

CITY COUNCIL AGENDA

Brainerd, Minnesota
November 6, 2017
7:30 P.M.
Brainerd City Hall
Council Chambers

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

2. **Roll Call**

___ K. Stunek ___ K. Bevans ___ D. Badeaux ___ G. Johnson
___ S. Hilgart ___ J. Lambert ___ D. Pritschet ___ Mayor Menk

3. **Pledge Of Allegiance**

4. **Approval Of Agenda - Voice Vote**

5. **Consent Calendar**

NOTICE TO PUBLIC - all matters listed are considered routine by the Council and will all be enacted by one (1) motion. There will be no separate discussion of these items unless good cause is shown prior to the time the Council votes on the motion to be ADOPTED BY ROLL CALL

A. **Approval Of Minutes**

1. Regular Meeting Held on October 16, 2017
2. Special Meeting Held October 17, 2017

Documents:

[20171016_CC draft.pdf](#)

[20171017_CC - Special City Administrator Hiring Process.pdf](#)

B. **Approval Of Licenses**

1. Contractor Licenses - 6 - 3 New, 3 Renewals

Documents:

[2017-11-06 Cont License.pdf](#)

C. **Department Activity Reports**

1. Fire Chief
2. Parks Director

Documents:

[FD Report.pdf](#)

[Parks Report.pdf](#)

D. Minnesota Lawful Gambling Application For Exempt Permit - Submitted By Knights Of Columbus Council 1491, 902 Fir St., Brainerd For Events To Be Held January 18, January 25, February 1 And February 8, 2018 At St. Francis Catholic Church, 404 N 9th St., Brainerd, MN

E. Waiver Of Nuisance Assessment - 1323 Oak Street

Documents:

[Waiver of Assessment.pdf](#)

6. **Council Committee Reports**

A. **Safety And Public Works Committee**

Documents:

[20171106_SPW.pdf](#)

1. State Aid Advance Resolution - 2018 S 6th Street Construction

Documents:

[Res - Advancement of State Aid Street Funds.pdf](#)

2. Update On 2017 Construction Projects

Documents:

[2017 Street Construction Project Status Update - Informational.pdf](#)

B. **Personnel And Finance Committee**

Documents:

[20171106_PF.pdf](#)

1. Approval Of Bills & Payments To Contractors

<u>Contractor</u>	<u>Imp #</u>	<u>Project</u>	<u>Amount Paid</u>	<u>Amount Retained</u>
Anderson Brothers	17-04	2017 Patch Work	\$9,863	\$0
Anderson Brothers	15-12	S. 6th Street Frontage thru 10/27	\$85,646	\$4,508
Anderson Brothers	16-10	NW Brainerd Resurfacing thru 10/27	\$289,916	\$15,259
Braun Intertec	15-12	S. 6th Street Frontage Testing thru 10/7	\$2,066	\$0
Braun Intertec	16-10	NW Brainerd Resurfacing Testing thru 10/7	\$1,112	\$0
S.E.H.	17-08	2019 SRTS Sidewalks thru 9/30	\$2,695	\$0
S.E.H.	14-15	Airport Util Ext thru 9/30	\$6,287	\$0

2. Fire Department Fee Appeal

Documents:

[FD Fee Appeal.pdf](#)

3. Authorize Submission Of Small Cities Development Program (SCDP) 2018 Preliminary Proposal To Department Of Employment & Economic Development (DEED)

Documents:

[SCDP Preliminary Application to DEED.pdf](#)

4. 2018 Library Operating Supply Budget

Documents:

[Library Budget .pdf](#)

5. Employee Policy Manual Amendment And Memorandums Of Agreement With IBEW, LELS, And USW Unions To Increase Deductibles For High Deductible Health Plan As Required By IRS Regulations Effective January 1, 2018

Documents:

[EPM and MOAs to Increase the 2018 HDHP Deductible.pdf](#)

6. Deferment Of Assessment

Documents:

[Deferment of Assessment.pdf](#)

7. Unfinished Business

A. Continuation Of Public Hearing - Downtown Special Services, Downtown Snow Removal, And 2017 Nuisance Contested Assessments

Documents:

[Continuation of PH - Downtown Special Services, Downtown Snow Removal, and 2017 Nuisance Abatement Contested Assessments.pdf](#)

[PH - Contested Assessment 911 Kingwood Street Nuisance.pdf](#)

[PH - Contested Assessment 319 N 9th Street Nuisance.pdf](#)

[PH - Contested Assessments 1504 8th Avenue NE Nuisance.pdf](#)

[PH - Contested Assessment DTSS and DTSR.pdf](#)

[Res - Adopting Contested Assessments for DTSS, DTSR, and 2017 Nuisance Abatement .pdf](#)

B. Continuation Of Public Hearing - Improvement 14-03 Contested Assessment

Documents:

Continuation of PH - Improvement 14-03 Contested Assessment.pdf
PH - Contested Assessment Improvement 14-03.pdf
Res - Adopting Contested Assessment for Improvement 14-03.pdf

C. Demolition Of Building At 507 6th Street South

Documents:

Building at 507 6th Street South.pdf

D. Comprehensive Plan Steering Committee Appointments

Documents:

Comprehensive Plan - Discuss Steering Committee Appt.pdf

E. 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 - 2 term (Expire 2018)
Park Board - 1 term (Expire 2021)

8. New Business

A. National Joint Powers Alliance Board Of Directors

Documents:

NJPA Board of Directors.pdf

9. Planning Commission

A. First Reading - Proposed Ordinance No. 1474 - Rezoning - Adventure Properties, 110 NW 3rd St. Brainerd, MN - Rezone Property From A B-2 (Neighborhood Business) District To An R-3 (High Density Residential) District

Documents:

Proposed Ord. No. 1474 - Rezoning Adventure Prop.pdf

B. First Reading - Proposed Ordinance No. 1475 - Amending Brainerd Zoning Ordinance Sections 515-02, 515-61, 515-63, 515-64, 515-65 And 515-70 Regarding Microdistilleries And Cocktail Rooms

Documents:

Zoning Ord Amendment Permitting Microdistilleries.pdf

10. Public Forum

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

11. **Staff Reports**

(Verbal: Any Updates since Packet)

12. **Council Member Reports**

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

A. **David Runberg, Transportation Advisory Committee - Effective October 19, 2017**

14. **Committee Recommendations - Recommended By Mayor Menk**

15. **Adjournment To**

Closed Session pursuant to MN Statutes, 13D.05, Subd. 3(b) for attorney-client privilege to discuss the Firefighters Union Local 4725 lawsuit

Closed Session pursuant to MN Statutes, 13D.05, Subd.3(b) for attorney-client privilege to discuss the pending annexation proceeding with the City of Baxter

City Administrator Interviews - November 15, 2017 at 2:00 p.m. - City Hall 2nd Floor Conference Room

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

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 BEVANS AND LAMBERT, DULY CARRIED, TO APPROVE THE AGENDA.

MOVED AND SECONDED BY ALDERMEN BEVANS AND JOHNSON, DULY CARRIED, TO CORRECT THE MINUTES OF THE MEETING HELD OCTOBER 2, 2017 UNDER CLARIFICATION OF FIRE DEPARTMENT PERSONAL VEHICLE WASH GUIDELINES.

MOVED AND SECONDED BY ALDERMEN BEVANS AND JOHNSON TO ADOPT THE CONSENT CALENDAR WITH THE CORRECTED OCTOBER 2, 2017 MINUTES.

A. Approval of the Minutes of the Regular Meeting held on October 2, 2017, as Corrected - Approved

B. Approval of Licenses – Approved

1. Tobacco License – Informational – Location Change Only:

JHT Vape – Location Change from 823 Washington Street to 814 Front Street, Brainerd – Contingent Upon Fire Inspection

C. Department Activity Reports – Approved

1. City Administrators Report
2. Police Chief
3. Finance Director

D. Resolution No. 61:17 – Resolution Accepting Donations & Contributions for 3rd Quarter 2017 – Approved

E. Minnesota Lawful Gambling Application to Conduct Excluded Bingo – Submitted by St. Andrew's Catholic Church, 1108 Willow Street, Brainerd, MN. Bingo Events to be Held November 18, 2017 – Approved

F. Temporary Beer License – Submitted by Friends of the Library for an Event to be Held November 10, 2017 at the Brainerd Public Library, 416 S. 5th Street, Brainerd, MN – Contingent Upon Background Investigation – Approved

G. Tobacco License, Fill Station License and Off-Sale Beer License – Submitted by Casey’s General Store, 850 Lum Park Rd., Brainerd, MN – Contingent Upon Background Check and Fire Inspection - 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.

Presentations

MN State Independent Living Council Presentation / Listening Session – Submitted by Ms. Mary Koep – Thursday, October 26, 2017 7:00 – 9:00 pm in City Council Chambers – Informational

The Chair welcomed Ms. Mary Koep. Ms. Koep extended an invitation to attend an upcoming presentation from the MN State Independent Living Council regarding the Olmsted Act on Thursday, October 26, 2017. The Olmsted Act is the result of non-compliance with the Americans with Disabilities Act (ADA). The presentation will give information on what is and what is not working in society for people with disabilities.

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>
Bolten & Menk	16-14	Traffic Study NW 4 th St.	\$2,730	\$0
Tri-City Paving	14-03	Jackson Street Change Order #1	\$2,470	\$130

MOVED AND SECONDED BY ALDERMEN JOHNSON AND STUNEK 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.

Deferment of Assessment For Parcel 091220100110009 - Approved

MOVED AND SECONDED BY ALDERMEN JOHNSON AND HILGART, DULY CARRIED, TO APPROVE DEFERMENT FOR THE APPLICANT FOR ASSESSMENT PAYABLE IN 2018 FOR IMPROVEMENTS 08-11 AND 05-27.

City Share of Future Legislative-Citizen Commission on Minnesota Resources (LCCMR) Grant – Denied

MOVED BY ALDERMEN JOHNSON AND BADEAUX TO APPROVE A RESOLUTION TO COMMIT UP TO \$100,000 TO A LEGISLATIVE-CITIZEN COMMISSION ON MINNESOTA RESOURCES (LCCMR) GRANT AS THE CITY’S PORTION OF THE THREE BRIDGES TRAIL DESIGN PHASE.

Committee Chair Johnson indicated there have been many committees within the last several years working on the Riverfront. In 2013, the City Council codified a strategic plan to design and develop a Riverwalk. The Riverfront Committee is currently working on this and on design phase 4 and has submitted a grant application to which the City Council approved without a financial match. As leaders of the City, we need to support this committee to move forward with the strategic plan of designing and developing a Riverwalk. It has been suggested for the Riverfront Project to go to referendum.

Council Member Bevans inquired where the \$100,000 would come from to support the Riverwalk. Committee Chair Johnson explained it would come from Capital Funds.

Finance Director Hillman clarified that a check is not being cut for the funds. This is only if we are a part of the LCCMR grant. Without this match, we will probably not be considered for the grant. It is unknown of the chances of receiving the grant even with the matching funds. The funds would just be set aside to use towards the Riverwalk.

Mayor Menk stated he met last week with Senator Ruud to talk about the Three Bridges Trail. If the City can commit to 10% or 20% towards the funding and get the balance in Legacy Funds to finish the plans, there is a chance to work on obtaining funding for the construction in a bonding bill. Without the plans, the project may not occur. There may be the need to go to the State two or three times to obtain bonding for the full project. However, we will not be a part of a bonding bill until the planning process is completed. A lot of work has already been done.

Council discussion took place about the importance of the project when there are many other needs in the City. The original approval from council was just an approval to submit the grant application, and there was nothing said about a monetary city match.

Upon roll call, members Badeaux, Johnson and Pritschet voted "aye." Members Lambert, Stunek, Bevans and Hilgart voted "nay." The Chair declared the motion failed.

Facilities Assessment - Approved

MOVED AND SECONDED BY ALDERMEN JOHNSON AND STUNEK TO AUTHORIZE STAFF TO ENTER INTO AN AGREEMENT WITH WIDSETH SMITH NOLTING (WSN) AND CONTEGRITY GROUP TO PERFORM A FACILITIES ASSESSMENT FOR THE CITY OF BRAINERD TO BE COMPLETED PRIOR TO BUDGET WORK FOR 2019.

Committee Chair Johnson explained staff was authorized to send out a Request For Proposals on a Facilities Assessment that was planned for the 2018 Budget with \$30,000 set aside for the study. The only proposal received was from Widseth Smith Nolting working together with Contegrity Group in the amount of \$77,640.

Council discussion took place whether or not a full assessment is needed or if the obvious concerns can be taken care of without an assessment. The issues involve the City Hall building, Police Department, Parks Department and Fire Department. Without a full assessment, we do not know what priorities are.

Upon roll call, members Stunek, Johnson and Pritschet voted "aye." Members Lambert, Bevans, Badeaux and Hilgart voted "nay." The Chair declared the motion failed.

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT TO AUTHORIZE STAFF TO CONTACT WSN AND REQUEST A SMALLER STUDY ON CITY HALL HEATING AND VENTILATION AND FRONT STEPS, AND HEATING AND VENTILATION AT BOTH THE POLICE DEPARTMENT AND THE FIRE DEPARTMENT.

Committee Chair Johnson explained this would be a waste of money. If this study is completed as proposed and the rest of the study is requested at a later date, we are piecing it out in an attempt to save money which in the long run would not.

Council discussion took place about how the facilities assessment for the City of Brainerd combines all of the systems together and how they interact. If only one piece of the system is corrected, it affects other aspects in the buildings and correcting one thing now and waiting to do the rest may not be the best solution. What may be thought of as a priority may not be in the eyes of a contractor i.e. the HVAC system, roofing issues and ADA compliancy concerns.

Council member Bevans withdrew his motion.

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT TO AUTHORIZE STAFF TO ENTER INTO AN AGREEMENT WITH WIDSETH SMITH NOLTING (WSN) AND CONTEGRITY GROUP TO PERFORM A FACILITIES ASSESSMENT FOR THE CITY OF BRAINERD IN THE AMOUNT OF \$77,640 TO BE COMPLETED PRIOR TO BUDGET WORK FOR 2019.

Upon roll call, members Lambert, Stunek, Bevans, Johnson and Pritschet voted "aye." Members Badeaux and Hilgart voted "nay." The Chair declared the motion carried.

Safety and Public Works Committee Report

Downtown Snow Removal Bids - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND BADEAUX, DULY CARRIED, TO ACCEPT THE BIDS WITH THE UNIT PRICES AS PRESENTED FROM TOM'S BACKHOE SERVICE FOR THE 2017-2018 DOWNTOWN SNOW REMOVAL.

Council discussion took place. Due to receiving only the one bid, staff will pursue researching the issue of not receiving more by sending out a simple questionnaire for the contractors to complete before next year's bids are solicited.

Event/Street Closure Application – St. Francis School Marathon - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT, DULY CARRIED, TO AUTHORIZE THE STREET CLOSURE WITH THE CONDITIONS THAT THE APPLICANT ORGANIZE THE TRAFFIC CONTROL NEEDED WITH STREET DEPARTMENT PERSONNEL AND ENGINEERING STAFF.

Local Road Improvement Program Grant Opportunity – Authorization to Apply for Grant – Adopted by Resolution No. 62:17

MOVED AND SECONDED BY ALDERMEN BEVANS AND BADEAUX TO AUTHORIZE STAFF TO SUBMIT A LOCAL ROAD IMPROVEMENT PROGRAM (LRIP) APPLICATION TO THE STATE OF MINNESOTA FOR THE NW 4TH STREET (CSAH 20) CORRIDOR IMPROVEMENTS FOR CONSTRUCTION YEAR 2020 AND TO ADOPT RESOLUTION 62:17 SUPPORTING THE PURSUIT OF LRIP FUNDS AND CROW WING COUNTY ACTING AS THE PROJECT SPONSOR.

RESOLUTION 62:17

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

Tax Forfeit Non-Conservation Parcels – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT, DULY CARRIED, TO AGREE WITH THE NON-CONSERVATION CLASSIFICATION OF THESE PARCELS AND ALLOW CROW WING COUNTY TO OFFER THE SALE OF THE PARCELS TO THE PUBLIC. THE BUILDING OFFICIAL WILL SEND LETTERS TO THE COUNTY ALONG WITH THE LETTER ON NON-CONSERVATION CONCURRENCE THEREBY NOTIFYING THE COUNTY OF THE CONDITIONS TO REMOVE CONDEMNED STRUCTURES ON PARCELS 3 AND 5.

Unfinished Business

Public hearing – Designation of Brainerd Lakes Area Economic Development Corporation (BLAEDC) as the City's Local Development Organization (LDO) – Adopted by Resolution No. 63:17

The Chair Opened the public hearing at 8:20 p.m.

The Chair recognized Ms. Sheila Haverkamp, Executive Director of Brainerd Lakes Area Economic Development Corporation (BLAEDC). The City of Brainerd and BLAEDC have had a long term relationship for many years. As companies shown interest in making investment in the City, BLAEDC looks into ways to support them and meet the financing needs. One of many tools to assist companies is a grant program to a local unit of government who in turn loans to the company. As the loan is paid back it is used to establish revolving funds at a local level. The Unified Fund will serve as a one-stop shop to tap into a level of funds available for a company to borrow. The applicant will only need to complete one application as well as keep it more private in nature. Ms. Haverkamp stated if the City of Brainerd names BLAEDC as the Local Development Organization (LDO), to consider the federal pool and ideally, both federal and state would be considered.

The Chair recognized Ms. Kim Ellingson, Bremer Bank President. Ms. Ellingson spoke in favor of the Unified Fund and sees the need for the streamlined access to capital. It is a confusing process for the clients and the bankers. This would be one way to help that need of capital for the clients and the bankers.

The Chair recognized Mr. Tom Haglin, owner and president of Lindar Corporation. Mr. Haglin is in favor of the Unified Fund and have used the services of BLAEDC for 24 years. When there are funds available, they are very difficult to access to new entrepreneurs and companies just starting out. This fund will put these dollars to better use.

The Chair recognized Mr. Jerry Sinner, member of the Economic Development Authority (EDA) as well as president of Stern Companies. Mr. Sinner explained the growth process of Stern Companies over the years. It is important for businesses to grow at their own pace and the Unified Fund will make it easier for businesses to access funds and grow.

The Chair recognized Mr. Mike Larson, CEO of Essentia Health Medical Center. Mr. Larson stated the value of the Unified Fund will get the funds out there working for the community.

The Chair recognized Mr. Paul Means, chairman and director of Riverwood Bank. Mr. Means stated the money has been sitting idle and the Unified Fund will get the money out into the community faster. The sooner the funds are put to work in the form of loans, the better it will be for the community.

The Chair recognized Mr. Eric Charpentier, Cuyuna Range Economic Development Inc. director. Mr. Charpentier supports the Unified Fund and says regionality is the key to the Unified Fund. Funds may be used outside of the City of Brainerd, but the entire region will benefit from the funding.

The Chair recognized Mr. Jeff Grunenwald, owner of GreenForest Recycling Resources Inc. Mr. Grunenwald's company was the first recipient of a loan from the Unified Fund. There will be many positive effects on GreenForest Recycling from accessing these funds and allowing the company to grow.

Council Chair Pritschet asked Ms. Haverkamp if it would include both federal and state funds. Ms. Haverkamp stated the City of Brainerd has two revolving loan funds that are geared towards economic development, which is job creation and private sector investment. The City has the option of contributing one or both to the fund along with the opportunity to participate in the one-time exception of state MIF funds.

The Chair Closed the public hearing at 8:36 p.m.

MOVED BY ALDERMAN BEVANS TO TRANSFER 100% OF THE CASH BALANCE OF BOTH THE STATE AND FEDERAL MIF FUNDS TO THE UNIFIED FUND.

The motion fails for lack of a second.

MOVED AND SECONDED BY ALDERMEN LAMBERT AND BEVANS, DULY CARRIED, TO TRANSFER 100% OF THE FEDERAL MIF FUNDS TO THE UNIFIED FUND.

MOVED BY ALDERMEN BEVANS TO TRANSFER 50% OF THE CASH BALANCE OF THE STATE FUNDS TO THE UNIFIED FUND.

The motion fails for lack of a second.

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT TO ADOPT RESOLUTION NO. 63:17 APPROVING AGREEMENTS CONCERNING PARTICIPATION IN THE BLAEDC UNIFIED FUND BETWEEN THE CITY OF BRAINERD AND THE BRAINERD LAKES AREA DEVELOPMENT CORPORATION, AND DESIGNATING THE BRAINERD

LAKES AREA DEVELOPMENT CORPORATION AS THE CITY'S LOCAL DEVELOPMENT ORGANIZATION (LDO).

RESOLUTION NO. 63:17

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

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT, DULY CARRIED, TO APPOINT COUNCIL MEMBER JOHNSON AS THE CITY'S REPRESENTATIVE TO THE UNIFIED FUND BOARD AND AUTHORIZE SIGNATURES ON THE FEDERAL MIF AGREEMENT.

Public Hearing – Ordering the Special Assessments of the Downtown Special Services, Downtown Snow Removal and 2017 Nuisance Assessments – Adopted by Resolution No. 64:17

The Chair Opened the public hearing at 8:44 p.m.

City Engineer Sandy indicated the assessment rolls for nuisances included in the packet have since been updated from what was presented at the meeting. Building Official Caughey has been working this week with property owners on waivers and some assessments had been paid.

City Engineer Sandy stated letters were submitted from the following residents in objection to the assessments applied to their property: Ed Shaw Law to object to the downtown snow removal assessment and Mr. Richard Weiss of 319 N. 9th St. who is objecting to nuisance abatement and administrative citations.

Mr. Tim Caughey, Building Official explained Mr. Weiss could not attend the meeting. A photo of the issue in question was submitted to Mr. Weiss with the first notification of assessment. Mr. Weiss received multiple letters in 2016 and 2017 on the nuisance abatement and this is the only response the City has received back.

The Chair recognized Ms. Amber Sellers, 1504 8th Ave. NE. Ms. Sellers indicated she has received nine citations for nuisance abatements. Ms. Sellers explained she cannot afford to repair the siding on her home at this time. She is not sure how many she has on the structure; some were for long grass and building codes infractions.

The Chair recognized Mr. Tim Voss, 911 Kingwood St. Mr. Voss received nuisance notices for an unlicensed automobile parked on his property. Mr. Voss indicated he takes full responsibility for letting the issue go for as long as it did. However, the amount of fines has escalated to an amount he is not able to pay.

The Chair continued the public hearing to November 6, 2017 for consideration on assessments for Ed Shaw Law, Mr. Richard Weiss, Ms. Amber Sellers and Mr. Tim Voss.

Council discussion took place regarding the fee schedule for nuisance abatements.

MOVED AND SECONDED BY ALDERMEN BEVANS AND JOHNSON TO ADOPT RESOLUTION NO. 64:17 ORDERING THE SPECIAL ASSESSMENTS OF THE DOWNTOWN SPECIAL SERVICES, DOWNTOWN SNOW REMOVAL AND 2017 NUISANCE ASSESSMENTS EXCLUDING THE ASSESSMENT CONTESTMENTS AS SHOWN ABOVE AND ADJOURNING THE PUBLIC HEARING TO NOVEMBER 6, 2017 TO HEAR THE SAME.

RESOLUTION NO. 64:17

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

Public Hearing – Ordering the Special Assessments of Improvement 14-03 and 16-13 Assessments – Adopted by Resolution No. 65:17

The Chair Opened the public hearing at 9:06 p.m.

City Engineer Sandy received a formal objection letter from Gammello-Pearson Attorneys at Law representing Brainerd Amateur Hockey Foundation for the assessment on Improvement 14-03 for Jackson Street.

The Chair continued the Public hearing to November 6, 2017 for consideration on the assessment for Brainerd Amateur Hockey Foundation.

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT TO ADOPT RESOLUTION NO. 65:17 ORDERING THE SPECIAL ASSESSMENTS OF IMPROVEMENTS 14-03 AND 16-13 EXCLUDING THE ASSESSMENT CONTESTMENT FROM BRAINERD AMATEUR HOCKEY FOUNDATION AND ADJOURNING THE PUBLIC HEARING TO NOVEMBER 6, 2017 TO HEAR THE SAME.

RESOLUTION NO. 65:17

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

Public hearing – Ordering the Special Assessments for Improvement 15-12 and 16-10 Assessments – Adopted by Resolution No. 66:17

The Chair Opened the public hearing at 9:08 p.m.

No one came forward.

The Chair Closed the public hearing at 9:09 p.m.

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART TO ADOPT RESOLUTION NO. 66:17 ORDERING THE SPECIAL ASSESSMENTS OF IMPROVEMENTS 15-12 AND 16-10.

RESOLUTION NO. 66:17

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

Public hearing – Ordering the Special Supplemental Assessments Related to Improvement 05-28 and 09-02 – Adopted by Resolution No. 67:17

The Chair Opened the public hearing at 9:09 p.m.

No one came forward.

The Chair Closed the public hearing at 9:09 p.m.

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT TO ADOPT RESOLUTION NO. 67:17 ORDERING THE SPECIAL ASSESSMENTS OF IMPROVEMENTS 05-28 AND 09-02.

RESOLUTION NO. 67:17

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

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 – 2 terms (Expire 2018)
Park Board – 1 term (Expire 2021)

New Business

None

Planning Commission

Comprehensive Plan Steering Committee Appointments - Informational

City Planner Ostgarden requested the Council complete the appointments for the Comprehensive Plan Steering Committee as there are still openings to fill. Council member Bevans appointed Mr. Brian Moon, employee of Easy Riders and a small business owner to the committee to represent small business. City Planner Ostgarden urges the Council to complete these remaining five appointments as the plan cannot proceed without the needed committee.

Variance Request – 113 Carol Lane, Brainerd, MN – Construct an Accessory Building (Garage) – Approved

City Planner Ostgarden indicated Mr. Bruce Thompson, 113 Carol Lane applied for a variance to be able to construct a 28' x 24' garage at the southwest corner of his property by encroaching into the setbacks. There is a ravine that runs northwest / southeast across his property. He is requesting a 5' encroachment into the 20' street side yard setback and a 3' encroachment into the 10' rear yard setback to be able to build the garage and not have a concern about encroaching on the ravine stability. There is also a storm sewer pipe located on

his property that does not have an easement. It would be extremely difficult for staff to replace or repair the pipe if the variance is not granted and the garage was built within the allowed setbacks.

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

- 1. Using the property in a reasonable manner*
- 2. Unique circumstances not created by the landowner*
- 3. The variance would not alter the essential character of the locality*

The Planning Commission recommended denial of the variance based on the findings of fact and they did not see a practical difficulty to approve the variance. They felt there are options to relocate the garage to another area on the property, the possible future expansion of Buffalo Hills Lane and soil stability issues in that location.

Council discussion took place and it was determined the reasonableness, uniqueness and essential character are met as follows:

- **LAND USE GOAL #3:** *Plan for the orderly, efficient and fiscally responsible growth of residential development in Brainerd.*
Strategies
Continue to guide residential growth in an orderly and compact manner so that new developments can be effectively served by public improvements and that the character and quality of the city's existing neighborhoods can be maintained and enhanced.
- Orderly growth and compact development is supported by permitting the encroachments and based on the building's size and design in relation to the properties that have frontage within this area along Buffalo Hills Lane the character and quality of the neighborhood will be maintained.
- It is reasonable to permit the 15' setback where a 20' setback is required along the street side yard and a 7' setback where a 10' rear yard setback is required because of the limits placed on building placement by the ravine and by the location of the storm sewer line.
- The property is unique in that the ravine and slope limits the placement of accessory buildings on the property.
- The accessory building is 28' x 24' a typical garage size. There are 3 other dwellings along 580' this section that front on Buffalo Hills Lane. The garage can be constructed at the southwest corner of the property. The 15' setback where a 20' is required along the street side yard and 7' setback where a 10' rear yard setback is required, will not be noticeable and based on the limited number of properties affected, the encroachments will not alter the essential character of the neighborhood.

MOVED AND SECONDED BY ALDERMEN HILGART AND BEVANS, DULY CARRIED, TO APPROVE THE VARIANCE SUBMITTED BY MR. BRUCE THOMPSON, 113 CAROL LANE, BRAINERD BASED ON THE CRITERION AND FINDINGS OF FACT SHOWN ABOVE.

Public Forum

The Chair Opened the public forum at 9:32 p.m.

No one came forward.

The Chair Closed the public forum at 9:32 p.m.

Staff Reports

City Attorney Langel reported the Brainerd Public Utilities (BPU) annexation hearing will be held November 3, 2017 at the Crow Wing County Land Services building.

City Engineer Sandy reported the first public informational hearing for the Safe Routes to School (SRTS) project will be held at 6:30 p.m. on October 23, 2017 at the NE Fire Station.

Finance Director Hillman reported the HRA is organizing a city bus tour of Fergus Falls, Fargo and Detroit Lakes on November 2, 2017 from 7:00 a.m. to 6:00 p.m.

Council Member Reports

Council member Lambert indicated she will be attending the presentation from the Minnesota State Independent Living Council on October 26, 2017.

Council member Bevans attended the Eagle Scout award ceremony for Ben Soukop and accepted the donation of the bicycle rack for Gregory Park.

Council member Pritschet announced the first school debate tournament took place last week and the group took first place in open public forum.

Council member Johnson will be attending the HRA bus tour on November 2, 2017.

Mayor Menk gave the welcome at the Park Director's Conference last week at Cragun's.

Mayor Menk thanked Spencer Bickett, staff writer at the Brainerd Dispatch for his hard work at council meetings as he is moving out of the area.

City Planner Ostgarden reported the purchase agreement for the Brainerd Hotel has fallen through for the Exodus Boys Academy. The property is being looked at by someone else for a different use.

Committee Recommendations – Recommended by Mayor Menk

Mayor Menk held over his recommendation for appointment to the Park Board to the November 6, 2017 council meeting.

Adjournment to

Tuesday, October 17, 2017 at 6:00 p.m. in City Hall 2nd Floor Conference Room to Conduct the City Administrator Applicant Review Process

Wednesday, October 18, 2017 at 6:00 p.m. Planning Commission Meeting in City Hall Council Chambers for a Presentation from ISD181 on School Facilities Planning Status

Monday, October 23, 2107 at 6:30 p.m. at the NE Fire Station for the SRTS discussion

Thursday, October 26, 2017 at 7:00 p.m. in City Hall Council Chambers for a presentation from the Minnesota State Independent Living Council

The Chair adjourned the meeting at 9:44 p.m.

James M. Thoreen
City Administrator

**Brainerd, MN
October 17, 2017**

Pursuant to due call and notice thereof, the adjourned meeting of the Brainerd City Council was called to order at 6:00 P.M. by Council President Pritschet.

Upon roll call, the following members were noted as present: Lambert, Stunek, Bevans, Badeaux, Johnson, Hilgart, Pritschet and Mayor Menk. Also present were Gary Weiers, David Drown Associates Company (DDA); Chelsea Perkins, Brainerd Dispatch; and Kris Schubert, HR Coordinator.

City Administrator Hiring Process

The Chair welcomed Mr. Gary Weiers, DDA Company, who assisted the Council in selecting the top finalists for the City Administrator position. All candidates were referenced by Candidate number and not name during this process.

The Council selected the following five candidates to interview which are in no particular order:

1. Candidate #2 (Scott Mareck)
2. Candidate #4 (Cassandra Torstenson)
3. Candidate #7 (Bill McCabe)
4. Candidate #8 (Michael Kornmann)
5. Candidate #10 (Matthew Fulton)

Council discussion took place regarding the need or want for a sixth potential candidate. The consensus was to interview only five individuals and not to have a backup.

Mr. Weiers inquired about the following options for reimbursement for travel expenses:
1) Do nothing 2) Set a dollar amount and turn in receipts 3) Hotel the night before the interview up to \$150 if needed.

MOVED AND SECONDED BY ALDERMEN JOHNSON AND STUNEK, DULY CARRIED, TO APPROVE A HOTEL STAY LIMITED TO \$150 FOR THE NIGHT PRIOR TO THE INTERVIEW FOR A CANDIDATE TRAVELING A DISTANCE THAT WOULD JUSTIFY AN OVERNIGHT STAY.

Mr. Weiers explained interview components and options.

The Council agreed to provide a city tour, an interview with the Department Heads as a group, and a final Group Interview with council which will result in about 5+ hours of interview time. The interview date was schedule for Wednesday, November 15, 2017 with Council interviews to start at 2:00 p.m. to approximately 7:00 p.m. with a dinner break to follow. There will be a lunch break with box lunches delivered and 30 minutes for dinner after the interviews with a completion time about 8:00 p.m.

The Council decided not to hold a Community Meet and Greet event, host a meal with candidates, or have Council Members meet one-on-one with the candidates.

October 17, 2017 – DRAFT

MOVED AND SECONDED BY ALDERMEN BEVANS AND JOHNSON, DULY CARRIED, TO INTERVIEW CANDIDATES #2, #4, #7, #8 AND #10 ON NOVEMBER 15, 2017 FROM 2:00 – 7:00 P.M.

Adjournment to:

Planning Commission Meeting – October 18, 2017 at 6:00 p.m. – City Hall Council Chambers

City Administrator Interviews – November 15, 2017 at 2:00 p.m. – City Hall Council Chambers

The Chair adjourned the meeting at 6:47 P.M.

James M. Thoreen
City Administrator

CITY OF BRAINERD
LICENSED CONTRACTORS
CITY COUNCIL MEETING
November 6, 2017
(3 New, 3 Renewals)

CONTRACTOR	TELEPHONE	TYPE	INSURANCE	BOND	STATE NO.
MATICH MASONRY LLC 11490 SLEEPY HOLLOW ROAD BRAINERD, MN 56401 17-0201	(406) 696-1310	MASO	9/22/2018	12/31/2017	
WILLIAMS, MIKE DBA: ASPEN SIGNS 22163 COUNTY ROAD 3 PO BOX 372 MERRIFIELD, MN 56465 17-0202	(218) 765-3454	SIGN	9/3/2018	12/31/2017	
MN HOME IMPROVEMENTS, INC. 8850 RIDGEWOOD CT PO BOX 248 ST JOSEPH, MN 56374 17-0203 (new)	(320) 363-4435	GENL	3/1/2018	12/31/2017	BC699875
KRAEMER REFRIGERATION LLC PO BOX 359 COLD SPRING, MN 56320 17-0204 (new)	(320) 597-7272	MECH	9/1/2018	9/30/2018	MB693614
LAKES AREA ROOFING & GENERAL CONTR 10300 CROW WING HEIGHTS DR BRAINERD, MN 56401 17-0205	(218) 828-3577	GENL	9/8/2018	12/31/2017	
KEYSTONE DESIGN BUILD, INC. 233 34TH AVENUE S. WAITE PARK, MN 56387 17-0206 (new)	(320) 253-3301	GENL	10/18/2018	12/31/2017	

Brainerd Fire Department

To: Mayor and City Council
From: Tim Holmes, Brainerd Fire Chief
Date: November 1, 2017
Re: October 2017 Fire Department Monthly Report

October is National Fire Prevention month and it was a very busy month with fire safety talks, public education events, and our annual fire department open house. We were able to interact with more than 4,600 children in the month of October, along with 1,500 adults. We did fire safety talks at almost every elementary school in the area, along with several daycares, preschools and learning centers. We participated in the ECFE Touch a Truck, Home Depot Kids Safety Day, and Halloween events at Brainerd and Baxter Cub Foods, Journey North and the Brainerd Police Halloween event.



Our firefighters were very involved in all of our community events and we could not have been at all the events without them. A special thanks to our firefighter's families for helping with the open house.





