue N.E. (0.09 existing miles)
MSAS 140: *28th Street S.E.*- Oak Street to TH 25 (0.48 existing miles)
MSAS 141: *5th Avenue N.E.*- TH 210 to E Street (0.28 existing miles)

A Commissioner's Order will follow after the **City Council resolution** is received and approved by the Commissioner.

Needs Update Comments:

If the City Council resolution is received any time before May 1, 2018, routes designated will receive Needs and will be used in the calculation of your 2019 allotment. Include these revisions *next spring* with your spring 2018 computer Needs update.

Certification of Mileage Update Comments:

If the City Council resolution is received by the DSAE at any time before Dec. 31st, 2017, plan to include these revisions on the *2017 Annual Certification of Mileage* that is due in January 2018.

	Available Mileage	0.04	2016 Certified Mileage
+	Revoked Mileage	0.81	
-	<u>Designated Mileage</u>	<u>0.85</u>	
	Remaining Available Mileage	0.00	

If you have any questions, contact your DSAE or Bill Lanoux at (651) 366-3817 for instructions.

cc. District State Aid Engineer

An Equal Opportunity Employer



2016 ANNUAL CERTIFICATION OF MILEAGE

SEE INSTRUCTIONS INCLUDED ON WEB SITE
RECORD REVISIONS ON BACK OF FORM
SUBMIT TO YOUR DSAE BY JANUARY 15, 2017

	Municipal Mileage as of Dec. 31, 2015				Revisions During Current Year 2016 (+ or -)				Municipal Mileage as of Dec. 31, 2016			
	Non- Existing	Unimproved	Improved	Total	Non- Existing	Unimproved	Improved	Total	Non- Existing	Unimproved	Improved	Total
	I	II	III	IV	V	VI	VII	VIII	IX	X	XI	XII
MILEAGE NOT CONSIDERED IN THE COMPUTATION OF BASIC MILEAGE												
1. Trunk Highways	0.00	0.00	7.91	7.91	0.00	0.00	0.00				7.91	7.91
2. Trunk Highways Turnbacks (Designated as MSAS - mileage above 20%)	0.00	0.00	2.48	2.48	0.00	0.00	0.00				2.48	2.48
3. County State Aid Highways (Exclude mileage designated as MSAS)	0.00	0.00	7.27	7.27	0.00	0.00	0.00				7.27	7.27
4. County State Aid Highway Turnbacks (Designated as MSAS - mileage above 20%)	0.00	0.00	0.00		0.00	0.00	0.00					
5. Total Mileage of Line 1 Thru 4	Previous =		17.66		(+ or -) Adjustment =				Current =		17.66	
BASIC MILEAGE: MILEAGE CONSIDERED IN THE COMPUTATION OF ALLOWABLE MILEAGE												
6. Municipal State Aid Streets (Exclude Trunk and County Highway Turnbacks and Mileage Partly Outside the City Limits in a non MSAS city)	0.83	0.00	15.86	16.69	0.00	0.00	0.00		0.83		15.86	16.69
7. County Road Turnbacks (Designated as MSAS)	0.00	0.00	0.00		0.00	0.00	0.00					
8. County Roads (Exclude mileage designated as MSAS)	0.00	0.00	0.58	0.58	0.00	0.00	0.00				0.58	0.58
9. Other Local Roads And Streets - not designated (Include T.H. & CSAH frontage roads)	0.41	0.00	67.20	67.61	0.00	0.00	0.00		0.41		67.20	67.61
10. Total Improved Basic Mileage (lines 6 + 7 + 8 + 9)	Previous =		83.64		(+ or -) Adjustment =				Current =		83.64	
11. Percentage Limitation Allowed by Statute											x	0.20
12. MAXIMUM MILEAGE ALLOWED FOR M.S.A.S. DESIGNATIONS (Col XI, Line 10 Times Line 11).												16.73
13. Total Municipal State Aid Street Designated (Column XII, Line 2 + 4 + 6 + 7).												19.17
14. Total Miles of T.H. & County Turnbacks designated as MSAS Above 20% (Col. XII Line 2 + 4 + 7).											(-)	2.48
15. Mileage designated MSAS - not including T.H. and County Turnback mileage (Line 13 minus Line 14).											(-)	16.69
16. MSAS Mileage Partly Outside the City Limits in a non MSAS city											(-)	
17. Municipal State Aid Street Mileage Over/Under Maximum Allowed. (Line 12 minus line 15 minus Line 16).												0.04

I hereby certify that the total Improved Mileage (Col.XI. Line 5 + 10) in the Municipality of Brainerd as of December 31, 2016 is 101.30 Miles.

