CITY COUNCIL AGENDA

City of Brainerd, Minnesota
City Hall, 501 Laurel Street, Council Chambers
Monday, June 1, 2026 @ 7:30 PM

The public is invited to attend these meetings in person
Dial in by phone
+1 469-250-2695
City Council - Meeting Access Code: 288 637 301#
Personnel and Finance Committee held: 2nd Floor Conference Room at 7:00 PM
Safety and Public Works Committee held: Council Chambers at 6:45 PM

Per MN Statutes 13D.02 Subd 1 Council Members may participate by interactive technology.

Meetings are broadcast on CTC ch 8, Charter ch 181, YouTube, AppleTV, Roku, and Amazon FireTV

1. **Call To Order**

2. **Roll Call**

   ___J. Czeczok ___G. Johnson ___K. Stunek ___ K. Yeager ___T. Erickson ___K. Bevans___M. O'Day ___Mayor Badeaux

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 Bills**
      (Available upon request in the City Administrator's Office)

   B. **Approval of Minutes**

   C. **Department Activity Reports**

   D. **MN Lawful Gambling - CLC Foundation**

   E. **MN Lawful Gambling Application - Lil Rubber Duckie Race**

   F. **Event/ Street Closure - Independence Day**

   G. **Hiring - Summer Temporary Employees**

H. **Reclassify - Water/Wastewater Operators**

I. **Sale of Fire Dept. Surplus Equipment**

J. **Sale of Electric Department Surplus Items**

K. **Resignation - Network Administrator Jacob Walz (added item)**

6. **Public Forum**
Time allocated for citizens to bring matters not on the agenda to the attention of the Council - Time limits may be imposed

7. **Presentations**

8. **Council Committee Reports**

A. **Personnel & Finance Committee**

1. League of MN Cities Insurance Trust (LMCIT) Premium Renewal March 2026-February 2027

2. Resolution - Appointing Election Judges and Setting Wages

3. Hiring - Deputy Public Works Director/City Engineer Jennifer Schumann

B. **Safety & Public Works Committee**

1. Improvement 26-02 - 2026 Large Patching Project - Award Recommendation

2. Scope and Fee Amendment - SEH for Professional Services - TH 371B/Willow Street Roundabout Project

3. Change Order 3 - Improvement 23-14 - Hawkins/Ronald/Joseph Resurfacing Project

4. Resolution - Authorizing 2027 Transit Operations

5. Direction on Active Code Enforcement

6. Draft Ordinance - Special Events

7. Scope and Fee Amendment - SEH for Professional Services - TH210/Washington St (added item)

9. **Unfinished Business**

A. **Call for Applicants**
Mayor Recommended: (terms to expire on 12/31 of said year)
Charter Commission – 2 terms (Expire 2029) 2 terms (Expire 2026)
Economic Development Authority-- 1 term (Expire 2028) 1 term (Expire 2031)
Library Board-- 1 term (Expire 2027) Public Utilities Commission - 1 term (Expire 2026)

Transportation Advisory Committee- 2 terms (Expire 2027)
Council President Recommended: (terms expire on 12/31 of said year)
Airport Commission -- 1 term (Expire 2028)
Planning Commission- 1 term (Expire 2028)
Water Tower Committee—2 terms

B. **Transit Fares - City of Baxter**

10. **New Business**

A. **Resolution - Authorization Approving Special Appropriations for the Memorial Park Skatepark**

B. **Interim Use Permit for Short Term Rental - 1526 14th Ave NE**

C. **Interim Use Permit Renewal for Short Term Rental - 1123 15th Ave NE**

D. **First Reading - Ordinance 1603 - Shoreland Overlay District**

E. **Ordinance 1604 (Rezoning), Future Land Use Map Amendment, Conditional Use Permits Requests, and Variance Request for a 50 - Unit Multifamily Apartment — Wright Street**

F. **Direction Requested - Referendum YMCA**

11. **Staff Reports**
(Verbal: Any Updates since Packet)

12. **Mayor's Report**

13. **Council Member Reports**

14. **Adjourn**

15. **Council Communications**

A. **Email - Memorial Bench**

Visit the City's Website at www.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 O'Day.

Upon roll call the following Members were noted as present: Czeczok, Johnson, Stunek, Yeager, Erickson, Bevans, and O'Day. Mayor Badeaux was also noted as present.

Chair O'Day led the Pledge of Allegiance to the flag.

MOVED AND SECONDED BY COUNCIL MEMBERS CZECZOK AND STUNEK, DULY CARRIED, TO APPROVE THE AGENDA WITH THE ADDITION OF RESIGNATION OF ADMINISTRATIVE SPECIALIST- PAYROLL NICOLE TORRENCE TO THE CONSENT CALENDAR.

MOVED AND SECONDED BY COUNCIL MEMBERS BEVANS AND CZECZOK TO APPROVE THE CONSENT CALENDAR.

Approval of Bills
Approved as on file in the Administrator's Office.
Approval of Minutes
Approved May 4, 2026, Council Minutes.
Department Activity Reports
Approved reports as presented.
Special Event - First Lutheran Luncheon
Approved event as presented.
Special Event - Walk for Hope
Approved event as presented.
Updated Job Descriptions - Public Works Department
Approved updated Public Works Department job descriptions.
Reclassify - Spring Intern Caleb Wahlstrom to Community Service Officer
Approved reclassification of Caleb Wahlstrom from the Police Intern to Community Service Officer effective May 16, 2026, at $22.56 per hour.
Hiring - Summer Temporary Employees
Approved the hiring of the 2026 Summer temporary employees as presented.
Policy Update - Data Practices Exhibit A
Designated Police Chief Runde as Data Practices Designee – Law Enforcement.
Resignation – Administrative Specialist – Payroll Nicole Torrence
Accepted the resignation of Administrative Specialist – Payroll Nicole Torrence effective May 29, 2026, and authorized staff to begin the hiring process to backfill the position.

Upon roll call, Council Members Czeczok, Johnson, Stunek, Yeager, Erickson, Bevans, and O'Day voted "aye". No member voted "nay". The Chair declared the motion carried.

Public Forum

The Chair opened the public forum at 7:33 p.m.

Denny Bollig, 1001 Anabec St, gave an overview of the process that has been taken for his property concerning infiltration of stormwater. He stated that the recommendation to do nothing is not acceptable. He requests that the City council move forward with maintenance applicable to the easement, reimburse past stormwater fees and stop collection of future stormwater fees, and allow him to speak with the engineer that completed the study to look at other options.

The chair closed the public forum at 7:32 p.m.

Council Committee Reports

Personnel and Finance Committee

Memorandum of Agreement (MOA) – Mitch Lachelt 2026 Step Movement

Committee Chair Johnson stated that Mr. Lachelt's situation is unique as he voluntarily took a demotion after being promoted. Looking at his service record, if he hadn't taken a risk by being promoted, he would be eligible for step 7. He has been with BPU since 2017.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO APPROVE MOA BETWEEN THE CITY OF BRAINERD AND THE IBEW LOCAL NO. 31 BRAINERD PUBLIC UTILITIES UNION ALLOWING MITCH LACHELT TO MOVE TO STEP 7 EFFECTIVE APRIL 8, 2026.

Safety and Public Works Committee

Construction Testing Proposals - Imp 25-05 - Southeast Brainerd Reconstruction Project

Committee Chair Erickson stated that this is standard materials testing. There was quite a difference between dollar amounts. A significant difference is that ITT is a local company so their transportation is less.

Member Bevans asked whether ITT will conduct testing on subsoils.

Public Works Director Sandy stated that a geotechnical report was completed for this project. This is a contract for construction material testing.

MOVED AND SECONDED BY COUNCIL MEMBERS ERICKSON AND CZECZOK, DULY CARRIED, TO AWARD THE CONSTRUCTION MATERIALS TESTING PROPOSAL FROM ITT IN THE ESTIMATED AMOUNT OF $20,915.

Resolution - Requesting Advance Municipal State Aid Funds

Committee Chair Erickson stated that this is a revision to the previous advance. It now includes an amendment for Wright/10th Street project.

MOVED AND SECONDED BY COUNCIL MEMBERS ERICKSON AND CZECZOK TO ADOPT RESOLUTION REQUESTING ADVANCE MUNICIPAL STATE AID CONSTRUCTION FUNDS.

RESOLUTION 29:26

Upon roll call, Council Members Czeczok, Johnson, Stunek, Yeager, Erickson, Bevans, and O'Day voted "aye". No member voted "nay". The Chair declared the motion carried.

Ordinance Discussion - Special Events

Committee Chair Erickson stated that there was a group that contacted the parks and recreation regarding a holding a special event in a park. The group had not submitted an application for a special event or reserved the pavilion but still planned to hold the event without approval. The group has since completed an application. Staff had no way to regulate park use for large groups that planned to host public community events.

Community Development Director Kramvik stated that getting an ordinance in place that requires submission of the application already utilized by the City is the first step. There is language in the ordinance that provides for special event policy that could be worked on once a Public Services Director is in place to refine the ordinance even more.

MOVED AND SECONDED BY COUNCIL MEMBERS ERICKSON AND CZECZOK, DULY CARRIED, TO DIRECT STAFF TO BRING A DRAFT ORDINANCE TO THE NEXT MEETING.

Direction on Active Code Enforcement

Committee Chair Erickson stated that this is a repeat offender of the junk and debris ordinance.

MOVED AND SECONDED BY COUNCIL MEMBERS ERICKSON AND CZECZOK, DULY CARRIED, TO ABATE THE JUNK AND DEBRIS AT 1718 PINE ST.

Unfinished Business

Call for Applicants – Informational:
Mayor Recommended: (terms to expire on 12/31 of said year)
Charter Commission – 2 terms (Expire 2029) 2 terms (Expire 2026)
Economic Development Authority-- 1 term (Expire 2028) 1 term (Expire 2031)
Library Board-- 1 term (Expire 2027)
Public Utilities Commission – 1 term (Expire 2026)
Transportation Advisory Committee- 1 term (Expire 2026) 2 terms (Expire 2027)
Council President Recommended: (terms expire on 12/31 of said year)
Airport Commission -- 1 term (Expire 2028)
Planning Commission-- 1 term (Expire 2028)
Water Tower Committee—2 terms

Chair O'Day noted that the liaison for the Park Board will be Member Yeager, and the liaison for the Housing Redevelopment Authority will be Member Czeczok.

Final Reading – Ordinance 1602 – Water System

Public Works Director Sandy gave an overview of the ordinance.

Member Czeczok asked how this ordinance affects the properties that pay a double fee.

Public Works Director Sandy stated that the double fee is addressed in the fee schedule which is referenced in the ordinance.

The Chair opened the public hearing 7:51 p.m.

No one came forward.

The Chair closed the public hearing at 7:52 p.m.

MOVED AND SECONDED BY COUNCIL MEMBERS BEVANS AND JOHNSON, DULY CARRIED, TO CONDUCT THE FINAL READING OF ORDINANCE 1602 AND DISPENSE WITH THE ACTUAL READING.

MOVED AND SECONDED BY COUNCIL MEMBERS BEVANS AND JOHNSON TO ADOPT ORDINANCE 1602 – WATER SYSTEMS.

ORDINANCE 1602

Upon roll call, Council Members Czeczok, Johnson, Stunek, Yeager, Erickson, Bevans, and O'Day voted "aye". No member voted "nay". The Chair declared the motion carried.