The first snow of the year got us on the roads to help clear the snow off the traffic lights to insure the safety on our roads.

Training in October included: SCBA/Ladder training, Aerial Operations, Zodiac Boat Operations, Tech Rescue refresher, training with Nisswa Fire Department, and EMS. FM/DC Cox also started the MBTE Leadership Academy at Camp Ripley, and I attend the MSFCA Conference in Rochester. Administrative Specialist Kraemer attended an Emergency Management Donations seminar.

There were two tabletop exercises that I participated in; the Airport emergency planning exercise and the BPU emergency action planning for the hydro dam.

FM/DC Cox was busy with license and daycare inspections along with other inspections in the area for new construction. We conducted a pre-plan at FedEx with the Police Department and management at the facility.

We had our family fun night for Halloween and had a great turn out. We even had costumes. These nights are great for all our families to get together.



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

Structure Fire	1
Vehicle Fire	2
Extrication	1
Motor Vehicle Crash with Injuries	1
Hazardous Condition	1
Gas Leak	2
Smoke Removal	1
Assist Police, Public Service	6
Unauthorized Burning	3
Good Intent Call	3
Canceled Enroute	12
Sprinkler Activation	1
Alarm System Activation	5
Carbon Monoxide Detector Activation	3
Total	42

City of Brainerd Incident Report

Vehicle Fire	2
Motor Vehicle Crash with Injuries	1
Hazardous Condition	1
Gas Leak	1
Assist Police, Public Service	2
Unauthorized Burning	3
Good Intent Call	3
Canceled Enroute	4
Alarm System Activation	3
Carbon Monoxide Detector Activation	2
Total	22

Parks and Recreation Report

November 2017

Submitted by Tony Sailer, Director



- The 11th annual Great Pumpkin Festival drew about 300 individuals to Gregory Park on Oct. 21. The threat of rain, which never occurred, may have been the reason the attendance was down this year.

- ➔ Staff is busy constructing the Bane Park hockey rink. A new style is being implemented using 2x12 horizontal boards, with 2x6 ship-lapped vertical boards for the corners. Steel support posts are being used. This style replaces the rinks with plywood boards which will make the rink much more durable and vandal proof.



- The fall adult softball season concluded Oct. 23 and the adult kickball seasons ended Oct. 24.

- Staff has been busy shutting down facilities, blowing out water pipes, shutting down fountain and storing picnic tables in preparation for winter. Staff was still mowing the parks on Oct. 25.
- The director and recreational specialist attended the 80th annual Minnesota Recreation and Parks Association state conference at Cragun's Resort and Conference Center from Oct. 10-13. Attending were 267 delegates from around the state. Mayor Ed Menk welcomed the delegates to kick off the conference. There were numerous sessions and many off-site tours, including Rotary Park, the Arboretum, the Cuyuna bike trail and Confidence Learning Center. Speakers included Dan Meers who, as KC Wolf, is the Kansas City Chiefs mascot, and Dick Beardsley who lost the 1982 Boston Marathon by 1.6 seconds. Both had incredible, and inspiring, stories to tell about overcoming many hardships, including near-death tragedies. The 2018 state MRPA conference will be in Rochester.
- The Park Board expressed interest in future use of Outlot F, a 4.3 acre parcel, at Brainerd Oaks.



Brainerd City Council Agenda Request

Agenda Item #

Requested Meeting Date: November 6, 2017

Title of Item: Waiver of Assessment - 1323 Oak Street Nuisance

☐ INFORMATION ONLY ☒ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Paul Sandy, City Engineer	Department: Engineering
Presenter (Name & Title): Paul Sandy, City Engineer	Estimated Time Needed:
Summary of Issue: Attached to this request is a violation letter, photograph, and administrative citation pertaining to a peeling paint nuisance sent to the owner of 1323 Oak Street along with a date stamped picture from the owner.	
Alternatives, Options, Effects on Others/Comments: Owner of the property approached the building official and provided the date stamped photo documentation showing the nuisance was abated before the date of the administrative citation. This happens from time to time, with either the letter crossing in the mail while the nuisance is being abated. We typically waive the assessment in these situations as it appears the nuisance was abated before the citation was sent. It appears that the nuisance was abated in this situation before the citation was sent, thus staff is requesting a waiver of the nuisance.	
Recommended Action/Motion: Staff recommends waiving the nuisance assessment.	
Financial Impact: Is there a cost associated with this request: ☐ Yes ☒ No What is the total cost, with tax and shipping \$ _____ Is this budgeted? ☐ Yes ☐ No <u>Please Explain:</u>	

05/23/2017

JOBE & PRESTON AIMEE
1323 OAK ST
BRainerd, MN 56401-

ORDER TO CORRECT ADMINISTRATIVE VIOLATION

Dear Property Owner(s),

The City of Brainerd has embarked on a program of concentrated code enforcement. The program is a positive effort to improve property values and quality of life in our neighborhoods. It has been noted that a City Code violation has occurred on the property located at:

Property Address: 1323 OAK ST
Real Estate Code: 091810190120889

Violation: Exterior Structure

Ordinance: 450.31

Description: Subd. 2. Protective Treatment. All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks, and fences shall be maintained in good condition. Exterior wood surfaces, other than decay resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement. NOTE: Siding and roofing permits are required in the City of Brainerd. Applications and fee schedules are available online at <http://www.ci.brainerd.mn.us/156/Building-Department> or at City Hall.

Corrective action is required; thirty (30) days are allowed from the date of this letter.

To review City Codes on the web, go to www.ci.brainerd.mn.us Administration/Documents/City Codes.

Action must be taken on or before 06/21/2017

Failure to make the corrections can result in a citation with a fine of \$100. Per above-mentioned code section, failure to comply with this ordinance will result in a citation and corrective action by the City to abate the nuisance at the expense of the owner.

If you are unable to make the corrections in the required time or believe this violation is in error, you will need to call this office to make other arrangements. Office hours are 7:30 to 4:30, Monday through Friday. Please contact Jason at 218/454-3416 if you have questions.

Respectfully,

By Order of:

THE CITY OF BRAINERD





This citation charges you with one or more violations of the
Property Maintenance Code, Ordinance No. 1338.

THIS IS THE ONLY NOTICE YOU WILL RECEIVE.

Administrative Citation

Department of Building Safety – 218/828-2309

PM2017-00022

Date of Violation: 06/22/2017

Parcel ID: 091810190120889

JOBE & PRESTON AIMEE
1323 OAK ST
BRAINERD, MN 56401-

Location/Address of Violation: **1323 OAK ST**

VIOLATION

Section	Subdivision, Chapter or Article	Complaint	Fine
450.31	Exterior Structure	Property Maintenance Violation	\$100.00

If the owner fails to correct the nuisance within the timeframe stipulated in the first notice, the City of Brainerd shall cause such action to correct such nuisance by means of, but not limited to, cutting grass or collecting garbage or junk. The expense thereof shall be billed to the property owner and shall constitute a lien upon such realty. An Administrative Citation is separate and in no way defrays the expense of correcting the nuisance.

Citation Amount Due: \$100.00

Payment Due By: 07/28/2017

Payment may be presented in person or by way of First Class Mail in the form of cash, check or money order, payable to: **City of Brainerd, submitted to the Department of Building Safety, City Hall - 501 Laurel Street; Brainerd, MN 56401.** Failure to pay the fine will result in it being assessed against the property as provided in Minnesota Statute 429. Unpaid fines, including an administrative charge of \$25.00 plus interest of the total balance, will be assessed against the property of the owner charged with the violation. For uncorrected or continued violations, the City may correct the violation and assess the charges for doing so. An additional citation will be issued if the violation is not corrected by the re-inspection date.

When a citation is issued, you must correct the violation and pay the fine. If you decide to contest the violation, you may request a hearing, responding within 10 days from the date of the citation issuance. The purpose of a hearing is to determine whether or not a violation(s) of the city code existed. If you request a hearing and the citation stands, you will be responsible for the hearing costs and fines as determined by the hearing officer as well as correction of the violation. If the citation is contested and a hearing is scheduled, a notice will be mailed to you with the date/time/location of the hearing. If you cannot attend on the scheduled date or wish to request the Hearing Officer be removed from the case, you must do so no later than 15 days prior to the date of the hearing. A new hearing date will be set and another notification will be sent to the party contesting the citation.

Representative: Tim Caughey, City Building Official

Date: 6/22/17

Representative's Signature: _____

Tim Caughey

(served via first class mail)



samsung SM-G935T
f/1.5 1/628s

May 28, 2017 /
Sunday, 6:43 PM

20170528_184259_014.jpg
3024 x 4032 2.6 MB



samsung SM-G935T
1/1.5 1/134s

Jun 8, 2017 /
Thursday, 7:30 PM

20170608_193045.jpg
3024 x 4032 5.8 MB

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

November 6, 2017
City Council Chambers
7:15 PM

1. Resolution Advancing Municipal State Aid Street Funds
2. 2017 Street Construction and Maintenance Project Updates



Brainerd City Council Agenda Request

Agenda Item #

Requested Meeting Date: November 6, 2017

Title of Item: State Aid Advance Resolution - 2018 S 6th Street Reconstruction

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☒ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☒ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Paul Sandy, City Engineer	Department: Engineering
Presenter (Name & Title): Paul Sandy, City Engineer	Estimated Time Needed: 10 Minutes
Summary of Issue: Attached to this request is a draft resolution advancing Municipal State Aid Street Funds for the construction of city street signal legs as part of the 2018 S 6th Street construction at Quince Street, Oak Street, Laurel Street, and TH 210.	
Alternatives, Options, Effects on Others/Comments: As you recall, we advanced MSAS funds for the construction of Jackson Street, Oak Street, and Buffalo Hills Lane in 2017. In 2017, our account balance was about \$55,000. With the street projects finished and our 2018 allocation included, our account balance is estimated to be around (\$465,000). With the advance of funds in 2018, our account balance would be approximately (\$863,000). With our allocation in 2019 (typically \$760,000 - \$800,000), the fund balance should be pretty close to zero again. MnDOT recommends advancing funds instead of saving up funds for projects, as their are excessive balance negative adjustments that do get applied to state aid balances in excess of 3 times the annual allotment and \$1,500,000. Currently, the advance status is code green, which provides municipalities to make advances from future MSAS allotments. There may be points in the future where MnDOT's advance status is code yellow or red, which means the advance status is guarded or severe. In this case, MnDOT may allow some advancement for some projects, but would be more careful on which advancements to allow. Advance requests are only good for one year, which means you cannot request advance for multiple years. If the advance funds are not used, the advance funds go void at 12/31 of that year. For example, the City advanced 1,319,500 in 2017, but may only use approx. \$1,230,000 for construction of Jackson, Oak, and Buffalo Hills Lane. The excess advanced funds of approx. \$89,500 will be void on 12/31 if not used on those specific 3 projects.	
Recommended Action/Motion: Staff recommends adopting the attached resolution advancing MSAS funds for the City's portion of the signal installation on the 2018 S 6th Street reconstruction project.	
Financial Impact: <i>Is there a cost associated with this request:</i> ☐ Yes ☒ No <i>What is the total cost, with tax and shipping</i> \$ _____ <i>Is this budgeted?</i> ☐ Yes ☐ No <i>Please Explain:</i>	

RESOLUTION
NO _____

RESOLUTION FOR THE ADVANCEMENT OF STATE AID STREET FUNDS

WHEREAS, the Municipality of Brainerd is planning to implement Municipal State Aid Street Project(s) in 2018 which will require State Aid funds in excess of those available in its State Aid Construction Account, and

WHEREAS, said municipality is prepared to proceed with the construction of said project(s) through the use of an advance from the Municipal State Aid Street Fund to supplement the available funds in their State Aid Construction Account, and

WHEREAS, the advance is based on the following determination of estimated expenditures:

Account Balance as of date March 1, 2018	\$ (465,000)
Less estimated disbursements:	
Project # SAP 108-010-007	\$398,000
Total Estimated Disbursements	\$398,000
Advance Amount (amount in excess of acct balance)	\$398,000

WHEREAS, repayment of the funds so advanced will be made in accordance with the provisions of Minnesota Statutes 162.14, Subd. 6 and Minnesota Rules, Chapter 8820.1500, Subp. 10b, and

WHEREAS, the Municipality acknowledges advance funds are released on a first-come-first-serve basis and this resolution does not guarantee the availability of funds.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BRAINERD, MINNESOTA, that the Commissioner of Transportation be and is hereby requested to approve this advance for financing approved Municipal State Aid Street Project(s) of the Municipality of Brainerd in an amount up to \$398,000. I hereby authorize repayments from subsequent accruals to the Municipal State Aid Street Construction Account of said Municipality from future year allocations until fully repaid.

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: November 6, 2017

Title of Item: 2017 Street Construction Project Status Update - Informational

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☒ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☒ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Paul Sandy, City Engineer	Department: Engineering
Presenter (Name & Title): Paul Sandy, City Engineer	Estimated Time Needed: 5 Minutes
Summary of Issue: I wanted to provide the council with a quick recap of our 2017 street construction project statuses.	
Alternatives, Options, Effects on Others/Comments: As you recall, in 2017 we had 5 street projects (3 state aid and 2 local) along with our annual chip sealing program, crack sealing, large patching, and striping. The State Aid projects consisting of Jackson Street, Oak Street, and Buffalo Hills Lane are substantially complete. The contractor has some minor work approved on Greenwood Street (adding gravel) and some infilling of seed/mulch on Oak Street and Buffalo Hills Lane to complete. These projects will be finished before the end of the year, with final pay apps being brought forth to council to release retainage when that time comes. Right now, it looks like Oak and Jackson Street will be under budget and Buffalo Hills Lane a little over budget. Staff anticipates total contract cost will be under the bid price after final quantities are tabulated. NW Brainerd Street Resurfacing and the S 6th Street East Frontage Road were substantially complete as of 10/30/2017. Staff has requested that the contractor finish the work with restoration of topsoil/seeding/mulching to happen in the spring of 2018 on the S 6th Street East Frontage Road. Recent weather events have caused for the contractor not being able to finish this restoration, and the City will receive a better product by finishing this work in the spring. The NW Brainerd Resurfacing Project is finished, with a few punchlist items being worked on by the contractor yet this fall. We will be holding final payment until the spring on both projects until we know that we have 70% grass coverage on these two projects. As of now, it looks as though the East Frontage Road will be under budget and the NW Brainerd resurfacing over budget, but staff will not know for sure until final quantities are tabulated through the winter and into the spring. Staff will bring final estimates forward in the spring once the projects are completely finished to release retainage. All of our street maintenance projects have been completed and final estimates issued, with the exception of our joint striping project from Crow Wing County, in which the county will bill us for sometime this winter once they tabulate all of their final quantities.	
Recommended Action/Motion: Informational only.	
Financial Impact: <i>Is there a cost associated with this request:</i> ☐ Yes ☒ No <i>What is the total cost, with tax and shipping</i> \$ _____ <i>Is this budgeted?</i> ☐ Yes ☐ No <i>Please Explain:</i>	

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

November 6, 2017
City Hall Conference Room
7:00 PM

1. Approval of Bills & Payments to Contractors

<u>Contractor</u>	<u>IMP#</u>	<u>Project</u>	<u>Amount Paid</u>	<u>Amount Retained</u>
Anderson Brothers	17-04	2017 Patch Work	\$9,863	\$0
Anderson Brothers	15-12	S. 6 th Street Frontage thru 10/27	\$85,646	\$4,508
Anderson Brothers	16-10	NW Brainerd Resurfacing thru 10/27	\$289,916	\$15,259
Braun Intertec	15-12	S. 6 th Street Frontage Testing thru 10/7	\$2,066	\$0
Braun Intertec	16-10	NW Brainerd Resurfacing Testing thru 10/7	\$1,112	\$0
S.E.H.	17-08	2019 SRTS Sidewalks thru 9/30	\$2,695	\$0
S.E.H.	14-15	Airport Util Ext thru 9/30	\$6,287	\$0

2. Fire Department Fee Appeal

3. Authorize Submission of SCDP 2018 Preliminary Proposal to DEED

4. 2018 Library Operating Supply Budget

5. Employee Policy Manual Amendment and Memorandums of Agreement with IBEW, LELS and USW Unions to Increase Deductibles for High Deductible Health Plan as Required by IRS Regulations Effective January 1, 2018

6. Deferment of Assessment



Brainerd City Council Agenda Request

Agenda Item #

Requested Meeting Date: November 6, 2017

Title of Item: Fire Department Fee Appeal

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☒ P&F COMMITTEE ☐ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☒ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Fire Chief Holmes	Department: Fire
Presenter (Name & Title): Fire Chief Holmes	Estimated Time Needed: 5 minutes
Summary of Issue: Extrication/rescue services were provided by the Fire Department on August 22, 2017. Ms. Laura Fautsch has requested an appeal to waive the \$500 fee or postpone payments until she has the ability to pay the fee.	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion: Staff is seeking Council direction regarding waiving the \$500 fee or allowing Ms. Fautsch to make payments.	
Financial Impact: Is there a cost associated with this request: ☐ Yes ☒ No What is the total cost, with tax and shipping \$ _____ Is this budgeted? ☐ Yes ☐ No <u>Please Explain:</u>	



BRAINERD FIRE DEPARTMENT

23 Laurel Street, Brainerd, MN 56401
218-828-2312

Name:	Ms. Laura Fautsch
Mailing Address	727 4 th Street NW, Apt. 103, Brainerd
Date of Incident	August 22, 2017
Location/Address of Incident	Laurel Street Bridge/ICR 17011847

Amount Due: \$500 per City Ordinance 1452; Section 421.06, Subd. 5 and 6
Invoice 201717 mailed on August 29 and again on October 6, 2017 for extrication services provided by the Brainerd Fire Department. The Brainerd Fire Department is authorized to charge for fire service as authorized by Minn. Stat. 366.011, 366.012 and 415.01.

Reason for Requesting Appeal:

Currently residing at the women's shelter with no income. Requesting fee waiver or post paid payments until able to pay.

Laura Fautsch

If the appeal is denied, the named person may correct the violation and pay the fee within ten days. If payment is not received, the City may certify the unpaid fire service charge to the County Auditor in which the recipient of the service owns real property for collection with property taxes in accordance with Minn. Stat. 366.011.

*****CITY COUNCIL ACTION*****

Appeal Granted ☐

Appeal Denied ☐

Council Meeting Date _____

Council Decision _____

BRAINERD FIRE DEPARTMENT

OCT 16 2017

RECEIVED



Brainerd City Council Agenda Request

Agenda Item #

Requested Meeting Date: November 6, 2017

Title of Item: Authorize Submission of SCDP Preliminary Proposal to DEED

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☒ P&F COMMITTEE ☐ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Connie Hillman	Department: Finance
Presenter (Name & Title): John Schommer, Brainerd HRA Rehab Coordinator	Estimated Time Needed: 5 Minutes
Summary of Issue: Attached is the draft Small Cities Development Program (SCDP) 2018 Preliminary Proposal for Northeast Brainerd and Downtown grant programs. The request is for \$692,725. There is no cost to the City of Brainerd. There may be some minor changes in the text prior to submission but the amount requested will remain the same. The preliminary proposal is due November 9, 2017.	
Alternatives, Options, Effects on Others/Comments: This is only a preliminary proposal. The full application will be due at the end of February. There are a number of variables to whether or not we will submit a full application: 1) DEED does not invite us to submit a full application; 2) There is not enough interest in the program from property owners; or 3) The City Council chooses not to authorize the full application.	
Recommended Action/Motion: Authorize the Brainerd HRA to submit a Small Cities Development Program (SCDP) 2018 Preliminary Proposal to the Department of Employment and Economic Development (DEED) for a Northeast Brainerd and Downtown grant program.	
Financial Impact: Is there a cost associated with this request: ☐ Yes ☒ No What is the total cost, with tax and shipping \$ _____ Is this budgeted? ☐ Yes ☐ No <u>Please Explain:</u>	

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Information Sheet
Small Cities Development Program – State of Minnesota



Small Cities Development Program Preliminary Proposal

Applicant (City/County): City of Brainerd, Crow Wing
County

If Multi-Community Proposal, List
Partnering Community(ies) _____

Application Author: John Schommer

SCDP Amount Requested \$ 692,725

Estimated Amount of Other Funds \$ 303,000

Program Income \$ 69,000

Estimated Total Project Cost \$ 995,725

If Program Income, Identify the source(s) with an "x": SCDP ☒ Minnesota Investment Fund (MIF)

The Applicant's governing board (city council, county board, township board) has approved the submission of this proposal. All secondary communities' (if applicable) governing boards have approved participation in the proposed project.

Applicant's (i.e., city/county official) Signature / Date

By signing above, the Applicant certifies to the best of their knowledge that the data and information provided in the preliminary proposal is true and correct.

List the proposed activities. Please separate administration costs from the activity.

Activity	# of Units	SCDP Cost per Unit	Total SCDP	Program Income (if applicable)	Total Leveraged Sources	Source of Leveraged Funds-use "c" after source if committed	Total Costs
Owner Rehab	12	\$20,000	\$240,000	\$69,000	\$ 153,000	PI, HRA, TCC "C"	393,000
Owner Rehab Admin	12	\$2,900	\$34,800	N/A	5,000	HRA & City "C"	39,800

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Rental Rehab	26	12500	325000	N/A	125,000	Owner	450,000
Rental Rehab Admin	26	1812.50	47,125	N/A			47,125
Commercial Rehab	1	40,000	40,000	N/A	20,000	Owner	60,000
Commercial Rehab Admin	1	5,800	5,800	N/A	\$		5,800
Totals	39	\$	\$692,725		303,000		\$ 995,725

Please fill out the information only for the sections that correspond with the activities being proposed. Only submit the application sections that apply to the proposed project.

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Owner Occupied Housing Rehabilitation

Background/

- If this activity is part of a multi-community application – complete and provide separate answers to the following questions for each partnering community.
 - Proposals will need to designate a target area of the city. A Plan B option can be proposed that would serve as a contingency if the interest in the primary target area proves not sufficient to meet the proposed goals. Designating a Plan B should be strongly considered as DEED will not allow any other target area expansions for projects that are being implemented.
 - Cities of 1000 or less can propose city-wide target areas. Cities of 1000 or more must propose a target area and cannot propose a city-wide option as Plan B. If the total population of the combined cities for multi-community applications exceeds 1000, each city will need to propose a target area and Plan B options, if applicable.

Community Questions/

Primary community: **City of Brainerd - portion of NE**

Population of primary community: **1282**

Type of rehabilitation area proposed (select one): City-wide or Target Area **X**

Partnering community #1(if applicable):

Population of partnering community #1 (if applicable):

Type of rehabilitation area proposed: City-wide or Target Area

Partnering community #2(if applicable):

Population of partnering community #2 (if applicable):

Type of rehabilitation area proposed: City-wide or Target Area

Maps/

Attach a map of the city limits with the primary target area shown within the city limits. If applicable, maps should be included for all communities. If applicable, include the proposed Plan B option on the map. The answers to the questions below should include data for the primary target area along with any Plan B area, if a Plan B area is proposed.

Provide a second color map with all homes within the proposed rehabilitation area (city-wide or target area with a Plan B, if applicable) clearly labeled as standard or substandard.

Sample maps are provided in Exhibit A (Last page of Proposal).

Activity Specific Questions/

Need

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Number of substandard single family houses in target area	217
Percentage of substandard, but suitable for rehabilitation, homes in target area:	72%
Median household income of target area (see Exhibit C on last page of Proposal for help):	\$30,975
Average age in years of houses in target area:	80+
Projected number of substandard, but suitable for rehabilitation, homes in target area that contain LMI households:	148

Impact

Number of single family houses in target area:	301
Number of LMI homeowners in substandard, but suitable for rehabilitation houses in the target area who are interested in the proposed rehabilitation project:	20
Square blocks in target area:	42
Number of homes proposed for rehab with SCDP funds in the target area. (This number should be the same as the goal proposed in the budget.):	20

Cost Effectiveness

Maximum SCDP assistance amount per house (cannot exceed \$25,000):	21,500
Expected average SCDP assistance amount per house:	20,000
SCDP Administration percentage:	14.5%

Complete the scenario below as it applies to your request:

Scenario #1

If the amount of SCDP **will not be based on homeowner affordability**, please answer the following questions:

Percentage of the total SCDP assistance that will be a deferred loan:	100%
If applicable, percentage of the total SCDP assistance that will be an installment loan:	NA%
Length (minimum of 84 months) of SCDP deferred loans:	120 Months

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If applicable, length of SCDP installment loans NA Months

If applicable, interest rate of installment loans: NA %

Scenario #2

If the terms of the SCDP will be based on homeowner affordability. Explain how the SCDP assistance will be determined for applicants. Be sure to include income thresholds, percentages of SCDP funds per income tier, required homeowner and/or leverage contribution (and under what income circumstance), etc.

In 1,000 characters or less describe the following:

- **Project need and impact – including any unique needs**
- **How target area is impacted by this and other activities (activities with or without SCDP funding)**
- **How activity is cost effective. Include leverage information**

The target area consists of approximately 42 Blocks in NE Brainerd which has some of the most affordable homes in the city. According to HUD 2010 census results, over 60% of residents in Brainerd are low-moderate income and the target area has a very high percentage of substandard owner-occupied homes (72%) that are in need of rehab. This grant will have a significant impact on the target area by helping LMI residents make needed repairs to their homes to increase energy efficiency and maintain housing stock. Regarding cost effectiveness, most homeowners are very low income and show no loan repayment capability. However the HRA will combine the SCDP Funds with program income, MHFA Rehab Loan dollars, Weatherization funds and utility rebates when possible to provide leverage resources and for projects exceeding the SCDP maximum.

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Rental Housing Rehabilitation: (At least 51% of the units must be occupied by low to moderate households (80% of the county median income) and rent restrictions must be met. In the case of duplexes, at least 50% of the duplex would need to be occupied by a low and moderate income household. For 8 or more units, Federal Davis-Bacon wages will apply.

Rental rehabilitation is broken out by these types:

Mixed-Use Within Commercial Buildings

Single Family Rental – Scattered Site, Stick Built and/or Double-Wide Manufactured Houses on a Foundation

Duplex Rental – Free Standing Structures on Scattered Sites

Multi-Family Rental Rehabilitation - Free Standing Structures on Scattered Sites

Multi-Family Rental Rehabilitation – 1 Complex With 3 or More Units Without MHFA Tax Credits

Multi-Family Rental Rehabilitation in conjunction with Minnesota Housing Fund Tax Credits

Complete the appropriate section(s) below for the type of rental rehabilitation being proposed. If more than one type of rental rehabilitation is being proposed, please complete a page and budget line for each type.

Note: If multi-community application – complete the questions that correspond with this activity for each partnering community

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Rental Housing Rehabilitation: Mixed-Use Within Commercial Buildings

Background/

- If this activity is part of a multi-community application – complete and provide separate answers to the following questions for each partnering community.
- Proposals will need to designate a target area of the city. A Plan B option can be proposed that would serve as a contingency if the interest in the primary target area proves not sufficient to meet the proposed goals. Designating a Plan B should be strongly considered as DEED will not allow any other target area expansions for projects that are being implemented.

Community Questions/

Primary community: **Downtown Brainerd**

Population of primary community: **172**

Partnering community #1(if applicable):

Population of partnering community #1 (if applicable):

Partnering community #2(if applicable):

Population of partnering community #2 (if applicable):

Maps/

Attach a map of the city limits with the primary target area shown within the city limits. If applicable, maps should be included for all communities. If applicable, include the proposed Plan B option on the map. The answers to the questions below should include data for the primary target area along with any Plan B area, if a Plan B area is proposed.

Provide a second color map with all buildings with homes within the proposed rehabilitation area (city-wide or target area with a Plan B, if applicable) clearly labeled as standard or substandard.

Sample maps are provided in Exhibit B (Last page of Proposal).

Activity Specific Questions/

Need

Number of mixed use rental units in target area that are in standard condition: **0**

Number of mixed-use dilapidated rental units in the target area that are not suitable for rehabilitation: **0**

Number of substandard, but suitable for rehabilitation, mixed use rental units in target area: **73**

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Total # of homes in target area (all housing units including rental or owner-occupied):	123
Total # of homes in city (all housing units including rental or owner-occupied):	6,307
Total # of these homes that are rentals (any type - SF, Duplex or Multi-Family):	3027
Square blocks in target area:	4
Number of property owners interested in the proposed program:	3
Number of mixed use units in commercial buildings owned by these interested property owners:	27
Of these mixed use units, number of units where property owners are interested in rehab:	27

Impact

Number of mixed use rental units in commercial buildings proposed for rehabilitation:	8
Does this proposal include a commercial rehabilitation component?	Y
If yes, how many of the property owners interested in the program are also interested in the commercial component?	2
Rental vacancy rate of city:	1%

If city vacancy percentage is more than 10%, provide narrative to what factors will increase demand for rehabilitated rental units:

Cost Effectiveness

Complete all that would apply:	
Maximum SCDP assistance per unit (Single Family- cannot exceed \$25,000):	N/A
Average SCDP assistance per unit:	N/A
Maximum SCDP assistance per unit (Duplex – cannot exceed \$25,000 per duplex):	N/A
Average SCDP assistance per unit:	N/A
Maximum SCDP assistance per unit (Multi-Family – if more than \$12,500, contact the SCDP):	\$12,500

**Grantee/Administrator/Co-Funder/Author/Legislative District
Information Sheet
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Average SCDP assistance per unit:	\$12,500
SCDP assistance is proposed to be what percentage of total rehabilitation costs per unit (cannot exceed 70%):	70%
Of the SCDP funds proposed per unit (<u>not total project costs</u>), what percentage of SCDP assistance is being proposed as a deferred or forgivable loan?	100%
What would be the term in months (minimum of 60) of these deferred or forgivable loans?	120 Months
If the SCDP funds proposed per unit for deferred or forgivable loans <u>are not</u> 100% of the SCDP assistance, complete the following:	
What percentage of the SCDP funds will be an installment (where regular payments are required) loan?	%
What is the length of the installment loan?	Months
What is the interest rate of the installment loan:	%

In 1,000 characters or less describe the following:

- Project need and impact – including any unique needs
- How target area is impacted by this and other activities (activities with or without SCDP funding).
- How activity is cost effective. Include leverage information

Downtown Brainerd has been slowly declining over the past few decades. One of the goals of the Brainerd HRA has been to assist in the revitalization of downtown Brainerd. In 2015, we participated in the Housing Institute through Minnesota Housing Partnership and our focus was on Downtown Revitalization. We had a group of 7 people including representatives from the City of Brainerd, the Brainerd HRA, downtown business and property owners, a local non-profit and Region 5 Development Commission. The group met monthly for a year developing a plan to revitalize downtown. Three main goals were established: 1) Rehab; 2) Marketing, and 3) Purchase and rehab one of the vacant dilapidated buildings downtown Brainerd.

In 2016, we applied for and received a SCDP grant for commercial and renter-occupied rehab. As a result, we were able to rehab 9 of the commercial properties and 43 rental units. However, there were a couple of properties that we were not able to assist with the previous grant that are in desperate need of rehab. The Brainerd HRA had intended on purchasing one of the properties downtown. The Brainerd HRA's position has been that we will only purchase property if the private market is not willing or able to. As a result of the activities occurring downtown Brainerd, in large part because of the SCDP grant, we are starting to see a renewed interest in downtown Brainerd. One of the properties was purchased and there is another property that is in negotiations. We anticipate this property to be purchased. However, the cost of the necessary rehab is more than the property owners are able to invest.

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The rental units in these properties are very affordable, and are extremely important to the residents living in them. Most of the residents are LMI, work in the downtown area and do not have personal transportation making it crucial to maintain the homes in a safe, decent and sanitary condition. The rehabilitation will be leveraged with owner funding of at least 30% of project costs.

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Single Family Rental – Scattered Site, Stick Built and/or Double-Wide Manufactured Houses on a Foundation

Background/

- If this activity is part of a multi-community application – complete and provide separate answers to the following questions for each partnering community.
- Proposals can designate a target area of the city, or propose a city-wide policy. A Plan B option can be proposed that would serve as a contingency if the interest in the primary target area proves not sufficient to meet the proposed goals. Designating a Plan B should be strongly considered as DEED will not allow any other target area expansions for projects that are being implemented.

Community Questions/

Primary community: **City of Brainerd - portion of NE**

Population of primary community: **1282**

Type of rehabilitation area proposed (select one): City-wide or Target Area **X**

Partnering community #1(if applicable):

Population of partnering community #1 (if applicable):

Type of rehabilitation area proposed: City-wide or Target Area

Partnering community #2(if applicable):

Population of partnering community #2 (if applicable):

Type of rehabilitation area proposed: City-wide or Target Area

Maps/

Attach a color map of the city limits with the primary target area shown within the city limits. If applicable, maps should be included for all communities. If applicable, include the proposed Plan B option on the map. The answers to the questions below should include data for the primary target area along with any Plan B area, if a Plan B area is proposed.

Provide a second color map with all homes within the proposed rehabilitation area (city-wide or target area with a Plan B, if applicable) clearly labeled as standard or substandard.

Sample maps are provided in Exhibit A (Last page of Proposal).

Activity Specific Questions/

Need

Number of single-family (SF) rental houses in target area that are in standard condition: **17**

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Number of dilapidated single-family rental houses in the target area that are not suitable for rehab:	1
Number of substandard, but suitable for rehabilitation, single-family rental houses in target area:	103
Total # of homes in target area (all housing units including rental or owner-occupied):	565
Total # of homes in city (all housing units including rental or owner-occupied):	6307
Total # of these homes that are rentals (any type - SF, Duplex or Multi-Family):	3027
Square blocks in target area:	42
Number of property owners interested in the proposed program:	20
Number of single-family rental houses owned by these interested property owners:	14
Of these houses, number of single family rental houses where property owners are interested in rehab:	14

Impact

Number of single-family houses proposed for rehabilitation:	10
Rental vacancy rate of city:	1%
If greater than 10%, provide narrative on what factors will improve the rental market:	

Cost Effectiveness

Maximum SCDP assistance per unit (cannot exceed \$25,000):	\$21,500
SCDP assistance is proposed to be what percentage of total rehabilitation costs per unit (cannot exceed 70%):	70%
SCDP average costs per unit:	\$20,000
Of the SCDP funds proposed per unit (<u>not total project costs</u>), what percentage of SCDP assistance is being proposed as a deferred or forgivable loan?	100%
What would be the term in months (minimum of 60) of these deferred or forgivable loans?	120 Months
If the SCDP funds proposed per unit for deferred or forgivable loans <u>are not</u> 100% of the SCDP assistance, complete the following:	

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What percentage of the SCDP funds will be an installment (where regular payments are required) loan? 0%

What is the length of the installment loan? Months

What is the interest rate of the installment loan? %

In 1,000 characters or less describe the following:

- **Project need and impact – including any unique needs**
- **How target area is impacted by this and other activities (activities with or without SCDP funding).**
- **How activity is cost effective. Include leverage information**

There is an extremely high percentage (78%) of substandard rental properties in the 42 block target area that is home to many of the area residents. Rehabilitating the properties will help provide safe, decent housing for the low-moderate income residents whose children attend school at Lowell Elementary School, located in the target area. It will help the businesses in the area by providing quality housing to the people they employ. Leveraging the owner's share with program income will make the activity cost effective.