Signed _____ Title _____ Date _____

(Shaded Fields contain formulas. These fields get filled automatically as data is entered.)

SYSTEM REVISIONPROCEDURE

December, 1999

Revised: November, 2000, December 2004, May 2015

City Responsibilities:

- Send system revision request to District State Aid Engineer by March 1 to be included in that year's Needs updates. Request should include:
 - A letter from the city engineer requesting the system revision. The letter should explain how the revision meets the criteria in State Aid Rules 8820.0700 and 8820.0800.
 - A map with the system revisions highlighted.

District State Aid Engineer Responsibilities:

- Review request and recommend approval or denial based upon local perspectives.
- Verify city has enough available mileage for the designation.
- If a CSAH or CR turnback, coordinate with the County Engineer.
- If it is a County Road turnback, a County Board resolution will be required revoking the County Road designation.
- If it is a CSAH TB, the revocation as a CSAH and the designation as MSAS must be done simultaneously.
- If it is a Trunk Highway turnback, determine if the roadway is eligible for Trunk Highway Turnback funding or not.
- Verify the roadway is not on Trunk Highway Right of Way.
- Verify the roadway is within the corporate limits.
- On revocations, check for payback.
- Send the request and the internal approval letter to the MSAS Needs Unit.

Municipal State Aid Needs Unit Responsibilities:

- Review available mileage- compare certified mileage to needs mileage.
- Verify that request meets criteria for a MSAS designation.
- Check corporate limits- Roadway must be totally within corporate limits to receive Needs for the entire length. If Municipal map indicates that the roadway is out, check with Traffic Data Analysis for verification. If it is out, it may require an alteration to the request or an annexation by the city.
- Check if road is a County Road Turnback, CSAH Turnback or TH Turnback to determine if the mileage is included within the city's 20% mileage limitation or above it.
- If it is not a free standing city, check the effect of the designation on adjoining cities. May need to contact the other city.
- Assign MSAS number.
- Recommend approval or denial based upon a system wide perspective.
- Send the external approval letter to DSAE and the city engineer along with a request for a City Council resolution. File a copy of the approval information.

City Responsibilities:

- After receiving the external approval letter, pass and send in a City Council resolution to DSAE by May 1 to be included in that year's Needs updates.

DSAE Responsibilities:

- Make any required copies of the CC resolution and send originals to MSAS Needs Unit for the official file.

MSAS Needs Unit Responsibilities:

- Review the CC resolution for accuracy.
- Review request with the State Aid Engineer.
- After the SA Engineer signs the internal approval letter, forward approved request to Programming Technician to write Commissioners Order.
- Mail the Commissioner's Order to the city.

City Responsibilities:

- Input the system revision into the Needs

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

**A RESOLUTION ESTABLISHING AND REVOKING CERTAIN
MUNICIPAL STATE AID STREETS**

WHEREAS, it appears to the City Council of the City of Brainerd that certain changes to its Municipal State Aid Street system are warranted; and

WHEREAS, in accordance with Minnesota Rules, such revisions must be submitted to the Commissioner of Transportation for review and approval.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BRAINERD, MINNESOTA, that the following roadways described as follows are hereby established, located and designated as Municipal State Aid Streets of the City of Brainerd, subject to the approval of the Commissioner of Transportation of the State of Minnesota:

5th Avenue NE – From TH 210 (Washington Street) to E Street

B Street – From 4th Avenue NE to 5th Avenue NE

SE 28th Street – From Oak Street to TH 25

BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF BRAINERD, MINNESOTA, that the following described Municipal State Aid Streets, which are currently part of Brainerd's MSAS system, have their MSAS designation hereby revoked and removed subject to approval by the Commissioner of Transportation of the State of Minnesota:

Front Street – From S 9th Street to S 10th Street

S 10th Street – From Front Street to Laurel Street

Laurel Street – From S 9th Street to S 10th Street

S 8th Street – From Willow Street to Brook Street

Brook Street – From S 8th Street to SE 13th Street (CSAH 45)

BE IT FURTHER RESOLVED BY THE CITY COUNCIL OF BRAINERD, MINNESOTA, That the City Administrator is hereby authorized to forward two certified copies of this resolution to the Commissioner of Transportation for consideration, and that upon approval of the designations of said roads or portions thereof, that same be constructed, improved and maintained as part of Brainerd's Municipal State Aid Street system.