MOVED AND SECONDED BY COUNCIL MEMBERS BEVANS AND JOHNSON TO ADOPT A RESOLUTION PROVIDING FOR THE SUMMARY PUBLICATION OF ORDINANCE 1601.

RESOLUTION 30:26

Upon roll call, Council Members Czeczok, Johnson, Stunek, Yeager, Erickson, Bevans, and O'Day voted "aye". No member voted "nay". The Chair declared the motion carried.

Resolution – Awarding the Sale of General Obligation Bonds, Series 2026A; Fixing their form and Specifications; Directing their Execution and Delivery; and Providing for their Payment

Chris Hogan, Baker Tilly, gave an overview of the bond sale results. The City sold $13,035,000 of bonds at a 4.0259% interest rate. The City has maintained its AA- bond rating.

Member Czeczok asked about the amount that the City is allowed to bond each year. He also asked if there was a way to determine the interest on the taxpayer portion.

Ms. Hogan stated that there isn't an amount that the City is limited to for bonding in a year, rather there is an overall statutory debt limit. Due to there being a variety of pay sources and terms the City is provided a debt amortization for each of the sources and purposes.

Finance Director Hillman stated that the amortization charts could be sent via email. The Fire Station debt will count toward the statutory debt limit but the City has plenty of capacity. The City is also looking at issuing debt this fall for additional construction projects.

MOVED AND SECONDED BY COUNCIL MEMBERS CZECZOK AND STUNEK TO ADOPT RESOLUTION AWARDING THE SALE OF GENERAL OBLIGATION BONDS, SERIES 2026A, IN THE ORIGINAL AGGREGATE PRINCIPAL AMOUNT OF $13,035,000; FIXING THEIR FORM AND SPECIFICATIONS; DIRECTING THEIR EXECUTION AND DELIVERY; AND PROVIDING FOR THEIR PAYMENT.

RESOLUTION 30:26

Upon roll call, Council Members Czeczok, Stunek, Yeager, Erickson, Bevans, and O'Day voted "aye". Member Johnson voted "nay". The Chair declared the motion carried.

New Business

Public Hearing and Resolution - Improvement 25-06 - Order Improvement, Accept Bids, and Award Contract

Public Works Director Sandy gave an overview of the improvement hearing and bids. The apparent low bidder was Knife River Corporation with a bid total of $696,945.10. It is about 16% lower than the engineer's estimate.

Member Czeczok asked if the estimated assessment is included in the notice of hearing. He also asked if the bid is significantly below the engineer's estimate whether property owners can assume that their assessment will be less.

Public Works Director Sandy stated that it is a requirement of Chapter 429 to include the estimated assessment with the notice of hearing. He also stated that it is likely that the assessments will be lower. Once the project is substantially complete, the assessments will recalculated.

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

No one came forward.

The Chair closed the public hearing at 8:07 p.m.

MOVED AND SECONDED BY COUNCIL MEMBERS ERICKSON AND YEAGER TO ADOPT RESOLUTION WHICH ORDERS IMPROVEMENT 25-06, ACCEPTS THE BIDS, AND AWARDS THE CONTRACT TO KNIFE RIVER CORPORATION - NORTH CENTRAL IN THE TOTAL CONTRACT AMOUNT OF $696,945.10 AND AUTHORIZE PROPER SIGNATURES ON THE AGREEMENT DOCUMENTS.

RESOLUTION 31:26

Upon roll call, Council Members Czeczok, Johnson, Stunek, Yeager, Erickson, Bevans, and O'Day voted "aye". No member voted "nay". The Chair declared the motion carried.

Resolution - Improvement 25-05 - SE Brainerd Reconstruction Project - Accepting Bids

Public Works Director Sandy gave an overview of the bids. The engineer's estimate was $3,477,008. The apparent low bidder for the project was Ryan Contracting with an apparent bid total of $2,995,049.25. It is about 13.9% lower than the engineer's estimate. He stated that Bolton and Menk is confident in Ryan Contracting and there have been favorable bids this construction season.

Member Johnson asked whether Ryan Contracting included enough of an estimate for dewatering in this area given its history.

Public Works Director Sandy stated that he is confident in what the contractor has done in other cities, and the contractor had the results of the geotechnical report. The bids were sequential and he does not see there being any problems in proceeding with the project as designed.

MOVED AND SECONDED BY COUNCIL MEMBERS STUNEK AND JOHNSON TO ADOPT RESOLUTION WHICH ACCEPTS THE BIDS AND AWARDS THE CONTRACT TO RYAN CONTRACTING IN THE TOTAL CONTRACT AMOUNT OF $2,995,049.25 AND AUTHORIZE PROPER SIGNATURES ON THE AGREEMENT DOCUMENTS.

RESOLUTION 32:26

Upon roll call, Council Members Czeczok, Johnson, Stunek, Yeager, Erickson, Bevans, and O'Day voted "aye". No member voted "nay". The Chair declared the motion carried.

Resolution - Orderly Annexation - Long Lake Township

Community Development Director Kramvik gave an overview of the orderly annexation. The annexation was initiated by Long Lake Township to prevent another voting precinct due to redistricting.

MOVED AND SECONDED BY COUNCIL MEMBERS CZECZOK AND BEVANS TO ADOPT RESOLUTION PROVIDING FOR ORDERLY ANNEXATION OF PACELS 75060513 AND 41060523.

RESOLUTION 34:26

Upon roll call, Council Members Czeczok, Johnson, Stunek, Yeager, Erickson, Bevans, and O'Day voted "aye". No member voted "nay". The Chair declared the motion carried.

Staff Reports

Community Development Director Kramvik stated that the amended Riverside Drive Orderly Annexation is being reviewed by County staff prior to bringing it to Council for consideration. He also gave an overview of the Planning Commission agenda.

Public Works Director Sandy stated that the City of Brainerd was awarded $2 million through the Minnesota bonding bill for the east segment of the Cuyuna Lakes State Trail that will connect 28th street to the NP Center. They've also received word regarding the funding requests for phase 1 of the wastewater treatment facility. Staff is working with Bolton and Menk to work out a trip to Washington D.C. to lobby for this and other upcoming projects.

Finance Director Hillman stated that the filings for City offices open on May 19th. Open positions include Ward 2, Ward 4, one At-Large, and Mayor.

Mayor's Report

Mayor Badeaux stated he welcomes all challengers. He hopes the lobbyist group comes up with a great name. He gave a shoutout to his grand-daughter. Finally, he stated that the first movie in the park went well. The next movie will be either Honey, I Shrunk the Kids, ET, or Ghostbusters on June 5th. He gave condolences and thoughts and prayers for those affected by the fires.

Council Member Reports

Member Stunek stated that he struggled to stay in retirement during the fires.

Member Czeczok complimented Chief Runde on his debut report. He extended his thanks to Commissioner Koering for his comments regarding the 287g agreement.

Member Bevans stated that he attended Lyle Niemeyer's funeral, who owned Jim & Lyle's Red Owl downtown. Everyone in attendance wore flannel shirts and suspenders and they brought his cremains in in a minnow bucket.

Member Yeager gave his time to Airport Director Roach for the Airport Ticker.

Airport Director Roach stated that things are going well at the Airport. There are more cars in the parking lot and seeing the results in the enplanement activity since bringing the morning flight back. There is a new tenant at the Airport, Executive Express, which is offering rides to and from the Airport. Recent activities include the Flanders Fire. There are generally 3 fixed wing aircraft at the Airport. There were a total of 13 extra firefighting aircraft over the weekend. Over 18,000 gallons of fuel was used over the weekend to fight the Flanders fire. This

is about one third of a typical summer month. Finally, there may be a commercial air flight diverted into Brainerd tonight due to weather in Duluth.

Member Erickson stated that he will be attending the Planning Commission meeting and the Region 5 meeting upcoming.

Chair O'Day stated that it is crazy to see the wildfire this close to home. He took the opportunity to say that having a fire right now is not worth the risk.

Adjourn

MOVED AND SECONDED BY COUNCIL MEMBERS STUNEK AND BEVANS, DULY CARRIED, TO ADJOURN THE MEETING.

The Chair adjourned the meeting at 8:28 p.m.

Nicholas W. Broyles
City Administrator

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Brainerd Public Utilities
Public Works Director Report
April 2026

Public Works Director Activities – April – May 2026

In addition to the discussion items on today's agenda, I have participated in numerous staff- and consultant-led meetings over the past month to advance projects currently underway. These meetings have supported ongoing coordination, project development, and planning efforts across departments and with external partners. Activities included the following:

- Weekly Brainerd Public Utilities (BPU) management team meetings
- Bi-weekly construction coordination meetings with staff
- 2029 Oak Street Project Management Team meetings with City staff and Council members
- Bi-weekly progress meetings with developer and staff for the Voyageur Heights project
- Tour of the St. Peter Water Treatment Plant as part of the Water Treatment Plant and Well Siting Study (Bolton & Menk)
- Interview process for City Engineer/Deputy Public Works Director, including application scoring
- Coordination with the Fire Department on the Fire Department remodel project
- Organizational transition discussions and project handoffs from the City Engineer
- Main Lift Station coordination meetings with HR Green and Widseth
- Review of all Public Works position descriptions with HR for City Council approval, based on the revised organizational chart
- Transition planning following the resignation of City Engineer Jessie Dehn
- Department Head meetings
- MMUA-led Regional Emergency Preparedness Tabletop Exercise with Crow Wing County, emergency services, and utility partners across the County
- Preconstruction meeting for the Beech Street/Oakridge Road and Wright Street/S. 10th Street Reconstruction Projects
- Weekly progress meetings for the Beech Street/Oakridge Road and Wright Street/S. 10th Street Reconstruction Projects
- Meeting with Baxter staff regarding the existing WWTF Agreement between the two cities
- Coordination meetings with Bolton & Menk and Rice Lake regarding the 2026 Reclamation Tank CMAR Project
- Coordination meetings with Bolton & Menk for the Water Treatment Plant and Well Siting Study
- Safety and Public Works Committee and Brainerd City Council meetings on May 4 and May 18, 2026
- Bid opening for the 2026 SE Brainerd Reconstruction Project
- Bid opening for the 2026 Resurfacing Project
- Weekly progress and coordination meetings for the TH 210 Reconstruction Project
- Coordination meeting with Moore Engineering regarding the Ronald/Joseph/Alley Reconstruction Project
- Coordination of a community project with APWA-MN for painting of the hockey boards at Bane Park
- Onboarding of new Water Service Worker Matt Poythress
- Onboarding of W/WW Intern and Water Service Worker interns
- Bid openings for Galvanized Water Service Line Replacement Projects 1 and 2
- Meeting with Monty Jensen regarding outstanding items related to the Brainerd Oaks development, Outlot F Project, and Serene Pines drainage issues

- Coordination with Bolton & Menk on funding strategy for WWTF Phase 1 improvements and the new Water Treatment Plant
- Project finalization meeting with SEH for the South Brainerd Sanitary Sewer modeling study
- Coordination meeting with Bolton & Menk to discuss annual LCRR certifications and additional LSL work to be completed in 2026
- Kickoff meeting with SEH for the 2026 creation of City Standard Details and Specifications
- Interviews for Business Office Supervisor

Continued Capital Construction Design Engineering Coordination

Design and construction activities are actively underway across both City-led capital improvement projects and private development initiatives, with multiple efforts progressing concurrently. To maintain effective planning, scheduling, and execution, staff continue to hold regular bi-weekly coordination meetings. These meetings provide a structured forum to review the status of active projects, anticipate upcoming work, and coordinate efforts across City infrastructure and development projects currently in the review and approval process.