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Duplex Rental – Free Standing Structures on Scattered Sites

Background/

- If this activity is part of a multi-community application – complete and provide separate answers to the following questions for each partnering community.
- Proposals will need to designate a target area of the city, or propose a city-wide policy. A Plan B option can be proposed that would serve as a contingency if the interest in the primary target area proves not sufficient to meet the proposed goals. Designating a Plan B should be strongly considered as DEED will not allow any other target area expansions for projects that are being implemented.

Community Specific Questions/

Primary community: **City of Brainerd - portion of NE**

Population of primary community:

Type of rehabilitation area proposed (select one): City-wide or Target Area **X**

Partnering community #1(if applicable):

Population of partnering community #1 (if applicable):

Type of rehabilitation area proposed: City-wide or Target Area

Partnering community #2(if applicable):

Population of partnering community #2 (if applicable):

Type of rehabilitation area proposed: City-wide or Target Area

Maps/

Attach a color map of the city limits with the primary target area shown within the city limits. If applicable, maps should be included for all communities. If applicable, include the proposed Plan B option on the map. The answers to the questions below should include data for the primary target area along with any Plan B area, if a Plan B area is proposed.

Provide a second color map with all homes within the proposed rehabilitation area (city-wide or target area with a Plan B, if applicable) clearly labeled as standard or substandard.

Sample maps are provided in Exhibit A (Last page of Proposal).

Activity Specific Questions/

Need

Number of duplexes in target area that are in standard condition: **12**

Number of dilapidated duplexes in the target area that are not suitable for rehabilitation: **0**

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Number of substandard, but suitable for rehabilitation duplexes in the target area:	23
Total # of homes in target area (all housing units including rental or owner-occupied):	565
Total # of homes in city (all housing units including rental or owner-occupied):	6307
Total # of these homes that are rentals (any type - SF, Duplex or Multi-Family):	3027
Square blocks in target area:	42
Number of property owners interested in the proposed program:	20
Number of duplexes owned by these interested property owners:	5
Of these duplexes, number of duplexes where property owners are interested in rehab:	5

Impact

Number of duplexes proposed for rehabilitation:	1
Rental vacancy rate of city:	1%

If community vacancy percentage is more than 10%, provide narrative to what factors will increase demand for rehabilitated rental units:

Cost Effectiveness

Maximum SCDP assistance per duplex (cannot exceed \$25,000):	\$25,000
SCDP assistance is proposed to be what percentage of total rehabilitation costs per duplex (cannot exceed 70%):	70%
SCDP estimate average costs per duplex:	\$20,000
Of the SCDP funds proposed per unit (<u>not total project costs</u>), what percentage of SCDP assistance is being proposed as a deferred or forgivable loan?	100%
What would be the term in months (minimum of 60) of these deferred or forgivable loans?	120 Months

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If the SCDP funds proposed per unit for deferred or forgivable loans are not 100% of the SCDP assistance, complete the following:

What percentage of the SCDP funds will be an installment (where regular payments are required) loan? %

What is the length of the installment loan? Months

What is the interest rate of the installment loan? %

In 1,000 characters or less describe the following:

- Project need and impact – including any unique needs
- How target area is impacted by this and other activities (activities with or without SCDP funding).
- How activity is cost effective

The average rent in the city of Brainerd is approximately There are 35 duplexes in the target area which represents a significant amount of the total substandard homes in the target area. The rehabilitation will be very cost effective when utilizing the owner's portion as leverage.

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Multi-Family Rental – Free Standing Structures on Scattered Sites

Background/

- If this activity is part of a multi-community application – complete and provide separate answers to the following questions for each partnering community.
- Proposals will need to designate a target area of the city, or propose a city-wide policy. A Plan B option can be proposed that would serve as a contingency if the interest in the primary target area proves not sufficient to meet the proposed goals. Designating a Plan B should be strongly considered as DEED will not allow any other target area expansions for projects that are being implemented.

Community Questions/

Primary community: **City of Brainerd - portion of NE**

Population of primary community:

Type of rehabilitation area proposed (select one): City-wide or Target Area **X**

Partnering community #1(if applicable):

Population of partnering community #1 (if applicable):

Type of rehabilitation area proposed: City-wide or Target Area

Partnering community #2(if applicable):

Population of partnering community #2 (if applicable):

Type of rehabilitation area proposed: City-wide or Target Area

Maps/

Attach a color map of the city limits with the primary target area shown within the city limits. If applicable, maps should be included for all communities. If applicable, include the proposed Plan B option on the map. The answers to the questions below should include data for the primary target area along with any Plan B area, if a Plan B area is proposed.

Provide a second color map with all homes within the proposed rehabilitation area (city-wide or target area with a Plan B, if applicable) clearly labeled as standard or substandard.

Sample maps are provided in Exhibit A (Last page of Proposal).

Activity Specific Questions/

Need

Number of multi-family (MF) buildings in target area that are in standard condition: **4**

Number of multi-family units in target area that are in standard condition: **30**

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Number of dilapidated multi-family units in the target area that are not suitable for rehab:	0
Number of substandard, but suitable for rehabilitation multi-family buildings in the target area:	13
Number of substandard, but suitable for rehabilitation multi-family units in the target area:	52
Total # of homes in target area (all housing units including rental or owner-occupied):	565
Total # of these homes that are rentals (any type - SF, Duplex or Multi-Family):	264
Square blocks in target area:	42
Number of property owners interested in the proposed program:	20
Number of multi-family buildings owned by these interested property owners:	8
Of these multi-family buildings, number of buildings where property owners are interested in rehab?	7

Impact

Number of multi-family buildings proposed for rehabilitation:	3
Number of multi-family units in these buildings proposed for rehabilitation:	10
Rental vacancy rate of city:	1%
If percentage is more than 10%, provide narrative to what factors will increase demand for rehabilitated rental units:	
Are any of the properties where owners are interested 8 or more units?	Y
Are any of the properties where owners are interested more than 4 stories?	N

Cost Effectiveness

Maximum SCDP assistance per unit (cannot exceed \$12,500):	\$12,500
SCDP assistance is proposed to be what percentage of total rehabilitation costs per unit (cannot exceed 70%):	70%
SCDP estimated average costs per unit:	\$10,000

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Of the SCDP funds proposed per unit (<u>not total project costs</u>), what percentage of SCDP assistance is being proposed as a deferred or forgivable loan?	100%
What would be the term in months (minimum of 60) of these deferred or forgivable loans?	120 Months
If the SCDP funds proposed per unit for deferred or forgivable loans <u>are not</u> 100% of the SCDP assistance, complete the following:	
What percentage of the SCDP funds will be an installment (where regular payments are required) loan?	%
What is the length of the installment loan?	Months
What is the interest rate of the installment loan?	%

In 1,000 characters or less describe the following:

- **Project need and impact – including any unique needs**
- **How target area is impacted by this and other activities (activities with or without SCDP funding).**
- **How activity is cost effective. Include leverage information**

Providing rehabilitation funds to these units as they are nearly one third of the multi-family units in the area will be an important part of the overall grant. The funds put into the multi-family properties are some of the most cost effective rehab dollars spent when considering the cost per unit compared to the value each resident receives. The SCDP funds will be combined with the owner's funds as leverage to complete the rehab of these units.

**Grantee/Administrator/Co-Funder/Author/Legislative District
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Commercial Rehabilitation (must meet the definition of a comprehensive application)

Background/

- If this activity is part of a multi-community application – complete and provide separate answers to the following questions for each partnering community.
- Proposals will need to designate a target area (Slum and Blight Area) of the city. A Plan B option can be proposed that would serve as a contingency if the interest in the primary target area proves not sufficient to meet the proposed goals. Designating a Plan B should be strongly considered as DEED will not allow any other target area expansions for projects that are being implemented.

Community Questions/

Primary community: **Downtown Brainerd**

Population of primary community:

Partnering community #1(if applicable):

Population of partnering community #1 (if applicable):

Partnering community #2(if applicable):

Population of partnering community #2 (if applicable):

Maps/

Attach a color map of the city limits with the slum and blight area shown within the city limits. If applicable, maps should be included for all communities. If applicable, include the proposed Plan B option on the map. The answers to the questions below should include data for the primary target area along with any Plan B area, if a Plan B area is proposed.

Provide a second color map with all buildings within the proposed rehabilitation area (city-wide or target area with a Plan B, if applicable) clearly labeled as standard or substandard.

Sample color maps are provided in Exhibit B (Last page of Proposal).

Activity Specific Questions/

Need

Number of units requested for rehabilitation:	1
Percentage of substandard buildings in the target area:	100%
Number of dilapidated buildings not suitable for rehab in the city:	0
Number of dilapidated buildings not suitable for rehab in target area:	0

**Grantee/Administrator/Co-Funder/Author/Legislative District
Information Sheet
Small Cities Development Program – State of Minnesota**

Number of commercial buildings in slum and blight area: **40**

Number of commercial buildings in city limits:

Number of interested property owners: **3**

Number of buildings owned by these owners: **10**

Of these buildings owned by these owners, total number of buildings where these property owners are interested in rehabilitation? **3**

Impact

Number of vacant commercial buildings in slum and blight area: **2**

Estimated number of buildings in target area with historic elements: **1**

Of these buildings, how many are being considered for the rehabilitation program? **0**

Is the slum and blight area part of a central business district? **Yes**

If not part of a central business district, please explain why the proposed slum and blight area is a priority:

Cost Effectiveness

Maximum SCDP funds per unit (Cannot exceed \$40,000): **40,000**

Average SCDP costs per building:

1. Of the SCDP funds proposed, what percentage will be a deferred /forgivable loan? **100%**
2. Of the SCDP funds proposed, what percentage will be an installment (where regular payments are required) loan? **0%**

Ensure that the sum of #1 and #2 are 100%

What would be the term in months (minimum of 60) of these deferred or forgivable loans? **120 Months**

If installment loans, what is the term in months: **Months**

If installment loans, what is the interest rate of the installment loan: **%**

Grantee/Administrator/Co-Funder/Author/Legislative District
Information Sheet
Small Cities Development Program – State of Minnesota

In 1,000 characters or less describe:

- Unique needs/target area needs- Identify and describe the key buildings proposed for rehabilitation
- How target area is impacted by this and other activities.
- How activity is cost effective. Include leverage information

The property is located in a key area of the downtown and one of the last in great need of rehabilitation to continue eliminating slum and blight in downtown. Being one of the largest buildings in the area, the rehabilitation will help complete the revitalization efforts started with the last SCDP grant which was exhausted before all of the needs could be met. Owner funding along with utility rebates will be used for leverage to complete the project.

**Grantee/Administrator/Co-Funder/Author/Legislative District
Information Sheet
Small Cities Development Program – State of Minnesota**

Directions: Please complete all sections that apply to the implementation of the activities in the proposal/application. If the same person is responsible for multiple duties, their contact information need only be listed once. The name of the person/contact who is responsible for the day-to-day tasks associated with this information sheet **MUST** be provided.

Name of Applicant: City of Brainerd

I. Applicant Information (city/county)

Authorized Official & Environmental Certifying Officer Information (Mayor or Board Chair whichever is applicable) Name: Ed Menk Title: Mayor City/County Address, including zip code: 501 Laurel Street Brainerd, MN 56401 Phone #: 218-829-7266 Email: emenk@ci.brainerd.mn.us Federal ID #: 41-6005001 State ID #: 8020777 State Vendor #: 0000199019 Applicant DUNs #: 196046221	Application (Proposal) Author Name: John Schommer Title: Rehab Coordinator Name of Organization: Brainerd HRA Phone #: 218-824-3432 Email: john@brainerdhra.org Applicant Financial Officer Information Name: Connie Hillman Title: Finance Director Address: 501 Laurel Street, Brainerd, MN 56401 Phone #: 218-828-2307 Email: chillman@ci.brainerd.mn.us

Connie Hillman

Individual Signing SCDP Payment Request Form

**Grantee/Administrator/Co-Funder/Author/Legislative District
Information Sheet
Small Cities Development Program – State of Minnesota**

Primary Administrator/Implementing Agency Information Name: John Schommer Title: Name of Organization: Address, including zip code: Phone #: Email:	(Applicant or Program Administrator) Name: John Schommer Title: Name of Organization: Phone #: Email:
Environmental Coordinator Name: John Schommer Title: Name of Organization: Phone #: Email:	Fair Housing/Equal Opportunity Coordinator Name: John Schommer Title: Name of Organization: Phone #: Email:

Property Inspector Info: Name: John Schommer Title: Name of Organization: Phone #: Email:	Income Verification Coordinator Info: Name: Lindsay Smude Title: Rental Assistance Name of Organization: Brainerd HRA Phone #: 218-824-3426 Email: lindsay@brainerdhra.org 
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Rent Limit and Rental Notice Coordinator Name: Lindsay Smude Title: Name of Organization: Phone #: Email:	
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**Grantee/Administrator/Co-Funder/Author/Legislative District
Information Sheet
Small Cities Development Program – State of Minnesota**

Provide qualifications of those performing the following roles. If the role does not apply to any activity in the proposal, enter "N/A". Include work on past SCDP projects, SCDP trainings attended, or other relevant information. If no experience or training is in place, provide plan for how capacity to fulfill the role will be developed.

Primary Implementation Agency: Brainerd Housing and Redevelopment Authority

Environmental Coordinator: John Schommer

Fair Housing/Equal Opportunity Coordinator: John Schommer

Rehabilitation Coordinator: John Schommer

Labor Standards Coordinator: John Schommer

Property Inspector. Provide information on all inspectors if multiple activities and inspectors would be used:

Income Verification Coordinator: Lindsay Smude

Rent Limit and Rental Notice Coordinator: Lindsay Smude

**Grantee/Administrator/Co-Funder/Author/Legislative District
Information Sheet
Small Cities Development Program – State of Minnesota**

II. Co-Funder Contact Information: If any of the proposed activities within the Application are also requesting funding from agencies such as MN Housing and/or Greater MN Housing (rental new development); Public Facilities Authority and/or Rural Development (public facility projects) to the make the project financially feasible, please provide the following information for each respective funding partner.

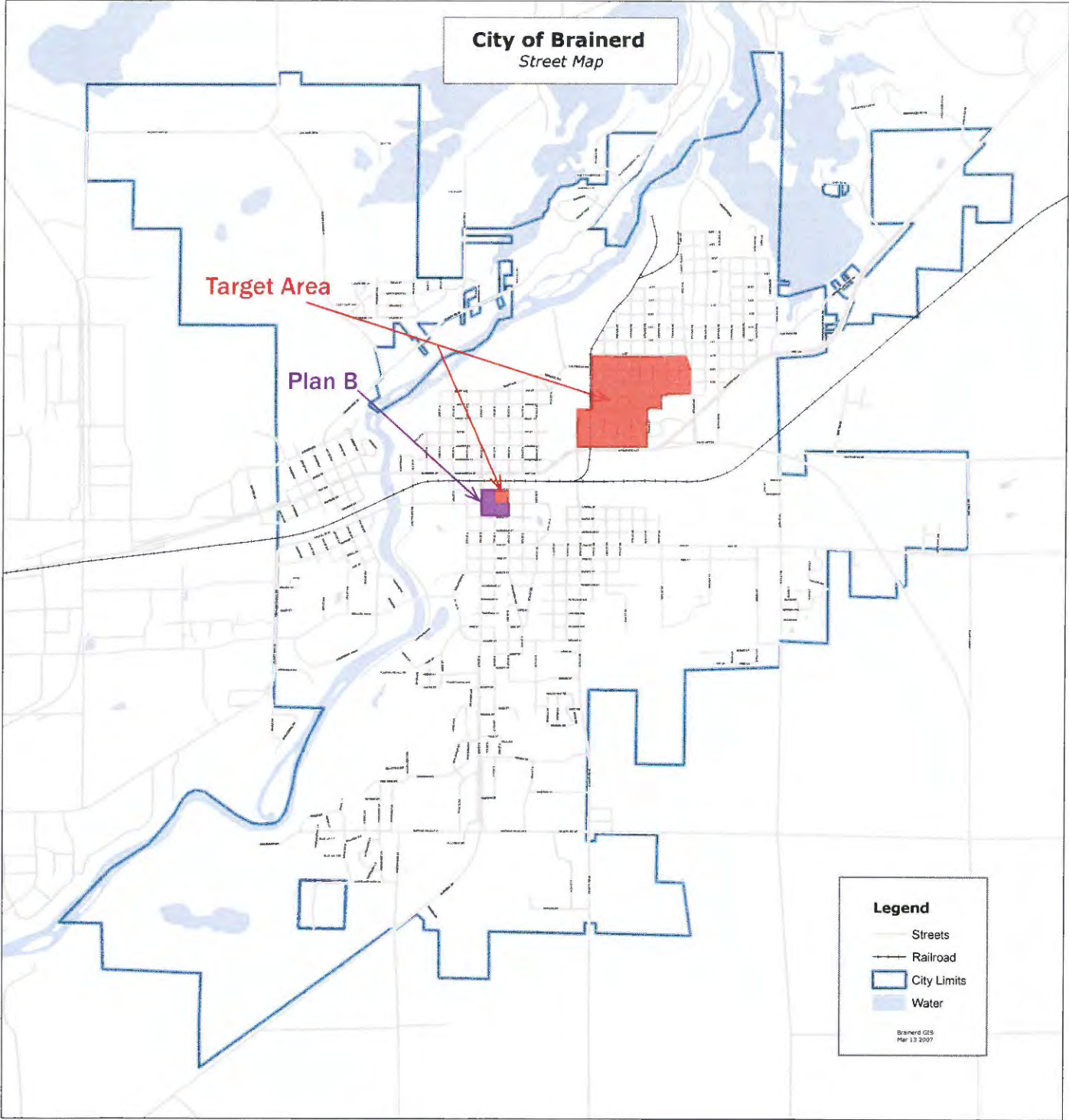
Agency: ----- Name: Title: Address: Phone #: Email:	Agency: ----- Name: Title: Address: Phone #: Email:
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Agency: ----- Name: Title: Address: Phone #: Email:	Agency: ----- Name: Title: Address: Phone #: Email:
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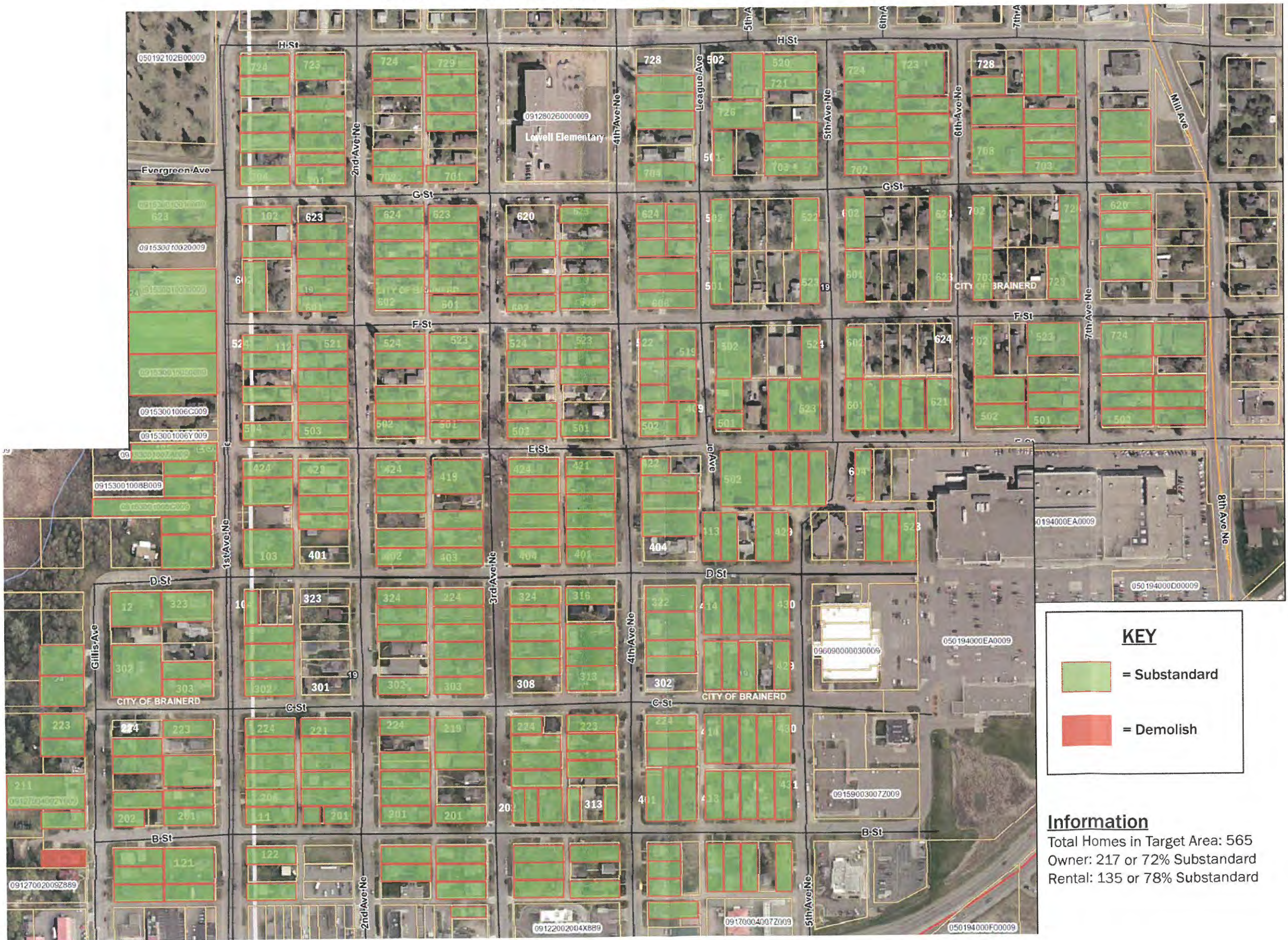
Agency: ----- Name: Title: Address: Phone #: Email:	Agency: ----- Name: Title: Address: Phone #: Email:
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III. Legislative District Information (Provide the following information for the geographical district(s) the SCDP funded activities are taking place in.)

House District: **10A**
 Congressional District **8**



SCDP Owner & Rental Rehab - NE Brainerd



Downtown Brainerd Commercial Properties





Brainerd City Council Agenda Request

Agenda Item #

Requested Meeting Date: November 6, 2017

Title of Item: 2018 Library Operating Supply Budget

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☒ P&F COMMITTEE ☐ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Connie Hillman	Department: Finance
Presenter (Name & Title): Finance Director Hillman	Estimated Time Needed: 5 Minutes
Summary of Issue: The Library purchases some operating supplies through the City of Brainerd budget, and some operating supplies are purchased with the KRLS budget for the Brainerd branch. The Brainerd Library Board is requesting council action in support of the Brainerd Library Branch to be able to purchase all operating supplies for the library. This action would entail moving \$6,000 budget from the KRLS budget (lowering the amount paid to KRLS) to the City's library budget.	
Alternatives, Options, Effects on Others/Comments: The Brainerd Library Board feels this move would allow for more efficiency of the library's resources. For example, the library has a black and white copier, any revenues generated from the copier use is accounted for at the City. If a patron needs a colored copy, it has to be done through a colored printer, any revenue generated goes to KRLS. The Library Board would like to have the option of purchasing one machine that can do black and white as well as color, and therefore would allow all of the fees to go to one entity, which would also allow the library to look into accepting credit cards. The downside would be if KRLS has more purchasing power than the branch would on its own.	
Recommended Action/Motion: On behalf of the Brainerd Public Library Board, the Brainerd City Council requests that the Kitchigami Regional Library Board support allowing the Brainerd Public Library Board to purchase all supplies for the library branch. This request would entail moving the \$6,000 supply item line from the KRLS Brainerd Public Library Operating Budget to the City's library budget. If this is approved the recommended KRLS contribution from the City would be reduced by \$6,000.	
Financial Impact: Is there a cost associated with this request: ☐ Yes ☒ No What is the total cost, with tax and shipping \$ _____ Is this budgeted? ☐ Yes ☐ No <u>Please Explain:</u>	



Brainerd City Council Agenda Request

Agenda Item #

Requested Meeting Date: November 6, 2017

Title of Item: Employee Policy Manual and MOAs to Increase HDHP Deductible

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☒ P&F COMMITTEE ☐ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Kris Schubert	Department: Administration
Presenter (Name & Title): Kris Schubert, HR Coordinator	Estimated Time Needed: 2 minutes
Summary of Issue: The City Council approved our 2018 NJPA/HealthPartners Health Plan renewal rates last month. The Council also increased the deductible for our current High Deductible Health Plan (HDHP) from \$2,600 single/\$5,200 family to \$2,700 single/\$5,400 family. IRS regulations required this change for an embedded health plan in order to qualify for Health Savings Account contributions in 2018. At the time, Staff informed the Council that we would need to negotiate this change with the unions as this health insurance plan is our base plan included in union contracts. We have reached agreement with all affected unions for the required change. Attached for your consideration are the applicable Memorandums of Agreement (MOA) with the affected unions as well as an update for our Employee Policy Manual for non-union employees.	
Alternatives, Options, Effects on Others/Comments: The United Steel Workers (Hydro employees) MOA does not include the No Precedent paragraph as the union would not agree to that verbiage. Given the situation, our City Attorney's Office consented to the change as the elimination of that paragraph did not significantly impact this issue or future negotiations.	
Recommended Action/Motion: Requested action is approve the amendment for Section 15 of the Employee Policy Manual as presented; further, to approve the attached Memorandums of Agreement between the City of Brainerd and the following union groups that increases the deductible for the HDHP effective January 1, 2018: 1. IBEW representing the Administrative Support employees 2. IBEW representing the Public Utilities employees 3. LELS representing the Police Officers 4. USW representing the Hydro employees	
Financial Impact: <i>Is there a cost associated with this request:</i> ☐ Yes ☒ No <i>What is the total cost, with tax and shipping</i> \$ _____ <i>Is this budgeted?</i> ☐ Yes ☐ No <i>Please Explain:</i>	

**SECTION 15. EMPLOYEE INSURANCE (Amended 4/5/10, 12/19/11, 1/6/14,
12/15/14, 12/7/15)**

Subdivision 1. Benefits - Health Insurance

The City provides a medical coverage insurance plan for eligible employees as described in the Summary of Benefits.

The insurance coverage takes effect the first of the month following date of hire. The following details the employer premium contribution:

- CITY ADMINISTRATOR, DEPARTMENT HEADS, AND SUPERVISORS:
 - Effective January 1, ~~2015~~, 2018 the new base city health insurance plan shall be the ~~\$2,600~~ \$2,700 High Deductible Health Plan.
 - The City will pay 80% of the family premium for the ~~\$2,600~~ \$2,700 High Deductible Health insurance plan for the City Administrator, Department Heads and Supervisors hired or promoted to such a position after May 1, 2010, who choose to receive City sponsored family health insurance coverage. The premium cost for single coverage shall be paid at 95% by the City.
 - The City will pay 100% of the single and family premium for the Department Heads and Supervisors hired or promoted to such a position before May 1, 2010.
 - Employees may choose the \$1,000 Deductible Health Insurance Plan at the same premium splits as noted above at the increased premium cost.
 - The Additional Employer HSA Contribution and Opt-Out Payment shall follow other union contract provisions that offer the City's insurance plans.
- ELECTED OFFICIALS/BRAINERD PUBLIC UTILITIES (BPU) COMMISSIONERS:
 - Effective January 1, 2016, health insurance options for this group includes the following city contributions for the city-sponsored base High Deductible Health Insurance plan:
 - 100% of the premium if single health coverage is elected.
 - 80% of the premium if family health coverage is elected.

- If someone in this group elects the \$1,000 Deductible Health Insurance Plan instead of the city's base health insurance plan, the individual will be responsible for the premium difference.
- If someone is covered by a different group plan and is eligible to receive the city's Opt-Out payment, individuals in this group can elect to receive \$250 per month as taxable income in lieu of the health insurance benefit.

The City's contribution for all other employees is set in labor contract and/or Council resolutions.

The City continues to provide coverage for City retirees indefinitely on a self-pay basis pursuant to state law. Please refer to your Group Insurance Plan booklet for a complete description of benefits.

MEMORANDUM OF AGREEMENT

This Memorandum of Agreement (“MOA”) is entered into by and between the City of Brainerd (“Employer”) and the International Brotherhood of Electrical Workers, Local No. 31 (“Union”). The Employer and the Union are hereinafter referred to collectively as the “Parties,” and individually as a “Party.”

Whereas, the Employer and Union are parties to a 2017 - 2018 collective bargaining agreement (“CBA”), which governs the terms and conditions of employment of the Employer’s Administrative Support employees; and

Whereas, Article 8.8 of the CBA specifically identifies the deductibles of the City’s High Deductible Health Plan (HDHP) as \$2,600 for single coverage and \$5,200 for family coverage; and

Whereas, the applicable IRS regulations and procedures require an increase to the minimum deductible for the HDHP to \$2,700 single/\$5,400 family, effective January 1, 2018; and

Whereas, if the current deductible identified in Article 8.8 of the CBA is not increased pursuant to IRS regulations, the Employer and/or employees will not be eligible to make Health Saving Account contributions.

NOW, THEREFORE, IN CONSIDERATION OF the mutual covenants and agreements contained in this MOA and other good and valuable consideration, the sufficiency and receipt of which are hereby acknowledged, the Parties agree as follows:

1. **Updated CBA Language.** Article 8.8 of the CBA is amended to reference the increased HDHP deductibles from \$2,600 single/\$5,200 family to \$2,700 single/\$5,400 family, effective January 1, 2018.
2. **Duration.** This MOA will be in effect for the duration of the CBA.
3. **No Precedent.** Nothing in this MOA shall be deemed to establish a precedent or practice, or to alter any established past practice or precedent arising out of or relating to the CBA. No Party may introduce this MOA in any proceeding as evidence of any practice or precedent.
4. **Equal Drafting.** This MOA shall be construed to have been drafted equally by the Parties.

5. **Entire Agreement.** This MOA constitutes the entire agreement between the Parties relating to the subject matter herein. No Party has relied upon any oral statements or promises that are not set forth in this document. The terms of this MOA are contractual and supersede any and all prior agreements between the Parties relating to the subject matter of this MOA. No waiver or modification of any provision of this MOA is valid unless it is in writing and signed by all Parties.

Employer:
City Administrator

For the Exclusive Representative:
Union Representative

Date:_____

Date:_____

MEMORANDUM OF AGREEMENT

This Memorandum of Agreement ("MOA") is entered into by and between the City of Brainerd ("Employer") and the International Brotherhood of Electrical Workers, Local No. 31 ("Union"). The Employer and the Union are hereinafter referred to collectively as the "Parties," and individually as a "Party."

Whereas, the Employer and Union are parties to a 2017 - 2018 collective bargaining agreement ("CBA"), which governs the terms and conditions of employment of the Employer's Public Utilities employees; and

Whereas, Article 11 - Section 1, of the CBA specifically identifies the deductibles of the City's High Deductible Health Plan (HDHP) as \$2,600 for single coverage and \$5,200 for family coverage; and

Whereas, the applicable IRS regulations and procedures require an increase to the minimum deductible for the HDHP to \$2,700 single/\$5,400 family, effective January 1, 2018; and

Whereas, if the current deductible identified in Article 11 - Section 1, of the CBA is not increased pursuant to IRS regulations, the Employer and/or employees will not be eligible to make Health Saving Account contributions.

NOW, THEREFORE, IN CONSIDERATION OF the mutual covenants and agreements contained in this MOA and other good and valuable consideration, the sufficiency and receipt of which are hereby acknowledged, the Parties agree as follows:

1. **Updated CBA Language.** Article 11 - Section 1, of the CBA is amended to reference the increased HDHP deductibles from \$2,600 single/\$5,200 family to \$2,700 single/\$5,400 family, effective January 1, 2018.
2. **Duration.** This MOA will be in effect for the duration of the CBA.
3. **No Precedent.** Nothing in this MOA shall be deemed to establish a precedent or practice, or to alter any established past practice or precedent arising out of or relating to the CBA. No Party may introduce this MOA in any proceeding as evidence of any practice or precedent.
4. **Equal Drafting.** This MOA shall be construed to have been drafted equally by the Parties.

5. **Entire Agreement.** This MOA constitutes the entire agreement between the Parties relating to the subject matter herein. No Party has relied upon any oral statements or promises that are not set forth in this document. The terms of this MOA are contractual and supersede any and all prior agreements between the Parties relating to the subject matter of this MOA. No waiver or modification of any provision of this MOA is valid unless it is in writing and signed by all Parties.

Employer:
City Administrator

For the Exclusive Representative:
Union Representative

Date: _____

Wm. Kelly
Date: 11-1-2017

MEMORANDUM OF AGREEMENT

This Memorandum of Agreement ("MOA") is entered into by and between the City of Brainerd ("Employer") and the Law Enforcement Labor Services, Inc. Local #65 ("Union"). The Employer and the Union are hereinafter referred to collectively as the "Parties," and individually as a "Party."

Whereas, the Employer and Union are parties to a 2017 - 2018 collective bargaining agreement ("CBA"), which governs the terms and conditions of employment of the Employer's Police Officer employees; and

Whereas, Article 12.2 of the CBA specifically identifies the deductibles of the City's High Deductible Health Plan (HDHP) as \$2,600 for single coverage and \$5,200 for family coverage; and

Whereas, the applicable IRS regulations and procedures require an increase to the minimum deductible for the HDHP to \$2,700 single/\$5,400 family, effective January 1, 2018; and

Whereas, if the current deductible identified in Article 12.2 of the CBA is not increased pursuant to IRS regulations, the Employer and/or employees will not be eligible to make Health Saving Account contributions.

NOW, THEREFORE, IN CONSIDERATION OF the mutual covenants and agreements contained in this MOA and other good and valuable consideration, the sufficiency and receipt of which are hereby acknowledged, the Parties agree as follows:

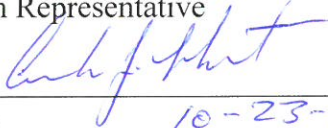
1. **Updated CBA Language.** Article 12.2 of the CBA is amended to reference the increased HDHP deductibles from \$2,600 single/\$5,200 family to \$2,700 single/\$5,400 family, effective January 1, 2018.
2. **Duration.** This MOA will be in effect for the duration of the CBA.
3. **No Precedent.** Nothing in this MOA shall be deemed to establish a precedent or practice, or to alter any established past practice or precedent arising out of or relating to the CBA. No Party may introduce this MOA in any proceeding as evidence of any practice or precedent.
4. **Equal Drafting.** This MOA shall be construed to have been drafted equally by the Parties.

5. **Entire Agreement.** This MOA constitutes the entire agreement between the Parties relating to the subject matter herein. No Party has relied upon any oral statements or promises that are not set forth in this document. The terms of this MOA are contractual and supersede any and all prior agreements between the Parties relating to the subject matter of this MOA. No waiver or modification of any provision of this MOA is valid unless it is in writing and signed by all Parties.

Employer:
City Administrator

Date: _____

For the Exclusive Representative:
Union Representative

Date:  _____ 10-23-2017

MEMORANDUM OF AGREEMENT

This Memorandum of Agreement ("MOA") is entered into by and between the City of Brainerd ("Employer") and the United Steel Workers International Union Local 9230 Unit 09 ("Union"). The Employer and the Union are hereinafter referred to collectively as the "Parties," and individually as a "Party."

Whereas, the Employer and Union are parties to a 2017 - 2018 collective bargaining agreement ("CBA"), which governs the terms and conditions of employment of the Employer's Hydro employees; and

Whereas, Article XXVII of the CBA specifically identifies the deductibles of the City's High Deductible Health Plan (HDHP) as \$2,600 for single coverage and \$5,200 for family coverage; and

Whereas, the applicable IRS regulations and procedures require an increase to the minimum deductible for the HDHP to \$2,700 single/\$5,400 family, effective January 1, 2018; and

Whereas, if the current deductible identified in Article XXVII of the CBA is not increased pursuant to IRS regulations, the Employer and/or employees will not be eligible to make Health Saving Account contributions.