Adopted this _____ day of _____, 201_

DAVID J. PRITSCHET
President of the Council

Approved this _____ day of _____, 201_

EDWIN L. MENK
Mayor

ATTEST: _____
JAMES M. THOREEN
City Administrator



Brainerd City Council Agenda Request

Agenda Item #

Requested Meeting Date:

Title of Item:

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☐ Adopt Resolution (attach draft) <i>*provide copy of published hearing notice</i> ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading
Submitted by:	Department:
Presenter (Name & Title):	Estimated Time Needed:
Summary of Issue:	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion:	
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 <u>Please Explain:</u>	



Brainerd City Council Agenda Request

Agenda Item #

Requested Meeting Date:

Title of Item:

☐ 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:	Department:
Presenter (Name & Title):	Estimated Time Needed:
Summary of Issue:	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/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



Brainerd City Council Agenda Request

Agenda Item #

Requested Meeting Date:

Title of Item:

☐ 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:	Department:
Presenter (Name & Title):	Estimated Time Needed:
Summary of Issue:	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion:	
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>	

Stephanie Bestul

From: Jeff V. Czczok <bubbajustice@charter.net>
Sent: Monday, September 11, 2017 1:25 PM
To: Jim Thoreen; Stephanie Bestul; Dave Pritschet
Subject: BFD: Washing Vehicles - public record correction request

Greetings,

As of the last CC meeting and the action to reinstate Fire Department employees the ability to wash their personal vehicles at the Fire Hall, there are a couple related items I am requesting to be corrected for the public record.

It has been stated the privilege to wash personal vehicles was taken away in 2009. This is indeed a fact, however, the City Council, during closed session on December 19, 2011 reinstated this, so the action taken last Tuesday was misstated. I would recommend the action last Tuesday be called a 'reaffirmation of the City Council's previous action taken in 2011.

I spent a great deal of time reviewing the associated data and brought before the CC (during the public forum of the October 7, 2013 meeting in the hopes to have the public record corrected.

Subsequently, the October 21, 2013 CC meeting included on the Consent Calendar a correction to the December 19, 2011 City Council meeting minutes.

Below you'll find the copied text from each of these meetings along with the links, with the exception of the link to the 2011 CC minutes, as these are not available on the City's website.

October 7, 2013 - Public Forum

The Chair recognized Mr. Jeff Czczok, 511 D Street, Brainerd, who distributed the minutes of the December 19, 2011 City Council meeting and stated that the minutes from the December 19, 2011 City Council minutes are incorrect. He played the portion of the closed session recording which included a vote to approve the approval of the IAFF Local 4725 Union Contract which confirmed an incorrect list of the votes made by Council that night; that being Member Olson being present and voting "aye" when he had left the meeting and did not vote, and Member Koep voting "aye" when she, in fact, voted "nay." He also discussed what he feels is a discrepancy from a closed union strategy session in the beginning of 2013 for contracts effective 1/1/2013.



Brainerd, MN October 21, 2013

Council President Cumberland stated that Consent Calendar item "H" includes two corrections to the December 19, 2011 meeting minutes; those being the addition of union contract language into the final motion (after

closed session) and the corrected vote on that motion.

MOVED AND SECONDED BY ALDERMEN BEVANS AND PARKS TO APPROVE THE CONSENT CALENDAR AS PRESENTED.

H. Correction of December 19, 2011 City Council Minutes to Reflect Fire Department \$20 Plug-in Fee and Vehicle Washing Approval as well as Corrected Roll Call Vote – Approved



Brainerd, Minnesota December 19, 2011 *The following text is exactly how it appears in the official City Council minutes*

Please Note: The remainder of the minutes were corrected by Council action at the 10/21/13 City Council Meeting:

Note: Alderman Olson left the meeting before the Closed Session

Adjourn at 10:16 P.M. – To Closed Session Pursuant to M.S. 13D.05, Subd. 1(b) to Discuss Union Negotiation Strategies – Approved.