This coordinated approach allows staff to better align project timelines, identify cost-saving opportunities, reduce the potential for construction conflicts, and ensure that utility improvements are efficiently integrated with street reconstruction and resurfacing projects. Key coordination efforts include early design review, utility layout and conflict resolution, construction sequencing, and permitting. Proactive communication planning is also emphasized to minimize impacts to residents, businesses, and other stakeholders.

Current projects being coordinated across multiple City departments include, but are not limited to:

- Beech Street/Oakridge Road and Wright Street/S 10th Street Reconstruction Projects
- Ronald and Joseph Alley construction coordination
- Highway 210 Reconstruction Project
- Lead service line replacement projects (both in conjunction with planned reconstruction/resurfacing and as standalone utility projects)
- Southeast Brainerd Reconstruction Project
- 2026 Street Resurfacing Project
- Main Lift Station design and planning
- Backwash/Reclaim CMAR Project
- East River Road trunkline rehabilitation project
- Kuepers development project south of Woodland Hills Lane
- Country Manor construction project
- Coordination related to 2027 street reconstruction and resurfacing projects

Coordination across these efforts involves multiple City divisions, including engineering, utilities, public works, planning, and administration. Activities include design integration, construction phasing, budget alignment, and long-term asset management. This collaboration remains strong and effective, ensuring City investments are strategically aligned, regulatory requirements are met, and infrastructure improvements are delivered efficiently with minimal community disruption.

2026 Bonding Bill

The Minnesota Legislature passed a $1.24 billion capital investment bill on May 17, 2026, just before the midnight deadline. The legislation passed by a 122-11 margin in the House and a 50-7 margin in the Senate. The bill's size exceeded both Governor Walz's $907 million recommendation and the $700 million bonding law passed in 2025, reflecting the large volume of statewide requests, which totaled $3.19 billion — nearly three times the final package.

The Cuyuna Lakes State Trail – East Segment Brainerd received $2 million in the bill, consistent with what the City had requested. This funding will support the trail extension of the trail from the east side of the NP Center to 28th Street. Lawmakers approved $15 million statewide for lead pipe replacement, far short of the $100 million request that advocates said was needed to keep the state's lead removal goals on track. This is relevant to Brainerd's ongoing lead service line replacement work, as the statewide program funds that cities can tap into are significantly underfunded relative to need. Roughly one-third of the bill — $420 million — will help local governments build or upgrade wastewater and drinking water plants, including at least $272 million in direct earmarks to local government projects. Additional major appropriations included $47 million for local road improvement grants, $25 million for local bridge replacement, and $75 million for the University of Minnesota.

2026 Public Works Director Priorities

Pursuant to my last report, I have identified several opportunities for improvement that I plan to pursue in 2026 and updates from the previous meeting. Some of these priorities and projects include:

1. Bluebeam PDF Software – Procurement of the software has been completed, and staff attended a training session to review its capabilities. Sessions are scheduled for multiple ongoing City projects, including developer-led and consultant-led initiatives. As staff become more familiar with Bluebeam, the software's tools are expected to streamline project coordination and enhance communication across projects.

2. Pool Engineering Services – Following review and approval by the Utilities Commission, the Park Board and City Council also reviewed the FY 2027–2029 Professional Engineering and Architectural Services Pool and approved the same recommendation. Staff continue to work with legal counsel to finalize a master services agreement for all consultants within the approved pool.

3. Integrated Capital Improvement Planning (CIP) and Capital Asset Planning Sessions – Staff conducted the initial long-range capital improvement planning session and established a schedule for ongoing meetings and continued collaboration. Key deliverables from this effort will include long-range sanitary sewer and water system plans, with the potential for incorporation into the City's Comprehensive Plan.

   The current schedule anticipates advancing several planning initiatives throughout 2026, followed by more detailed system modeling and analysis in 2027 once existing data gaps and modeling needs have been identified. These efforts will support evaluation of potential future sanitary sewer capacity upgrades, as well as watermain upsizing and looping to accommodate future development and improve system redundancy and reliability.

4. City Standard Details and Specifications – A kickoff meeting was held with SEH on May 19, 2026 to discuss project deliverables and schedule. The project team elected to pause development until early August, when the new City Engineer/Deputy Public Works Director joins the City. Given the significant influence this position will have on the development of these standards, staff would like them involved in the process from the outset.

5. Fats, Oils, and Grease (FOG) Control Program and Mercury Control Program – A kickoff meeting with SEH is scheduled for May 22, 2026 to formally launch this project. The full program is anticipated to take approximately six months to complete, with an intended implementation date of FY 2027.

6. City Code 705 – Water System – The final draft of City Code Section 705 was reviewed by the City Council, with the first reading held at the May 4, 2026 Council Meeting. The final reading and adoption were approved at the May 18 City Council Meeting. Following publication of the summary ordinance, the final ordinance will be incorporated into City Code and submitted as part of the codification process.

RECREATION REPORT

- Concessions May 16 opening date for Bane tournaments
- Softball leagues Mondays-Thursdays
- Concessions at Memorial Monday-Thursdays
- Pickleball begins May 26 & 28
- Jaycees concessions open May 30th for tournaments
- June 5-Movies in the Park (Honey, I Shrunk the Kids)
- Wellness committee meetings & lunch n learn

PARKS MAINTENACE REPORT

- Put out boat landing dock & pier at Lum Park
- Put out picnic tables & garbage cans
- Prepped for Movies in the Park
- Mowing a mulching all parks
- Bane rink repair fencing and painting project
- Turning on power & getting water lines energized
- Opening restrooms
- BBBA batting cage work/build
- Working all ball fields
- Training all temp employees
- Put up all netting
- Repaired scoreboard power source
- Working on playgrounds graffiti and surface material
- Put up backstop netting and repaired scoreboard netting
- Opened campground/host site and dump station
- Getting restroom floors epoxied
- Daily garbage collection
- Start weekend work

*********Graffiti under the Bridge has been removed*********

**New City Code being established for Special Event Applications, going to City Council for approval TBT. Staff will need to create a special event policy once approved. **

STREET & SEWER

- Storm water pond maintenance
- Jet grease lines (sanitary sewer lines with a restaurant on them)
- Begin crosswalk painting
- Paint College drive bridge, covering graffiti.
- Sweep downtown every Wednesday morning.
- Patch potholes

- Repair sanitary sewer structures (broken casting at 13th Street SE and St. Louis)
- 615 Willow handrail, tree and shrub install.
- Finalize order for 2026-2027 road salt.

Transit Program Monthly Update

Regulatory Compliance & Reporting

• Monthly ridership statistics and budget reporting for March 2026 were submitted to Minnesota Department of Transportation and accepted.
• The 1st Quarter 2026 Request for Funds (RFF) for reimbursement under the Transit Operating Grant program was submitted and accepted.
• Continued coordination with MnDOT regarding 2027 operating grant planning, funding projections, and updated funding formula discussions.
• Participated in MnDOT funding formula and 2027 operating grant information sessions to support long-term budget planning and grant development.
• Continued development of the 2027 Transit Operating Grant application and supporting budget documentation.

Fleet & Capital Planning

• Continued coordination with MnDOT and vendors regarding the ordered replacement transit van; final approval has been received, and the vehicle is awaiting manufacturer build, with delivery anticipated this summer.
• Additional replacement vehicles (van and bus) associated with previously approved capital grant resolutions have been ordered, with delivery anticipated in 2027.

Service Performance & Technology

• Service levels and operations remain consistent with prior reporting periods.
• Ongoing coordination with Spare Software to further optimize scheduling, improve efficiency, and better support agency operations and community needs.
• Continued efforts to improve rider communication, self-service trip management tools, and mobile app adoption.
• Internal SOPs were reviewed and updated to improve operational consistency and inclement weather procedures.
• Reviewed and updated backup dispatch and operational continuity procedures to support service reliability during technology disruptions or emergency situations.
• Implemented updated bulk transit ticket order and invoicing procedures, including standardized forms, shared workflow processes, staff training, and operational SOP documentation.

Ridership & Service Demand

• April 2026 total ridership was 3,660 passengers, with 75% occurring within Brainerd.
o Up 6% from 3,454 passengers in April 2025.
• April 2026 averaged 166 passengers per operating day.
o Up 6% from 157.0 passengers per operating day in April 2025.
• 40 new rider profiles were created in April.
• 32 riders took their first trip in April.
• Transit maintained 99% positive rider reviews through the mobile app platform.

Contractor Oversight

• Ongoing coordination and oversight activities continue, with no significant changes to report.

• Weekly operations meetings continue with contractor leadership to review service performance and operational items.

Community Engagement

• Continued coordination with Brainerd for All Ages and Central Lakes College regarding transportation access opportunities, student mobility, and community connectivity.
• Transit radio advertisements began airing on WJJY, Power Loon, Cool 103.5, and 95.1 myTalk to increase public awareness of available transit services and rider resources.
• Transit outreach efforts included public education campaigns highlighting that the system provided 40,000 rides last year, including more than 31,000 trips within Brainerd alone — equal to more than two transit trips per city resident — helping connect riders to employment, healthcare, education, shopping, and other essential services.

Staff & Operations Updates

• Attended National RTAP MnDOT Spring Workshop training and presentations in St. Cloud.
• Attended monthly MnDOT procurement training, customer service training, de-escalation training, and Slips, Trips, and Falls safety training.
• Transit Operations Specialist received a certificate of completion for Americans with Disabilities Act (ADA): Changes, Challenges & Reasonable Modifications training through Community Transportation Association of America.
• Staff continue participating in peer collaboration and professional development opportunities focused on transit best practices and operational improvements.
• Met with MnDOT OTAT management regarding Transit’s 2027 budget, operational goals, and long-term funding considerations.

SKI LOONS/RICE LAKE ASSOCIATION MAY 13TH MEETING SUMMARY

We updated the group on the new shed/pavilion.

Primary items for discussion were:

1. The option for a temporary buoy to be placed during practice as a target for the boat drivers that is straight out from the loon’s dock. There was some concern by the sheriff whether a permanent one could be placed because of general navigation lanes. Worth continuing discussion with the sheriff's department.
2. The possibility of adding more reflectors or even lights to the jump. Neighbors are concerned that someone may hit it in the dark. They are also concerned about people swimming out to the jump and sinking it which happened a few times last year. They know there isn't much that can be done but are concerned about people's safety and damage to the jump.
3. Erik and Andy will meet with the drivers and discuss the turnaround that happens in the typical location that happened last year. The item #1 related to the buoy would be for this same guidance.
4. Putting the typical ski loons practice schedule on the kayak rental may help to inform those renting kayaks of the increased boat activity during practice times.
5. Sign created for the kayak rental for Ski Loons practice.

Ski Loons Practice Mondays & Wednesdays at 6:00PM

BRAINERD SKI LOONS

WATER SKI SHOW TEAM

May 20, 2026

HR DIRECTOR REPORT

In this report:

- Mid-Year Benefit Meetings
- Performance Reviews
- Wellness Committee
- Personnel

Mid-Year Benefit Meetings

Staff met with Bill Dehmer from Integrity Benefits on May 20 for a mid-year check-in and to discuss anticipated updates on supplemental benefits ahead of preparation for the 2027 open enrollment.