NOW, THEREFORE, IN CONSIDERATION OF the mutual covenants and agreements contained in this MOA and other good and valuable consideration, the sufficiency and receipt of which are hereby acknowledged, the Parties agree as follows:

1. **Updated CBA Language.** Article XXVII of the CBA is amended to reference the increased HDHP deductibles from \$2,600 single/\$5,200 family to \$2,700 single/\$5,400 family, effective January 1, 2018.
2. **Duration.** This MOA will be in effect for the duration of the CBA.
3. **Equal Drafting.** This MOA shall be construed to have been drafted equally by the Parties.
4. **Entire Agreement.** This MOA constitutes the entire agreement between the Parties relating to the subject matter herein. No Party has relied upon any oral statements or promises that are not set forth in this document. The terms of this MOA are contractual and supersede any and all prior agreements between the Parties relating to the subject matter of this MOA. No waiver or modification of any provision of this MOA is valid unless it is in writing and signed by all Parties.

Employer:
City Administrator

Date: _____

For the Exclusive Representative:
Union Representative

Date: _____

Greg Scurin, USW
10/23/17



Brainerd City Council Agenda Request

Agenda Item #

Requested Meeting Date: November 6, 2017

Title of Item: Deferment of Assessment

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☒ P&F COMMITTEE ☐ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Connie Hillman	Department: Finance
Presenter (Name & Title): Finance Director Hillman	Estimated Time Needed: 5 Minutes
Summary of Issue: The City received an application for deferment due to financial hardship. Staff has reviewed the information and feels the applicate meets the criteria set forth in Resolution No. 54:16 item 4.	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion: Approve or deny deferment for the applicant for assessment payable in 2018 for improvement 13-19.	
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> \$ 329 + Interest <i>Is this budgeted?</i> ☐ Yes ☐ No <i>Please Explain:</i>	

**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 54:16.

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

NAME Margaret O'Rourke ADDRESS 928 10th Avenue 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: 091680010020009 _____ LEGAL DESCRIPTION OF PROPERTY: Lot 2 Block 1, Sabin'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 January 1, 2012, and is as follows (check one):

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

That on January 2, 2014, I owned and occupied the above property as my homestead and such occupancy began on January 1, 2012.

That the taxes for improvements on the special assessments adopted by Resolution No. 57:14 on October 20, 2014, 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 Margaret O'Rourke
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 Margaret O'Rourke, 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 \$329.00 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
--

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:

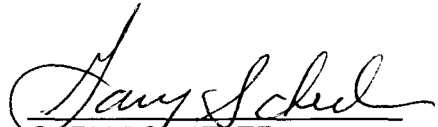
1. That the City Council does endorse the principle of deferment of special assessments for citizens where the payment of said special assessments constitutes hardship.
2. The Council, in accordance therewith, may defer the payment of any special assessment on homestead property when payment of the assessment 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



Brainerd City Council Agenda Request

Agenda Item #

Requested Meeting Date: November 6, 2017

Title of Item: Public Hearing - Contested DTSS, DTSR, and Nuisance Assessments

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☒ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☒ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☒ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Paul Sandy, City Engineer	Department: Engineering
Presenter (Name & Title): Paul Sandy, City Engineer	Estimated Time Needed: 30 Minutes
Summary of Issue: Attached to this request is four agenda requests and supporting information for each request pertaining the contested assessments relating to Downtown Special Services, Downtown Snow Removal, and 2017 Nuisance Abatement from the October 16, 2017 meeting.	
Alternatives, Options, Effects on Others/Comments: During the hearings, we will hear testimony for or against each contested assessment.	
Recommended Action/Motion: At the conclusion of the hearing, and once decisions on all the assessments are made, staff recommends adoption of the resolution adopting the contested assessments that were heard at the hearing.	
Financial Impact: <i>Is there a cost associated with this request:</i> ☐ Yes ☒ No <i>What is the total cost, with tax and shipping</i> \$ _____ <i>Is this budgeted?</i> ☐ Yes ☐ No <i>Please Explain:</i>	



Brainerd City Council Agenda Request

Agenda Item #

Requested Meeting Date: November 6, 2017

Title of Item: Public Hearing - Contested Assessment - 911 Kingwood Street Nuisance

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☒ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☒ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Paul Sandy, City Engineer	Department: Engineering
Presenter (Name & Title): Paul Sandy, City Engineer	Estimated Time Needed: 10 Minutes
Summary of Issue: Attached to this agenda request is a summary of the administrative citations the resident at 911 Kingwood Street received in relation to an unlicensed vehicle. The total assessment is \$2,375.	
Alternatives, Options, Effects on Others/Comments: Mr. Voss received 19 administrative citations pertaining to the unlicensed vehicle on his property. This ordinance is in place to eliminate non-drivable vehicles at residences. In these particular situations when letters or citations are not responded or replied to, the City sends the citation letters until it reaches the limit, or close thereto. On a staff level, we have discussed the possibility of reducing the max out limit on the citations, but it inevitably does not help to reach abatement of the nuisance, such as this situation. This is another situation where the owner did not reply until the assessment notice was sent in the mail. On a staff level, we have also discussed modifying some wording to make it clear that ignored citations will inevitably be assessed to the property taxes, so we try to minimize this issue as much as possible. This may also assist in getting in contact with the property owner to abate the nuisance. We try to focus on not setting precedence with assessments as much as possible, as it sets us up for more contests in the future.	
Recommended Action/Motion: Staff recommends continuation of the public hearing that was adjourned on the October 16, 2017 meeting to hear testimony for or against the proposed assessment. In this specific circumstance, staff recommends upholding the assessment as proposed or reducing it by an amount the council deems fit. This nuisance still has not been abated. Alternatives are: 1. Uphold the entire assessment and work towards abatement with the owner. 2. Reduce the assessment and work towards abatement with the owner. 3. Eliminate the assessment and work towards abatement with the owner. Staff would also recommend the council direct staff to capping certain citations at a different amount while upholding the purpose of the citations, that being the abate the nuisance.	
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>	

11/10/2016

TIMOTHY J & LAUREL M VOSS
911 KINGWOOD ST APT 1
BRainerd, MN 56401-

ORDER TO CORRECT ADMINISTRATIVE VIOLATION

Dear Property Owner(s),

The City of Brainerd has embarked on a program of concentrated code enforcement. The program is a positive effort to improve property values and quality of life in our neighborhoods. It has been noted that a City Code violation has occurred on the property located at:

Property Address: 911 KINGWOOD ST
Real Estate Code: 09196080001Z009

Violation: Disposition of Motor Vehicles
Ordinance: 2011
Description: 2011.03 Storing, parking or leaving dismantled or other such motor vehicles declared nuisance exceptions. The presence of an abandoned, wrecked, dismantled, inoperative, **unlicensed**, junked, or partially dismantled motor vehicle or a motor vehicle lacking vital component parts or parts of a motor vehicle on private or public property is a public nuisance.

Corrective action is required; 14 days are allowed from the date of this letter.

To review City Codes on the web, go to www.ci.brainerd.mn.us Administration/Documents/City Codes.

Action must be taken on or before 11/24/2016

Failure to make the corrections can result in a citation with a fine of \$100. Per above-mentioned code section, failure to comply with this ordinance will result in a citation and corrective action by the City to abate the nuisance at the expense of the owner.

If you are unable to make the corrections in the required time or believe this violation is in error, you will need to call this office to make other arrangements. Office hours are 7:30 to 4:30, Monday through Friday. Please contact Jason at 218/454-3416 if you have questions.

Respectfully,

By Order of:

THE CITY OF BRAINERD



This citation charges you with one or more violations of the
Property Maintenance Code, Ordinance No. 1338.

THIS IS THE ONLY NOTICE YOU WILL RECEIVE.

Administrative Citation

Department of Building Safety – 218/828-2309

UV2016-00104

Date of Violation: 05/18/2017

Parcel ID: 09196080001Z009

Violator(s): TIMOTHY J & LAUREL M VOSS
911 KINGWOOD ST APT 1
BRAINERD, MN 56401-

Location/Address of Violation: **911 KINGWOOD ST**

VIOLATION

Section	Subdivision, Chapter or Article	Complaint	Fine
2011	Disposition of Motor Vehicles	Unlicensed/Inoperable Vehicle	\$100.00

If the owner fails to correct the nuisance within the timeframe stipulated in the first notice, the City of Brainerd shall cause such action to correct such nuisance by means of, but not limited to, cutting grass or collecting garbage or junk. The expense thereof shall be billed to the property owner and shall constitute a lien upon such realty. An Administrative Citation is separate and in no way defrays the expense of correcting the nuisance.

Citation Amount Due: \$100.00

Payment Due By: 06/17/2017

Payment may be presented in person or by way of First Class Mail in the form of cash, check or money order, payable to: **City of Brainerd, submitted to the Department of Building Safety, City Hall - 501 Laurel Street; Brainerd, MN 56401.** Failure to pay the fine will result in it being assessed against the property as provided in Minnesota Statute 429. Unpaid fines, including an administrative charge of \$25.00 plus interest of the total balance, will be assessed against the property of the owner charged with the violation. For uncorrected or continued violations, the City may correct the violation and assess the charges for doing so. An additional citation will be issued if the violation is not corrected by the re-inspection date.

When a citation is issued, you must correct the violation and pay the fine. If you decide to contest the violation, you may request a hearing, responding within 10 days from the date of the citation issuance. The purpose of a hearing is to determine whether or not a violation(s) of the city code existed. If you request a hearing and the citation stands, you will be responsible for the hearing costs and fines as determined by the hearing officer as well as correction of the violation. If the citation is contested and a hearing is scheduled, a notice will be mailed to you with the date/time/location of the hearing. If you cannot attend on the scheduled date or wish to request the Hearing Officer be removed from the case, you must do so no later than 15 days prior to the date of the hearing. A new hearing date will be set and another notification will be sent to the party contesting the citation.

Representative: Tim Caughey, City Building Official

Date: 5/18/17

Representative's Signature: Tim Caughey

(served via first class mail)

SUBJECT PROPERTY	CITATION NO.	CITATION DATE	PROPERTY OWNER NAME	ADDRESS 1	ADDRESS 2	RE CODE	CITATION AMOUNT
911 KINGWOOD ST	UV2016-00104	11/28/16	VOSS, TIMOTHY J SR & LAUREL M	911 KINGWOOD ST #1	BRAINERD, MN 56401	09196080001Z009	125.00
911 KINGWOOD ST	UV2016-00104	12/09/16	VOSS, TIMOTHY J SR & LAUREL M	911 KINGWOOD ST #1	BRAINERD, MN 56401	09196080001Z009	125.00
911 KINGWOOD ST	UV2016-00104	12/16/16	VOSS, TIMOTHY J SR & LAUREL M	911 KINGWOOD ST #1	BRAINERD, MN 56401	09196080001Z009	125.00
911 KINGWOOD ST	UV2016-00104	12/23/16	VOSS, TIMOTHY J SR & LAUREL M	911 KINGWOOD ST #1	BRAINERD, MN 56401	09196080001Z009	125.00
911 KINGWOOD ST	UV2016-00104	01/05/17	VOSS, TIMOTHY J SR & LAUREL M	911 KINGWOOD ST #1	BRAINERD, MN 56401	09196080001Z009	125.00
911 KINGWOOD ST	UV2016-00104	01/13/17	VOSS, TIMOTHY J SR & LAUREL M	911 KINGWOOD ST #1	BRAINERD, MN 56401	09196080001Z009	125.00
911 KINGWOOD ST	UV2016-00104	01/20/17	VOSS, TIMOTHY J SR & LAUREL M	911 KINGWOOD ST #1	BRAINERD, MN 56401	09196080001Z009	125.00
911 KINGWOOD ST	UV2016-00104	01/27/17	VOSS, TIMOTHY J SR & LAUREL M	911 KINGWOOD ST #1	BRAINERD, MN 56401	09196080001Z009	125.00
911 KINGWOOD ST	UV2016-00104	02/03/17	VOSS, TIMOTHY J SR & LAUREL M	911 KINGWOOD ST #1	BRAINERD, MN 56401	09196080001Z009	125.00
911 KINGWOOD ST	UV2016-00104	02/10/17	VOSS, TIMOTHY J SR & LAUREL M	911 KINGWOOD ST #1	BRAINERD, MN 56401	09196080001Z009	125.00
911 KINGWOOD ST	UV2016-00104	02/17/17	VOSS, TIMOTHY J SR & LAUREL M	911 KINGWOOD ST #1	BRAINERD, MN 56401	09196080001Z009	125.00
911 KINGWOOD ST	UV2016-00104	02/27/17	VOSS, TIMOTHY J SR & LAUREL M	911 KINGWOOD ST #1	BRAINERD, MN 56401	09196080001Z009	125.00
911 KINGWOOD ST	UV2016-00104	03/06/17	VOSS, TIMOTHY J SR & LAUREL M	911 KINGWOOD ST #1	BRAINERD, MN 56401	09196080001Z009	125.00
911 KINGWOOD ST	UV2016-00104	03/31/17	VOSS, TIMOTHY J SR & LAUREL M	911 KINGWOOD ST #1	BRAINERD, MN 56401	09196080001Z009	125.00
911 KINGWOOD ST	UV2016-00104	04/10/17	VOSS, TIMOTHY J SR & LAUREL M	911 KINGWOOD ST #1	BRAINERD, MN 56401	09196080001Z009	125.00
911 KINGWOOD ST	UV2016-00104	04/21/17	VOSS, TIMOTHY J SR & LAUREL M	911 KINGWOOD ST #1	BRAINERD, MN 56401	09196080001Z009	125.00
911 KINGWOOD ST	UV2016-00104	04/28/17	VOSS, TIMOTHY J SR & LAUREL M	911 KINGWOOD ST #1	BRAINERD, MN 56401	09196080001Z009	125.00
911 KINGWOOD ST	UV2016-00104	05/08/17	VOSS, TIMOTHY J SR & LAUREL M	911 KINGWOOD ST #1	BRAINERD, MN 56401	09196080001Z009	125.00
911 KINGWOOD ST	UV2016-00104	05/18/17	VOSS, TIMOTHY J SR & LAUREL M	911 KINGWOOD ST #1	BRAINERD, MN 56401	09196080001Z009	125.00
COUNT: 19							\$2,375.00



Brainerd City Council Agenda Request

Agenda Item #

Requested Meeting Date: November 6, 2017

Title of Item: Public Hearing - Contested Assessment - 319 N 9th Street Nuisance

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☒ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☒ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Paul Sandy, City Engineer	Department: Engineering
Presenter (Name & Title): Paul Sandy, City Engineer	Estimated Time Needed: 10 Minutes
Summary of Issue: Attached to this request is the assessment letter that was sent to Mr. Weiss regarding his proposed assessment due to a nuisance pertaining to roofing shingles at the residents home. There is also attached photos of the nuisance and also 2 letters from Mr. Weiss pertaining to the assessment and a summary of the administrative citations that Mr. Weiss received in 2016/2017.	
Alternatives, Options, Effects on Others/Comments: Mr. Weiss was sent 12 nuisance letters with administrative penalties in 2016/2017 pertaining to the condition of his roof at this address. Dates of the administrative penalties can be seen in the summary of the letters sent out attached to this request. In these particular situations where the letters or citations are not responded or replied to, the City has no other recourse but to continue to send the citations until the max out at the \$2,000 limit. As you can see, Mr. Weiss is unable to attend this meeting to explain why the nuisance still has not been abated. We run into this condition often where the property owner does not respond until the the assessment letter comes in the mail. Mr Weiss is correct that there was only one citation sent in 2017, but it was a follow up to 11 letters sent in 2016 about the same nuisance. To date, the nuisance still hasn't been abated.	
Recommended Action/Motion: Staff recommends continuation of the public hearing that was adjourned on the October 16, 2017 meeting to hear testimony for or against the proposed assessment. In this specific circumstance, we have offered some relief to help people out in the past (sometimes as much as half), but I offer the council 3 options: 1. Uphold the assessment and work towards abatement of the nuisance. 2. Reduce the assessment and work towards abatement of the nuisance. 3. Eliminate the assessment and work towards abatement of the nuisance.	
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 29, 2017

WEISS, RICHARD A
319 9TH ST N
BRAINERD, MN 56401



www.ci.brainerd.mn.us

RE: Nuisance Abatement and Administrative Citations

Dear Property Owner,

Attached is a Notice of Hearing for a Public Hearing scheduled for 7:30 p.m., Monday, October 16, 2017, to consider the proposed special assessments for nuisance abatement and/or administrative citation(s).

Your property described as: N1/2 OF LOT 9 BLOCK 78 AND ALL OF LOT 10 BLOCK 78 AND S1/2 OF LOT 11 BLOCK 78, TOWN OF BRAINERD & 1ST ADDN TO BRAINERD - 319 9TH ST N

Is proposed to be assessed as follows:

Proposed Assessment: 1,500.00

Following the Public Hearing on October 16th, you will receive another letter stating that the Council has ordered the assessments and that they can be paid within 30 days (thru November 16th) without interest. Unpaid balances after that date will be certified for collection along with the property taxes payable in 2018 with 3.5% interest added to the assessment amount.

Please feel free to contact me at 218-828-2307 if there are any questions related to the hearing or the proposed assessments.

Sincerely,
CITY OF BRAINERD

Tim Caughey
City Building Official



This citation charges you with one or more violations of the
Property Maintenance Code, Ordinance No. 1338.

THIS IS THE ONLY NOTICE YOU WILL RECEIVE.

Administrative Citation

Department of Building Safety – 218/828-2309

PM2016-00005

Date of Violation: 08/09/2016

Parcel ID: 09196078009Z009

Violator(s): RICHARD A WEISS
319 9TH ST N
BRAINERD, MN 56401

Location/Address of Violation: **319 9TH ST N**

VIOLATION

Section	Subdivision, Chapter or Article	Complaint	Fine
450.31	Exterior Structure	Property Maintenance Violation	\$100.00

If the owner fails to correct the nuisance within the timeframe stipulated in the first notice, the City of Brainerd shall cause such action to correct such nuisance by means of, but not limited to, cutting grass or collecting garbage or junk. The expense thereof shall be billed to the property owner and shall constitute a lien upon such realty. An Administrative Citation is separate and in no way defrays the expense of correcting the nuisance.

Citation Amount Due: \$100.00

Payment Due By: 09/07/2016

Payment may be presented in person or by way of First Class Mail in the form of cash, check or money order, payable to: **City of Brainerd, submitted to the Department of Building Safety, City Hall - 501 Laurel Street; Brainerd, MN 56401.** Failure to pay the fine will result in it being assessed against the property as provided in Minnesota Statute 429. Unpaid fines, including an administrative charge of \$25.00 plus interest of the total balance, will be assessed against the property of the owner charged with the violation. For uncorrected or continued violations, the City may correct the violation and assess the charges for doing so. An additional citation will be issued if the violation is not corrected by the re-inspection date.

When a citation is issued, you must correct the violation and pay the fine. If you decide to contest the violation, you may request a hearing, responding within 10 days from the date of the citation issuance. The purpose of a hearing is to determine whether or not a violation(s) of the city code existed. If you request a hearing and the citation stands, you will be responsible for the hearing costs and fines as determined by the hearing officer as well as correction of the violation. If the citation is contested and a hearing is scheduled, a notice will be mailed to you with the date/time/location of the hearing. If you cannot attend on the scheduled date or wish to request the Hearing Officer be removed from the case, you must do so no later than 15 days prior to the date of the hearing. A new hearing date will be set and another notification will be sent to the party contesting the citation.

Representative: Tim Caughey, City Building Official

Date: 8/9/16

Representative's Signature: _____

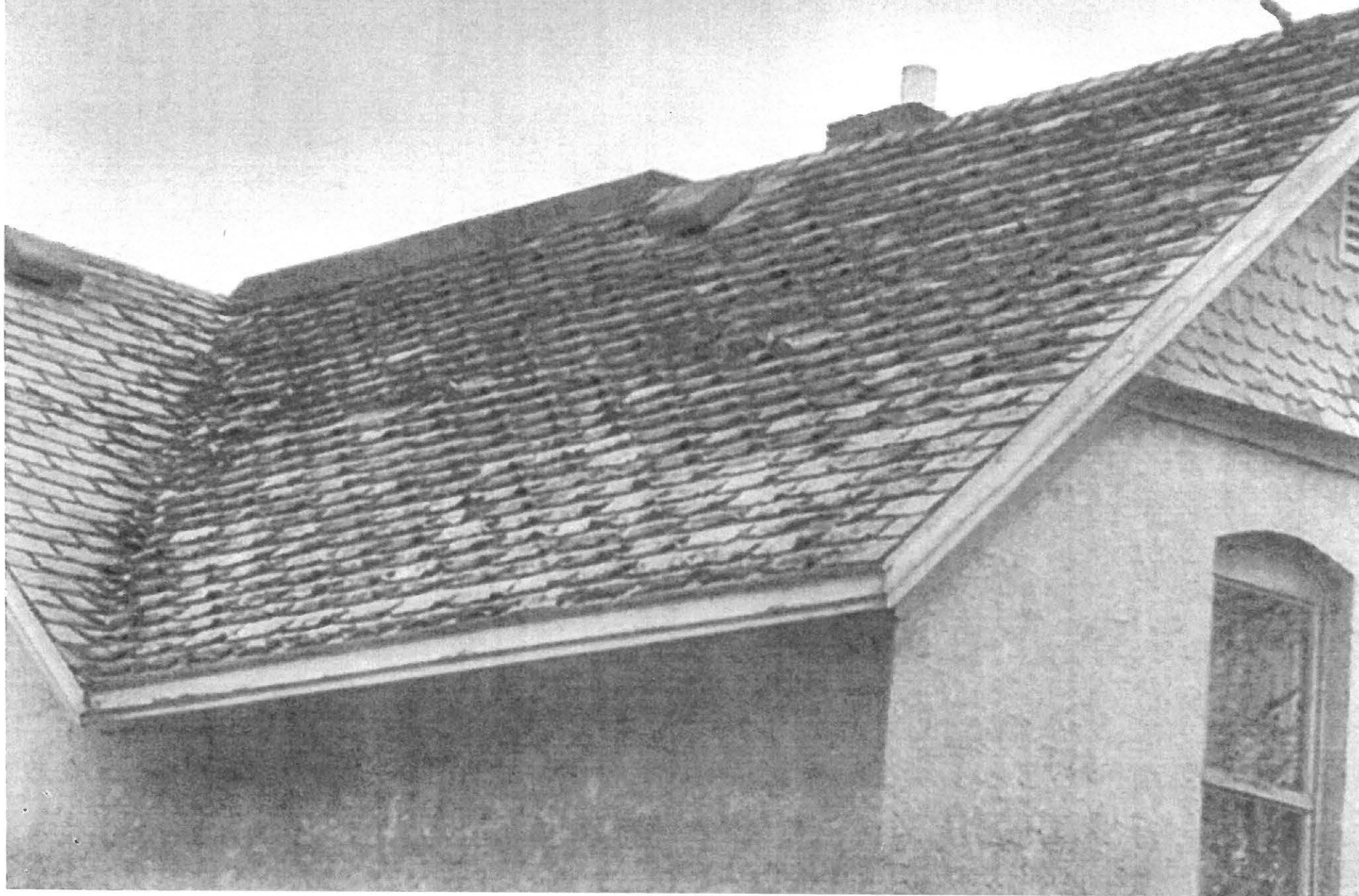
Tim Caughey

(served via first class mail)

~~007~~

3-72-16

319 9th St N



Richard Weiss
319 N 9th St
Brainerd MN 56401

RECEIVED

OCT 30 2017

CITY OF BRAINERD
ADMINISTRATION

City Administrator
City of Brainerd
501 Laurel St
Brainerd MN 56401

Re: Nuisance Abatement and Administrative Citations

I will be unable to attend the City Council meeting and therefore will follow-up my previous objection in writing.

At the last meeting, when asked by a council member, Mr. Caughey stated that I had been sent 9 or 10 notices on this issue in 2017. I would like to correct Mr. Caughey's estimate as the number of notices received this year, prior to the one attached here was exactly ONE.

I recall it arrived in the early spring and I thought it was about my grass which was quite long. But it could have been about the other issue, I'm not sure now.

My primary objection is that at no time prior to the notice of assessment did the City send anything saying I was going to be fined \$1500 and telling me what remediation was required to avoid it. First and only notice regarding this is the one attached and it arrived too late to make repairs.

So naturally I was shocked to see this notice arrive. It really makes me wonder if this is just a revenue generating scheme rather than a sincere attempt to resolve problems.

I cannot afford that assessment, and if you add it to my taxes over 12 months will only ensure I won't be able to afford the repairs next year either

Thank you for your consideration.

Respectfully,

A handwritten signature in dark ink, appearing to read 'Richard Weiss', written in a cursive style.

Richard Weiss

Richard Weiss
319 N 9th St
Brainerd MN 56401

RECEIVED

OCT 16 2017

CITY OF BRAINERD
ADMINISTRATION

City Administrator
City of Brainerd
501 Laurel St
Brainerd MN 56401

Re: Nuisance Abatement and Administrative Citations

I object to the proposed Special Assessment mentioned in the attached letter for the property listed above.

There must be some mistake if the city considers my home a nuisance. I am at a loss as to why this would be the case. The police have never been called to this address, there are no noise complaints, my lawn is neatly trimmed. What else could it be? I certainly am not using any additional city services than other homeowners, so justification for special assessment escapes me.

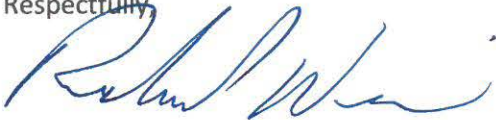
To that question, the attached was not accompanied by or preceded by any notice letting me know of the nuisance classification, what factors led to that status and what remediation needed to be taken to resolve it

Without such documentation I was shocked to see a planned assessment of \$1,500. That represents almost my entire Social Security check for the month.

Please take this under consideration in your meeting and do the right thing.

Thank you for your consideration.

Respectfully,



Richard Weiss

SUBJECT PROPERTY	CITATION NO.	CITATION DATE	PROPERTY OWNER NAME	ADDRESS 1	ADDRESS 2	RE CODE	CITATION AMOUNT
319 9TH ST N	PM2016-00005	08/09/16	WEISS, RICHARD A	319 9TH ST N	BRAINERD, MN 56401	09196078009Z009	125.00
319 9TH ST N	PM2016-00005	08/15/16	WEISS, RICHARD A	319 9TH ST N	BRAINERD, MN 56401	09196078009Z009	125.00
319 9TH ST N	PM2016-00005	08/29/16	WEISS, RICHARD A	319 9TH ST N	BRAINERD, MN 56401	09196078009Z009	125.00
319 9TH ST N	PM2016-00005	09/09/16	WEISS, RICHARD A	319 9TH ST N	BRAINERD, MN 56401	09196078009Z009	125.00
319 9TH ST N	PM2016-00005	09/16/16	WEISS, RICHARD A	319 9TH ST N	BRAINERD, MN 56401	09196078009Z009	125.00
319 9TH ST N	PM2016-00005	09/23/16	WEISS, RICHARD A	319 9TH ST N	BRAINERD, MN 56401	09196078009Z009	125.00
319 9TH ST N	PM2016-00005	10/03/16	WEISS, RICHARD A	319 9TH ST N	BRAINERD, MN 56401	09196078009Z009	125.00
319 9TH ST N	PM2016-00005	10/14/16	WEISS, RICHARD A	319 9TH ST N	BRAINERD, MN 56401	09196078009Z009	125.00
319 9TH ST N	PM2016-00005	10/28/16	WEISS, RICHARD A	319 9TH ST N	BRAINERD, MN 56401	09196078009Z009	125.00
319 9TH ST N	PM2016-00005	11/04/16	WEISS, RICHARD A	319 9TH ST N	BRAINERD, MN 56401	09196078009Z009	125.00
319 9TH ST N	PM2016-00005	11/15/16	WEISS, RICHARD A	319 9TH ST N	BRAINERD, MN 56401	09196078009Z009	125.00
319 9TH ST N	PM2016-00005	05/02/17	WEISS, RICHARD A	319 9TH ST N	BRAINERD, MN 56401	09196078009Z009	125.00
COUNT: 12							\$1,500.00



Brainerd City Council Agenda Request

Agenda Item #

Requested Meeting Date: November 6, 2017

Title of Item: Public Hearing - Contested Assessment - 1504 8th Avenue NE Nuisance

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☒ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☒ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Paul Sandy, City Engineer	Department: Engineering
Presenter (Name & Title): Paul Sandy, City Engineer	Estimated Time Needed: 10 Minutes
Summary of Issue: The owner of 1504 8th Avenue NE had 4 citations relating to siding needing to be repaired, junk and brush, and long grass. The assessment amount was \$500.00.	
Alternatives, Options, Effects on Others/Comments: City staff have worked with Ms. Sellers. The junk and brush has been abated on the property. The owner and City staff have also been working with Habitat for Humanity to get the siding repaired. City staff feel that the grass citations should stand, as it was not abated in a timely fashion by Ms. Sellers.	
Recommended Action/Motion: Staff recommends continuation of the public hearing that was adjourned on the October 16, 2017 meeting to hear testimony for or against the proposed assessment. Staff would recommend eliminating \$250.00 of the assessment to 1504 8th Avenue NE for the brush/junk and siding and upholding the assessments for long grass (\$250.00). Other options include: 1. Waiving all assessments 2. Upholding all assessments 3. Uphold or waive any portion of the assessments relating to the brush/junk, siding, or long grass (\$125 each).	
Financial Impact: <i>Is there a cost associated with this request:</i> ☐ Yes ☒ No <i>What is the total cost, with tax and shipping</i> \$ _____ <i>Is this budgeted?</i> ☐ Yes ☐ No <i>Please Explain:</i>	



Brainerd City Council Agenda Request

A

Agenda Item #

Requested Meeting Date: November 6, 2017

Title of Item: Public Hearing - Contested Assessment - DTSS and DTSR

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☒ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☒ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Paul Sandy, City Engineer	Department: Engineering
Presenter (Name & Title): Paul Sandy, City Engineer	Estimated Time Needed: 10 Minutes
Summary of Issue: Attached to this request is the original letter sent to the City regarding the assessments for the Downtown Snow Removal and the Downtown Special Services District from Edward and Sarah-Hayden Shaw, owners of 606 and 612 Laurel Street. In total, their assessments for both DTSR and DTSS totals \$938.90.	
Alternatives, Options, Effects on Others/Comments: In the letter, the Shaws explain that they do not necessarily disagree with the assessment amount, but disagree because they are paying the maintenance costs to maintain a parking area that is used for City Parking. Public users of the parking area may, from time to time, use the Shaw's parking area as access to the Laurel Street lot parking spaces, and others may also use the lot for access to the Legion or other businesses adjacent to the Shaw's. The City's downtown snow removal contractor has been removing snow from the Shaw's parking area for years. As you know, the snow removal from parking areas is completely paid for out of the Parking Lot fund, and none of which is assessed to benefiting properties. The City has always considered this fair trade, whether stated or not, for the small amount of use of the Shaw's parking area. When using this years bid amounts, removal of the snow amount from last years' snowfalls would have amounted to the City paying \$738.36 for the removal of snow from their lot. This in considered below average snow totals. An average year would have saw the City spend right around \$1,950 to remove the snow from their lot. City staff feels this more than justifies the small amount of use by the public on their property. The Shaws are more than justified to simply cut off access to the public for use of their lot. In this case, staff would need to layout new striping for the lot to best utilize the space provided. I have also attached a proposal from the Shaw's regarding a lease agreement of 3/8 of their lot for the council's consideration.	
Recommended Action/Motion: Staff recommends continuation of the public hearing that was adjourned on the October 16, 2017 meeting to hear testimony for or against the proposed assessment. A couple of motions or options for motions are on the table: 1. Uphold the assessment as proposed; modify the proposed assessment; eliminate the proposed assessment. 2. Continue to remove snow from the Shaw's lot upon their approval and come to an agreement/lease for light use of their area for access to the Laurel Lot; discontinue snow removal and re-stripe the Laurel lot to prevent the public from using their area; discontinue snow removal and come to a lease/agreement with the Shaws for light use of their area for access to the Laurel Lot.	
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>	



Ed Shaw Law
no nonsense legal advice

722 South Sixth Street
Brainerd, Minnesota 56401
Phone (218) 825-7030 Fax (218) 822-3144
www.edshawlaw.com
Rule 114 Qualified Neutral

Edward R. Shaw
Attorney at Law
lawyer@edshawlaw.com

Andrew Wipper
Associate Attorney
andrew@edshawlaw.com

October 13, 2017

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

Re: Property legally described as follows;

E 50 FT OF LOTS 13 THRU 17 INCLUSIVE BLOCK 69 – 612 LAUREL ST
and

CENTER 50 FT OF LOTS 13 THRU 15 INCLUSIVE BLOCK 69 – 606 LAUREL ST

Dear Mr. Sandy:

I am writing to address two items, your September 29, 2017 letter regarding downtown special services district for the property owned by myself and my wife on laurel street, and responsibility for ongoing maintenance. Please accept this letter as a written objection to the proposed assessments, not because we disagree with paying our share of costs for maintenance of the downtown district, but because we are paying the costs to maintain the property used by the city for public parking. The parking area to the east of the restaurant building is partly used by us for parking, and a large chunk of the parking lot of what appears to be about half, is used by the city for public parking and access to public parking. If this arrangement is to continue, we will need to discuss shared responsibility between ourselves and the city for costs associated with snow removal and other downtown assessments as well as a reasonable fee paid by the city for the use of our property as we are paying all of the taxes, maintenance, insurance, and other costs associated with ownership of the portion of the property used by the city. I would like to begin a dialogue as to how those costs will be shared, please do contact me at your convenience.

Thank you for your attention to this matter.

Sincerely,

/s/ Edward R. Shaw
Edward Shaw

ERS: amh

Paul Sandy

From: Paul Sandy
Sent: Tuesday, October 24, 2017 9:19 AM
To: Sarah Hayden Shaw
Cc: Jim Thoreen
Subject: Laurel Street Lot Rental

Hey Sarah,

The City rents spaces in the alley of the Laurel Street Lot at a rate of \$25.00/month.

Snow Removal Costs

The bid costs for this year came in at \$4,853.88 for a 4" base of snow on streets/alley/parking lots. Each Additional inch of snow on streets/alleys/parking lots came in at \$1361.45. There is 232,000 SF of streets/alleys/parking lot area downtown, so this equates to a removal charge of a little over \$0.02/SF for the 4" base and a little over \$.005/SF for each additional inch. Your Lot is 50' X 125', which is 6,250 SF.

This would equate to approximately \$130.76 for a 4" snowfall and \$36.68 for each additional inch.

If we use last year's snow amounts when downtown was cleared, The City got billed for a 13" snowfall on 11/18 and an 8" on 1/11. The 13" snowfall equates to a total of \$460.88 and the 8" snowfall equates to \$277.48 for a total of \$738.36 that the City spent to maintain the lot last year. This is considered a below average year for snowfall.

The average snowfall in Minneapolis/St. Paul is 54.4 inches and in Duluth it is 86.1 inches. If we use the Minneapolis/St. Paul number (being that we have seen some drier years of late) and we see an average of 8" per snowfall, this is about 7 snowfalls of 8". This would equate to right around \$1,950/year that the City would spend on clearing the 6,250 SF parking area.