MOVED AND SECONDED BY ALDERMEN OLSON AND PARKS, DULY CARRIED, TO ADJOURN INTO CLOSED SESSION AT 10:16 P.M. PURSUANT TO M.S. 13D.05, SUBD. 1(b) TO DISCUSS UNION NEGOTIATION STRATEGIES.

The Council reconvened into open session at 10:46 P.M.

Resolution No. 63:11 Adopted – IAFF Local No. 4725 (Fire Equipment Operators) Union Settlement – Approved.

MOVED AND SECONDED BY ALDERMEN CUMBERLAND AND BEVANS TO ADOPT RESOLUTION NO. 63:11 – IAFF LOCAL NO. 4725 (FIRE EQUIPMENT OPERATORS) UNION SETTLEMENT AND WAGE ADJUSTMENTS INCLUDING THE AUTHORIZATION OF APPROPRIATE SIGNATURES ON THE CONTRACT DOCUMENTS; FURTHER, TO CONTINUE TO REQUIRE THE \$20 VEHICLE PLUG-IN FEE BE PAID WHEN APPROPRIATE AND TO ALLOW THE WASHING OF PERSONAL VEHICLES AT THE FIRE STATION.

RESOLUTION NO. 63:11

Upon roll call, members, Nesheim, Bevans, Goedker, Parks, Cumberland, and voted “aye.” Member Koep voted “nay.” The Chair declared the motion carried and the resolution adopted.

Adjourn.

The Chair adjourned the meeting at 10:47 P.M.

Please let me know if you have any questions and I would also very much appreciate it if you would let me know how you intend on addressing this request.

Thanks much, Jeff



Virus-free. www.avg.com



Brainerd City Council Agenda Request

Agenda Item #

Requested Meeting Date:

Title of Item:

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☐ Adopt Resolution (attach draft) <i>*provide copy of published hearing notice</i> ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading
Submitted by:	Department:
Presenter (Name & Title):	Estimated Time Needed:
Summary of Issue:	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion:	
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. ____

AUTHORIZATION FOR BRAINERD PUBLIC UTILITIES COMMISSION TO SUBMIT A GRANT APPLICATION TO THE BUSINESS DEVELOPMENT INFRASTRUCTURE PROGRAM

WHEREAS the City of Brainerd act as the legal sponsor for the project contained in the Business Development Infrastructure Application to be submitted in October 2017 and that the City Administrator and the Mayor are hereby authorized to apply to the Department of Employment and Economic Development for funding of this project on behalf of the City of Brainerd.

WHEREAS the City of Brainerd has the legal authority to apply for financial assistance, and the institutional, managerial, and financial capability to ensure matching funds, adequate construction, operation, maintenance and replacement of the proposed project for its design life.

WHEREAS the City of Brainerd has not violated any Federal, State, or local laws pertaining to fraud, bribery, kickbacks, collusion, conflict of interest or other unlawful or corrupt practice.

WHEREAS upon approval of its application by the state, the City of Brainerd may enter into an agreement with the State of Minnesota for the above-referenced project(s), and that it will comply with all applicable laws and regulations as stated in all contract agreements.

WHEREAS the non-BDPI sources of funds identified in the sources and uses outline in the application in an amount equal to 50% of capital costs plus soft costs are committed and adequate to fully fund the project identified in the application.

WHEREAS per MN statute 116J.431 Subd 7, the City of Brainerd understands the grant may be cancelled if the project identified in the Application is not proceeding within 18 months of the execution of a grant agreement, or if not complete after five years of any grant award.

The City of Brainerd certifies that it will comply with all applicable laws, regulations, and rules of the Business Development Infrastructure Application.

NOW, THEREFORE, BE IT RESOLVED that the City Administrator and the Mayor, or their successors in office, are hereby authorized to execute such agreements, and amendments thereto, as are necessary to implement the project on behalf of the applicant.

Adopted this ____ day of _____, 2017.

DAVID PRITSCHET
President of the Council

Approved this ____ day of _____, 2017.