In addition, staff have scheduled a mid-year check-in meeting with Adam Olson from North Risk Partners and Suzanne Lindsay from the Better Health Collective for June 2 to discuss anticipated updates on our medical insurance ahead of preparation for the 2027 open enrollment.

Performance Reviews

Staff has one remaining appeal scheduled for the end of May. Once that appeal is completed, the 2025 evaluation process will be fully concluded.

Wellness Committee

The Wellness Committee hosted a “Walk in the Park” for the May Lunch N Learn. The Wellness Committee would like to thank all that participated.

For the Month of June the Wellness Committee will be providing Senior Center Donuts to all departments. The Committee is aware that donuts may not be the healthiest choice but feel that the exception can be made for national Donut Day!

Personnel

New Hires/Promotions for City/HRA/Airport:

Farewell to:
Nicole Torrence - Administrative Specialist - Payroll (05/29)

Current Job Opportunities:
Deputy Public Works Director/City Engineer - Interviews took place on May 18th and an offer has been made.

Public Services Director - Interviews took place on May 15th and an offer has been made.

Business Office Supervisor - Interviews are scheduled to take place on May 21st.

Journey Electrical Lineworker - Staff is going through applications and will be scheduling interviews in the near future.

Water/Wastewater Operator - Posting closes on May 26th.

Police Officer - Two offers have been made and were accepted. Candidates are going through pre-employment process

Police Records Management Tech - Offer has been made and accepted. Candidate is going through pre-employment process.

Airport Operations Manager - Posting closes on May 27th.

HRA - ROSS Resident Services Coordinator - Open until filled.

Parks Seasonal Maintenance Worker - Open until filled.

Umpire - Adult Softball - Open until filled.

Weekend Ball Field Maintenance - Open until filled.

There are currently eight City/HRA/Airport employees with Family & Medical Leave Act (FMLA) issues. Four of those cases are for intermittent leave when needed.

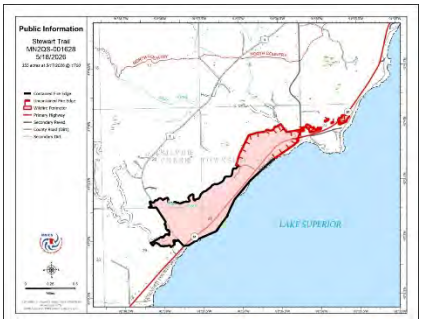
Brainerd Fire Department Monthly Report

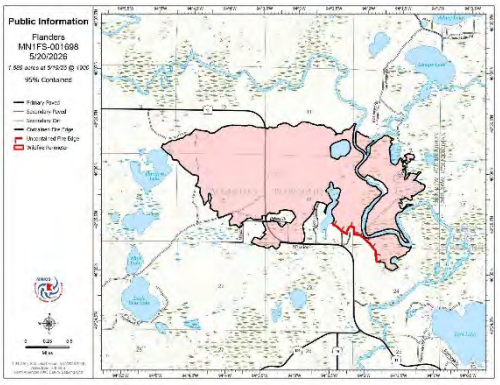
May 2026

May was a very busy and demanding month for the Brainerd Fire Department. From high-profile regional deployments to advanced technical rope rescue certifications and community wildland management, our personnel demonstrated a high level of readiness and professionalism.

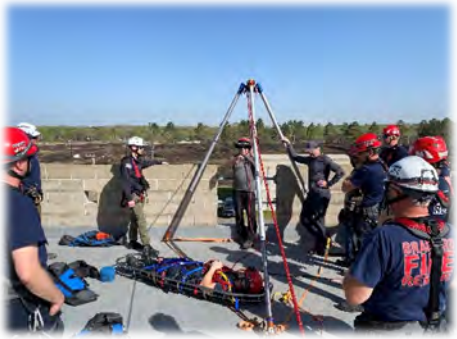
The unseasonably demanding wildland fire conditions across the state required our department to respond to two major statewide resource requests. On both deployments, Brainerd crews were specifically assigned to high-stakes structure protection, successfully safeguarding homes and property from encroaching wildfires.

- Stewart Trail Fire (Two Harbors, MN): Brainerd personnel and apparatus deployed northeast to assist local and state agencies in suppressing a fast-moving wildland incident.
- Flanders Fire (Mission Township, MN): BFD responded locally within Crow Wing County to a significant wildland incident, providing critical structural triage and protection alongside regional mutual aid partners.





Training hours were high this month as our members focused on highly specialized rescue disciplines and joint-agency wildland operations.



Brainerd Fire Department Monthly Report

May 2026

Nine Brainerd firefighters, alongside personnel from several neighboring regional departments, successfully completed the intensive CMC Rope Rescue Technician I/II 40-hour course.

This advanced, demanding certification sharpens our technical vertical rescue capabilities. It ensures that our crews are fully prepared to execute complex, high-angle and low-angle rescue scenarios safely and efficiently.

In coordination with Crow Wing Soil and Water and Great River Greening, BFD crews conducted a successful prescribed burn at Rotary Park. This operation served a dual purpose:

1. It provided vital, real-world wildland fire training for our firefighters.

2. It actively mitigates hazardous fuel loads to reduce future wildfire risks while restoring local native ecology.

To ensure our personnel maintain the rigorous physical capabilities required to perform safely on the fireground, the department successfully completed its annual physical fitness testing for all firefighters this month.

Brainerd Fire Department Monthly Report

May 2026

The highly anticipated Fire Station #1 renovation project is officially underway. Contractors have mobilized on-site and are making excellent, steady progress on the initial demolition phase of the project. We are tracking closely with planned milestones and will continue to provide updates as construction transitions into the framing and structural phases.

The fire department is exploring the opportunity to acquire an ARFF (Aircraft Rescue and Firefighting) apparatus from the Camp Ripley Fire Department through the Federal Excess Property Program at zero acquisition cost and will present more information at an upcoming council meeting. Acquiring an Airport Rescue Firefighting (ARFF) apparatus through the Federal Excess Property Program from Camp Ripley presents a unique, low-risk opportunity for our fire coverage area.

Whether deploying across the state for critical structure protection, spending 40 hours mastering advanced rope systems, or maintaining peak physical conditioning, the dedication of our firefighters this month has been exemplary.

Brainerd Fire Department Monthly Report

May 2026

BRAINERD FIRE COVERAGE AREA INCIDENT REPORT	
Type of NFIRS Incident (National Fire Incident Reporting System)	**Coverage Area Total Incidents (Includes City of Brainerd)**
Fire	3
Rescue & Emergency Medical Service	3
Hazardous Situation	6
Public Service	12
No Emergency	8
Law Enforcement Assistance	2
TOTAL	34
Type of NFIRS Incident (National Fire Incident Reporting System)	**City of Brainerd Total Incidents**
Fire	0
Rescue & Emergency Medical Service	1
Hazardous Situation	3
Public Service	10
No Emergency	6
Law Enforcement Assistance	1
TOTAL	21

INSPECTIONS	
Fire Alarm	33
Fire Pump	1
Hood Suppression	15
Commercial Kitchen Exhaust	15
5 Year Sprinkler	3
Special Suppression	5
Sprinkler System	32

Subject	Start Date	Dept	Notes	Due Date	% Complete	Status	Date Completed
Improvement 23-14 Hawkins		Public Works	Construction is complete on the Hawkins portion. Construction on the Ronald/Joseph/Alley portion of the project began in early April. Removals were completed, and J & J Excavating has completed the watermain replacement in the alley as of the week of May 15. Galvanized water service lines are currently in progress behind the watermain replacement. Final restoration of the alley is anticipated to commence in late may into early June, with final completion near the end of June.		75%	In Progress	
Improvement 17-12 Wright Street and S 10th Street Reconstruction Project		Public Works	This project is currently in the construction phase. A second preconstruction meeting was held on May 1, 2026, during which Landwehr Construction presented schedules for work on S 10th Street, with construction anticipated to begin on May 18, 2026. Under the current schedule, the S 10th Street portion of the project is expected to be completed by early August 2026. Public notices have been distributed, and businesses along the corridor have been informed of the upcoming construction activities. Minor work remains on the Wright Street project, including completion of punch list items and cleanup from the 2025 construction season. The final remaining project item will be placement of the final lift of pavement, which is anticipated to occur concurrently with the final lift on S 10th Street.		50%	In Progress	
Improvement 23-12 Beech		Public Works	The Beech Street project is nearing completion. Staff included this project in the preconstruction meeting with Landwehr Construction on May 1, 2026. All concrete work associated with the project has been completed, with work wrapping up during the first week of May. Landwehr is currently preparing driveways for paving, which is scheduled to take place on May 18, 2026. Following driveway paving, final topsoil placement and seeding will be completed, and the project will be prepared for the final lift of pavement. The final lift is currently scheduled for May 26 and 27, 2026, with pavement striping to follow shortly thereafter. A final punch list walkthrough with Landwehr Construction will then be completed prior to finalizing and closing out the project.		75%	In Progress	
.Gov Transition		Technology	2024 State Statute 471.3422 - Website Domain Requirement by June 1, 2026 Planning for the transition is in progress. The website needs to have the .gov domain by 1 June. Staff will continue working after 1 June to update forms, documents, email addresses, etc.	12/31/2027	0%	In Progress	
Network Integration	1/1/2026	Technology		12/31/2026	0%	In Progress	
Annex Improvements	12/8/2025	Public Works	HyTec is nearing completion of work in the Annex. Electrical is complete. Windows are complete. Asbestos abatement is complete. Carpentry and electrical is complete. The only things remaining is some minor HVAC improvements and finishes in the building.	11/1/2026	75%	In Progress	
Shoreland Ordinance		Community Dev	2/18/26 – Staff meeting with DNR to perform final review of shoreland ordinance 2/20/26 – Staff submitted ordinance to MN DNR for final review 3/18/26 – DNR to present negotiated items to the Commission – Commission to make final recommendation on negotiated items 4/2 – Staff completed negotiated items with DNR		75%	In Progress	

Riverside Drive Orderly Annexation		Community Dev	2/17 – Public Hearing and CC consideration of Resolution to adopt Orderly Annexation Agreement with CWC. City Council directed staff to provide additional information based on questions from the public. 3/2 – City Council approved joint resolution. 3/24 – County Board to denied joint resolution at regular meeting. 4/6 – City Council directed staff to amend the agreement to make annexation optional for properties not currently connected to municipal utilities.		75%	In Progress
2025 Financial Audit		Finance	Fieldwork dates are set for the week of April 26th and May 10th.		50%	In Progress
Special Events Ordinance	5/11/2026	CDD/Public Svcs	5/11 – Staff researched sample language from other cities and will present and seek direction from City Council on 5/18		50%	In Progress
Transit Business Model		Public Svcs	11/20/25: Public Works is waiting for more information from various department to finish the Business Model. 11/24/25: (staff meeting) – Financial numbers are complete. Take Aways: 1. Add following items to budget: OT, Training, Bus Storage and Drug Testing. 2. Develop Bus Driver schedule to determine OT hours. 3. Build model for Bus Drivers with no OT. 12/18/25: Staff met with HR to confirm the Job Descriptions. HR will review and finalize the descriptions and points; then forward points to Finance. 12/22/25: HR will post opening of part-time person. This person started 1/2/26.	6/30/2026	25%	In Progress
Transit- Baxter Fares		Public Svcs	11/25/25: Mike emailed Brad ridership numbers and PP presentation. 12/1/25: Nick emailed Brad if Baxter is willing to adjust their rates to match Brainerd's rates? 12/1/25: Brad responded: "The City of Baxter is currently reviewing the ridership and revenue/expense data to determine any adjustments to its rates. The City bases its rates on the revenues derived from the program/service and does not subsidize the cost of this service through the use of its levy or other city funds." 12/1/25: Brad asked for the financial numbers from 2024 & 2025. 12/3/25: Mike emailed Brad, numbers will be sent by 12/5 12/5/25: Mike emailed Brad financial numbers for 2024 and YTD 2025.	7/1/2026	75%	In Progress
805 Laurel		HRA	Developer is working on financing		10%	Waiting
Codification		Administration	3/2 Staff has submitted necessary documents for codification to begin. The City's code will go into the queue and we will submit necessary ordinances that are passed in the meantime.		25%	In Progress
Airport Resolution		Administration	3/31/2026 Staff met with Crow Wing County and Airport Commissioners 5/28/2026 Staff will meet with CWC and Airport Commissioners to continue development of a new agreement		25%	In Progress