I hope this information helps!

Thanks!

Paul G. Sandy, P.E.
City Engineer | City Of Brainerd
501 Laurel Street, Brainerd, MN 56401
218.454.3411 direct | 218.828.2316 fax
218.513.0172 mobile
Email | psandy@ci.brainerd.mn.us
www.ci.brainerd.mn.us

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Paul Sandy

From: Paul Sandy
Sent: Thursday, November 2, 2017 7:09 AM
To: 'Sarah Hayden Shaw'
Subject: RE: Lot expenses

Hey Sarah,

I have this item on the main agenda and will take place during the discussion after the public hearing, which will be the time for you to come and give your proposal to the council so that they may hear and decide upon what you have proposed. I will include your email in the agenda request.

Thanks!

Paul G. Sandy, P.E.
City Engineer | City Of Brainerd
501 Laurel Street, Brainerd, MN 56401
218.454.3411 direct | 218.828.2316 fax
218.513.0172 mobile
Email | psandy@ci.brainerd.mn.us
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From: Sarah Hayden Shaw [mailto:sjhaay@gmail.com]
Sent: Wednesday, November 1, 2017 8:31 PM
To: Paul Sandy <psandy@ci.brainerd.mn.us>
Subject: Fwd: Lot expenses

Dear Mr. Sandy,

Thank you for meeting Ed and I last week. We will not be contesting the assessments at the public hearing assuming we can come to an agreement on lease of the city's usage of our lot before hand. Here is what we propose, could you please pass this on to the Council for their review? Thank you, Sarah Hayden Shaw

The city does not contest the fact that it uses three eights of the usage of our private parking lot East of 606 Laurel St. as the sole access for nine parking spaces plus the west 2 feet of those nine spaces. We paid \$40,000 for the lot. A 30 year mortgage at 5% interest would be \$2580 a year. We pay \$900 in insurance and \$950 in city assesments. The snow removal cost as calculated by City Engineer Paul Sandy is \$1850 per year. Maintenance of asphalt and striping \$800 per year.

Taxes 2500
Insurance 900
Assessments 950
Snow removal 1850
Maintenance 800

Mortgage 2580

Total annual expenses- \$9530

The city has $\frac{3}{8}$ of the usage of the lot. We ask that the city pay $\frac{3}{8}$ of the expenses in the form of a lease agreement.

This comes to an annual lease cost of \$3574 per year. If the city agrees to continue snow removal on the lot, we would agree to reduce that amount by actual cost of snow removal as stated by Paul at 1850.

This leaves a final lease payment of \$1734 per year.

Thank you, Sarah Hayden Shaw

OWNER NAME	RE CODE	LOT, BLOCK	LOCATION	FRONT FOOT	SIDEYARD	Assessable Footage	DOWNTOWN SNOW REMOVAL ASSESSMENT RATES PER FOOT	SNOW REMOVAL ASSESSMENT	SPECIAL SERVICES ASSESSMENT RATES PER FOOT	SPECIAL SERVICES ASSESSMENT	TOTAL ASSESSMENT
DANNY E. KUHN	606060252100F00009	SEC 25 TWP 45 RNG 31	-	225.00	0.00	225.00	4.3229	\$ 972.65	5.0660	\$ 1,139.85	2,112.50
CHARLES ROBERTS	09196041001X889	EAST 50' OF LOT 1 THRU 3 INCLUSIVE	721 LAUREL ST	50.00	0.00	50.00	4.3229	\$ 216.15	5.0660	\$ 253.30	469.45
NJMS PHELPS BLOCK LLC	09196041001Y009	CENTER 26.5' OF LOT 1 THRU 3 INCLUSIVE	719 LAUREL ST	26.50	0.00	26.50	4.3229	\$ 114.56	5.0660	\$ 134.25	248.81
NLLJ JENSEN, LLC	09196041001Z889	WEST 63.5' OF LOT 1 THRU 3 INCLUSIVE	715 LAUREL ST	63.50	0.00	63.50	4.3229	\$ 274.50	5.0660	\$ 321.69	596.19
C & L MIDWEST LLC	09196041007Z009	LOTS 7 THRU 9 INCLUSIVE BLOCK 41	208 S 8TH ST	75.00	0.00	75.00	4.3229	\$ 324.22	5.0660	\$ 379.95	704.17
C & L MIDWEST LLC	091960410100009	LOT 10 BLOCK 41	718 FRONT ST	25.00	0.00	25.00	4.3229	\$ 108.07	5.0660	\$ 126.65	234.72
AMERICAN LEGION POST #255	09196041011Z009	LOTS 11 THRU 13 INCLUSIVE	-	75.00	0.00	75.00	4.3229	\$ 324.22	5.0660	\$ 379.95	704.17
VANDEPUTTE INVESTMENT PROPERTIES LLC	09196041014Z009	ALL OF LOT 14 BLOCK 41 AND E 4 FT.	708 FRONT ST	56.00	0.00	56.00	4.3229	\$ 242.08	5.0660	\$ 283.70	525.78
DAVID F. PUERINGER INVESTMENTS	09196041016Z889	PART OF LOTS 16 THRU 18 INCLUSIVE	704 FRONT ST	46.58	0.00	46.58	4.3229	\$ 201.36	5.0660	\$ 235.97	437.33
DAVID F. PUERINGER INVESTMENTS	09196041017Z889	S. 50 FT. OF LOTS 17 AND 18, AND S 5	209 S 7TH ST	50.00	0.00	50.00	4.3229	\$ 216.15	5.0660	\$ 253.30	469.45
DAVID F. PUERINGER INVESTMENTS	09196041018A889	W 22FT 5 INCHES OF N 80 FT OF LOT	205 S 7TH ST	22.42	80.00	102.42	4.3229	\$ 442.75	5.0660	\$ 518.86	961.61
DAVID F. PUERINGER	09196041019Z009	LOTS 19 AND 20 BLOCK 41	215 S 7TH ST	50.00	0.00	50.00	4.3229	\$ 216.15	5.0660	\$ 253.30	469.45
DAVID F. PUERINGER	09196041021Z009	LOTS 21 AND 22 BLOCK 41	217 S 7TH ST	50.00	0.00	50.00	4.3229	\$ 216.15	5.0660	\$ 253.30	469.45
WETHERELL, RICHARD	09196041023Z889	LOTS 23 AND 24 BLOCK 41	707 LAUREL ST	50.00	140.00	190.00	4.3229	\$ 821.35	5.0660	\$ 962.54	1,783.89
EDWIN L. & SUSAN MENK	09196043002Z009	LOTS 1 AND 2 BLOCK 43	623 LAUREL ST	50.00	140.00	190.00	4.3229	\$ 821.35	5.0660	\$ 962.54	1,783.89
RICK BJORK	09196043003Z889	LOTS 3 AND 4 BLOCK 43	222 S 7TH ST	50.00	0.00	50.00	4.3229	\$ 216.15	5.0660	\$ 253.30	469.45
JON AND DEBRA LUHRS	091960430050009	LOT 5 BLOCK 43	216 S 7TH ST	25.00	0.00	25.00	4.3229	\$ 108.07	5.0660	\$ 126.65	234.72
DAVID F. PUERINGER INVESTMENTS	091960430060889	LOT 6 BLOCK 43	214 S 7TH ST	25.00	0.00	25.00	4.3229	\$ 108.07	5.0660	\$ 126.65	234.72
DAVID F. PUERINGER INVESTMENTS	09196043010Z889	LOTS 10 THRU 12 INCLUSIVE BLOCK 4	614 FRONT ST	75.00	0.00	75.00	4.3229	\$ 324.22	5.0660	\$ 379.95	704.17
612 STATION LLC	091960430130889	LOT 13 BLOCK 43	612 FRONT ST	25.00	0.00	25.00	4.3229	\$ 108.07	5.0660	\$ 126.65	234.72
TODD & LAURA BISTED	09196043014Z889	LOTS 14 AND 15 BLOCK 43	608 FRONT ST	50.00	0.00	50.00	4.3229	\$ 216.15	5.0660	\$ 253.30	469.45
NORTHERN PINES MENTAL HEALTH CENTER	09196043016Y009	N 80 FT OF LOT 16 BLOCK 43 AND E 1	606 FRONT ST	25.00	0.00	25.00	4.3229	\$ 108.07	5.0660	\$ 126.65	234.72
MASONIC TEMPLE ASSN. OF BRAINERD	09196043016Z889	W 1/2 OF THE S 50 FT OF LOT 16 BLOC	205 S 6TH ST	50.00	0.00	50.00	4.3229	\$ 216.15	5.0660	\$ 253.30	469.45
BATRA RENTALS LLC	09196069001Z009	LOTS 1 AND 2 BLOCK 69	619 MAPLE ST	50.00	0.00	50.00	4.3229	\$ 216.15	5.0660	\$ 253.30	469.45
THOMAS J & MELISSA A LAKE	09196069003Z009	LOTS 3 THRU 5 INCLUSIVE BLOCK 69	314 S 7TH ST	75.00	0.00	75.00	4.3229	\$ 324.22	5.0660	\$ 379.95	704.17
BRIAN L & RHONDA SMITH	09196069008W889	LOTS 1 & 2 C A WALKERS SUBD. OF L	624 LAUREL ST	49.00	125.00	174.00	4.3229	\$ 752.18	5.0660	\$ 881.48	1,633.66
EDWARD R & SARAH HAYDEN-SHAW	09196069013W889	E 50 FT OF LOTS 13 THRU 17 INCLUSIVE	612 LAUREL ST	50.00	0.00	50.00	4.3229	\$ 216.15	5.0660	\$ 253.30	469.45
EDWARD R & SARAH HAYDEN-SHAW	09196069013X009	CENTER 50 FT OF LOTS 13 THRU 15 INCLUSIVE	606 LAUREL ST	50.00	0.00	50.00	4.3229	\$ 216.15	5.0660	\$ 253.30	469.45
MAJIK PROPERTIES LLC	09196069013Z889	W 50 FT OF LOTS 13 THRU 15 INCLUSIVE	602 LAUREL ST	50.00	0.00	50.00	4.3229	\$ 216.15	5.0660	\$ 253.30	469.45
DAVID F PUERINGER INVESTMENTS	09196071008X009	E 50 FT OF LOTS 8 THRU 12 INCLUSIVE	722 LAUREL ST	50.00	0.00	50.00	4.3229	\$ 216.15	5.0660	\$ 253.30	469.45
DAVID F PUERINGER	09196071008Y889	LOTS 8 THRU 12 INCLUSIVE EXCEPT E	718 LAUREL ST	45.00	0.00	45.00	4.3229	\$ 194.53	5.0660	\$ 227.97	422.50
BRAINERD LAKES PROPERTIES LLC	09196071010Z889	W 45 FT OF LOTS 10 THRU 12 INCLUSIVE	714 LAUREL ST	45.00	0.00	45.00	4.3229	\$ 194.53	5.0660	\$ 227.97	422.50
NILA M PATRICK	09196071013Y889	LOTS 13 THRU 15 INCLUSIVE BLOCK 7	710 LAUREL ST	58.83	0.00	58.83	4.3229	\$ 254.32	5.0660	\$ 298.03	552.35
DAVID F PUERINGER INVESTMENTS	09196071013Z889	WLY 81 1/6 FT OF LOTS 13 THRU 15 INCLUSIVE	301 S 7TH ST	75.00	81.17	156.17	4.3229	\$ 675.11	5.0660	\$ 791.16	1,466.27
RICHARD & DENISE RATHMAN	09196071016Z009	WLY 79 1/2 FT OF LOTS 16 AND 17 BLOCK	305 S 7TH ST	50.00	0.00	50.00	4.3229	\$ 216.15	5.0660	\$ 253.30	469.45
BREMER BANK OF BRAINERD	09196071020Y009	LOTS 19 THRU 24, BLOCK 71	321 S 7TH ST	150.00	0.00	150.00	4.3229	\$ 648.44	5.0660	\$ 759.90	1,408.34
MOORES PROPERTIES, INC.	096010000010009	LAUREL CONDOMINIUMS	-	140.00	0.00	140.00	4.3229	\$ 605.21	5.0660	\$ 709.24	1,314.45

2744.00

11,862.10

13,901.10

25,763.20

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

RESOLUTION ADOPTING ASSESSMENT

WHEREAS, pursuant to proper notice duly given as required by law, the Council has met and heard and passed upon all objections to the proposed assessment for 2016-2017 snow removal and special services and nuisance abatement concerning the properties listed and abutting on the following:

CONTESTED SNOW REMOVAL ASSESSMENTS

PID 09196069013W889
PID 09196069013X009

CONTESTED NUISANCE ABATEMENT ASSESSMENTS

PID 09201002001A009
PID 09196078009Z009
PID 09196080001Z009

DOWNTOWN SNOW REMOVAL AND SPECIAL SERVICES DISTRICT

Snow Removal, Irrigation Maintenance, Landscaping, Garbage Collection

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

NUISANCE ABATEMENT

Nuisance Abatement and Administrative Citations
Misc properties around the City

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

1. Such proposed assessment, a copy of which is on file in the offices of the City Administrator and City Engineer, is hereby accepted and shall constitute the special assessment against the lands named therein, and each tract of land therein included is hereby found to be benefited by the proposed improvement in the amount of the assessment levied against it.

2. Such assessment shall be payable in full within 9 days from the adoption of this Resolution without interest at the office of the City Administrator. Thereafter, the entire amount of the assessment shall be payable to the Crow Wing County Auditor with interest at the rate of three and one-half (3.5%) percent.

3. The City Administrator shall forthwith transmit a certified duplicate of this assessment to the Crow Wing County Auditor to be extended on the property tax list of the County. Such assessment shall be collected and paid over in the same manner as other municipal taxes.

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: November 6, 2017

Title of Item: Public Hearing - Contested Improvement 14-03 Assessment

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☒ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☒ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☒ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Paul Sandy, City Engineer	Department: Engineering
Presenter (Name & Title): Paul Sandy, City Engineer	Estimated Time Needed: 10 Minutes
Summary of Issue: Attached to this request is an agenda request and supporting information for the request pertaining the contested assessments relating to Improvement 14-03 - Jackson Street Resurfacing Project.	
Alternatives, Options, Effects on Others/Comments: During the hearing, we will hear testimony for or against each contested assessment.	
Recommended Action/Motion: At the conclusion of the hearing, and once decisions on all the assessment is made, staff recommends adoption of the resolution adopting the contested assessment that was heard at the hearing.	
Financial Impact: Is there a cost associated with this request: ☐ Yes ☒ No What is the total cost, with tax and shipping \$ _____ Is this budgeted? ☐ Yes ☐ No <u>Please Explain:</u>	



Brainerd City Council Agenda Request

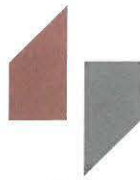
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Agenda Item #

Requested Meeting Date: November 6, 2017

Title of Item: Public Hearing - Contested Assessment - Improvement 14-03

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☒ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☒ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Paul Sandy, City Engineer	Department: Engineering
Presenter (Name & Title): Paul Sandy, City Engineer	Estimated Time Needed: 10 Minutes
Summary of Issue: Attached to this request is the original letter sent to the City Administrator from Gammello-Pearson who is representing BAHF. Also attached to this letter is a response letter explaining the project to BAHF and supporting documents such as the 2013 purchase agreement. BAHF is contesting the assessment amount of \$8,550.36. As you recall, we adjourned the public hearing to this meeting to hear BAHF's reasoning for contesting the proposed assessment.	
Alternatives, Options, Effects on Others/Comments: As explained in the reply letter to Gammello-Pearson, there were many project attributes in which BAHF ultimately benefited from including a completely new driveway into the arena, a pedestrian crossing, curb ramp, and connection the the sidewalk on the south side of the street, and a resolution to the long standing erosion problem that was being experienced from the BAHF roof drainage that they would have ultimately had to fix. Staff followed our standard assessment procedures of assessing for 50% of a typical residential street (32' wide, 7-ton design), even though Jackson Street is 40' wide and constructed to a 9-ton design standard. BAHF also received a side-yard deduction or exemption, which means they were only assessed for 1/2 of their front footage because the footage abutting Jackson is considered a sideyard. BAHF states that there are rights and obligations under the 2013 purchase agreement that are being implicated by this assessment. By staff's and the City Attorney's assessment, there are no rights and obligations under the agreement that state the City cannot assess the BAHF property. Ultimately, the project benefited the BAHF property greatly, and for an assessment cost that is under .10% of the value of the property and building.	
Recommended Action/Motion: Staff recommends continuation of the public hearing that was adjourned on the October 16, 2017 meeting to hear testimony for or against the proposed assessment. Staff would recommend upholding the proposed assessment to BAHF for the reasons stated in the letter.	
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>	



Gammello-Pearson

Attorneys at Law

James M. Gammello • Thomas C. Pearson • Daniel M. Hawley • Conrad Kragness • Maria N. Warhol

October 16, 2017

Via Hand Delivery

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

***Re: Brainerd Amateur Hockey Foundation
Our File No. 2016167.002***

Dear City Administrator:

I contact you on behalf of Brainerd Amateur Hockey Foundation (BAHF), which is governed by a Board of which I am a member. The Board at its meeting on October 13, 2017 reviewed the Notice of Hearing on Proposed Assessment for City Improvement 14-03, Jackson Street Improvement, which it received under cover of letter dated September 29, 2017, for the Public Hearing tonight at 7:30 p.m. considering the proposed special assessments.

Members of the BAHF Board have previously been before the City Council to voice their concerns with this assessment. Please consider this letter to be the required written objection to the amount of the assessment to be considered at tonight's City Council Meeting and filed with you now, prior to that meeting.

Because no member of the BAHF Board may be present at tonight's City Council Meeting, I am requesting that you ask the City Council to adjourn consideration of this particular assessment to a later meeting at which we may appear to explain our objection. We are concerned that the fair market value test cannot be achieved in order to justify this assessment and we are also concerned about the Purchase Agreement between the City and BAHF from 2013 and the rights and obligations under that Agreement that are implicated by this assessment.

I thank you and the City Council in advance for this consideration.

Sincerely yours,

Thomas C. Pearson

TCP/jdf

cc: BAHF Board

W:\TEXT\2016\167.002 BAHF\City of Brainerd.docx

October 16, 2017

Via U.S. Mail

Mr. Thomas Pearson
Gammello-Pearson
Attorneys at Law
14275 Golf Course Drive, Suite 200
PO Box 2629
Baxter, MN 56425



www.ci.brainerd.mn.us

Re: Brainerd Amateur Hockey Foundation
Your File No. 2016167.002
Jackson Street Assessment

Dear Mr. Pearson,

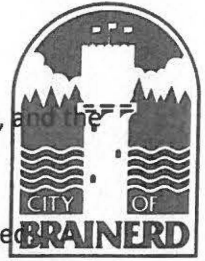
This letter is in response to your formal assessment objection that was hand delivered at the Brainerd City Council Meeting on October 16, 2017. I wanted to clarify the facts of what the Jackson Street project entailed and how the project ultimately benefitted the Brainerd Amateur Hockey Foundation.

Brainerd's assessment policy is such that we assess for 50% of the amount that is directly attributable to the resurfacing of a typical residential street. Jackson Street is considered minor arterial by State Aid standards, which means it is generally projected to carry more traffic than a standard residential street. However, the City's assessment policy treats all properties the same whether the property is located on Jackson Street or a residential street in NE Brainerd, that being we assess for what would be considered a typical residential street in Brainerd.

Jackson Street was constructed to a 9-ton design standard, that being a heavier section that includes a prepared subgrade, 5" of gravel and 3.5" of pavement for the 40' width of the street. During the construction, the street was stripped down to the bare ground and rebuilt from the subgrade, while replacing curb that was in poor condition. The driveway to the Brainerd Amateur Hockey Foundation was completely replaced along with brand new curb wrapping the radius. The City also resolved a long-standing erosion issue by placing a large concrete flume that catches the roof drainage from the arena and directs it to the storm sewer. This issue has existed for a very long time without any corrective action by BAHF. The City, therefore, made it a part of the project as this is a direct violation of the City's MS4 permit and considered an illicit discharge into the storm sewer. Prior to this being placed, the slope along the building of the arena washed out and caused nuisance sediment in the street, in which the City would have to clean up with the street sweeper. If the City had not undertaken this corrective work, BAHF would have had to do it at its own cost. The City also constructed a new sidewalk on the south side of the street, with a connection point including an ADA compliant curb ramp connecting to the BAHF's existing sidewalk and a crosswalk connecting the ramp to the newly constructed sidewalk.

The City calculated the assessments based upon a standard residential street, which is considered a 32' wide street with 4" of gravel and 2" of bituminous. The City therefore paid for the costs of the other

50% of the typical residential street, along with the extra section and width of Jackson Street, and the new sidewalk and retaining walls on the south side of the street.



The City's assessment policy is based upon front feet of abutting the street being reconstructed. However, because BAHF's footage on Jackson Street is considered the side yard, meaning the longest portion of the lot is abutting Jackson Street, they were only assessed for 50% of the front footage abutting Jackson Street, according to the City's assessment policy. This means of the 698 front feet abutting Jackson Street, BAHF was only assessed for 348 feet of footage abutting at the \$24.57 rate. The \$25.00 range for assessments is what the City typically sees on street reconstructions of this nature, where the entire pavement section including gravel and bituminous is replaced.

The City also made improvements to the utilities as part of this project including casting replacements and casting seals that are not reflected in the assessment amounts and are paid by the City's utility funds.

When researching the property values of the BAHF arena, it was found that the 2017 property value with the building itself is just under \$8,800,000. This assessment equates to less than 0.10% of the total property value of the property and the arena itself. This percentage, as compared to other properties along the street, is by far the lowest amount.

At the public hearing, the Council adjourned the hearing to the next regular Council meeting on November 6 so that BAHF may explain its objection. City staff feels that the fair market value test more than justifies the assessment being proposed to the property.

You indicated that the 2013 Purchase Agreement impacts this assessment process. Upon review of that Agreement, it is unclear how this assessment is affected by that that Agreement.

If you have any questions or have more information that you would like staff to consider, please feel free to contact me at 218-828-2307.

Sincerely,

A handwritten signature in black ink, reading 'Paul Sandy', is positioned above the typed name.

Paul G. Sandy, PE
City Engineer

Cc: Jim Thoreen, City Administrator
Joe Langel, City Attorney

PURCHASE AGREEMENT

THIS AGREEMENT is made and entered into as of _____, 2013, between City of Brainerd, a municipal corporation, ("Seller") and Brainerd Amateur Hockey Foundation, ("Buyer").

In consideration of this Agreement, Seller and Buyer agree as follows:

1. **Purchase and Sale of Property.** Subject to and in accordance with the terms and provisions hereof, Seller agrees to sell to Buyer, and Buyer agrees to purchase from Seller, the real property situated in Crow Wing, Minnesota, legally as follows below and hereinafter referred to as "Real Estate" or "Property":

Lot 2, Block 2, Arena Addition to the City of Brainerd, EXCEPT the South 40 feet of the North 185 feet of the East 30 feet thereof.

Subject to a drainage and utility easement over, under and across the North 185 feet of the East 370 feet of said Lot 2, AND of the West 390 feet of said Lot 2, EXCEPT the South 330 feet of the West 310 feet thereof.

Together with an easement for access purposes over the existing driveway located upon the following described real estate:

That part of Lot 7,8,9 and 10, Block S, West Brainerd, lying Northwesterly of the line that is 50 feet Northwesterly, as measured perpendicularly to the parallel with the centerline of CSAH 20.

The Property shall include all equipment or supplies now located on the Property and shall be retained by Buyer, EXCEPT the gas ice edger. The portable bleachers shall remain the property of Seller the parties agree that said bleachers shall be used by Buyer on the Property from October 1st to April 1st every year and during other times the City may use them at other locations.

2. **Purchase Price and Manner of Payment.** The total purchase price ("Purchase Price") for the Property is \$1 payable at Closing.

Buyer shall continue to pay Seller the outstanding loan totaling \$43,174.00 upon the same payment terms as prior to closing but Seller shall credit \$4,750 for funds received related to the fundraising efforts related to the Property – said credit shall occur upon Buyer presenting proof of payment related to the ADA improvements contemplated by said fundraising.

3. **Contingencies.** Buyer's obligations under this Agreement are contingent upon Buyer's satisfaction with each of items listed below. All contingencies expire in 60 days from the date of this agreement so Buyer must terminate this agreement during that time or it shall close as long as Seller is not in default herein.

3.1 Physical Inspection. Buyer and its agents will have the right, from time to time prior to the Closing, to enter upon the Property to examine the same and the condition thereof and to conduct such surveys and to make such engineering and other inspections, tests and studies as Buyer determines to be reasonably necessary, all at Buyer's sole cost and expense, and Buyer shall be satisfied, in Buyer's sole discretion, with the results of such inspections, surveys, tests, and studies. Buyer will give Seller advance notice of such examinations or surveys and will conduct such examinations or surveys during normal business hours to the extent practicable. Buyer will conduct all examinations and surveys of the Property in a manner that will not harm or damage the Property so that it cannot be restored to its prior condition or cause any claim adverse to Seller or default under any Lease, and will restore the Property to its condition prior to any such examinations or surveys immediately after conducting the same. If it is not reasonably practical to restore the Property to its condition prior to such examinations or surveys, Buyer will not be required to restore the Property if prior to undertaking any such examination or surveys, Buyer receives the written approval of Seller that it will not be required to restore the Property. Buyer will indemnify, defend, and hold Seller harmless from and against any claims for injury or death to persons, damage to property or other losses, damages or claims, including, without limitation, claims of any Tenants, and including, in each instance, reasonable attorneys' fees and litigation costs, arising out of any action of any person or firm entering the Property on Buyer's behalf as aforesaid, which indemnity will survive the Closing and any termination of this Agreement without the Closing having occurred. Notwithstanding the foregoing, Buyer will not be liable merely for the discovery of a pre-existing condition at the Property.

3.2 Representations. The representations of Seller contained in this Agreement shall be true at the time this Agreement is executed and on the Closing Date as if made on the Closing Date. The representations of Seller contained in this Agreement shall survive the closing of the transaction described in this Agreement.

3.3 Performance of Seller's Obligations. Seller shall have performed all of the obligations required to be performed by Seller under this Agreement, as and when required by this Agreement.

3.4 Real Estate Taxes. Buyer shall submit the application with the County upon execution of this Agreement to remain tax exempt since Buyer is a nonprofit. The county must accept this application and verbally assure Buyers of its approval upon closing before Buyer is obligated to close.

4. Closing. The Closing Date will be on or before October 25, 2013 and the closing of the transactions described in this Agreement ("Closing") will take place at Breen & Person, 510 Laurel Street, Brainerd, MN 56401 at 10:00 AM or at such other time and place as the parties may agree to. Seller will deliver possession of the Property to Buyer on the Closing Date immediately after closing.

4.1 Seller's Closing Documents. On the Closing Date, Seller will execute and/or deliver to Buyer the following (collectively, "Seller's Closing Documents"), all in form and content reasonably satisfactory to Buyer:

4.1.1 Deed. A Quit Claim Deed conveying to Buyer the Real Estate to Buyer, free and clear of all encumbrances, except any that Buyer permits as described in Section 6 below.

4.1.1 Abstract of Title. Seller has no abstract. Buyer may obtain an abstract, but any such expense will be borne by Buyer.

4.1.2 IRS Form. A Designation Agreement designating the "reporting person" for purposes of completing Internal Revenue Form 1099 and, if applicable, Internal Revenue Service Form 8594.

4.1.3 Well Certificate. A statement on the Deed that Seller has no knowledge of any "Wells" on the Property within the meaning of Minn. Stat. 1031.005, subd. 21, or if there are "Wells" on the Property, a Well Certificate in the form required by law.

4.1.4 Storage Tank/Septic System. To the best of Seller's knowledge, there are no underground storage tanks or septic systems on the Property.

4.1.5 Keys. All keys owned by and in possession of Seller used in connection with the Property including key cards, security codes, and combinations.

4.1.6 Other Documents. All other documents reasonably determined by Buyer to be necessary to transfer the Property to Buyer.

4.2 Buyer's Closing Documents. On the Closing Date, Buyer will execute and/or deliver to Seller the following (collectively, "Buyer's Closing Documents") all in form and content reasonably satisfactory to Seller:

4.2.1 Purchase Price. The Purchase Price to be received in Seller's trust account on or before the Closing Date.

4.2.2 Title Documents. Such affidavits of purchaser, certificates of real estate value or other documents as may be reasonably required by Title Company in order to record the Deed and issue the Title Policy required by this Agreement.

4.2.3 Right of First Refusal. Buyer shall grant Seller a right for first refusal, a copy of which is attached hereto and said document shall be executed at Closing.

5. Prorations. Seller and Buyer agree to the following prorations and allocation of costs regarding this Agreement:

5.1 Deed Tax. Seller will pay all state deed tax for recording the Deed (both parties agree that the consideration for this transfer is \$1 and the forgiveness of debt shall be handled independent of this real estate transaction).

5.2 Closing Costs. Buyer shall pay all other closing costs.

5.3 Real Estate Taxes and Special Assessments. There are no special assessments or real estate taxes now assessed against the Property.

5.4 Sales Tax. Buyer will pay, in addition to the Purchase Price, all state and local sales taxes arising from the transaction herein described, if any.

5.5 Attorneys' Fees. Each of the parties will pay its own attorneys' fees, except that a party defaulting under this Agreement or any Closing Document will pay the reasonable attorneys' fees and court costs incurred by the non-defaulting party in enforcing its rights regarding such default.

5.6 Utilities and Other Costs. Buyer shall retain any utility credits now held by Seller related to the Property. Seller agrees that any WAC/SAC, building permit or other permit fees related to improvements to the Property shall be waived for a period of 10 years from the Closing Date. Seller, however, shall not pay for any State charges related to any WAC/SAC or building permit so the Buyer would have to pay any such charges; the City is only waiving fees that they charge.

5.7 Realtor commissions. Both parties hereby confirm that no realtor commission is due regarding the sale of the Property.

6.1 Seller's Title Evidence. None – buyer shall accept a quit claim deed and perform its own title check.

7. Operations Pending Closing.

Seller will, at its expense, use reasonable efforts to maintain the Property until the Closing Date or until the termination of this Agreement, whichever is earlier, substantially in its present condition, except damage by fire or other insured casualty and condemnation.

8. Representations and Warranties by Seller. As of the Contract Date, Seller represents and warrants to Buyer as follows:

8.1 Authority. Seller is a resident of the State of Minnesota; Seller is duly qualified to transact business in the State of Minnesota; Seller has the requisite power and authority to enter into and perform this Agreement and those Seller's Closing Documents to be signed by it; this Agreement and such documents have been duly authorized by all necessary action on the part of Seller and have been or will be as of the Closing Date, as applicable, duly executed and delivered; such execution, delivery and performance by Seller of such documents do not conflict with or result in a violation of any judgment, order, or decree of any court or arbiter, any contract, or any other restriction to which Seller is a party; such documents are valid and binding obligations of Seller, and are enforceable in accordance with their terms.

8.2 Title to Land and Improvements. To the best of Seller's knowledge, there are no liens, judgments or other encumbrances against the Property and no other party claims title to the Property.

8.3 Title to Assets. To the best of Seller's knowledge, there are no liens, judgments or other encumbrances against the Assets, and no other party claims title to the Assets.

8.4 Condition. To the best of Seller's knowledge, the Property and the Assets are in working condition but Seller makes no representations regarding their condition and the sale of the Property is "AS IS". Seller shall, however, assign any rights it may have under its current insurance policy for any property damage that has occurred prior to Closing to Buyer.

8.5 Assessments. Seller has received no notice of actual or threatened special assessments or reassessments of the Property.

8.6 Environmental Laws. To the best of Seller's knowledge, no toxic or hazardous substances or wastes, pollutants or contaminants (including, without limitation, asbestos, urea formaldehyde, the group of organic compounds known as polychlorinated biphenyls, petroleum products including gasoline, fuel oil, crude oil and various constituents of such products, and any hazardous substance as defined in the Comprehensive Environmental Response, Compensation and Liability Act of 1980 ("CERCLA", 42 U.S.C. 9601-9657, as amended) have been generated, treated, stored, released or disposed of, or otherwise placed, deposited in or located on the Property, nor has any activity been undertaken on the Property that would cause or contribute to (i) the Property becoming a treatment, storage or disposal facility within the meaning of, or otherwise bring the Property within the ambit of, the Resource Conservation and Recovery Act of 1976 ("RCRA"), 42 U.S.C. 6901 et. seq., or any similar state law or local ordinance, (ii) a release or threatened release of toxic or hazardous wastes or substances, pollutants or contaminants, from the Property within the meaning of, or otherwise bring the Property within the ambit of, CERCLA, or any similar state law or local ordinance, or (iii) the discharge or pollutants or effluents into any water source or system, the dredging or filling of any waters or the discharge into the air of any emissions, that would require a permit under the Federal Water Pollution Control Act, 33 U.S.C. 1251 et. seq., or the Clean Air Act, 42 U.S.C. 7401 et. seq., or any similar state law or local ordinance. To the best of Seller's knowledge, there are no substances or conditions in or on the Property that may support a claim or cause of action under RCRA, CERCLA or any other federal, state or local environmental statutes, regulations, ordinances or other environmental regulatory requirements, including without limitation, the Minnesota Environmental Response and Liability Act, Minn. Stat. 115B ("MERLA") and the Minnesota Petroleum Tank Release Cleanup Act, Minn. Stat. 115C.

8.7 Rights of Others to Purchase Property. There are no unrecorded mortgages, contracts, purchase agreements, options, rights of first refusal, leases, easements or other agreements or interests relating to the Property and there are no persons in possession of any portion of the Property, except as may be disclosed by the Title Evidence;

8.8 Seller's Defaults. Seller is not in default in the performance of any of Seller's obligations or liabilities under any easement agreement, covenant, condition, restriction or other instrument relating to the Property.

8.9 FIRPTA. Seller is not a "foreign person", "foreign partnership", "foreign trust" or "foreign estate" as those terms are defined in Sec. 1445 of the Internal Revenue Code.

8.10 Proceedings. There is no action, litigation, investigation, condemnation or proceeding of any kind pending or, to the best knowledge of Seller, threatened against Seller.

8.11 Wells. Seller certifies that Seller does not know of any "Wells" on the described Property within the meaning of Minn. Stat. Section 1031 or a Well Disclosure Statement accompanies this Purchase Agreement. This representation is intended to satisfy the requirements of that statute.

8.12 Storage Tanks. To the best of Seller's knowledge, there are no "underground tanks" (within the meaning of Minn. Stat. Section 116.46) located in or about the Property. Such storage tanks have been duly registered with all appropriate regulatory and governmental bodies and otherwise are in compliance with applicable federal, state and local statutes, regulation, ordinances and other regulatory requirements.

8.13 Compliance. To the best of Seller's knowledge, the Property fully conforms with all applicable statutes, laws, codes, ordinances and restrictions including all zoning, platting, subdivision and use laws and all building, energy and environmental codes and regulations. All improvements are located entirely within the boundary lines of the Property and do not encroach upon any adjacent property and no improvements on any adjacent property encroach upon the Property. To Seller's knowledge, Seller has complied with all applicable laws, statutes, orders, rules, regulations, and requirements promulgated by governmental or other authorities relating to the business Seller conducts using the Assets. Seller has received no notice of any alleged violation or failure to fully comply with any such laws, statutes, orders, rules, regulations, or requirements.