EDWIN L. MENK
Mayor

ATTEST:

JAMES M. THOREEN
City Administrator

BRAINERD PUBLIC UTILITIES COMMISSION

RESOLUTION NO. 2017-02

**REQUESTING AUTHORIZATION TO SUBMIT A
BUSINESS DEVELOPMENT INFRASTRUCTURE
GRANT APPLICATION**

WHEREAS, the Brainerd Public Utilities Commission (the "BPU"), the municipal utility arm of the City of Brainerd, Minnesota (the "City"), is responsible for the operation of the City's water system; and

WHEREAS the City of Brainerd has the legal authority to apply for financial assistance, and the institutional, managerial, and financial capability to ensure matching funds, adequate construction, operation, maintenance and replacement of the proposed project for its design life.

WHEREAS the City of Brainerd has not violated any Federal, State, or local laws pertaining to fraud, bribery, kickbacks, collusion, conflict of interest or other unlawful or corrupt practice.

WHEREAS the non-BDPI sources of funds identified in the sources and uses outline in the application in an amount equal to 50% of capital costs plus soft costs are committed by BPU and adequate to fully fund the project identified in the application.

NOW, THEREFORE, BE IT RESOLVED, by the Brainerd Public Utilities Commission, as follows:

1. The BPU requests that the City authorize a grant application to the Business Development Public Infrastructure program to fund 50% of the capital costs associated with the new south water tower construction.
2. The BPU requests that the City pass the attached resolution required for the grant application.

Adopted this 26th day of September, 2017.


Chair

ATTEST:


Secretary

Conflict of Interest Disclosure Form

This form gives grantees an opportunity to disclose any actual, potential or perceived conflicts of interest that may exist when receiving a grant. It is the grantee's obligation to be familiar with the Office of Grants Management (OGM) [Policy 08-01](#), Conflict of Interest Policy for State Grant-Making and to disclose any conflicts of interest accordingly.

All grant applicants must complete and sign a conflict of interest disclosure form.

☒ I or my grant organization do NOT have an ACTUAL, POTENTIAL, or PERCEIVED conflict of interest.

If at any time after submission of this form, I or my grant organization discover any conflict of interest(s), I or my grant organization will disclose that conflict immediately to the appropriate agency or grant program personnel.

☐ I or my grant organization have an ACTUAL, POTENTIAL, or PERCEIVED conflict of interest. *(Please describe below):*

If at any time after submission of this form, I or my grant organization discover any additional conflict of interest(s), I or my grant organization will disclose that conflict immediately to the appropriate agency or grant program personnel.

Printed Name of Mayor or County Board Chair: Edward Menk

Signature:

Name of City/County: Brainerd

Date:



Brainerd City Council Agenda Request

Agenda Item # _____

Requested Meeting Date:

Title of Item:

- ☐ 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 1st Reading

Submitted by:

Department:

Presenter (Name & Title):

Estimated Time Needed:

Summary of Issue:

Alternatives, Options, Effects on Others/Comments:

Recommended Action/Motion:

Financial Impact:

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

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

Is this budgeted? ☐ Yes ☐ No

Please Explain:



Brainerd City Council Agenda Request

Agenda Item #

Requested Meeting Date:

Title of Item:

☐ 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:	Department:
Presenter (Name & Title):	Estimated Time Needed:
Summary of Issue:	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/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>	

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	Pam O'Rourke – Board Member		
11.	Councilman Stunek	Resident			



Brainerd City Council Agenda Request

Agenda Item #

Requested Meeting Date:

Title of Item:

☐ 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:	Department:
Presenter (Name & Title):	Estimated Time Needed:
Summary of Issue:	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion:	
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>	

Tony Sailer

From: the-clolms@charter.net
Sent: Tuesday, September 19, 2017 5:26 PM
To: Tony Sailer
Subject: Parks Resignation letter

Holly Holm

1717 Graydon Avenue

Brainerd, MN 56401

9/20/17

Tony Sailer
Director
Brainerd Parks and Recreation

1619 NE Washington Street

Brainerd, MN 56401

Dear Tony,

It is with great regret that I am writing to inform you of my resignation from my position on the Parks Board, effective October 25, 2017.

My husband and I have sold our home in Brainerd, and according to Chapter 2, Section 9 of the City Charter, I need to discontinue my service on the board as I will soon be living outside of the city limits.

It has been a pleasure being a part of the Brainerd Parks and Recreation Board. I am so proud of all we have accomplished in the past six years, and I have no doubt the board will continue these successes in the future.

Best Regards,

Holly Holm