Industrial Property Sale - CMHP - Wright Street Development	3/5/2026	Community Dev	3/5 – Central Minnesota Housing Partnership proposed a multi-family residential development on the Wright Street Extension to the EDA – EDA was generally in favor of the proposed development 4/22 – Downpayment and application submitted to the City to purchase the property at $1.00 per acre	15%	In Progress
Friends of Library - Lease Agreement		Administration	5/4 – Friends of Library requested use of the annex for book storage. 5/4 – City Council directed staff to bring a lease agreement back to City Council for review with costs to cover their use. 5/11 – Staff completed draft lease agreement and had the City Attorney review the document.	25%	In Progress
BlockMetrix- Site Control		Community Dev	Purchase and Development Agreement- needs to be executed by BM Power Agreement- needs to be executed by BM Building Permits- have been applied for EDA will direct staff on next steps regarding the PDA at the June 5th meeting 6/6 - EDA took no action at the June 5th meeting 6/24 - Power Agreement is currently being reviewed by staff and will be reviewed by the PUC 7/2 - Power Agreement has been forwarded to Blockmetrix for review 7/30 - Staff set up a virtual meeting with Blockmetrix – Blockmetrix did not attend – stated that an issue came up 8/15 - Staff virtually met with Blockmetrix – Staff have not received a response 9/11 - Staff will virtually meet with Blockmetrix Staff is waiting on a response from Blockmetrix. 10/28 - BPU Commission considered redlined changes from Blockmetrix at the October meeting and recommended no changes. Blockmetrix stated without the redlined changes the project was not viable. 2/12/2026 – Staff met with the developer regarding development of the site. 3/10/2026 – Staff met with the developer regarding potential development of the site.	50%	In Progress

Massage Therapy ordinance		Police	10/22/25 – Lt. Kulzer met with Lutheran Social Services (LSS) Regional Coordinator of Safe Harbor. Specializes in youth and human trafficking. Discussed elements of illicitly run massage therapy providers. 10/29/25 – Chief Davis and Lt. Kulzer met with 30-year massage owner/operator Discussed lack of oversight by the State governing massage therapy. Recommendations for training, licensing, and oversight. 11/6/25 – Lt. Kulzer had continued discussion with LSS Safe Harbor Regional coordinator. Discussed potential licensing requirements. November 2025 – Lt. Kulzer reviewed massage therapy ordinances from St. Cloud, Willmer, Edina, Moorhead, Detroit lakes, and Rochester. 12/1/25 – Council direction to proceed with ordinance creation. 12/10/25 - Lt. Kulzer and Inv. Palcher attended the Minnesota BCA Internet Crimes against Children and Human trafficking conference. Illicit massage therapy and human/employment trafficking discussed as a nationwide problem. 12/11/25 – Lt. Kulzer discussed with assistant county attorney, who specializes in sex crimes the potential passage of a ordinance, which she supports as a tool to combat sex trafficking.	11/1/2026	60%	In Progress
Improvement 25-06 - 2026 Resurfacing Project	12/1/2025	Public Works	The 2026 Resurfacing Project includes street resurfacing and minor utility improvements on Spruce Drive, Graydon Avenue, Hillcrest Drive, Pine Street, Dal-Mar Drive and Circle, and South 11th Street. WSB is serving as the consultant project manager for both the design and construction phases of the project. Final plans have been completed and the project is currently out for bids, with bid opening scheduled for May 14, 2026.		50%	In Progress
Improvement 25-05 - SE Brainerd Reconstruction Project	1/1/2026	Public Works	The SE Brainerd Reconstruction Project includes the reconstruction of multiple streets in southeast Brainerd, including 17th Street, 18th Street, 19th Street, Norwood Street, Maple Street, and Laurel Street. The project consists of full replacement of sanitary sewer and watermain infrastructure, storm sewer improvements, curb and gutter replacement, and new street surfacing. Bolton & Menk is serving as the consultant project manager for both the design and construction phases of the project. Final plans are 100% complete, and bids were opened on May 5, 2026. Construction is anticipated to begin in late May or early June 2026.		50%	In Progress
Trunk Highway 210 Reconstruction - Construction Phase	3/1/2026	Public Works	The TH 210 Reconstruction Project has commenced, with the contractor, RL Larson, currently working on the east end of the project as part of Phase 0. This initial phase is focused on preparing the detour routes necessary for Phase 1 construction activities. Weekly progress meetings are being held to coordinate project activities and monitor progress. Watermain installation work is anticipated to begin in early June 2026. Project detours are expected to be implemented near the end of May and will reroute traffic around the TH 210 corridor near Mill Avenue, 10th Avenue NE, and 5th Avenue NE to accommodate construction of the roundabouts and highway reconstruction in that area. Following completion of this phase, the second phase of construction during the summer will focus on reconstruction of the highway between Gillis Avenue/13th Street SE and 5th Avenue NE.		25%	In Progress
2027 Budget	1/1/2026	Finance		12/31/2026	0%	In Progress

Comprehensive Plan Update	12/17/2025	Community Dev	3/2 – City Council approved Bolton & Menk as the comprehensive plan consultant 3/12 – Staff meeting with Bolton & Menk to review timeline and objectives 4/15 – Comprehensive Plan kickoff meeting with Planning Commission 5/5 – Staff meeting with Bolton & Menk to review Planning Commission comments and discuss	12/31/2026	25%	In Progress
Memorial Park Skate Park	3/24/2026	CDD/Public Svcs	3/24 – Park board denied additional skate park funding request from the Lakes Area Skate Park Association, but was in favor of the project 4/28 – Park board approved preliminary design and phased construction plan		5%	In Progress
Fire Station #1 Renovation		Fire	2/2/2026 City Council approved Design/Construction Services with Widseth and Nor-Son Constructions as GC. 2/11/2026 Kickoff meeting with Widseth and Nor-Son Construction 2/23/2026 Continue with weekly meetings finalizing design as we work towards final construction documents. 2/27/2026 Widseth finalized construction documents enabling Nor-Son to solicit and secure bids for the renovation. 3/27/2026 Nor-Son finalized the bidding process utilizing Gordian ezIQC process. 4/6/2026 Council approved construction contract with Nor-Son Construction and project cost of $5,994,282.76. 5/4/2026 Pre-construction meeting with GC and city staff 5/11/2026 Renovation project started.		25%	In Progress
WWTF Facility Plan and Phase 1 Biosolids Improvements		Public Works	The Final Facility Plan for the Phase 1 Biosolids Improvements was presented to the Joint Wastewater Management Board on February 12, 2026, providing an overview of proposed facility upgrades, project scope, and anticipated benefits to the regional wastewater system. Subsequent presentations were conducted for the Brainerd and Baxter City Councils at their February 17, 2026 meetings to provide elected officials with detailed project information, answer questions regarding scope and cost, and gather feedback from both municipalities. Following these briefings, the Public Utilities Commission reviewed the Facility Plan, conducted a public hearing to solicit input from community members, and adopted a resolution formally approving the Facility Plan. The resolution also authorized staff to submit the finalized plan to the Minnesota Pollution Control Agency (MPCA) for certification, a critical step in securing regulatory approval and ensuring compliance with state wastewater management standards. Once the MPCA grants certification of the Facility Plan, preliminary design activities for the Phase 1 Biosolids Improvements project are scheduled to begin in late 2026. These design efforts will include detailed engineering of biosolids processing equipment, facility layout optimization, and cost refinement. Construction of the Phase 1 improvements is planned to commence in 2028, following completion of design, procurement, and any required permitting. The project team continues coordination with engineering consultants, regulatory agencies, and municipal stakeholders to maintain schedule and ensure readiness for design and construction phases.	12/31/2026	25%	In Progress

Galvanized Water Service Line Replacement Projects	Public Works	Three galvanized water service line replacement efforts are currently advancing in multiple areas of the city as part of the broader lead service line (LSL) identification and replacement initiative. The first effort includes galvanized water service line replacements coordinated with the City's 2026 Street Reconstruction and Resurfacing Projects in Southeast and South Brainerd, allowing the Utility to complete replacements efficiently alongside roadway improvements and reduce future surface restoration costs. The second effort consists of the Phase 1 Galvanized Water Service Line Replacement Project in Northeast Brainerd, specifically targeting properties along Gillis Avenue, 1st Avenue NE, and 2nd Avenue NE. This phase is intended to address higher-priority locations identified through the City's service line inventory. The third project involves galvanized water service line replacements coordinated with the Ronald/Joseph/Alley reconstruction project. This work was formally authorized by the Utilities Commission at its February meeting, allowing design and property coordination to proceed in tandem with the planned infrastructure improvements. Bid were recently opened for all three service line projects. The Ronald/Joseph/Alley service line project is currently in construction. Award of the other two service line projects is scheduled for the May Utilities Commission meeting. Construction is anticipated to commence in June and run throughout the summer, 2026.	1/29/2027	50%	In Progress
Main Lift Station Reconstruction	Public Works	The Facility Plan for the Main Lift Station Reconstruction was certified by the Minnesota Pollution Control Agency in 2025, establishing regulatory approval and allowing the project to advance toward funding and design. Following certification, the project was placed on the Clean Water Revolving Fund (CWRF) Project Priority List (PPL), and it has since fallen within the fundable range, making it eligible for a low-interest loan to support construction and related improvements. Final design work is currently underway with Widseth and HRGreen, with the project team coordinating closely to refine plans, evaluate constructability, and incorporate site-specific requirements. The design team is targeting submission of 90% complete plans to the MPCA by March 31, 2026, to allow for review and alignment with regulatory and funding requirements. Placement of the project on the CWRF Intended Use Plan (IUP) is anticipated in June 2026, confirming the project's eligibility for funding allocation and enabling final loan approval. Construction of the Main Lift Station Reconstruction is currently scheduled for 2027, following completion of final design, permitting, and procurement processes. The project team continues ongoing coordination with engineering consultants, regulatory agencies, and City staff to ensure the project remains on schedule and ready for construction.	11/30/2027	25%	In Progress