8.14 Access. The Property abuts on and has direct vehicular access to a public road or has driveway access to public roads by permanent, irrevocable easements which will be conveyed to Buyer on the date of closing, and Seller has no knowledge of any fact or condition which would result in the termination of such access.

8.15 Use of Property. To the best knowledge of Seller, the current use of the Property does not violate any zoning, subdivision, building or other local ordinance.

9. Representations and Warranties by Buyer. Buyer represents and warrants to Seller that Buyer has proper corporate authority to execute this purchase agreement.

10. Survival. The representations, indemnifications, and post-closing obligations contained herein will survive and be enforceable after the Closing.

11. Notices. Any notice required or permitted hereunder will be given if delivered by personal delivery upon an authorized representative of a party hereto; or if mailed by United States registered or certified mail, return receipt requested, postage prepaid; or if transmitted by facsimile copy followed by mailed notice; or if deposited cost paid with a nationally recognized overnight courier, properly addressed as follows:

If to Seller: Theresa Goble

City of Brainerd
Brainerd City Hall
Brainerd, MN 56401

If to Buyer: c/o Brad Person
510 Laurel Street, PO Box 472
Brainerd, MN 56401

Notices will be deemed effective on the earlier of the date of receipt or the date of deposit, as aforesaid; provided, however, that if notice is given by deposit, the time for response to any notice by the other party will start running three (3) business days after any such deposit. Any party may change its address for the service of notice by giving notice of such change 10 days prior to the effective date of such change.

12. Miscellaneous.

12.1 Captions. The paragraph headings or captions appearing in this Agreement are for convenience only, are not a part of this Agreement and are not to be considered in interpreting this Agreement.

12.2 Entire Agreement; Modification. This written Agreement constitutes the complete agreement between the parties and supersedes any prior oral or written agreements between the parties regarding the Property. There are no verbal agreements that change this Agreement and no waiver of any of its terms will be effective unless in a writing executed by the parties.

This Agreement specifically terminates the current lease between the parties and any unpaid charge due by either party referenced therein.

12.3 Controlling Law. This Agreement has been made under the laws of the State of Minnesota, and such laws will control its interpretation.

12.4 No Waiver. Neither the failure of either party to exercise any power given such party hereunder or to insist upon strict compliance by the other party with its obligations hereunder, nor any custom or practice of the parties at variance with the terms hereof constitutes a waiver of either party's right to demand exact compliance with the terms hereof.

12.5 Binding Effect. This Agreement is binding upon and inures to the benefit of the parties hereto and their respective heirs, executors, administrators, legal representatives, successors and assigns.

12.6 Amendments. No amendment to this Agreement will be binding on either of the parties hereto unless such amendment is in writing and is executed by the party against whom enforcement of such amendment is sought.

12.7 Date For Performance. If the time period by which any right, option or

election provided under this Agreement must be exercised, or by which any act required hereunder must be performed, or by which the Closing must be held, expires on a Saturday, Sunday or legal or bank holiday, then such time period will be automatically extended through the close of business on the next regularly scheduled business day.

12.8 Recording. Seller and Buyer will not record this Agreement or a short-form of this Agreement without the consent of the other party.

12.9 Counterparts. This Agreement may be executed in any number of counterparts, each of which will be deemed to be an original, but all of which, when taken together, constitute the same instrument.

12.10 Time of the Essence. Time is of the essence of this Agreement and each and every term and condition hereof.

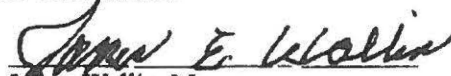
12.11 Severability. This Agreement is intended to be performed in accordance with, and only to the extent permitted by, all applicable laws, ordinances, rules and regulations, and is intended, and will for all purposes be deemed to be, a single, integrated document setting forth all of the agreements and understandings of the parties hereto, and superseding all prior negotiations, understandings and agreements of such parties. If any term or provision of this Agreement or the application thereof to any person or circumstance is, for any reason and to any extent, held to be invalid or unenforceable, then such term or provision will be ignored, and to the maximum extent possible, this Agreement will continue in full force and effect, but without giving effect to such term or provision.

12.12 Other Terms. All terms and words used in this Agreement shall be construed to include any other number and any other gender as the context or sense of this Agreement or of any paragraph of this Agreement may require as if such terms or words had been fully and properly written in the appropriate number and gender. Any exhibits to this Agreement are hereby made a part hereof. Defined terms used in the exhibits shall have the meanings given to them in this Agreement unless otherwise stated in the exhibit(s) where the terms are used.

12.13 Survival. All terms in this purchase agreement are intended to survive closing and shall not merge or terminate upon the delivery of the deed to Buyer.

SELLER: CITY OF BRAINERD

By


James Wallin, Mayor

By


Theresa Goble, City Administrator

BUYER: BRAINERD AMATEUR HOCKEY FOUNDATION

By



AGREEMENT

THIS AGREEMENT made this 2nd day of October, 1995, by and between BRAINERD AREA CIVIC CENTER, INC., a nonprofit corporation under the laws of the State of Minnesota, hereinafter referred to as "BACC", and the CITY OF BRAINERD, hereinafter referred to as "City".

WHEREAS, BACC owns and operates real estate upon which a building is located that is used as an ice arena and civic center, the legal description of such premises being:

Lot Two (2), Block Two (2), Arena Addition
to the City of Brainerd

and;

WHEREAS, the City and BACC find it mutually advantageous that the ownership and management of the building and premises be turned over to the City on January 1, 1996.

NOW, THEREFORE, IT IS AGREED by and between the parties, as follows:

1. BACC agrees to convey the premises to the City free of all liens and encumbrances.
2. The City agrees to accept said premises in an "as is condition".
3. It is further agreed that the City is not paying any consideration for these premises, but will accept all responsibility for upkeep, maintenance and insurance. BACC has indicated that the property is free and clear of all encumbrances and liens except for daily operating expenses and that the City will make their investigation of the record

title of said premises based upon a current abstract with all searches provided by BACC.

4. That upon conveyance of the premises the City will waive any further obligations against BACC, its Board and its members.
5. That the arena manager and 2.75 full-time equivalent (FTE) maintenance employees of BACC will be retained by the City with their present job description, current compensation and vacation schedule. In consideration of their successful service for BACC, these employees shall not be subject to the probationary period provided in Section 7 of the City of Brainerd Employee Policy Manual, and the City shall make all reasonable efforts to avoid a reduction in the work force affecting these employees for two years, from January 1, 1996. Additionally, these employees will be subject to and receive the benefits of all of the present rules and regulations of the City relating to sick leave, retirement, pension system contributions, holidays and other fringe benefits and working conditions.
6. That the City is aware that BACC has entered into leasing agreements with Independent School District No. 181 and also with the Minnesota Hockey School and takes and accepts these premises subject to those lease agreements which are attached as Exhibits B and C, respectively.

BRAINERD AREA CIVIC CENTER, INC.

By
Its

John E. Echternacht
President

By
Its

Gerald A. Benson
SECRETARY

CITY OF BRAINERD

By

Bonnie K. Cumberland
Bonnie K. Cumberland
Mayor

By

Daniel J. Vogt
Daniel J. Vogt
City Administrator

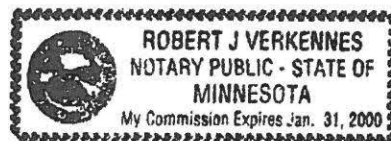
STATE OF MINNESOTA)
COUNTY OF CROW WING)

ss

The foregoing instrument was acknowledged before me this 3rd day of October, 1995, by John E. Echternacht and Gerald A. Benson on behalf of the BRAINERD AREA CIVIC CENTER, INC., as its free act and deed.

(SEAL)

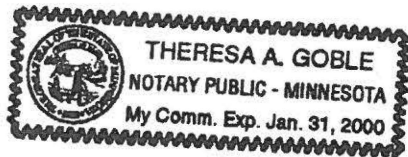
Robert J. Verkennes
NOTARY PUBLIC



STATE OF MINNESOTA)
) SS
COUNTY OF CROW WING)

The foregoing instrument was acknowledged before me this 3rd day of October, 1995, by Bonnie K. Cumberland, Mayor and Daniel J. Vogt, City Administrator, on behalf of the CITY OF BRAINERD as its free act and deed.

(SEAL)




NOTARY PUBLIC

The City Council of the City of Brainerd doth hereby assess and levy upon and against the lots and parcels of land described below, the respective sums of money set opposite each lot or parcel. This assessment is levied to defray the expense of Improvement 14-03.

OWNER NAME	OWNER ADDRESS	CITY, STATE, ZIP	RE CODE	LOT, BLOCK	SUBDIVISION	LOCATION	ASSESSMENT
BRAINERD AMATEUR HOCKEY FOUNDATION	PO BOX 38	BRAINERD, MN 56401	091020020020009	LOT 2 BLOCK 2 EXC S 40 FT OF N 185 FT OF E	ARENA ADDN TO THE CITY OF BRAINERD		\$ 8,550.36
WESTGATE MALL REALTY GROUP LLC	911 E COUNTY LINE RD STE 203	LAKESWOOD, NJ 08701	0919800J000Y009	ALL OF BLOCK K, BLOCK J, AND BLOCK R, AL	WEST BRAINERD		\$ 6,412.77
TJV LLC	623 4TH ST NW	BRAINERD, MN 56401	0919800O003Z009	LOTS 3 THRU 6 INCLUSIVE BLOCK O	WEST BRAINERD		\$ 3,439.80
S&K CAPITAL INVESTMENTS LLC	5350 PINE BEACH RD	BRAINERD, MN 56401	0919800O0070009	LOT 7 BLOCK O	WEST BRAINERD	624 5TH ST NW	\$ 1,719.90
FROMM, JOLENE & DANIEL	1251 MAYO RD	FORT RIPLEY MN 56449	0919800P0060009	LOT 6 BLOCK P	WEST BRAINERD	623 5TH ST NW	\$ 1,719.90
PROFESSIONAL AUTO, LEASING INC	703 WEST WASHINGTON ST	BRAINERD MN 56401	0919800P007Z009	LOTS 7 & 8 BLOCK P	WEST BRAINERD		\$ 1,719.90
ROCK, RODNEY L & SUSAN	PO BOX 432	BEMIDJI, MN 56619	0919800Q004Z009	LOT 4 THRU 6 INCL BLOCK Q	WEST BRAINERD		\$ 3,439.80
ROCK, RODNEY L & SUSAN	PO BOX 432	BEMIDJI, MN 56619	0919800Q007Z009	LOT 7 THRU 12 BLOCK Q & ADJ N'LY 1/2 OF V	WEST BRAINERD	602 JAMES ST	\$ 3,439.80
HAGLIN, TIMOTHY M & LADONNA A	13754 TWO MILE RD	BRAINERD MN 56401	0919800T0010009	LOT 1 BLOCK T	WEST BRAINERD		\$ 1,719.90
HAGLIN, TIMOTHY M & LADONNA A	13754 TWO MILE RD	BRAINERD MN 56401	0919800T0120009	LOT 12 BLOCK T	WEST BRAINERD		\$ 1,719.90
TEAGAR, LORRAINE D	701 7TH ST NW	BRAINERD MN 56401	0919800U0010009	LOT 1 BLOCK U	WEST BRAINERD	701 7TH ST NW	\$ 1,719.90
PAUL BUNYAN, ARBORETUM INC	P O BOX 375	BRAINERD MN 56401	0919800U007Z009	LOT 7 BLOCK U AND ALSO THE S. 1/2 OF THE	WEST BRAINERD		\$ 1,621.62
TOTAL							\$ 37,223.55

Dated this 30th day of November, 2017

David J. Pritschet
President of Council

Attest: _____
James M. Thoreen
City Administrator

Interest Rate - 3.5%
Years Certified - 10 Year

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

RESOLUTION ADOPTING ASSESSMENT

WHEREAS, pursuant to proper notice duly given as required by law, the Council has met and heard and passed upon all objections to the proposed assessments for the improvements concerning the properties listed and abutting the described streets, alleys, and utilities in the City of Brainerd:

CONTESTED IMPROVEMENT 14-03 ASSESSMENT

PID 091020020020009

IMPROVEMENT 14-03

Street Resurfacing

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

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

1. Such proposed assessment, a copy of which is on file in the offices of the City Administrator and City Engineer, is hereby accepted and shall constitute the special assessment against the lands named therein, and each tract of land therein included is hereby found to be benefited by the proposed improvement in the amount of the assessment levied against it.
2. Such assessment shall be payable in equal annual installments extending over a period of ten years, the first of the installments to be payable on or before the first Monday in January 2018, and shall bear interest at the rate of three and one-half (3.5%) percent per annum from the date of the adoption of this resolution. To the first installment shall be added interest on the entire assessment from the date of this resolution until December 31, 2017. To each subsequent installment, when due, shall be added interest for one year on all unpaid installments.
3. The owner of any property so assessed may, at any time prior to certification of the assessment to the Crow Wing County Auditor, pay the whole of the assessment on such property, with interest accrued to the date of payment, to the City Administrator, except that no interest shall be charged if the entire assessment is paid within nine (9) days from the adoption of this Resolution; and he or she may, at any time thereafter, pay to the City Administrator the entire amount of the assessment remaining unpaid with interest accrued to December 31, of the year in which such payment is made. Such payment must be made before November 15 or interest will be charged through December 31, of the next succeeding year.
4. The City Administrator shall forthwith transmit a certified duplicate of this assessment to the Crow Wing County Auditor to be extended on the property tax list of the County. Such assessment shall be collected and paid over in the same manner as other municipal taxes.

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: November 6, 2017

Title of Item: Demolition of Building at 507 6th Street South

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☒ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Jim Thoreen/Connie Hillman	Department: Administration
Presenter (Name & Title): City Administrator Thoreen	Estimated Time Needed: 10 Minutes
Summary of Issue: At the April 17, 2017 council meeting, the Council passed Resolution No. 26:17 declaring the building to be hazardous and ordering removal of property located at 507 6th Street South. This matter is now in litigation, with a trial scheduled in January. The owner of the property is now requesting to have the motel demolished by the City, with the cost to be assessed against the property. This is the likely the same result that would occur if the City prevails in the litigation.	
Alternatives, Options, Effects on Others/Comments: With Council approval, the City Attorney will draft an agreement to that affect. It is estimated that the cost of demolition and removal of the building, and placement of black dirt and grass seed to finish the space, would be approximately \$20,000-\$30,000 with details to be discussed. The owner is currently delinquent in paying the taxes on the property.	
Recommended Action/Motion: Approve the concept of the demolition of the building located at 507 6th Street South, with the cost to be assessed against the property and authorize the City Attorney to draft the agreement.	
Financial Impact: <i>Is there a cost associated with this request:</i> ☒ Yes ☐ No <i>What is the total cost, with tax and shipping</i> \$ <u>est. \$20K-\$30K</u> <i>Is this budgeted?</i> ☐ Yes ☐ No <i>Please Explain:</i>	



Brainerd City Council Agenda Request

Agenda Item #

Requested Meeting Date: November 6, 2017

Title of Item: Comprehensive Plan Steering Committee Appointments

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☒ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) *provide copy of published hearing notice ☐ Direction Requested ☒ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading
Submitted by: Mark Ostgarden	Department: Planning
Presenter (Name & Title): Same	Estimated Time Needed: 10 minutes
Summary of Issue: Continuing the appointment process for the Comprehensive Plan Steering Committee. Attached is the current Steering Committee Sector List. Council President Pritschet, Councilman Badeaux and Councilman Stunek will have nominations for 3 positions at the November 6th meeting.	
Alternatives, Options, Effects on Others/Comments: None	
Recommended Action/Motion: None	
Final Impact: <i>Is there a cost associated with this request:</i> ☐ Yes ☒ No <i>What is the total cost, with tax and shipping</i> \$ _____ <i>Is this budgeted?</i> ☐ Yes ☒ No <i>Please Explain:</i>	

Comprehensive Plan Steering Committee

		Sector	Name	E-mail	Phone
1.	Councilman Pritschet	School District Member	Aaron Sinclair – Asst. Superintendent		
2.	Councilwoman Lambert	Healthcare Representative	Mike Larson – Essentia		
3.	Mayor Menk	Local Industry Representative			
4.	Councilman Bevans	Small Business Owner	Brian Moon – Easy Riders		
5.	Councilman Pritschet	Resident (with topic expertise)	Staci Headley		
6.	Councilman Badeaux	Park Board Member	Timothy Boeder		
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	Emily MacDonald		



Brainerd City Council Agenda Request

Agenda Item #

Requested Meeting Date: November 6, 2017

Title of Item: National Joint Powers Alliance Board of Directors

☒ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Jim Thoreen	Department: Administration
Presenter (Name & Title):	Estimated Time Needed:
Summary of Issue: Attached is notification of an election to the Board of Directors of NJPA. Sub-region IV eligible candidates include cities. The current Board has no city council represented; not a bad thing, but cities in general ought to have clear voice in all matters pertaining to the excellent services provided to us and others. Please read the material and consider nominating a member of the Council for this valuable position.	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion: As the Council deems appropriate prior to the deadline date of December 18th.	
Financial Impact: Is there a cost associated with this request: ☐ Yes ☒ No What is the total cost, with tax and shipping \$ _____ Is this budgeted? ☐ Yes ☐ No <u>Please Explain:</u>	

202 12th Street NE
P.O. Box 219
Staples, MN 56479

RECEIVED

OCT 30 2017

**CITY OF BRAINERD
ADMINISTRATION**

October 27, 2017

To: NJPA Member Chief Executive Officers
From: Chad Coauette, Executive Director/CEO
Re: Board of Directors Election Nomination

It is time for the NJPA Annual Board Election Nominations. As you know, the NJPA Membership is divided into four sub-regions. Sub-Regions I, II, and III are made up of school districts and Sub-Region IV is made up of cities, counties, and other government agencies. Each Sub-Region elects two of its elected officials to serve on the NJPA Board of Directors.

There are two (2) seats available: one (1) four year term from Sub-Region I
one (1) four year term from Sub-Region IV

Terms of office which expire on December 31, 2017 are presently held by:

Sub-Region I Mary Freeman, Staples-Motley Schools
Sub-Region IV Mike Wilson, Morrison County

Please take the enclosed information to your next Board meeting and ask your Board to consider nominating one of your members to serve for the terms indicated. Then complete the nomination form and return it **no later than December 18, 2017**.

Thank you for your help. Look for the ballots soon after December 19, 2017.

Enc: NJPA Board of Directors Nomination Form
NJPA Board Member Job Description
NJPA Full Voting Sub-Regional Membership

NJPA Board of Directors Nomination Form

Please return:

Mail:

NJPA
Attn: Danielle Wadsworth
PO Box 219
202 12th Street NE
Staples, MN 56479

Or

Email:

danielle.wadsworth@njpacoop.org

NO LATER THAN December 18, 2017

_____ would like to place in nomination the following

(Government Agency Name)

person who is presently serving on our governing board, council, or commission to serve for a four-year term representing Sub-Region IV on the National Joint Powers Alliance® (NJPA) Board of Directors:

Term Expires December 31, 2021

Person Nominated

Phone Number of Nominee

Email of Nominee

Date

Signature of Government Official

For each person nominated, a brief biographical sketch should be included in the space below which illustrates information on the candidate that would be of value to governmental agency board members in your Sub-Region to consider as a part of the election process.

Position Description & Expectations

Position Title: Board Member

Immediate Supervisor's Position Title: Minnesota State Legislature and Governor

A. Essential Duties and Powers of the Board are defined in the NJPA By-Laws, Article III, Subd.F.,

1. Submit an Annual Evaluation Report and an Annual Plan to the Membership.
2. Provide adequate office, service center and administrative facilities.
3. Employ staff and other personnel as necessary to provide and support the agreed upon programs and services.
4. Appoint special advisory committees as needed.
5. Employ licensed staff pursuant to licensure and certification standards.
6. Enter into contracts with school boards of local education agencies, including school districts outside NJPA's area.
7. Enter into contracts with other public and private agencies and institutions.
8. Be governed by the NJPA By-Laws and applicable laws of the state.
9. Establish cooperative, working relationships and partnerships with post-secondary educational institutions, other public agencies, business, and industry.
10. Appoint an Executive Director and other such necessary personnel and fix their salary and conditions of employment.
11. Meet at the call of the Chair or any three (3) members of the Board.
 - a. Expected to attend monthly Board meetings. Supper is served.
 - b. Expected to attend an Annual Board Retreat in the Spring running from the evening of the first day through the early afternoon of the following day. This event is typically held at a local Hotel.
 - c. Invited to attend one National Convention each FY at the expense of the NJPA.
12. May select advisory councils or committees to give advice and counsel to the board.

13. Shall make technical assistance for long-range planning available to member government agencies upon request.

14. May establish a Rebate Program only available to Full-voting Members.

B. Work Requirements and Characteristics

a. Directly supervises the following Positions:

i. Executive Director

b. Indirectly supervises:

i. None

c. Work is performed under normal office conditions and there are minimal environmental risks or disagreeable conditions associated with work. Work involves continuous contacts and interactions with the public, staff, elected officials, outside agencies, citizen groups, the media and others. Physical requirements:

i. Stand	occasionally
ii. Walk	occasionally
iii. Sit	continuously
iv. Reach with arms and hands	rarely
v. Climb or balance	rarely
vi. Stop/kneel/crouch or crawl	rarely
vii. Talk or hear	continuously
viii. Taste or smell	rarely
ix. Lift and carry up to 10 pounds	rarely
x. Lift and carry up to 25 pounds	rarely
xi. Lift and carry up to 50 pounds	rarely

d. Occasional air travel with multiple overnight stays possible.

C. Core Competencies

a. Experience on a Board of Directors

D. Required Qualifications

a. Must currently hold the office of elected official of a member school board, city, county, or other governmental unit and subsequently be elected to serve on the NJPA Board of Directors.

National Joint Powers Alliance®			
FULL VOTING SUB-REGIONAL MEMBERSHIP FOR 2017			
Sub-Region I		ADM's	Member Number
Bertha-Hewitt		409	1315
Browerville		399	1579
Freshwater Education District		105	14322 (Staples) 59952 (Wadena)
Long Prairie/Grey Eagle		877	5078
Menahga		955	5414
Sebeka		472	7157
Staples/Motley		1,165	7753
Verndale		520	33164
Wadena/Deer Creek		968	10634
Total: Sub-Region I		5,870	
Sub-Region II			
Cass Lake/Bena		1,164	11260
Crosby/Ironton		1,069	2855
Northland Community		346	6067
Pequot Lakes		1,610	6449
Pillager		959	6503
Pillager Area Charter School		45	6502
Pine River/Backus		902	6526
Walker/Hackensack/Akeley		712	8791
Total: Sub-Region II		6,807	
Sub-Region III			
Brainerd		6,427	15688
Little Falls		2,490	5043
Mid-State Education District-Little Falls		35	40599
Pierz		1139	6492
Royalton		909	6980
Swanville		321	11398
Upsala		376	33156
Total: Sub-Region III		11,697	
Sub-Region IV			
City of Baxter - 34965		City of Pierz - 89851	Region 5 RDC - 40600
City of Brainerd - 18227		City of Pine River - 33248	
City of Breezy Point - 84933		City of Royalton - 92001	MN State Comm. & Tech College - 5559
City of Browerville - 36435		City of Sebeka - 40598	
City of Clarissa - 2161		City of Staples - 33244	
City of Crosslake - 16521		City of Verndale - 83290	
City of Emily - 50069		City of Wadena - 19960	
City of Little Falls - 490			
City of Long Prairie - 2306		Cass County - 1784	
City of Menahga - 40597		Crow Wing County - 2876	
City of Nisswa - 30664		Wadena County - 8774	
		Morrison County-5640	



Brainerd City Council Agenda Request

Agenda Item #

Requested Meeting Date: November 6, 2017

Title of Item: Proposed Ordinance No. 1474 - Rezoning Adventure Properties, 110 NW 3rd St.

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☒ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☒ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Mark Ostgarden, City Planner	Department: Planning
Presenter (Name & Title): Same	Estimated Time Needed: 10 minutes
Summary of Issue: ISD 181 has a purchase agreement with Adventure Properties for property at 110 NW 3rd Street. The parcel is zoned B-2, a zoning district that does not permit school uses. The Riverside Elementary School site is in an R-3 zone, a zone that permits school uses by Conditional Use Permit. The ISD is interested in the parcel and its rezoning to R-3 should future improvements to/expansion of the school be needed. Attached is proposed Ordinance No. 1474, draft minutes from the October 18, 2017 Planning Commission meeting that include Findings of Fact and the City Planner Staff Report.	
Alternatives, Options, Effects on Others/Comments: 1. Deny the rezoning which will not permit the parcels to be rezoned. 2. Approve the request which will permit the parcel to be used for R-3 purposes. The Planning Commission recommends approval.	
Recommended Action/Motion: A motion by _____ and seconded by _____ to hold/deny the first reading of proposed Ordinance No. 1474, rezoning property 110 NW 3rd Street Brainerd, MN 56401 from a B-2 (Neighborhood Business) District to an R-3 (High Density Residential) District and to dispense with the actual reading.	
Financial Impact: <i>Is there a cost associated with this request:</i> ☐ Yes ☒ No <i>What is the total cost, with tax and shipping</i> \$ _____ <i>Is this budgeted?</i> ☐ Yes ☒ No <i>Please Explain:</i>	

**ORDINANCE
NO. 1474**

**AN ORDINANCE AMENDING ORDINANCE NO. 812
PERTAINING TO THE ZONING IN THE CITY OF BRAINERD**

THE CITY COUNCIL OF THE CITY OF BRAINERD DOES ORDAIN:

SECTION ONE: In accordance with the procedure described in Section 515-04 of the Brainerd City Code the zoning designation of the property described below is amended from a B-2 (Neighborhood Business) District to an R-3 (High Density Residential) District.

Adventure Properties, 110 NW 3rd St. Brainerd, MN
PID 091980020010009

PT OF BURLINGTON NORTHERN & SANTA FE RR CO 400 FT WIDE CHARTER ROW GRANTED UNDER SEC 2 OF ACT OF CONGRESS APPROV 7-2-1864 SITUATED IN GL 7 SEC 4 T-133 R-28 DESC: COMM AT INTER OF SE ROW LINE OF WILLIAM ST & SE EXT OF NE'LY ROW LINE OF NW 4TH ST PLAT OF WEST BRD THEN NE'LY ALG SD SE'LY ROW LINE OF WILLIAM ST ALSO BEING NW'LY BNDRY OF SD 400 FT WIDE CHARTER ROW A DIST OF 500 FT TO TRUE POB THEN CONT NE'LY ALG LAST DESC COURSE 360 FT MOL TO W BANK OF MISSISSIPPI RIVER THEN S'LY ALG SD W BANK TO INTER WITH A LINE DRAWN PARALLEL WITH & 50 FT NORMALLY DIST NW'LY FROM SD RR COMPANY'S MAIN TRACT C/L AS NOW LOCATED & CON TRUCTED THEN SW'LY ALG SD PARALLEL LINE TO INTER WITH A LINE DRAWN PERPENDICULAR TO SD MAIN TRACT C/L THRU TRUE POB THEN NW'LY ALG SD PERPENDICULAR LINE TO POB & ALSO SE'LY 30 FT OF 60 FT WIDE VACATED WILLIAM ST LYING CON TIGUOUS TO & NW'LY OF THE HEREINABOVE DESC PREMISES. & ALSO INCL SE'LY 30 FT OF PT OF VACATED WILLIAM STREET LYING CONTIGUOUS TO & NW'LY OF FOL DESC PREMISES: PT OF BURLINGTON NORTHERN & SANTA FE RAILWAY CO (FORMERLY NPPR) 400 FT WIDE CHARTER ROW GRANTED UNDER SEC 2 OF ACT OF CONGRESS APPROVED 7-2-1864 SITUATED IN GL 7 OF SEC 4 TWP 133 RNG 28 OF 5TH PRINCIPAL MERIDIAN DESC: COMM AT INTER OF SE'LY ROW LINE OF WILLIAM STREET & SE'LY EXT OF NE'LY ROW LINE OF NW 4TH ST PLAT OF WEST BRD THEN NE'LY ALG SD SE'LY ROW LINE OF WILLIAM STREET ALSO BEING NW'LY BNDRY OF SD 400 FT WIDE CHARTER ROW A DIST OF 500 FT TO TRUE POB THEN CONT NE'LY ALG LAST DESC COURSE 360 FT MOL TO W BANK OF MISSISSIPPI RIVER THEN S'LY ALG SD W BANK TO INTER WITH A LINE DRAWN PARA/W & 50 FT NORMALLY DIST NW'LY FROM SD RR CO MAIN TRACT C/L AS NOW LOCATED & CONSTRUCTED THEN SW'LY ALG SD PARALLEL LINE TO INTER WIHT A LINE DRAWN PERPENDICULAR TO SD MAIN TRACK C/L THROUGH TRUE POB THEN NW'LY ALG SD PERPENDICULAR LINE TO TRUE POB.

SECTION TWO: This Ordinance shall take effect and be in force one week from and after its publication.

Adopted this _____ day of _____, 2017

DAVID J. PRITSCHET
President of the Council

Approved this _____ day of _____, 2017

EDWIN L. MENK
Mayor

ATTEST: _____
JAMES M. THOREEN
City Administrator

Published: One Time, _____

STAFF REPORT TO THE PLANNING COMMISSION

October 9, 2017

REZONING

APPLICANT/LOCATION:	Adventure Properties, 110 NW 3 rd St, Brainerd, MN
REQUESTED ACTION:	Rezone property from an B-2 (Neighborhood Commercial) District to an R-3 (High Density Residential) District
AREA:	1.5 acres
ADJACENT USES:	North: Elementary School East: Mississippi River South: Railroad/Vacant/Office West: Vacant/Elementary School
ADJACENT ZONING:	North: R-3 (High Density Residential) District East: B-4 (General Commercial) District South: B-2 (Neighborhood Commercial) District West: B-2 (Neighborhood Commercial) District

PETITION BACKGROUND

ISD 181 has a purchase agreement with Adventure Properties for property (subject parcel) at 110 NW 3rd Street. It has 2 existing buildings, one being a century old house, which at one time was a Port Group Home facility and is currently the home for Adventure Advertising. The firm also has offices in St. Cloud and Minneapolis.

The subject parcel is zoned B-2, which is a zoning district that does not permit school uses. The Riverside Elementary School site area is in an R-3 zone, which is a zone that does permit school uses by Conditional Use Permit. The ISD is interested in the subject parcel should future improvements to /expansion of the school be needed.

In a report to the ISD 181 Board, ISD Director of Business Services Steve Lund describes the near term and long-term interest in the subject parcel as follows:

As part of the acquisition by the current owners in 2009, the school district granted an easement for ingress/egress along the south portion of the vacated Williams Street.

Without the easement, the property would have been landlocked.

This acquisition is strategic from several aspects:

- 1. Controlling the use of this property that has a very unique proximity to our school with no other similar properties surrounding it.*

2. *Providing immediate flexibility for the possibility of expanding staff parking to alleviate parking and circulation congestion that exists in the present parking area.*
3. *Serves as a cornerstone piece to the possibility of further expansion of the site through the possible acquisition of adjacent property presently owned by BNSF.*

Should the R-3 rezoning occur, it will permit the following uses of the subject parcel:

Permitted Uses.

- A. Multiple family dwellings.
- B. Two family attached dwellings.
- C. Public recreation areas and related accessory buildings and structures.
- D. Residential care facilities serving six (6) or fewer persons.
- E. Essential services as regulated by Section 36 of this Ordinance.

Accessory Uses.

- A. Accessory buildings including garages, tool sheds and similar buildings ...
- B. Fences as regulated by Section 19 of this Ordinance.
- C. Storage of recreational vehicles and equipment ...
- D. Private recreational facilities ...

Interim Uses.

- A. None

Conditional Uses.

- A. Public or semi-public recreational buildings and neighborhood or community centers;
- B. Nursing homes and similar group housing, not including hospitals, provided that: ...
- C. Senior housing provided that:
- D. Residential Planned Unit Developments: townhomes and quadrominiums
- E. Government and public regulated utility buildings and structures ...
- F. Personal wireless service towers and antennas...
- G. Places of Worship and related buildings provided that: ...
- H. State Licensed Residential Care Facilities serving 7 to 16 persons provided that: ...
- I. Public and private schools provided that:
- J. Senior center provided that:

The zoning process is independent of the potential purchase by the ISD. The process is a municipal legislative action and conditions on such an action cannot be included as part of that action. Meaning, the rezoning cannot be conditioned upon the subject parcel being purchased by the ISD.

Evaluation of the petition involves 2 scenarios:

1. The property is rezoned and the ISD purchases the subject parcel.
2. The property is rezoned and, for whatever reason, the ISD does not purchase the subject parcel.

Should the rezoning occur and the purchase does not occur, Adventure Advertising would become a non-conforming use. It and similar businesses can operate at the subject property; the limitation is the ability to expand those uses in the R-3 district.

Should the subject parcel become vacant for any reason for more than 1 year, it would lose its non-conforming status. After the 1-year period, future uses would be limited to those listed above as Permitted Uses, Accessory Uses and Conditional Uses.

The current B-2 zoning does permit the site to be used for multifamily development.

PETITION EVALUATION

In compliance with Section 515.09 of the Brainerd Zoning Ordinance, the Planning Commission shall conduct a Public Hearing regarding this request. To assist the Planning Commission in evaluating the suitability of this requested change, the following are guidelines and a staff review of issues associated with the application to consider in the review process.

1. The proposed action's consistency with the specific policies and provisions of the official City Comprehensive Plan.

Attached are the Comprehensive Plan Land Use Goals and Strategies by which this proposal should be reviewed.

2. The proposed use's compatibility with present and future land uses of the area.

The attached section of the Comprehensive Plan Future Land Use Map identifies this property as Public/Semi Public land use. Attached are the current Zoning Map and Existing Land Use Map of the area.

3. The proposed use's effect upon the area in which it is proposed.

The proposed use already exists with the elementary school. Mr. Lund's report to the ISD Board describes how acquisition of the subject parcel can benefit the elementary school site and the area.

The ISD 181 school facilities planning process has identified preliminary concepts that show added space to Riverside Elementary School and preliminary concepts that do not show added space. The conclusion about

any additional space needs to Riverside Elementary School, to some degree, are connected to a final plan for Harrison Elementary School.

The subject parcel has Mississippi River frontage, subjecting it to the City's Shoreland Regulations. In addition to zoning requirements for lot sizes, setbacks, etc., the Shoreland Regulations specify that all lands within 300' of the river have an additional set of land use requirements to meet. The most significant being impervious coverage, within the 300' setback, is limited to 25% of the property.

The Shoreland Regulations requirements will reduce the buildable area of the subject parcel to approximately 135' x 168' or 22,140 +/- sq. ft. or about ½ acre. The depth and width of the buildable area would be large enough for additional off-street parking.

Should rezoning occur and ISD 181 not purchase the subject parcel, the R-3 zoning would permit duplex or multifamily uses. Based on the R-3 zoning standards of 3,000 sq. ft./unit for duplex use, and 2,000 sq. ft./unit for multifamily use, in the approximate ½ acre buildable area could accommodate 3 - 4 duplex buildings (6-8 units) or approximately 10 multifamily units (apartments).

4. Traffic generation of the proposed use in relation to capabilities of streets serving the property.

In 2013, Riverside Elementary School off street parking and traffic circulation improvements were made for bus and vehicle parking and for student drop off and pick up. Those changes have improved conditions on SW 4th Street, added parking for visitors and staff, separated bus traffic from other vehicle traffic, and most importantly improved safety for children and users of the facility.

While the parking and circulation for the site is greatly improved, the ISD has commented that if it were ever feasible, it would look at ways to further improve those conditions. Mr. Lund states the following in his report to the ISD Board:

As you can see, there is a small parcel of property that lies directly to the west of the subject property. This parcel, along with another parcel directly to the west (across from an un-vacated portion of 3rd St. from Williams to the railroad right-of-way) is owned by Burlington Northern Santa Fe (BNSF) railroad.

The school district is presently exploring the purchase potential of these two parcels. Acquiring the subject property along with the two tracts of BNSF

property would provide the school district the option of requesting the City of Brainerd to vacate Williams Street and the remaining portion of NW 3rd Street, which would create a nearly 14-acre elementary school campus in the heart of our community.

Should rezoning occur and ISD 181 not purchase the property and based on the sites ability to accommodate approximately 10 apartment units, it can be expected the units to generate about 70 vehicle trips/day. Peak time travel would be vehicles leaving in the morning and returning in the afternoon. Morning trips would encounter school traffic backups using Williams Street for drop off access. There would be additional trips in the afternoon, however most return trips should occur after the student pick up hours.

Williams Street is the only access to the subject property. Its intersection with SW 4th Street can be a congested intersection at times and days. Should the site develop with multifamily units, traffic associated with that development will cause additional SW 4th Street congestion. To what degree cannot be determined without a more thorough traffic analysis.

Another traffic generation/land use scenario that could occur is ISD 181 not purchasing any property and the subject parcel and the 2 BNSF parcels zoned B-2 are developed with higher density residential uses (duplexes or multifamily) or commercial uses. This would have the potential for significant traffic circulation issues for ISD 181 and traffic movement issues on SW 4th Street.

5. The proposed use's impact upon existing public services and facilities including parks, schools, streets, and utilities, and its potential to overburden the City's service capacity.

Aside from the elementary school play area, there is no parkland in the area. Public utilities, sewer water and electricity can accommodate an expanded school site or multifamily use should it require utilities.

PLANNING DEPARTMENT REVIEW

Attached for consideration is a Draft Findings of Fact.

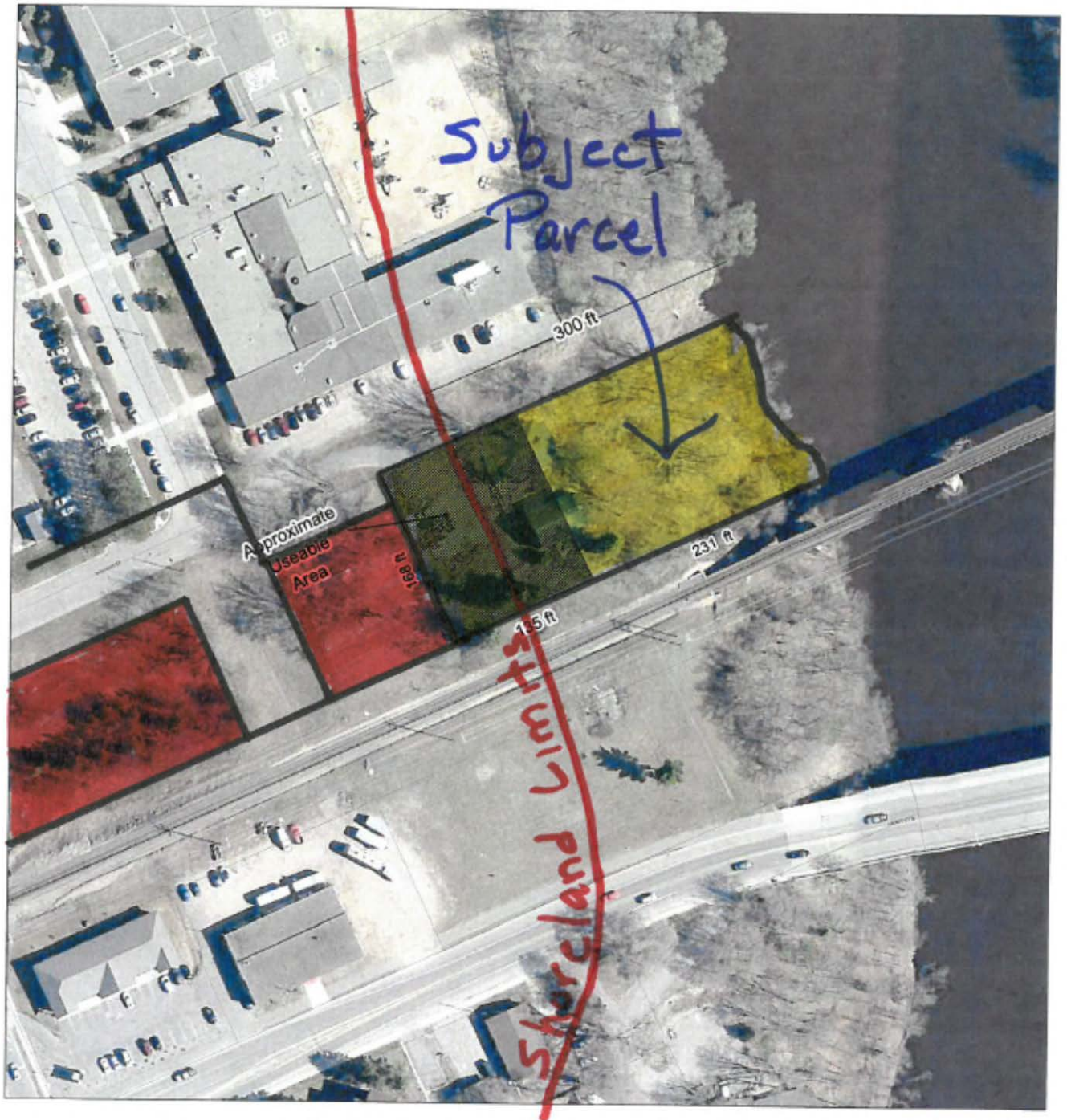
Question #4 above describes how acquisition (or not) could impact the Riverside Elementary school site and area. The best-case scenario for development of the area, access and traffic circulation is ISDs ability to assemble the described parcels for a school campus. Should that not occur, should (when) development occur on the parcels, Riverside Elementary School and traffic circulation on NW 4th Street will both be impacted.

PLANNING COMMISSION AND CITY COUNCIL ACTION

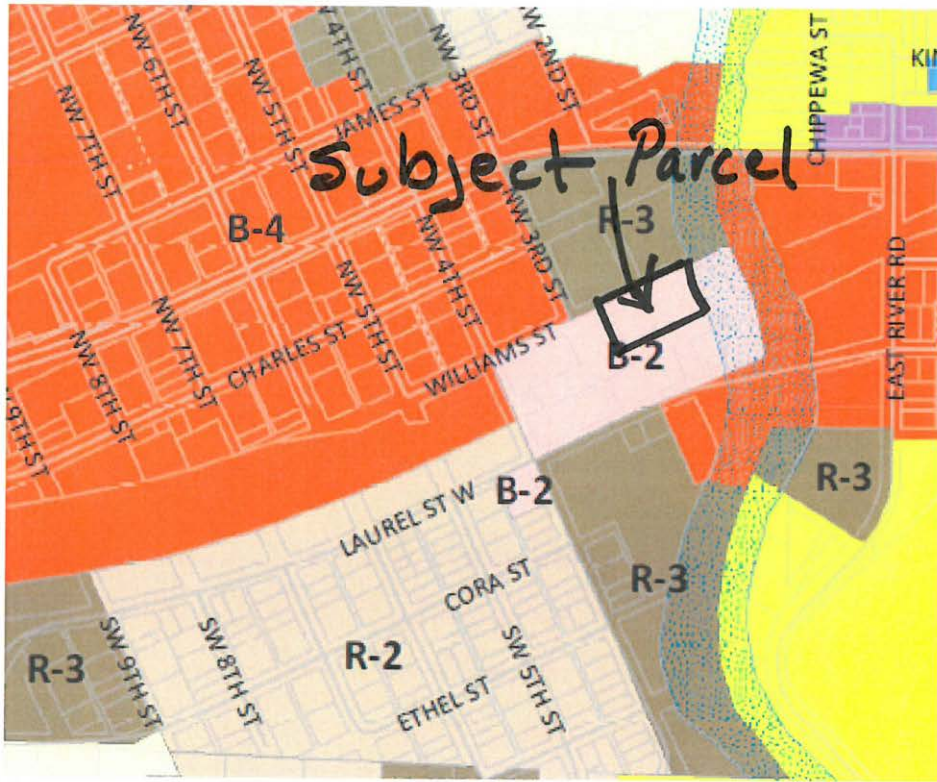
The Planning Commission can consider a recommendation on this request at its October 18, 2017 meeting. The City Council can receive the Planning Commission recommendation and consider an Ordinance First Reading on October 23, 2017 and an Ordinance Second/Final Reading on November 6, 2017.

Respectfully submitted,

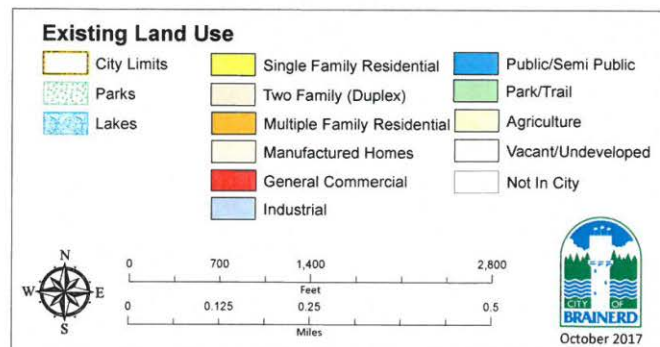
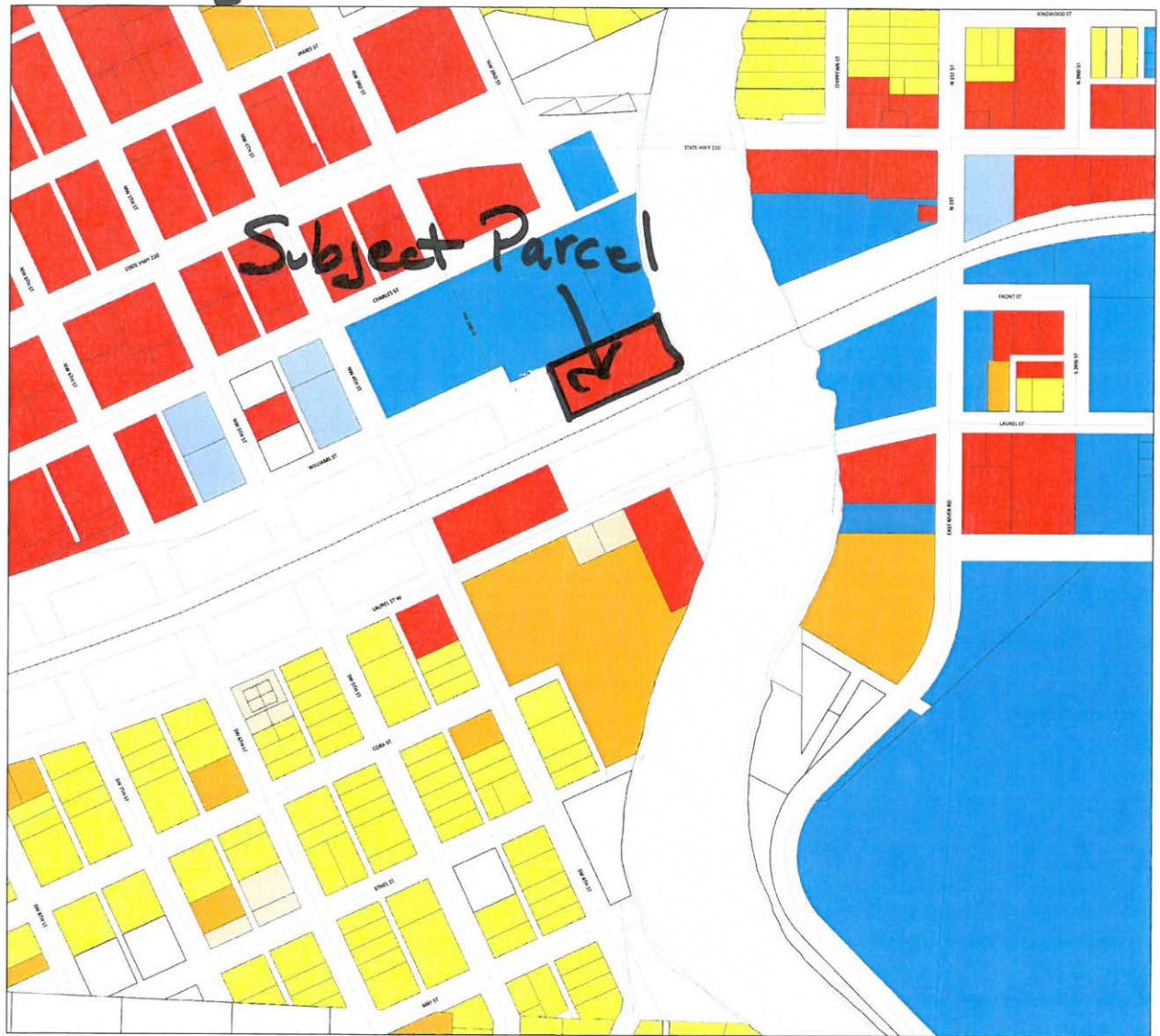
Mark Ostgarden AICP
City Planner



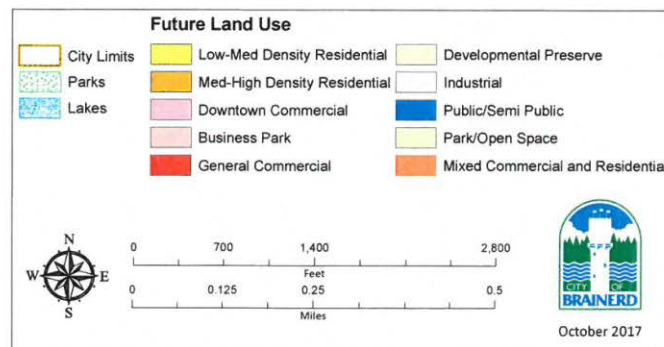
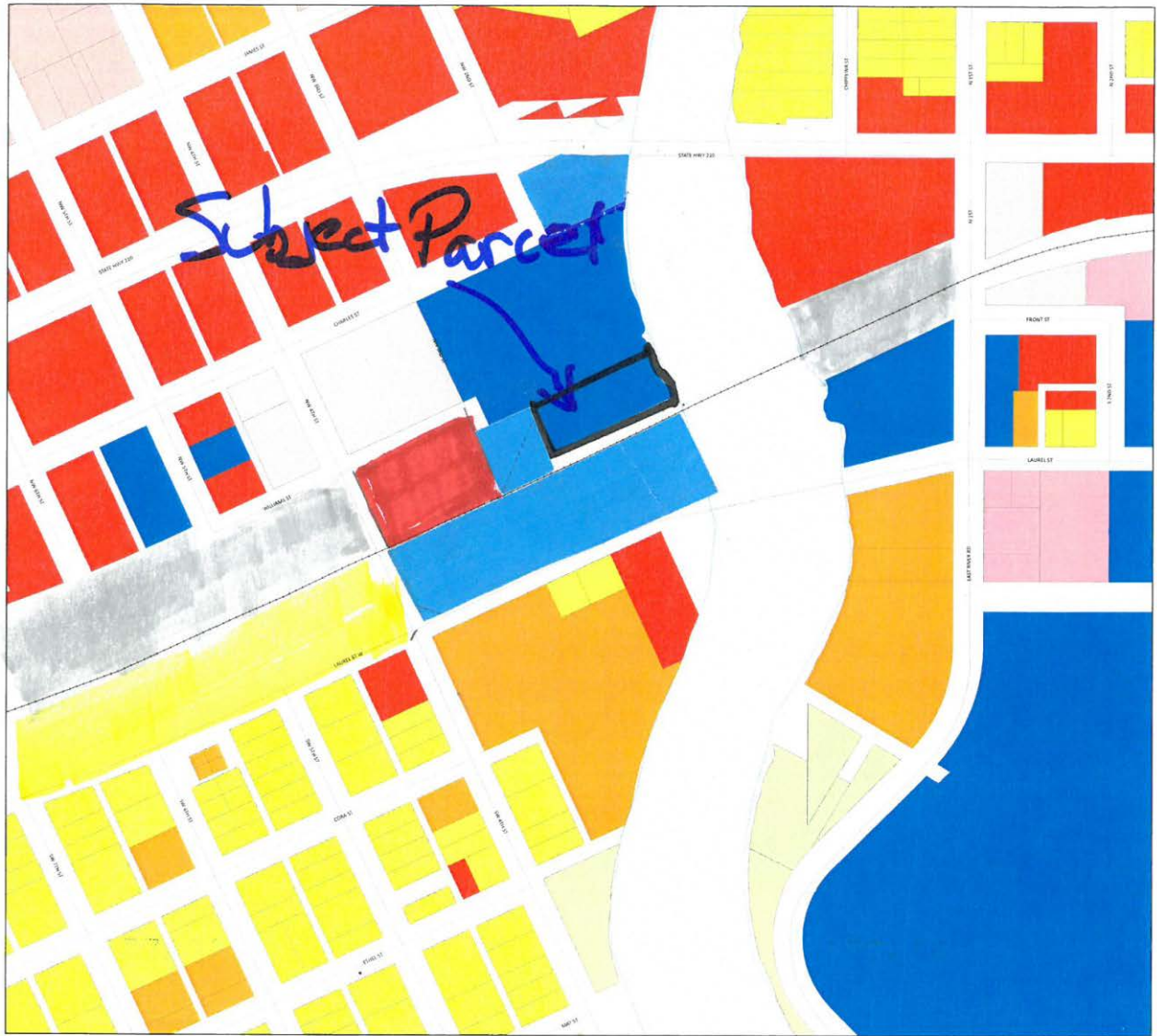
Current Zoning



Existing Land Use *City of Brainerd*



Future Land Use City of Brainerd



COMPREHENSIVE PLAN GOALS AND STRATEGIES

GENERAL GOAL #1: *Maximize Brainerd's potential as a thriving center for business, health care, industry, education and recreation, while maintaining and enhancing its livability.*

Strategies

1. Promote the development and implementation of a Comprehensive Plan that effectively and efficiently plans for land use, community facilities, transportation, housing, economic development and environmental protection for Brainerd and the immediate surrounding area.
2. Review and amend the Comprehensive Plan as necessary to ensure its usefulness as a practical guide for current and future development. Adhere to this Plan, which shall guide all zoning changes, as closely as possible to ensure consistent development policy.
3. Formulate and enforce city ordinances to ensure development in accordance with the Comprehensive Plan, including downtown development guidelines, and general commercial development requirements.
4. Continue to plan for land uses to support and enhance Brainerd's ability to attract quality development, by providing adequate quality areas for new business development.
5. Participate in the state legislative, Crow Wing County, and surrounding townships' governmental processes regarding issues important to the city.
6. Protect both the general welfare and the individual choices of Brainerd residents. Insure that decisions that are made by the community reflect the needs of current residents and business owners.

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

Strategies

1. Continue to guide residential growth in an orderly and compact manner so that new developments can be effectively served by public improvements and that the character and quality of the city's existing neighborhoods can be maintained and enhanced.
2. Encourage well-designed residential subdivisions at urban densities in the designated growth areas of the city. Locate higher density residential

developments in areas adjacent to higher density development and major transportation systems to efficiently address traffic volumes.

3. Only place high-density developments in areas with adequate transportation infrastructure.
4. Encourage development of low density and high-density family housing units in those areas designated on the adopted Land Use Plan.
5. Encourage compatible infill residential development throughout the developed portions of the city, to encourage the efficient use of land, the establishment of a strong tax base and the cost-effective provision of city services.
6. Require all residential developments to be connected to public sewer and water where feasible.
7. Encourage the development of trail systems and open spaces in new residential developments with “points of interest” destinations.
8. Encourage housing rehabilitation and redevelopment in appropriate areas.

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

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

1. Work to strengthen and maintain the appearance of the Business Highway 371, Highway 210/Washington Street, Oak Street (former Highway 18), Highway 25 and County Road 3 corridors through design standards, trails, lighting, sidewalks, signage and other tools.
2. Develop and enforce architectural/site-planning standards in both the downtown and general commercial areas that support and promote community aesthetic standards.
3. Support and enhance Brainerd’s ability to attract new development by identifying quality building sites that provide efficient infrastructure, specifically in growth areas.
4. Support the redevelopment of vacant and abandoned sites within the urban core.
5. Ensure that high quality developments are well planned and connected to existing development through the efficient use of streets, utilities and infrastructure.

6. Develop a “Community Resources Master Plan” that identifies unique environmental, cultural and architectural sites within the community. Establish preservation guidelines that allow for adaptive re-use, or redevelopment.
7. Work with property owners to encourage the development of attractive entrances and gateways to the community.

Findings of Fact

Adventure Properties, 110 NW 3rd St, Brainerd, MN
Rezoning

1. The property is located at the east end of Williams Street. Site access is via Williams Street from the west and an easement from ISD 181.
2. The BNSF Railroad tracks about the subject parcel to the west and BNSF owns vacant property to the west along the south side of Williams Street.
3. The property is approximately 1.5 acres with 2 buildings and the site is currently used for business purposes.
4. The property is along the Mississippi River and is subject to development restrictions of the City of Brainerd Shoreland Regulations.
5. The property is zoned B-2 (Neighborhood Commercial) District zoning allows the following uses:
Permitted Uses.
 - A. Commercial establishments offering merchandise or services to the general public ...
 1. Retail establishments...
 2. Personal services ...
 3. Office Businesses-Clinic.
 4. Repair services....
 5. Office Businesses-General.
 6. On-site service businesses...
 7. Decorating and photography studios.
 - B. Government and public buildings, utilities, and/or structures.
 - C. Essential services as regulated by Section 36 of this Ordinance.
 - D. One family, two family and multifamily dwellings

Accessory Uses.

- A. Off-street parking as regulated by Section 22 of this Ordinance.
- B. Off-street loading as regulated by Section 23 of this Ordinance.
- C. Signs as regulated by Section 37 of this Ordinance.
- D. Fences as regulated by Section 19 of this Ordinance.
- E. Radio and television receiving antennas....

Uses by Administrative Permit.

- A. Temporary/seasonal outdoor promotional events and sales provided that:

- B. Personal wireless service antennas as regulated by Section 35 of this Ordinance.

Interim Uses.

None.

Conditional Uses.

- A. Private clubs and lodges provided that: ...
- B. Restaurants without drive-up windows.
- C. On-sale liquor establishments.
- D. Places of worship and related buildings provided that: ...
- E. Commercial day care facilities as regulated by Section 29 of this Ordinance.
- F. Outdoor dining facilities accessory to a restaurant provided that: ...
- G. Planned Unit Development (including shopping centers) as regulated by Section 11 ...
- H. Motor vehicle fuel sales provided that:
- I. Funeral homes and mortuaries provided that: ...
- J. Specialty Food Shops...
- K. Microdistilleries and Cocktail Rooms

- 6. The proposed R-3 (High Density Residential) District zoning allows the following uses:

Permitted Uses.

- A. Multiple family dwellings.
- B. Two family attached dwellings.
- C. Public recreation areas and related accessory buildings and structures.
- D. Residential care facilities serving six (6) or fewer persons.
- E. Essential services as regulated by Section 36 of this Ordinance.

Accessory Uses.

- A. Accessory buildings including garages, tool sheds and similar buildings ...
- B. Fences as regulated by Section 19 of this Ordinance.
- C. Storage of recreational vehicles and equipment ...
- D. Private recreational facilities ...

Interim Uses.

None.

Conditional Uses.

- A. Public or semi-public recreational buildings and neighborhood or community centers;
- B. Nursing homes and similar group housing, not including hospitals, provided that: ...
- C. Senior housing provided that:
- D. Residential Planned Unit Developments: townhomes and quadrominiums ...
- E. Government and public regulated utility buildings and structures ...
- F. Personal wireless service towers and antennas...
- G. Places of Worship and related buildings provided that: ...
- H. State Licensed Residential Care Facilities serving 7 to 16 persons provided that:
- I. Public and private schools provided that:
- J. Senior center provided that:

7. ISD 181 owns the property to the north and west which is developed as an elementary school.

8. ISD 181 is currently studying its district facility needs which includes Riverside Elementary School.

9. ISD 181 thinks the subject parcel can provide immediate flexibility for expanding staff parking and to alleviate parking and circulation congestion that exists in the present parking area. It can serve as a cornerstone piece to further expansion of the (elementary school) site through the possible acquisition of adjacent property presently owned by BNSF.

10. The Future Land Use for the parcel is identified in the 2004 Comprehensive Plan as Public/Semi Public Land Use.

PLANNING COMMISSION
Wednesday, October 18, 2017

#1 Call to Order

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

Noted present were Commissioners Burslie, Gorham, Headley, Marohn and Wussow; and Council Liaison Lambert. Commissioner Antolak was noted as absent. Also present was City Planner Ostgarden and Administrative Specialist Bestul and 6 others.

#2 Approval of Agenda

Commissioner Gorham requested item 4c. ISD181 Presentation switch places with 4b. Brainerd Zoning Text Amendment on the agenda.

MOTION AND SECONDED BY COMMISSIONERS WUSSOW AND LAMBERT, DULY CARRIED, TO APPROVE THE AGENDA AS AMENDED.

#3 Approval of Minutes of the Regular Meeting held on September 20, 2017 and of the Special Meeting held on October 11, 2017

MOTION AND SECONDED BY COMMISSIONERS WUSSOW AND LAMBERT TO APPROVE THE MINUTES OF THE REGULAR MEETING HELD ON SEPTEMBER 20, 2017 AND THE SPECIAL MEETING HELD ON OCTOBER 11, 2017 WITH THE FOLLOWING CORRECTIONS:

September 20, 2017 Meeting:

- Page 1 - Under #4 New Business: Add to Paragraph 2: *Commissioner Marohn also asked why the applicant was proposing such a large garage on the site. City Planner Ostgarden quoted Mr. Thompson as saying "nobody ever wants a small garage in the future."*

October 11, 2017 Meeting:

- Page 2 – Under Public Hearing: Change Paragraph: *The Chair recognized the petitioner Mr. Bruce Thompson, 113 Carol Lane. Mr. Thompson has pointed out the area in question is the only logical place to he will construct the garage. Mr. Thompson indicated he believes there are some serious issues with the storm sewer and the ravine regarding erosion. If the garage was constructed in the allowed setback, it would be within 10' to 12' of the storm sewer line into the ravine. Because there is no easement, this garage could be built right from the west property line east which would be pretty close to the storm sewer line and it would be very difficult to trench or dig to make repairs. The variance would allow him to build away from the ravine in order to maintain stability in the structure and crews could access the storm sewer line. The building will match the house and existing garage and the roof will have the same 6' x 12' pitch. Other locations for the placement of the garage were discussed; however, they are not logical places to build. The applicant now agreed there are other locations on the property this size of garage could be located without a variance, but as proposed this was the logical location.*

Members Gorham, Headley, Wussow and Lambert voted “aye”. Members Burslie and Marohn abstained from voting. The Chair declared the motion carried.

#4 NEW BUSINESS

A. Public Hearing – Rezoning Request – Adventure Properties, 110 NW 3rd St. – Rezone from a B-2 to an R-3 District - Approved

City Planner Ostgarden explained Adventure Properties is interested in selling its property to Independent School District 181 (ISD 181). Because school district does not own the property Adventure Properties’ applied for the rezoning which is contingent on the purchase agreement with ISD181.

City Planner Ostgarden described the property has two existing buildings; one being a century old house, which at one time was a Port Group Home facility and is currently the home for Adventure Advertising. The subject parcel is zoned B-2, which is a zoning district that does not permit school uses. ISD 181 is interested in the subject parcel should future improvements to / expansion of the school be needed. Mr. Steve Lund, ISD 181 Director of Business Services describes the near term and long-term interest in the subject parcel as follows:

As part of the acquisition by the current owners in 2009, the school district granted an easement for ingress/egress along the south portion of the vacated Williams Street. Without the easement, the property would have been landlocked.

This acquisition is strategic from several aspects:

- 1. Controlling the use of this property that has a very unique proximity to our school with no other similar properties surrounding it.*
- 2. Providing immediate flexibility for the possibility of expanding staff parking to alleviate parking and circulation congestion that exists in the present parking area.*
- 3. Serves as a cornerstone piece to the possibility of further expansion of the site through the possible acquisition of adjacent property presently owned by BNSF.*

As unlikely as it may be, the petition evaluation needs to be based on the school district purchasing the property and if the rezoning occurs and the school district does not purchase the property. Issues described in the staff report were reviewed. The city planner suggested the best scenario for this property is for the school district to acquire it.

The property is subject to the City’s Shoreland Regulations. In addition to zoning requirements, the Shoreland Regulations specify all lands within 300’ of the river have an additional set of land use requirements to meet. The most significant being impervious coverage, is limited to 25% of the property. Those areas were pointed out and explained on the overhead map.

Commissioner Burslie questioned if a parcel had ever been rezoned and created a non-conforming use and if the City can place conditions on a rezone application. City Planner Ostgarden indicated it has been done in the past; in a larger scale rezoning. The city planner explained that conditions on a rezoning application is not permitted as it is a legislative action by the City Council.

The Chair opened the Public Hearing at 6:18 p.m.

The Chair welcomed Steve Lund, ISD Director of Business Services, 804 Oak St. Brainerd. The parcel has a lot of limitations and it is not viewed as a parcel in and of itself for the district. The need to be

able to control the parcel is of great interest to the school as you don't know who could potentially inhabit the property. Since it is near Riverside Elementary, the need for safety and traffic control creates anxiety for the district. The district has also inquired with BNSF for the additional parcels to the west for possible purchase. The other possibility if the purchase with BNSF went through, there may be the desire to vacate Williams Street and a very small section of NW 3rd Street to the south of Williams Street. A plan for the site would be completed prior to any of these ideas proceeding.

Although the school did remodel in 2013, there are some other issues with congestion at peak times of the day. It is thought that if the properties are acquired and have the ability to include this site, a much better plan would be created for a safer environment and traffic control. This is the first piece to that potential plan. City Planner Ostgarden also mentioned the easement that was granted to Adventure Properties. This would disappear with the acquisition of the property.

Council Liaison Lambert questioned what the plans are for the house on the property. Mr. Lund explained what could happen if the purchase fell through. The purchase agreement has three conditions: 1) Clear Title 2) Soil testing is being completed within the next 30 days 3) Rezoning the property. The current tenants would be given a lease in order to find a new location, and it would probably be spring 2018 before anything proceeds. Mr. Lund indicated the house is not a building the school would be able to use as it is old with many small rooms. The building to the south is inhabitable and the other building to the north is average condition, but all would essentially be demolished.

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

Council Liaison Lambert read the highlights of the findings of fact as follows:

The property is zoned B-2 (Neighborhood Commercial) District zoning allows the following uses:

Permitted Uses.

- A. Multiple family dwellings.
- B. Two family attached dwellings

The proposed R-3 (High Density Residential) District zoning allows the following uses:

Permitted Uses.

- A. Multiple family dwellings.
 - B. Two family attached dwellings.
- ISD 181 owns the property to the north and west which is developed as an elementary school.
 - ~~ISD 181 is currently studying its district facility needs which include Riverside Elementary School.~~
 - ~~ISD 181 thinks the subject parcel can provide immediate flexibility for expanding staff parking and to alleviate parking and circulation congestion that exists in the present parking area. It can serve as a cornerstone piece to further expansion of the (elementary school) site through the possible acquisition of adjacent property presently owned by BNSF.~~
 - The Future Land Use for the parcel is identified in the 2004 Comprehensive Plan as Public/Semi Public Land Use.
 - The change in zoning would make the existing use non-conforming and the existing use cannot be expanded or enlarged.

- The rezoning is consistent with and compatible with surrounding properties.
- The property is adjacent to others properties zoned R-3 and it does meet the minimum size and requirements of the R-3 zone.

City Planner Ostgarden read the following applicable Comprehensive Plan Goals and Strategies as follows:

- o **GENERAL GOAL #1:** *Maximize Brainerd's potential as a thriving center for business, health care, industry, education and recreation, while maintaining and enhancing its livability.*
 - o Protect both the general welfare and the individual choices of Brainerd residents. Insure that decisions that are made by the community reflect the needs of current residents and business owners.
- o **LAND USE GOAL #3:** *Plan for the orderly, efficient and fiscally responsible growth of residential development in Brainerd.*
- o **Strategies**
 - o Continue to guide residential growth in an orderly and compact manner so that new developments can be effectively served by public improvements and that the character and quality of the city's existing neighborhoods can be maintained and enhanced.
 - o Only place high-density developments in areas with adequate transportation infrastructure.
 - o Encourage compatible infill residential development throughout the developed portions of the city, to encourage the efficient use of land, the establishment of a strong tax base and the cost-effective provision of city services.
- o **LAND USE GOAL #5:** *Support development that enhances community character and identity.*
 - o Support the redevelopment of vacant and abandoned sites within the urban core.

MOTION AND SECONDED BY COMMISSIONERS MAROHN AND BURLIE, DULY CARRIED, TO APPROVE THE REZONING REQUEST TO AN R-3 DISTRICT BASED ON THE FINDINGS OF FACT WITH THE CORRECTIONS AND ADDITIONS APPLIED AS SHOWN ABOVE INCLUDING THE LAND USE GOAL #3 STRATEGIES.

B. Independent School District 181 Presentation – District Facilities Planning Status

City Planner Ostgarden indicated at the last Planning Commission meeting it was suggested to eliminate off-street parking requirements in our Zoning Ordinance. The city planner recommended a conversation with the school district should occur prior to proceeding on the issue. After meeting with the district representatives on the parking issue, it was determined to have them present an update tonight on the status of the school facilities study.

The Chair welcomed Mr. Lund who has been involved with the study for the last three years. The first couple years was focused on data, fact and information gathering. The Comprehensive Facilities Plan includes:

- Increased Need for Space
- Increase in Enrollment
- Increase in Special Education

- Changing Instructional Best Practices
- Ensuring Quality Instruction and Student Opportunities
- Increasing Maintenance Costs for Aging Buildings
- Energy Savings with Modern Updates
- Operational Efficiencies with Larger Bundled Projects
- Proactive Planning vs. Reactive Decisions
- Strategic Decisions are More Efficient and Effective

The average ages of the buildings are about 46 years old. There need to be improvements to the buildings for energy and operational savings. The need to make larger investments in our buildings is the same as with home and business owners. It usually goes beyond the ability to meet this in the annual budget. If done right and engaged with the community, we can design a plan for the facilities for now and in the future that really begins to reflect how our community values education.

Starting the Process

- Gathering and Understanding Information
- Demographics and Enrollment
- Capacity of our Schools
- Condition of our Schools – Addressing Safety and Security; ADA Compliancy
- Enrollment
- Projections for Enrollment
- Age of our Schools – High School Constructed in 1968 to Forestview in 2004 shows a 35 year gap in new school construction – need to balance the cycle
- Future Maintenance Goals

The Chair welcomed Ms. Laine Larson, Superintendent of ISD181 who started with the district in July 2016. Ms. Larson spoke of the overall goals and phases proposed along with a PowerPoint presentation.