Hydrodam	Electric	Barr Engineering and City staff continue coordination related to procurement of a replacement generator for the hydro facility. Barr Engineering has recently confirmed through multiple suppliers that the previously considered submersible generator units are no longer in production or have been paused. This turbine type had been anticipated as the most economical option for the utility. Barr continues to evaluate alternative generation options for the hydro facility. Current analysis is focused on both equipment feasibility and the potential civil improvements required to install replacement units, as site modifications may significantly influence total project cost. One concept now under consideration is a stream diver generator installed vertically within the pit or tailrace area. Cost estimates have not yet been finalized as Barr continues evaluating installation requirements and associated expenses. A site visit was held on November 25 with area legislative representatives to review the facility, discuss project needs, and provide context on funding and infrastructure considerations.		25%	Waiting	
Water Reclamation and Backwash Project	Public Works	The City transitioned to a Construction Manager at Risk (CMAR) delivery method to allow for value engineering and development of a Guaranteed Maximum Price (GMP). This was due to the high construction costs that were seen in 2024 after competitive bids were opened and subsequently rejected by the Utilities Commission. Following a procurement process initiated in May and June, proposals were solicited, received, and reviewed, and the Utilities Commission awarded the CMAR contract to Rice Lake Construction Group at its September meeting with a preconstruction services fee of $8,500. In November, the Commission also approved Bolton & Menk's professional services agreement for design, CMAR coordination, and construction engineering and administration in a not-to-exceed amount of $450,700. The project team held pricing and value engineering meetings in December 2025 and January 2026, with a third review scheduled for early March. The GMP was presented to the Utilities Commission in April, 2026 at a total project construction cost of $5,300,000. This is the guaranteed price to construct the project, unless there is owner directed changes that would go through a change order process. The project is currently in the pre-qualification stage for the trade partners. After qualifications, the project bid packages will be completed and solicited to the prequalified trade partners to competitively bid on the project. Again, the GMP is set at $5,300,000. If the project bids come in under the GMP, the contingency increases. If above the GMP, that is the risk of the CMAR.		25%	Waiting	
Pedestrian Bridge	Public Works	Staff is pursuing funding opportunities including State Bonding		25%	Waiting	
Completed 2026						
Gustafson Park Development	PW/CDD	12/8 - City Council directed staff to bring a preliminary plan to the Park Board for a formalized recommendation and receive a quote from a surveying company to replat the property (1/27) 12/17 – Staff received estimate to replat Gustafson Park 1/20/2026 Council voted to bring forth a resolution to dedicate Gustafson Park as a park and discontinue talks about development.	6/30/2026	100%	Complete	2/6/2026

Kuepers Development	Community Dev	12/1 – City Council reviewed EAW and held public meeting 12/15 – City Council to review EAW findings and will make declaration 12/17 – Planning Commission recommended approval of the preliminary plat and PUD 2/2/26 – City Council rezoned the parcels, approved final plat, and PUD.	6/30/2026	100%	Complete	4/15/2026
Misdemeanor Prosecution Agreement	Administration	Agreement with Severson Porter (12/1) Staff has sent the agreement to the cities of Nisswa & Baxter to get approval from their Councils. Executed fully on 1/5.	7/6/2026	100%	Complete	1/15/2026
Stormwater Retention Pond-1001 Anabec St-Bollig	Public Works	1/13/26: Tim, CC Engineer called Mike (PW Director) to discuss the drainage concerns on Bollig's property. If drainage study is requested by council, CC would be asked to assist with cost (30% per maintenance agreement), Tim plans to discuss with commissioner. 2/9: Contract for Stormwater Study awarded to HR Green. Contract has been revised and agreed upon. Work is expected to occur over the spring with presentation to CC in roughly May.	6/1/2026	100%	Complete	5/5/2026
Charter Discussions	Administration	5/4 Receive report with options for Council – Council made a motion to reject the options laid out At the special meeting on April 14 the Charter Commission recommended the draft of Chapter 5 Public Utilities to the City Council. The Council then directed staff to draft an ordinance with the amendments. Council conducted the first reading at the April 20th meeting and will hold the final reading and public hearing at the May 4th meeting. If passed unanimously by the Council, the ordinance will then need to be published in the newspaper and will take effect 90 days after publication.	11/1/2026	100%	Complete	5/14/2026
SAHA Funds	Community Dev	1/20 – City Council authorized staff to advertise proposal for available SAHA funds 2/20 – Final submittal deadline to apply for SAHA funds	12/31/2026	100%	Complete	3/5/2026
Industrial Property Sale - Riverbirch Investments	Community Dev	2/17/26 – City Council to approved resolution conveying subject property to EDA 3/2/26 – City Council to consider resolution approving business subsidy 3/5/26 – EDA approved PDA and Conveyance of the property Developer is working on finalizing construction plans		100%	Complete	5/27/2026
Baxter Information - WWTF Annexation	Administration	3/2/2026- MOVED AND SECONDED BY COUNCIL MEMBERS CZECZOK AND BEVANS, DULY CARRIED, TO DIRECT STAFF TO ASK THE CITY OF BAXTER FOR EITHER THE LETTER OR COUNCIL MINUTESREFERENCING THE LETTER MENTIONED BY MEMBER BEVANS. Staff initially conducted research into the topic, finding an article published 11/22/2016 in the Brainerd Dispatch: "Member Bevans asked if anyone had a copy of Baxter Mayor Darrel Olson's response to the city's requests regarding the city of Baxter's position on the [WWTF] issue. After Administrator Thoreen said no copy was available, Bevans said it was because Olson has not responded."		100%	Complete	4/7/2026

City Council
Agenda Request

MEETING DATE: June 1, 2026

TITLE OF ITEM: MN Lawful Gambling - CLC Foundation

AGENDA:

ACTION REQUESTED: Approve/Deny Motion

SUBMITTED BY:

DEPARTMENT: Administration

PRESENTER:

ESTIMATED TIME (MIN):

SUMMARY OF ISSUE

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS

RECOMMENDED ACTION/MOTION

Motion to approve MN Lawful Gambling Application for Exempt Permit Submitted by Central Lakes College Foundation for an Event to be held on October 14, 2026 at 501 W College Drive

FINANCIAL IMPACT

City Council
Agenda Request

MEETING DATE: June 1, 2026

TITLE OF ITEM: MN Lawful Gambling Application - Lil Rubber Duckie Race

AGENDA:

ACTION REQUESTED: Approve/Deny Motion

SUBMITTED BY:

DEPARTMENT: Administration

PRESENTER:

ESTIMATED TIME (MIN):

SUMMARY OF ISSUE

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS

RECOMMENDED ACTION/MOTION

Motion to Approve MN Lawful Gambling Application for Exempt Permit Submitted by the Brainerd Jaycees for an Event to be held on June 20, 2026 at 702 S 5th Street

FINANCIAL IMPACT

City Council
Agenda Request

MEETING DATE: June 1, 2026

TITLE OF ITEM: Event/ Street Closure - Independence Day

AGENDA:

ACTION REQUESTED: Approve/Deny Motion

SUBMITTED BY:

DEPARTMENT: Administration

PRESENTER:

ESTIMATED TIME (MIN):

SUMMARY OF ISSUE

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS

RECOMMENDED ACTION/MOTION

FINANCIAL IMPACT

SPECIAL EVENT APPLICATION

Date of Application: 2.11.26

Event applications that do not include a street closure must be submitted to the Parks & Recreation Department at 1619 Washington Street NE, Brainerd, MN 56401 or parks@ci.brainerd.mn.us at least 14 calendar days prior to the event. Applications that include a street closure must be submitted to the Engineering Department at 501 Laurel Street, Brainerd, MN 56401 or engineer@ci.brainerd.mn.us at least 30 calendar days prior to the event and will require City Council approval.

Type of event:
- [x] Event – City Parking Lot
- [ ] Event with Street Closure
- [x] Event – City Park
- [ ] Other _____

Name of event: Brainerd/Baxter 4th of July Celebration

Organizer Information

Organizer's Name: Brainerd Community Action

Organizer's Address: 321 South 7th St. Suite

Event Contact Person: Dave Badeaux - Exec. Director

Event Contact Daytime Phone: 218.829.5278

Event Contact E-mail Address: info@brainerdcommunityaction.org

Contact Name/Number Day of Event: _____

For Profit/Nonprofit Status (type): Non-Profit

Applicant information (if different from the event organizer):

Applicant Name: Dave Badeaux

Applicant Address: Same

Applicant Phone: _____

Applicant E-mail Address: _____

Event Information

Event Details (list each date separately)

Event Date	Start Time	End Time	Event Location(s) – see locations listed below
7.4.26	7pm	11pm	Lyman P. White

☑ Recurring event (requires only one application submittal per year.) Indicate all event dates and times above.

Event locations *(all dimensions are parking lot usable space estimates)*:

- City Hall Parking Lot (130' x 146')
- Laurel Street Parking Lot (92' x 120')
- Front Street Parking Lot (66' x 125')
- City Street(s) (street closure request information on page 4 MUST be filled out)
- City Park (must contact the Parks & Recreation Department for information)
- Other (specify location above)

Description of Activities

Brief description of the activities planned during the event. If a parade/run/walk event, please describe the proposed route with the assembly and dispersal locations and attach a route map:

Parade - 6 p.m. (see map)

Family Activities- 8 p.m. (sack races, relays, various competitions

Live music - 7 p.m.

Fireworks - 10:15 p.m.

Site Information

Electrical usage ☑ Yes ☐ No

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

Food vendors and broaddcasters will all use generators

Live music will utilize power at Amphitheater

Amplified Sound ☑ Yes ☐ No

Describe any recording and sound amplification equipment to be used in your event along with the times:

Hubbard Radio will be broadcasting over the stadium PA as well as from a small stagged location

at te end of the parade route. Live music at Ampthitheater

Restrooms provided ☑ Yes ☐ No

If yes, how many 65 (a ratio of 1 for every 100-150 people is recommended)

Company contracted for restrooms: Nelson Plumbing (plus park restrooms)

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

Signs, banners, and/or posters/flyers ☑ Yes ☐ No

Describe the signs, banners, posters, flyers and the locations:

sponsorship banners will be placed along the fencing of the football stadium and flyers

and poster will be located throughout town advertising the event.

Trash Receptacle Disposal ☑ Yes ☐ No

Company contracted for trash receptacle disposal: Waste Partners

Additional Event Information

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

Throughout all events, businesses should be reasonably accessible to the public. If a business's entrance is blocked by an event layout, then accommodations such as signage, handbills, or similar methods should be made available to mitigate the impact on customer access.

A $100/day security deposit is required (payable by check only). The security deposit will be refunded should the event site be left clean and void of trash and all event items are removed on the last day of the event. An event that does not occur will not have its security deposit refunded except for hazardous weather conditions, as determined by the City of Brainerd.

Street Closure Request Information

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

parade rout will follow S. 5th St. to Laurel. turn left and continue to East River Rd. Turn left and make its way down E. River Rd. to the lower high school parking lot. A list of requested barricades, signs, cones, is attached.

Date and time for beginning of street closures: 5:00pm

Date and time for reopening of streets: 8:00pm or after parade has concluded

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

This year access to College Dr. will not be blocked and traffic will be allowed to continue as needed. We will again be staging east of the High School utilizing the parking lots.

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

If a street closure occurs along residential streets, reasonable efforts must be made to alert all property owners along the street of the proposed closure. All street closures shall be approved by the City Council. Failure to notify property owners and tenants in street closure areas will result in revocation of this permit.

For information regarding a street closure, please contact the City Engineering office at 218-828-2307 or engineer@ci.brainerd.mn.us.

Hold Harmless Agreement and Insurance Information

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

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

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

Signature of Event Applicant

I attest that the above information is true and accurate, and I certify under penalties of perjury that I am authorized to execute contracts and other instruments and legally bind the Applicant.