Overall Goal Facilities that Promote Opportunity Innovation and Success

8 Objectives

- Safe and Secure Facilities
- Mechanical and Educational Adequacy Updates
- Space that Fosters Best Practice Instruction and 21st Century Learning Opportunities
- Spaces that Promotes Robust Opportunities in Academics, Arts, Activities and Athletics
- Increased Community Collaboration, Ownership and Workforce Development
- Visionary Technology Integration
- Transparency, Engagement and Community Trust Building
- Highest Quality Educational Opportunities for our Taxpayers' Generous Investment

6 Phase Process

- Communications Planning – Keeping the lines of communication open
- Stakeholder Input – Input from employees in the district and the community as what they believe the strengths of our district are and what some of the needs are so they have say in the decision process based on our community values
- Surveys and Assessments – Provide adequate surveys for the Board
- Develop Options and Alternatives – Gather all information together to present to the Board

- Bond Election Process – If the bond election process is successful, then we would move to the last phase
- Construction Management

Findings from Stakeholder Input

- Great Teachers and Staff
- Diverse and Quality Educational Opportunities
- Neighborhood Schools are Very Important – Smaller, Family Based Elementary Schools
- High School Campus Location is a Valued Part of the Community

Business Community Desires

- o Enhanced Communications
- o Workforce Development Partnerships
- o Robust Offerings of Career Technical Education Opportunities
- o Comprehensive Technology Integration
- Forestview - Quality Facility with Appropriate Amount of Space

All of the schools have significant needs

- Lack of Physical and Functional Space at our Elementary Schools and the Functional Space at our Secondary Schools Results in an Inequality of Educational Delivery
- Facilities Faced with Significant Deferred Maintenance Needs with the Exception of Forestview
- Safety and Security Concerns
- Parking / Drop Off and Pick Up Facilities
- o Developing Options and Alternatives – A Team of Administrative Staff will work with Foster, Jacob, Johnson, Kraus-Anderson and Widseth Smith Nolting (WSN) to bring forth a recommendation to the Board of Education to proceed to the next level of priority.

The Chair welcomes Erica Martinson, Architect at Widseth Smith Nolting. Ms. Martinson indicated that with the listening sessions that have taken place, they have learned of some of the challenges in our elementary schools along with the studies that have been done in each of the buildings.

- Safety and Security
- Inadequate Physical Space
- Classrooms Do Not Reflect Current Instructional Needs
- Age = Significant Deferred Maintenance
- Imaging solutions – discovering opportunities

Ms. Martinson explained several schools will be renewed and “right sized” meaning the building will be brought to the correct size and configurations needed for a functioning school based on enrollment.

Renew and Right Size

- Garfield
- Lowell
- Riverside

- Harrison (Yet to be Determined)
 - Option 1. Right size and expand
 - Option 2. Relocate the school – Potential sites explained
- Baxter – New Location
- Nisswa

Ms. Martinson showed a series of PowerPoint slides indicating the current layout of each school along with the plan of the “right sized” school as proposed. The estimated cost values were included along with some tentative ideas.

Commission discussion took place and questions answered. The Commission thanked the district for the presentation.

C. Brainerd Zoning Text Amendment – Microdistilleries and Cocktail Rooms

City Planner Ostgarden gave a brief overview of the proposed definition of microdistilleries and cocktail rooms in the zoning ordinance as well as the districts that would be affected by the change to allow microdistilleries and cocktail rooms. The districts will be as follows:

- 515-61 – B-2 (Neighborhood Business) District by Conditional Use Permit
- 515-62 – B-3 (Central Business) District as a Permitted Use
- 515-63 – B-4 (General Business) District as a Permitted Use
- 515-64 – B-5 (Commercial Amusement) District as a Permitted Use
- 515-65 – B-6 (Washington Street Commercial) District as a Permitted Use
- 515-70 – I-1 (Light Industry) District as a Permitted Use which by reference it is a permitted use in the MU (Mixed Use) District

Each district will have the following minimum standards:

1. NO OUTDOOR STORAGE.
2. A COCKTAIL ROOM SHALL REQUIRE AN “ON-SALE” LICENSE FROM THE CITY OF BRAINERD, ACCORDING TO THE CITY CODE SECTION XII.
3. COMPLY WITH THE REQUIREMENTS OF BRAINERD CITY CODE 515-62-6B FOR OUTDOOR SERVING, IF APPLICABLE.
4. NO ODORS FROM THE BREWERY SHALL BE PERCEPTIBLE BEYOND THE PROPERTY LINE.

The Chair opened the public hearing at 8:52 p.m.

No one came forward.

The Chair closed the public hearing at 8:52 p.m.

MOTION AND SECONDED BY COMMISSIONERS WUSSOW AND LAMBERT, DULY CARRIED, TO APPROVE THE AMENDMENTS AS PROPOSED WITH THE ELIMINATION OF #4 SHOWN ABOVE.

#5 PUBLIC FORUM

None

#6 OLD BUSINESS

A. Report on Steering Committee Appointment Process and Upcoming Ward Meetings

City Planner Ostgarden reported there were two additional nominations from City Council to the Steering Committee. There are still four openings to make the eleven member committee. The process is progressing a lot slower than anticipated and hopefully the November 6, 2017 Council Meeting will be the final meeting for appointments. Commissioner Marohn volunteered to contact members of the council to get the process moving along.

#7 COMMISSIONERS' QUESTIONS/COMMENTS

Commissioner Burslie requested a discussion take place regarding the special meeting policy. He said a special meeting regarding 113 Carol Lane variance occurred between the September and October Planning Commission meetings when it was agreed that it would not be called. City Planner Ostgarden indicated historically, the special meeting process has been very informal. It is up to the Chair to decide if a special meeting is needed. This informal process has not been questioned by past commissions. It has been thought of as a public service, and there have been only a couple of these meetings each year. The city planner said if this commission desires to change this policy and consider fees it can draft language for consideration. Chairman Headley said she called the meeting. The city planner stated the Council President was made aware of the commission's discussion about special meetings and he does not want the process to become more formalized.

Commissioner Wussow wanted clarification on the fees for variance applications and if labor charges or mailings are figured into the fee. The variance is a flat fee charged and it is not adjusted for services or time spent on the project. It was suggested to review the fee schedule for various applications.

Council Liaison Lambert indicated when a special meeting should occur it be for only the one issue for discussion and others not be added to the agenda.

Commissioner Marohn stated he came to the meeting tonight prepared to address with ISD 181 staff and to try to schedule a public hearing regarding the Zoning Code Parking Requirements for Schools. Mr. Marohn has gathered data and is requesting a public hearing be scheduled on the agenda for discussion in November.

MOTION AND SECONDED BY COMMISSIONERS MAROHN AND BURSLIE TO HOLD A PUBLIC HEARING IN NOVEMBER TO CONSIDER ELIMINATING THE PARKING REQUIREMENTS FOR SCHOOLS FROM THE CITY ZONING CODE.

Members Burslie and Marohn voted "aye". Members Gorham, Headley, Wussow and Lambert voted "nay". The Chair declared the motion failed.

Commissioner Wussow suggested that more information should be gathered and reviewed prior to scheduling a public hearing.

MOTION AND SECONDED BY COMMISSIONERS WUSSOW AND GORHAM TO ADD THE DISCUSSION OF THE CITY ZONING CODE PARKING REQUIREMENT TO THE AGENDA IN NOVEMBER.

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

Commissioner Wussow spoke in regards to an action taken for a fencing variance request at 102 Ridge Drive. It has been discovered the fence was relocated as instructed, but it was installed with the “good” side facing in to the property not out to the road. Mr. Wussow indicated the ordinance should be enforced. City Planner Ostgarden responded that he was not aware of this, as he has not been in that area of the city. He will address the issue with the property owner.

Council Liaison Lambert indicated this is also the case at the property Sage on Laurel. The concern will be addressed.

Commissioner Gorham inquired about the variance application for 113 Carol Lane that went to Council on the final decision. The recommended denial was overturned by Council as they approved the variance. Commissioner Burslie requested a copy of the minutes of meeting of City Council October 16, 2017.

#8 CITY PLANNER’S REPORT

City Planner Ostgarden distributed an invitational flyer for a presentation from Brainerd River to Rail on November 1, 2017 at 6:00 p.m. in the Fire Department Meeting Room.

#9 ADJOURNED AT 9:19 P.M.

Respectfully submitted,

Mark Ostgarden AICP
City Planner



Brainerd City Council Agenda Request

Agenda Item #

Requested Meeting Date: November 6, 2017

Title of Item: Zoning Ordinance Amendments to Permit Microdistilleries and Cocktail Rooms

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☒ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) *provide copy of published hearing notice ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☒ Ordinance 1 st Reading
Submitted by: Mark Ostgarden	Department: Planning
Presenter (Name & Title): Same	Estimated Time Needed: 10 minutes
Summary of Issue: The proposal is to amend the following Zoning Ordinance to permit microdistilleries and cocktail rooms in: 515-2 Definitions; as a Conditional Use in 515-61 – B-2 and as Permit Uses in 515-62 – B-3; 515-63 – B-4; 515-64 – B-5; 515-65 – B-6; 515-70 – I-1 which includes 515- 72 MU by reference. Attached are excerpts of the amended zoning districts and the October 18, 2017 Planning Commission meeting minutes. There was very little discussion by the Planning Commission.	
Alternatives, Options, Effects on Others/Comments: Should the amendments be denied, the uses would not be allowed in the districts. Should the City Council not think the uses be allowed in any one district, a change to that district could be denied. Should the City Council think that the uses be permitted uses in a district or conditional uses in a district, the district drafts can be amended. The City Council can add to or eliminate any of the minimum conditions.	
Recommended Action/Motion: The Planning Commission unanimously recommends the amendments. Motion by _____, 2nd by _____ approving/denying 1st Ordinance reading to amend,as recommended by the Planning Commission, Zoning Ordinance Sections 2, 61, 62, 63, 64, 65, 70 and 72 to permit microdistilleries and cocktail rooms and to dispense with the Ordinance reading.	
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. 1475**

**AN ORDINANCE AMENDING BRAINERD ZONING ORDINANCE
SECTIONS 515-02, 515-61, 515-62, 515-63, 515-64, 515-65, AND 515-70 REGARDING
MICRODISTILLERIES AND COCKTAIL ROOMS**

THE CITY COUNCIL OF THE CITY OF BRAINERD DOES ORDAIN:

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

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

Microdistillery – A facility for distilling spirits not to exceed the State Statute allowed amount in a calendar year. It may include a cocktail room and retail space to sell spirits to patrons on the site.

SECTION TWO: That Section 515-61-6 – Conditional Uses shall be amended by adding the following:

515-61-6: Conditional Uses.

O. Microdistilleries and Cocktail Rooms. A microdistillery and cocktail room license subject to the provisions of Minnesota Statute 340A and the following:

1. No outdoor storage.
2. A cocktail room shall require an on-sale license from the City of Brainerd, according to the City Code Section XII.
3. Comply with the requirements of Brainerd City Code 515-62-6B for outdoor serving, if applicable.

SECTION THREE: That Section 515-62-6 – Permitted Uses shall be amended by adding the following:

515-62-2: Permitted Uses.

V. Microdistilleries and Cocktail Rooms. A microdistillery and cocktail room license subject to the provisions of Minnesota Statute 340A and the following:

1. No outdoor storage.
2. A cocktail room shall require an on-sale license from the City of Brainerd, according to the City Code Section XII.
3. Comply with the requirements of Brainerd City Code 515-62-6B for outdoor serving, if applicable.

SECTION FOUR: That Section 515-63-2 – Permitted Uses shall be amended by adding the following:

515-63-2: Permitted Uses.

AA. Microdistilleries and Cocktail Rooms. A microdistillery and cocktail room license subject to the provisions of Minnesota Statute 340A and the following:

1. No outdoor storage.
2. A cocktail room shall require an on-sale license from the City of Brainerd, according to the City Code Section XII.
3. Comply with the requirements of Brainerd City Code 515-62-6B for outdoor serving, if applicable.

SECTION FIVE: That Section 515-64-2 – Permitted Uses shall be amended by adding the following:

515-64-2: Permitted Uses.

I. Microdistilleries and Cocktail Rooms. A microdistillery and cocktail room license subject to the provisions of Minnesota Statute 340A and the following:

1. No outdoor storage.
2. A cocktail room shall require an on-sale license from the City of Brainerd, according to the City Code Section XII.
3. Comply with the requirements of Brainerd City Code 515-62-6B for outdoor serving, if applicable.

SECTION SIX: That Section 515-65-2 – Permitted Uses shall be amended by adding the following:

515-65-2: Permitted Uses.

T. Microdistilleries and Cocktail Rooms. A microdistillery and cocktail room license subject to the provisions of Minnesota Statute 340A and the following:

1. No outdoor storage.
2. A cocktail room shall require an on-sale license from the City of Brainerd, according to the City Code Section XII.
3. Comply with the requirements of Brainerd City Code 515-62-6B for outdoor serving, if applicable.

SECTION SEVEN: That Section 515-70-2 – Permitted Uses shall be amended by adding the following:

515-70-2: Permitted Uses.

Y. Microdistilleries and Cocktail Rooms. A microdistillery and cocktail room license subject to the provisions of Minnesota Statute 340A and the following:

1. No outdoor storage.
2. A cocktail room shall require an on-sale license from the City of Brainerd, according to the City Code Section XII.
3. Comply with the requirements of Brainerd City Code 515-62-6B for outdoor serving, if applicable.

SECTION EIGHT: All other provisions of Section 515-2, 515-61, 515-62, 515-63, 515-64, 515-65, and 515-70 shall remain in full force and effect.

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

Adopted this ____day of _____, 2017

DAVID J. PRITSCHET
President of the Council

Approved this ____day of _____, 2017

EDWIN L. MENK
Mayor

ATTEST: _____
JAMES M. THOREEN
City Administrator

Summary Published: One Time,

SECTION 61
B-2, NEIGHBORHOOD BUSINESS DISTRICT

Section:

- 515-61-1: Purpose and Intent
- 515-61-2: Permitted Uses
- 515-61-3: Accessory Uses
- 515-61-4: Uses by Administrative Permit
- 515-61-5: Interim Uses
- 515-61-6: Conditional Uses
- 515-61-7: Lot Area and Setback Requirements – Non-Residential
- 515-61-8: Minimum Lot Area and Setback Requirements – Residential
- 515-61-9: Building Performance Standards – Residential
- 515-61-10: Exterior Building Standards – Non-Residential
- 515-61-11: Building Height

515-61-1: Purpose and Intent. The purpose of the B-2 District is to provide for areas that are a mix of residential uses and limited, convenient, office and retail businesses that serve nearby residential neighborhoods.

515-61-2: Permitted Uses.

- A. Commercial establishments offering merchandise or services to the general public in return for compensation. Commercial buildings shall be limited to five thousand (5,000) square feet of floor area or less and include the following uses:
 - 1. Retail establishments such as groceries, hardware, pharmacy, clothing and furniture stores, liquor stores (off-sale only), florists, pharmacies, books, cards and gifts. Off-sale liquor stores are not permitted.
 - 2. Personal services such as barber/beauty shop, nail salon, tanning salon, therapeutic massage and spas.
 - 3. Office Businesses-Clinic. Out-patient health services limited to general medical clinics, mental health providers, physical therapy, chiropractors, dentists, orthodontia, oral surgeons, and opticians.
 - 4. Repair services such as jewelry and radio and television/appliance repair shops, household items, electronics, shoe repair, upholstery and locksmith.
 - 5. Office Businesses-General. Professional administrative or clerical service operations limited to attorneys, financial advisors, insurance, travel and real estate.

2. A taproom for malt liquor “off-sale” produced on-site shall require an “on-sale” taproom room license from the City of Brainerd, according to the City Code Section XII.
 3. Comply with the requirements of Brainerd City Code 515-62-6B for outdoor serving, if applicable.
 4. No odors from the brewery shall be perceptible beyond the property line. When such odors occur, the brewery shall take appropriate measures to reduce or mitigate any odors generated from the operation and follow any applicable Minnesota Pollution Control standards
- O. MICRODISTILLERIES AND COCKTAIL ROOMS SUBJECT TO THE PROVISIONS OF MINNESOTA STATUTES 340A AND THE FOLLOWING:
1. NO OUTDOOR STORAGE.
 2. A COCKTAIL ROOM SHALL REQUIRE AN “ON-SALE” LICENSE FROM THE CITY OF BRAINERD, ACCORDING TO THE CITY CODE SECTION XII.
 3. COMPLY WITH THE REQUIREMENTS OF BRAINERD CITY CODE 515-62-6B FOR OUTDOOR SERVING, IF APPLICABLE.

515-61-7: Minimum Lot Area and Setback Requirements – Non-Residential

Lot Area	10,000 square feet
Lot Width	75 feet
Front Yard Setback	20 feet
Side Yard Setback, internal lot	5 feet
Side Yard Setback, corner lot	20 feet
Rear Yard Setback	10 feet
Setback from adjacent residential zoning	30 feet
Adjacent to alley	10 feet

515-56-8: Minimum Lot Area and Setback Requirements – Residential

A. Lot Area Per Unit:

1. Single Family: Six thousand (6,000) square feet
2. Two-Family: Three thousand five hundred (3,500) square feet
3. Multiple Family: Two thousand two hundred (2,200) square feet

Lots created after June 15, 2009 require four thousand five hundred (4,500) square feet per unit up to two units and three thousand (3,000) square feet per unit for more than two units up to four units.

SECTION 62
B-3, CENTRAL BUSINESS DISTRICT

Section:

- 515-62-1: Purpose and Intent
- 515-62-2: Permitted Uses
- 515-62-3: Accessory Uses
- 515-62-4: Uses by Administrative Permit
- 515-62-5: Interim Uses
- 515-62-6: Conditional Uses
- 515-62-7: Lot Area and Setback Requirements
- 515-62-8: Building Height
- 515-62-9: Exterior Building Standards
- 515-62-10: Residential Restriction

515-62-1: Purpose and Intent. The purpose of this district is to encourage the continuation of a viable, traditional downtown area by allowing retail, service, office and entertainment facilities and public and semi-public uses as well as the allowance of second-story dwelling units located above such uses.

515-62-2: Permitted Uses.

- A. Government and public buildings, utilities and/or structures.
- B. Financial institutions such as banks and credit unions.
- C. Hospitality businesses limited to hotels, motels, conference/convention/reception facilities. Extended stay hotels and motels provided that:
 - a. The City of Brainerd will be notified prior to becoming an extended stay facility.
 - b. Stays are limited to 90 consecutive days.
 - c. All guest rooms which have facilities for both storage and food preparation less than 300 square feet of floor area are limited to a maximum of two (2) persons per room; however, for all such guest rooms greater than 300 square feet, one additional person shall be allowed per each 75 square feet of floor area up to a maximum of four (4) persons.
 - d. Kitchen facilities including a stove and oven are provided.
 - e. Each hotel and motel shall maintain daily written records reflecting the renting, letting, or other provisions of any of its rooms including check in and check out dates of each person over 18 years of age that rents, lets or is otherwise provided a room or occupies a room on an overnight basis. Such records shall be made available to the City of Brainerd upon request
- D. Liquor sales, on and off sale.

- E. Office business – clinic such as general medical clinics, medical labs, mental health providers, chiropractors, dentists, orthodontia, oral surgeons, opticians, physical therapy and other out-patient treatment.
- F. Office business – general such as professional administrative or clerical service operations such as attorneys, financial advisors, insurance, travel and real estate.
- G. Personal services limited to barber shops, beauty salons, nail salons, tanning salons, therapeutic massage, spas, tattooing, tailoring/alterations, and schools/training centers for such uses.
- H. Recreational businesses - indoor.
- I. Restaurants – sit down, take out or delivery.
- J. Retail businesses contained within a principal building.
- K. Decorating and photography studios.
- L. Business, vocational, colleges, and universities located above first floor.
- M. Business when conducted entirely within a building.
- N. Theaters – except drive-in.
- O. Cultural facilities such as museums, art centers or art institutes.
- P. Repair services limited to jewelry and radio and television/small appliance repair shops, household items, electronics, shoe repair, upholstery or locksmith.
- Q. On-site service businesses limited to tailoring, dry cleaners, self-service laundry and copy centers.
- R. Music, art, decorating, photography and dance studios.
- S. Health clubs.
- T. Essential services as regulated by Section 36 of this Ordinance.
- U. Self-service Laundromat with dry cleaning pick up and drop off.
- V. MICRODISTILLERIES AND COCKTAIL ROOMS SUBJECT TO THE PROVISIONS OF MINNESOTA STATUTES 340A AND THE FOLLOWING:
 - 1. NO OUTDOOR STORAGE.

2. A COCKTAIL ROOM SHALL REQUIRE AN “ON-SALE” LICENSE FROM THE CITY OF BRAINERD, ACCORDING TO THE CITY CODE SECTION XII.
3. COMPLY WITH THE REQUIREMENTS OF BRAINERD CITY CODE 515-62-6B FOR OUTDOOR SERVING, IF APPLICABLE.

515-62-3: Accessory Uses.

- A. Uses incidental to the principal uses such as off-street parking as regulated by Section 17 of this Ordinance.
- B. Loading and unloading areas subject to the provisions of Section 23 of this Ordinance.
- C. Signs as regulated by Section 37 of this Ordinance.
- D. Fences as regulated by Section 19 of this Ordinance.
- E. Radio and television receiving antennas, satellite dishes, TV Receive Only (TVRO) three (3) meters or less in diameter, short-wave radio dispatching antennas, or those necessary for the operation of electronic equipment including radio receivers, ham radio transmitters and television receivers as regulated by Section 35 of this Ordinance.

515-62-4: Uses by Administrative Permit.

- A. Temporary/seasonal outdoor promotional events and sales provided that:
 1. Such activity is targeted toward the general public and includes grand openings, warehouse sales, sidewalk sales, inventory reduction and liquidation sales, and seasonal merchandise sales.
 2. The maximum term of the event shall not exceed fourteen (14) consecutive days, with a maximum of four (4) permits per calendar year for each use. Consecutive permits may be issued.
 3. Parking and display areas associated with the use shall not distract or interfere with existing business operations or traffic circulation patterns.
 4. The site shall be kept in a neat and orderly manner and display of items shall be as compact as possible so as to not interfere with existing business, parking or driveway operations.
 5. Sales products, trailers, temporary stands, etc. shall be located on an asphalt or concrete surface as approved in the Administrative Permit.

SECTION 63
B-4, GENERAL BUSINESS DISTRICT

Section:

- 515-63-1: Purpose and Intent
- 515-63-2: Permitted Uses
- 515-63-3: Accessory Uses
- 515-63-4: Uses by Administrative Permit
- 515-63-5: Interim Uses
- 515-63-6: Conditional Uses
- 515-63-7: Lot Area and Setback Requirements
- 515-63-8: Building Height
- 515-63-9: Exterior Building Standards

515-63-1: Purpose and Intent. The purpose of the General Business District is to allow more intensive commercial uses that require extensive highway access for customer contact.

515-63-2: Permitted Uses.

- A. Government and public buildings, utilities and/or structures.
- B. Financial institutions such as banks and credit unions.
- C. Hospitality businesses limited to hotels, motels, conference/convention/reception facilities. Extended stay hotels and motels provided that:
 - a. The City of Brainerd will be notified prior to becoming an extended stay facility.
 - b. Stays are limited to 90 consecutive days.
 - c. All guest rooms which have facilities for both storage and food preparation less than 300 square feet of floor area are limited to a maximum of two (2) persons per room; however, for all such guest rooms greater than 300 square feet, one additional person shall be allowed per each 75 square feet of floor area up to a maximum of four (4) persons.
 - d. Kitchen facilities including a stove and oven are provided.
 - e. Each hotel and motel shall maintain daily written records reflecting the renting, letting, or other provisions of any of its rooms including check in and check out dates of each person over 18 years of age that rents, lets or is otherwise provided a room or occupies a room on an overnight basis. Such records shall be made available to the City of Brainerd upon request
- C. Liquor sales, on and off sale.

2. A taproom for malt liquor “off-sale” produced on-site shall require an “on-sale” taproom room license from the City of Brainerd, according to the City Code Section XII.
 3. Comply with the requirements of Brainerd City Code 515-62-6B for outdoor serving, if applicable.
 4. No odors from the brewery shall be perceptible beyond the property line. When such odors occur, the brewery shall take appropriate measures to reduce or mitigate any odors generated from the operation and be in compliance with any applicable Minnesota Pollution Control standards.
- AA. MICRODISTILLERIES AND COCKTAIL ROOMS SUBJECT TO THE PROVISIONS OF MINNESOTA STATUTES 340A AND THE FOLLOWING:
1. NO OUTDOOR STORAGE.
 2. A COCKTAIL ROOM SHALL REQUIRE AN “ON-SALE” LICENSE FROM THE CITY OF BRAINERD, ACCORDING TO THE CITY CODE SECTION XII.
 3. COMPLY WITH THE REQUIREMENTS OF BRAINERD CITY CODE 515-62-6B FOR OUTDOOR SERVING, IF APPLICABLE.

515-63-3: Accessory Uses.

- A. Uses incidental to the principal uses such as off-street parking as regulated by Section 17 of this Ordinance.
- B. Loading and unloading areas subject to the provisions of Section 23 of this Ordinance.
- C. Signs as regulated by Section 37 of this Ordinance.
- D. Fences as regulated by Section 19 of this Ordinance.
- E. Commercial accessory buildings shall not exceed thirty (30) percent of the gross floor space of the principal building.
- F. Drive-up service facilities provided that:
 1. Not less than one hundred twenty (120) feet of segregated automobile stacking must be provided for the single service lane. Where multiple service lanes are provided, the minimum automobile stacking may be reduced to sixty (60) feet per lane.
 2. The stacking lanes shall be setback three (3) feet from all property lines and its access must be designed to control traffic in a manner to protect the buildings and

SECTION 64
B-5, COMMERCIAL AMUSEMENT DISTRICT

Section:

- 515-64-1: Purpose and Intent
- 515-64-2: Permitted Uses
- 515-64-3: Accessory Uses
- 515-64-4: Interim Uses
- 515-64-5: Conditional Uses
- 515-64-6: Lot Area and Setback Requirements
- 515-64-7: Building Height
- 515-64-8: Exterior Building Standards

515-64-1: Purpose and Intent. The purpose of the Commercial Amusement District is to provide locations for outdoor recreation and entertainment uses which have a regional draw in a district which is isolated from residential uses and other sensitive uses. It is the intent of the B-5 District to protect existing natural features, to preserve open space and to sensitively integrate development with the existing natural landscape.

515-64-2: Permitted Uses.

- A. Public parks and playgrounds.
- B. Recreational businesses – indoor.
- C. Private and public swimming pools and water parks.
- D. Theaters.
- E. Restaurants and on-sale liquor establishments.
- F. Hospitality businesses limited to hotels, motels, conference/convention/reception facilities. Extended stay hotels and motels provided that:
 - a. The City of Brainerd will be notified prior to becoming an extended stay facility.
 - b. Stays are limited to 90 consecutive days.
 - c. All guest rooms which have facilities for both storage and food preparation less than 300 square feet of floor area are limited to a maximum of two (2) persons per room; however, for all such guest rooms greater than 300 square feet, one additional person shall be allowed per each 75 square feet of floor area up to a maximum of four (4) persons.
 - d. Kitchen facilities including a stove and oven are provided.
 - e. Each hotel and motel shall maintain daily written records reflecting the renting, letting, or other provisions of any of its rooms including check in and check out

- B. Aggregate mining of more than fifty (50) cubic yards not related to an approved subdivision or site plan, provided that:
1. The use will be in compliance with Section 30 of this Ordinance and all related provisions of the City Code.
 2. The Interim Use Permit shall terminate at a date determined by the City Council to be adequate to allow for completion of the operation based upon:
 - a. The quantity of material to be removed and the plan of operation.
 - b. Compatibility of present and future land uses.
 - c. Compliance with the requirements of the Zoning Ordinance, Comprehensive Plan and conditions specific to the Interim Use Permit approval.

MICRODISTILLERIES AND COCKTAIL ROOMS SUBJECT TO THE PROVISIONS OF MINNESOTA STATUTES 340A AND THE FOLLOWING:

1. NO OUTDOOR STORAGE.
2. A COCKTAIL ROOM SHALL REQUIRE AN “ON-SALE” LICENSE FROM THE CITY OF BRAINERD, ACCORDING TO THE CITY CODE SECTION XII.
3. COMPLY WITH THE REQUIREMENTS OF BRAINERD CITY CODE 515-62-6B FOR OUTDOOR SERVING, IF APPLICABLE.

515-64-5: Conditional Uses.

- A. Commercial recreational businesses with keeping of animals limited to commercial riding stables, rodeo facilities, zoos and zoological facilities provided that:
1. All buildings and areas containing animals are at least three hundred (300) feet from a residentially zoned property.
 2. Animal wastes shall be flushed down an existing sanitary sewer system or enclosed in a container of sufficient construction to eliminate odors and organisms and shall be properly disposed of at least once a day.
 3. All State Health Department and Minnesota Pollution Control Agency requirements for such facilities are met.
- B. Auto racing tracks and go-cart tracks provided that:

SECTION 65
B-6, WASHINGTON STREET COMMERCIAL DISTRICT

Section:

- 515-65-1: Purpose and Intent
- 515-65-2: Permitted Uses
- 515-65-3: Accessory Uses
- 515-65-4: Uses by Administrative Permit
- 515-65-5: Interim Uses
- 515-65-6: Conditional Uses
- 515-65-7: Minimum Lot Area Requirements
- 515-65-8: Minimum Yards and Setbacks
- 515-65-9: Maximum Lot Coverage
- 515-65-10: Maximum Building Height
- 515-65-11: Building Design and Construction
- 515-65-12: Off-Street Parking and Loading

515-65-1: Purpose and Intent. The purpose and intent of the district is to provide zoning regulation flexibility to permit development consistent with land use patterns along the Washington Street corridor from the Mississippi River to Gillis Street. The purpose of the District is also to ensure compatibility between land uses and transportation and to minimize negative effects of development on the Washington Street corridor.

515-65-2: Permitted Uses.

- A. Decorating and photography studios.
- B. Financial institutions.
- C. Liquor sales, on and off sale.
- D. Offices.
- E. Pawn shops.
- F. Personal services limited to barber shops, beauty salons, nail salons, tanning salons, therapeutic massage and tattooing.
- G. Recreation businesses – indoor.
- H. Restaurants – sit down, takeout and delivery.
- I. Retail businesses within a principal building.

2. Comply with the requirements of Brainerd City Code 515-62-6B for outdoor serving, if applicable.
 3. No odors from the brewery shall be perceptible beyond the property line. When such odors occur, the brewery shall take appropriate measures to reduce or mitigate any odors generated from the operation and be in compliance with any applicable Minnesota Pollution Control standards.
- S. Brewery with Taproom Off-Sale. A brewer with an off-sale brewery taproom license for the “off-sale” of malt liquor produced on the licensed premises subject to the provisions of Minnesota Statutes 340A and the following:
1. No outdoor storage.
 2. A taproom for malt liquor “off-sale” produced on-site shall require an “on-sale” taproom room license form the City of Brainerd, according to the City Code Section XII.
 3. Comply with the requirements of Brainerd City Code 515-62-6B for outdoor serving, if applicable.
 4. No odors from the brewery shall be perceptible beyond the property line. When such odors occur, the brewery shall take appropriate measures to reduce or mitigate any odors generated from the operation and be in compliance with any applicable Minnesota Pollution Control standards
- T. MICRODISTILLERIES AND COCKTAIL ROOMS SUBJECT TO THE PROVISIONS OF MINNESOTA STATUTES 340A AND THE FOLLOWING:
1. NO OUTDOOR STORAGE.
 2. A COCKTAIL ROOM SHALL REQUIRE AN “ON-SALE” LICENSE FROM THE CITY OF BRAINERD, ACCORDING TO THE CITY CODE SECTION XII.
 3. COMPLY WITH THE REQUIREMENTS OF BRAINERD CITY CODE 515-62-6B FOR OUTDOOR SERVING, IF APPLICABLE.

515-65-3: Accessory Uses.

- A. Accessory uses customarily incidental to permitted uses.
- B. Loading and unloading areas as regulated by Section 23 of this Ordinance.
- C. Signs.

SECTION 70
I-1, LIGHT INDUSTRY DISTRICT

Section:

- 515-70-1: Purpose and Intent
- 515-70-2: Permitted Uses
- 515-70-3: Accessory Uses
- 515-70-4: Interim Uses
- 515-70-5: Conditional Uses
- 515-70-6: Uses by Administrative Permit
- 515-70-7: Lot Area and Setback Requirements
- 515-70-8: Building Height
- 515-70-9: Building Requirements

515-70-1: Purpose and Intent. To provide for the establishment of warehousing and light industrial development, particularly in the form of industrial parks. The overall character of the I-1 District is intended to have low impact character. Industrial uses allowed in this district shall be limited to those which can compatibly exist adjacent to both lower intensity business uses and high intensity manufacturing uses but which require isolation from residential uses. This district may also incorporate general office and commercial uses.

515-70-2: Permitted Uses.

- A. Conducting a process, fabrication, wholesale operation, manufacturing or providing a service, including any of the following or similar uses meeting the performance standards applicable to the I-1 District, provided that all development uses in the I-1 District are conducted wholly within a building:
 - 1. Machine shops.
 - 2. Paper products from previously processed paper.
 - 3. Electronics assembly and testing.
 - 4. Commercial printing and publishing establishments.
 - 5. Laundry, dry cleaning or dying plants.
 - 6. Food/beverage processing.
 - 7. Cosmetics/toiletries
 - 8. Drugs and pharmaceuticals.
 - 9. Beverage bottling.
 - 10. Recycling center.
 - 11. Woodworking.
 - 12. Retail sales operated by non-profit organizations to benefit said non-profit organizations by selling items primarily related to the building industry.
- B. Radio and television studios.

1. No outdoor storage.
2. A taproom for malt liquor “off-sale” produced on-site shall require an “on-sale” taproom room license form the City of Brainerd, according to the City Code Section XII.
3. Comply with the requirements of Brainerd City Code 515-62-6B for outdoor serving, if applicable.
4. No odors from the brewery shall be perceptible beyond the property line. When such odors occur, the brewery shall take appropriate measures to reduce or mitigate any odors generated from the operation and be in compliance with any applicable Minnesota Pollution Control standards

Y. MICRODISTILLERIES AND COCKTAIL ROOMS SUBJECT TO THE PROVISIONS OF MINNESOTA STATUTES 340A AND THE FOLLOWING:

1. NO OUTDOOR STORAGE.
2. A COCKTAIL ROOM SHALL REQUIRE AN “ON-SALE” LICENSE FROM THE CITY OF BRAINERD, ACCORDING TO THE CITY CODE SECTION XII.
3. COMPLY WITH THE REQUIREMENTS OF BRAINERD CITY CODE 515-62-6B FOR OUTDOOR SERVING, IF APPLICABLE.

515-70-3: Accessory Uses.

- A. Off-street parking as regulated in Section 22 of this Ordinance.
- B. Off-street loading as regulated in Section 23 of this Ordinance.
- C. Signs as regulated in Section 37 of this Ordinance.
- D. Residence for night watchman or other security personnel.
- E. Commercial or business buildings not to exceed thirty (30) percent of the gross floor space of the principal building and shall be of the same material and design as the principal use.
- F. Fences as regulated in Section 19 of this Ordinance.
- G. Radio and television receiving antennas, satellite dishes, TV Receive Only (TVRO) three (3) meters or less in diameter, short-wave dispatching antennas, or those necessary for the operation of electronic equipment including radio receivers, ham radio transmitters and television receivers as regulated by Section 35 of this Ordinance.