_____
Signature of Applicant

_____
Print Name

Contacts, Permits, and Fees Checklist

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

The Event Planner is responsible for providing the following (as needed) information:

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

Contact Information

Administration Department:	(218) 828-2307 | admin@ci.brainerd.mn.us
Parks and Recreation Department:	(218) 828-2320 | parks@ci.brainerd.mn.us
Engineering Department:	(218) 828-2307 | engineer@ci.brainerd.mn.us
Planning Department:	(218) 828-2307 | planning@ci.brainerd.mn.us
Police Department:	(218) 829-2805 | police@ci.brainerd.mn.us
Fire Department:	(218) 828-2312 | fire@ci.brainerd.mn.us
MN Commissioner of Revenue:	(651) 282-5225 | www.revenue.state.mn.us
MN Department of Health	(320) 223-7300 | www.health.state.mn.us
MNDOT Baxter Office	(218) 828-5700 | www.dot.state.mn.us

Event Application Approval

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

_____ _____

City Administrator Date

Approval Conditions:

All Food Trucks are required to get a BFD Mobile Food Vendor Inspection/Permit from the Fire Department.
Coordinate Street Closures with Street Department 218-513-4412 and Police Department - DC Pallansch

City Council
Agenda Request

MEETING DATE: June 1, 2026

TITLE OF ITEM: Hiring - Summer Temporary Employees

AGENDA: Consent

ACTION REQUESTED: Approve/Deny Motion

SUBMITTED BY: Brittney Kummet, HR Director

DEPARTMENT: HR

PRESENTER: Brittney Kummet, HR Director

ESTIMATED TIME (MIN): n/a - consent calendar

SUMMARY OF ISSUE

Attached is a listing of our 2026 Summer temporary employees that have recently received a conditional job offer and have successfully completed their background checks.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS

Pursuant to MN Statute, seasonal assignments are limited to 67 working days per calendar year or 100 working days per year if the employees are under the age of 22, are full-time students enrolled in a nonprofit or public educational institution prior to being hired by the employer, and have indicated, either in an application for employment or by being enrolled at an educational institution for the next academic year or term, an intention to continue as students during or after their temporary employment.

RECOMMENDED ACTION/MOTION

Approve the hiring of the 2026 Summer temporary employees as presented on the attached listing.

FINANCIAL IMPACT

The positions are included in the 2026 budget.

2026 Summer Temporary Employees

	Name	Job Title	Date of Hire	2026 Hourly Rate
*	John Hagen	Police Intern	6/1/2026	$22.56
*	William Middagh	Parks Weekend Ball Field Maintenance	5/27/2026	$20.00

Submitted for Consideration at the June 1, 2026, Council Meeting

* Returning Employee

City Council
Agenda Request

MEETING DATE: June 1, 2026

TITLE OF ITEM: Reclassify - Water/Wastewater Operators

AGENDA: Consent

ACTION REQUESTED: Approve/Deny Motion

SUBMITTED BY: Brittney Kummet, HR Director, Paul Sandy, Public Works Director

DEPARTMENT: HR

PRESENTER: Brittney Kummet, HR Director

ESTIMATED TIME (MIN): n/a - consent calendar

SUMMARY OF ISSUE

On May 15, the Council authorized the hiring of a Water/Wastewater Operator and approved the opportunity for any current Water Operator or Wastewater Operator to reclassify at this time if they so choose. All three current Water Operators and all three current Wastewater Operators have submitted an application and accepted the reclassification at this time.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS

RECOMMENDED ACTION/MOTION

Motion to reclassify the employees listed below:
Andrew Moody to be reclassified as a Water/Wastewater Operator at Step 5 ($39.27 per hour), effective June 2, 2026.
Daniel Doucette to be reclassified as a Water/Wastewater Operator at Step 5 ($39.27 per hour), effective June 2, 2026.
Jesse Simenson to be reclassified as a Water/Wastewater Operator at Step 5 ($39.27 per hour), effective June 2, 2026.
Darrin Smith to be reclassified as a Water/Wastewater Operator at Step 7 ($43.83 per hour), effective June 2, 2026.
Bradley Knapp to be reclassified as a Water/Wastewater Operator at Step 7 ($43.83 per hour), effective June 2, 2026.
Jason Gage to be reclassified as a Water/Wastewater Operator at Step 4 ($37.99 per hour), effective June 2, 2026.

FINANCIAL IMPACT

City Council
Agenda Request

MEETING DATE: June 1, 2026

TITLE OF ITEM: Sale of Fire Dept. Surplus Equipment

AGENDA: Consent

ACTION REQUESTED: Approve/Deny Motion

SUBMITTED BY: Tim Holmes, Fire Chief

DEPARTMENT: Fire

PRESENTER: Tim Holmes, Fire Chief

ESTIMATED TIME (MIN):

SUMMARY OF ISSUE

With the start of the Fire Station #1 renovation project, staff has identified several pieces of equipment and furnishings that are outdated, no longer functional for operations, or incompatible with the newly designed space. To ensure a clean construction site and maximize city resources, the Fire Department requests that the City Council declare these items as surplus property and authorize their sale through Public Surplus.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS

As cleaning and construction began at Fire Station #1, certain legacy items have been identified as unusable for future operations. These items will not be integrated into the renovated station.

The initial inventory of identified surplus equipment includes, but is not limited to:

Department Infrastructure: legacy generator, vehicle exhaust system, commercial dryer, and fixtures. Health & Wellness: Various pieces of outdated fitness and exercise equipment. Office Furnishings: Several filing cabinets and miscellaneous small office items.

All these items have outlived their operational usefulness for the Fire Department.

RECOMMENDED ACTION/MOTION

Motion to authorize the sale of items identified by the fire department as surplus equipment using the Public Surplus site.

FINANCIAL IMPACT

Funds recovered from the sale of these items will be directed to support the overall renovation project budget.

City Council
Agenda Request

MEETING DATE: June 1, 2026

TITLE OF ITEM: Sale of Electric Department Surplus Items

AGENDA: Consent

ACTION REQUESTED: Approve/Deny Motion

SUBMITTED BY: Paul Sandy, Public Works Director

DEPARTMENT: Electric

PRESENTER: Paul Sandy, Public Works Director

ESTIMATED TIME (MIN): 1 Minute

SUMMARY OF ISSUE

Staff are requesting authorization to declare additional first aid supplies and one used 20HP outboard motor as surplus property for disposal through the surplus auction process.

The first aid supplies identified for surplus consist of excess or obsolete inventory that is no longer needed for operational use. Staff have reviewed the inventory and determined the items are beyond current operational needs or have been replaced through updated supply standards and stocking practices.

The used 20HP outboard motor was previously utilized on the hydro dam boat and has since been replaced as part of equipment maintenance and operational reliability efforts. Staff determined replacement of the motor was necessary to maintain dependable operation of the hydro facility support equipment.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS

RECOMMENDED ACTION/MOTION

Staff recommend approval of the surplus declaration and authorization to dispose of the identified items through the approved surplus auction process.

FINANCIAL IMPACT

DEPARTMENT OF ADMINISTRATION
SURPLUS SERVICES

Online Auction Request

Online auctions run for 7 to 10 days. Each lot is run as a separate auction. Inspections will be done by appointment only. Please provide all the information below along with digital photos of the lots and copies of titles for all vehicles and trailers. **BIDDER PAYMENTS MUST BE A CERTIFIED CHECK OR MONEY ORDER MADE PAYABLE TO SURPLUS SERVICES.** Full payments must be sent to Surplus Services as soon as possible.

Contact information

Department/Agency:	BRAINERD PUBLIC UTILITIES		
Contact Name:	ANNMARIE LAMSER		
Address:	8027 HIGHLAND SCENIC RD, BAXTER, MN, 56425		
Email:	ALAMSER@BPU.ORG		
Phone:	218-825-3233		
Item Location:			
Deposit Info Vendor Number:		Remittance Address:	

Lot Information

Please review our website: www.MinnBid.org. Look over some of the past and current Online Auctions. This will give you and idea of what the information should be provided in the Remarks section.

LOT 1

Year		**Make**	First Aid supplies	**Model**	
VIN/Serial Number					
Mileage		**Condition**	New	**Reserve Price (optional)**	$
Remarks: Any known Defects and options the unit may have	Surplus first aid supplies and box of XL Vinyl gloves. Unopened glove box contains 10 boxes of 100 pair. First aid supplies contained first aid books, 36 pair of scissors, 52 packs of 5 burn cream that expire 5/2027, and 38 Burnshield 4"x4" gel compresses that expire 5/2027, and a bag of cpr face shields.				

LOT 2

Year	Mid-90's	**Make**	Mercury	**Model**	Tracker
VIN/Serial Number					
Mileage		**Condition**	Like-new	**Reserve Price (optional)**	$
Remarks: Any known Defects and options the unit may have	Boat motor from the mid 90's. Used twice a year to put buoys in and take them out at our Hydro facility. Comes with empty gas can.				

LOT 3

Year		**Make**		**Model**	
VIN/Serial Number					
Mileage		**Condition**		**Reserve Price (optional)**	$
Remarks: Any known Defects and options the unit may have					

LOT 4

Year		**Make**		**Model**	
VIN/Serial Number					
Mileage		**Condition**		**Reserve Price (optional)**	$
Remarks: Any known Defects and options the unit may have					

LOT 5

Year		**Make**		**Model**	
VIN/Serial Number					
Mileage		**Condition**		**Reserve Price (optional)**	$
Remarks: Any known Defects and options the unit may have					

BIDDER PAYMENTS MUST BE A CERTIFIED CHECK OR MONEY ORDER MADE PAYABLE TO SURPLUS SERVICES. Full payments must be sent to Surplus Services, 5420 Old Highway 8, Arden Hills, MN 55112 as soon as possible.

I certify that this is property owned by agency submitting this form and is not subject to any lien, restriction, or other encumbrance.

_____ _____ _____

Authorized Signature Title Date

Surplus Services Use Only	
	Surplus Services Authorization

MERCURY
TRACKER
20

City Council
Agenda Request

MEETING DATE: June 1, 2026

TITLE OF ITEM: Resignation - Network Administrator Jacob Walz (added item)

AGENDA: Consent

ACTION REQUESTED: Approve/Deny Motion

SUBMITTED BY: Brittney Kummet, HR Director, Shawn Strong, Technology Director

DEPARTMENT: Administration

PRESENTER: Brittney Kummet, HR Director

ESTIMATED TIME (MIN): n/a - consent

SUMMARY OF ISSUE

Jacob Walz submitted his letter of resignation on May 29, 2026. Jacob's last day will be Friday, June 12, 2026.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS

RECOMMENDED ACTION/MOTION

Motion to accept Jacob Walz's resignation effective Friday, June 12, 2026, and to authorize staff to begin the hiring process to backfill the position.

FINANCIAL IMPACT

This position is included in the 2026 budget.

City Council
Agenda Request

MEETING DATE: June 1, 2026

TITLE OF ITEM: League of MN Cities Insurance Trust (LMCIT) Premium Renewal March 2026-February 2027

AGENDA: P&F Committee

ACTION REQUESTED: Approve/Deny Motion

SUBMITTED BY: Connie Hillman, Finance Director

DEPARTMENT: Finance

PRESENTER: Connie Hillman, Finance Director

ESTIMATED TIME (MIN): 10 Minutes

SUMMARY OF ISSUE

Ms. Kelly Masche and Mr. Nate Oland will be joining the meeting to present the 2026-2027 property insurance renewal information. Information is attached for your review.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS

The City's insurance policy did not lapse; we have had continuous insurance coverage. More time was needed to assemble the renewal information.

The Council budgeted $229,665 for the City for 10 months in 2026. This was a budgeted 5.83% increase. The actual City portion of the premium decreased by 4.51% ($22,000 difference - working funds, transit, library, sanitary, storm and EDA), and a 1.64% overall increase in the policy.

RECOMMENDED ACTION/MOTION

Approve the insurance renewal from LMCIT for the period of March 1, 2026-February 28, 2027.

FINANCIAL IMPACT

COMMERCIAL INSURANCE PACKAGE
PREPARED FOR:

City of Brainerd
Economic Development Authority
Public Utilities Commission

Prepared by: Nate Oland and Kelly Masche

WEIZENEGGER ENGEL INSURANCE

15616 Edgewood Drive, Suite 200, Baxter MN 56425 I PH: 888-829-4721

Weizenegger Engel Insurance

May 6, 2026

Brainerd City Council
City of Brainerd
Brainerd Public Utilities
501 Laurel Street
Brainerd MN 56401

RE: LMCIT Insurance Renewal

Dear Council Members,

Enclosed is the City of Brainerd's renewal premium summary, along with a comparative premium breakdown by department.

The renewal premium reflects the policy term of **March 1, 2026 – March 1, 2027**. The comparison figures represent the annualized premium for the **March 1, 2025 – March 1, 2026** term. Overall, the total premium reflects a **2% increase** from the expiring policy period. Please note that the League of Minnesota Cities does not apply premium adjustments for most mid-term changes.

Additionally, please review the enclosed information regarding the **2026–2027 LMC rate and coverage updates**.

If you have any questions or need further clarification, please feel free to reach out.

Regards,

Nathan S Oland, AIC, LUTCF
O: 218-829-4721
C: 507-363-6344
E: NSOLAND@WE-INS.COM

Kelly Masche, CIC, AIS, ACS, AINS
O: 218-454-4243
C: 507-213-9000
E: KJMASCHE@WE-INS.COM

PREMIUM SUMMARY

City of Brainerd
Economic Development Authority, Public Utilities Commission
League of Minnesota Cities Insurance Trust
March 1, 2026 to March 1, 2027
- All Departments Combined -

COVERAGE	RENEWAL PREMIUM 2025-2026	RENEWAL PREMIUM 2026-2027
Coverage		
Property	$87,289	$86,575
BPU Property	$181,247	$202,443
Unscheduled Equip	$12,916	$13,492
Scheduled Equip	$350	$357
Municipal liability	$139,204	$122,175
Open MTG Law	$0	$0
Auto	$64,259	$67,883
HNO Auto	$203	$87
Auto Designated Volunteer	$116	$116
Bond	$2,347	$2,360
Equip Breakdown	$21,040	$21,822
Cyber - 1st Party coverage	$6,028	$6,028
TOTAL ANNUAL PREMIUM	**$514,999**	**$523,338**

Renewal Summary

City of Brainerd
Economic Development Authority, Public Utilities Commission
League of Minnesota Cities Insurance Trust
March 1, 2026 to March 1, 2027

OF BRAINERD, Economic Development Authority, Public Utilities Commi

2021 LMCIT P&C dividend paid $70,549.
2022 LMCIT P&C dividend paid $48,959.
2023 LMCIT P&C dividend paid $14,534
2024 LMCIT P&C dividend paid $15,750.
2024 LMCIT Work Comp dividend paid $28,569.
2024 LMCIT Work Comp dividend paid $28,569.

Property limits increased by: $1,857,563.
BPU property limits increased by: $20,166,738.

Unscheduled equipment rating basis increased by: $38,121
BPU unscheduled equipment rating basis increased by: $31,442.

Autos decreased by 1
BPU overall autos increased by 2

Property premium is primarily up due to the increase in limit at the power plant after the ap

Municipal Liability premium is down due to an improved Ex Mod (12.5% improvement)

Auto Physical Damage premium is up due to rate increases and changes in exposure

Equipment Breakdown premium is up due to the increase in Property TIV (appraisal and in

Property Coverage Summary

City of Brainerd
Economic Development Authority, Public Utilities Commission
League of Minnesota Cities Insurance Trust
March 1, 2026 to March 1, 2027

Coverage Form: Special Causes of Loss

Reproduction Cost Coverage is provided for the following locations
Location 1 - City Hall
Location 3 - Laurel & civic Lights/Welcome sign
Location 4 - Historic Water Tower

Vacant Properties:
City Hall Annex

Property Deductible:	**$5,000**	
		Deductible
Crime: Limit per Occurrence	$250,000	$500 per occurrence
Fraudulent Instruction Loss sublimit	$50,000	
Bond: Limit per Occurrence	$1,000,000	$1,000 per occurrence
First Party Cyber:	$500,000	$500 per occurrence
Extraordinary Expense:	$250,000	N/A
Petrofund: Aggregate	$250,000	N/A
Equipment Breakdown:	$100,000,000	$1,000 per accident

MUNICIPAL LIABILITY COVERAGE

City of Brainerd
Economic Development Authority, Public Utilities Commission
League of Minnesota Cities Insurance Trust
March 1, 2026 to March 1, 2027

COVERAGE WRITTEN ON: Claims Made Form

LIMITS OF LIABILITY:

Per Occurrence Limit	$2,000,000	
Products Limit	$3,000,000	Annual Aggregate
Failure to Supply Claim Limit	$3,000,000	Annual Aggregate
EMF Claim Limit (electromagnetic fields)	$3,000,000	Annual Aggregate
Medical & Related Expense Limit	Not Covered	
Limited Contamination Liability	$3,000,000	Per Sudden Occ.
Outside Organization Claim Limit	$100,000	Annual Aggregate
System Security Breach	$3,000,000	Annual Aggregate
Land Use & Special Risk Litigation	$1,000,000	Annual Aggregate
Sexual Abuse Claim	$3,000,000	Annual Aggregate
Wildfire Claim	$3,000,000	Annual Aggregate
Data Security Breach liability	$2,000,000	occurrence
PCI Fines, penalties, assessments sublimit	$250,000	part of occurrence

Municipal Liability Deductible: **$1,000**

MISC. COVERAGE:

Errors & Omissions (incl. Airport)	Included - no exclusion	
Defense Cost Reimbursement Expense	$50,000	Annual Aggregate Per City Official
	$250,000	Annual Aggregate

MUNICIPAL AUTOMOBILE COVERAGE

City of Brainerd
Economic Development Authority, Public Utilities Commission
League of Minnesota Cities Insurance Trust
March 1, 2026 to March 1, 2027

Automobile Liability	$2,000,000	Per Occurrence
Basic Economic Loss Benefits	MN Statutory	PIP
Uninsured & Underinsured Motorist	$200,000	Per Occurrence
Automobile Physical Damage	Actual Cash Value (unless endorsed)	
Hired & Non-Owned Automobile	$2,000,000	
Scheduled Non-Owned auto Liability	10	City admin employees
Automobile Deductible:	**$1,000**	

ADDITIONAL CONSIDERATIONS

City of Brainerd
Economic Development Authority, Public Utilities Commission
League of Minnesota Cities Insurance Trust
March 1, 2026 to March 1, 2027

Optional quote - First Party Cyber:
Limit at $250,000: Savings of $2,009.

Optional quote - Mobile property
Lowering deductible from $5,000 to $1,000: Additional premium of $1,556

Excess Liability Quote:
$1,000,000 Excess Liability $38,952.

The City of Brainerd has elected to not waive the statutory limits, therefore the cities liability is limited by the MN statue to no more than $500,000 per claimant and $1.5 million per occurrence for tort liability claims. The trusts excess liability policy would extend coverage for non-tort liability claims that would exceed this amount.

MN Statue reference:
https://www.revisor.mn.gov/statutes/cite/466.04

PREMIUM SUMMARY COMPARISON

City of Brainerd
Economic Development Authority, Public Utilities Commission

League of Minnesota Cities Insurance Trust
March 1, 2026 to March 1, 2027

Dept.	2025 Property	2026 Property	2025 Unscheduled Equipment	2026 Unscheduled Equipment	2025 Scheduled Equipment	2026 Scheduled Equipment	2025 Municipal Liability	2026 Municipal Liability	2025 Open MTG Law	2026 Open MTG Law
City	$42,187.00	$40,246.00	$49.00	$51.00	$0.00	$0.00	$22,609.66	$20,609.13	$0.00	$0.00
Str/Swr	$5,082.00	$4,955.00	$4,896.00	$5,114.00	$275.00	$281.00	$13,146.68	$11,510.76	$0.00	$0.00
Police	$5,494.00	$5,456.00	$873.00	$912.00	$0.00	$0.00	$65,951.29	$56,061.85	$0.00	$0.00
Fire	$5,101.00	$5,066.00	$970.00	$1,013.00	$0.00	$0.00	$1,594.26	$1,394.55	$0.00	$0.00
Library	$8,701.00	$8,606.00	$0.00	$0.00	$0.00	$0.00	$120.84	$102.54	$0.00	$0.00
Park	$20,724.00	$22,246.00	$291.00	$304.00	$0.00	$0.00	$2,378.89	$2,054.53	$0.00	$0.00
EDA	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$144.48	$144.49	$0.00	$0.00
Airport	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$500.00	$500.00	$0.00	$0.00
SubT	**$87,289.00**	**$86,575.00**	**$7,079.00**	**$7,394.00**	**$275.00**	**$281.00**	**$106,446.10**	**$92,377.85**	**$0.00**	**$0.00**
Transit	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$1,457.41	$1,413.66	$0.00	$0.00
SubT	**$0.00**	**$0.00**	**$0.00**	**$0.00**	**$0.00**	**$0.00**	**$1,457.41**	**$1,413.66**	**$0.00**	**$0.00**
BPU	$181,247.00	$202,443.00	$5,837.00	$6,098.00	$75.00	$76.00	$31,300.49	$28,383.49	$0.00	$0.00
SubT	**$181,247.00**	**$202,443.00**	**$5,837.00**	**$6,098.00**	**$75.00**	**$76.00**	**$31,300.49**	**$28,383.49**	**$0.00**	**$0.00**
TOTAL	**$268,536.00**	**$289,018.00**	**$12,916.00**	**$13,492.00**	**$350.00**	**$357.00**	**$139,204.00**	**$122,175.00**	**$0.00**	**$0.00**

Dept.	2025 Auto	2026 Auto	2025 Auto HNO/Primary	2026 Auto HNO/Primary	2025 Bond	2026 Bond	2025 Equipment Breakdown	2026 Equipment Breakdown	2025 1st Pary Cyber	2026 1st Pary Cyber
City	$2,661.00	$1,680.00	$130.38	$132.40	$368.54	$444.92	$1,341.26	$1,309.32	$946.55	$946.55
Str/Swr	$7,146.00	$7,015.00	$5.75	$5.70	$155.17	$154.75	$440.65	$432.91	$398.55	$398.55
Police	$28,370.00	$31,892.00	$23.73	$22.82	$640.09	$619.02	$415.75	$430.06	$1,644.00	$1,644.00
Fire	$7,363.00	$7,516.00	$2.16	$2.14	$58.19	$58.03	$372.94	$366.72	$149.45	$149.45
Library	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$594.48	$580.31	$0.00	$0.00
Park	$3,376.00	$3,558.00	$5.03	$4.99	$135.78	$135.41	$629.36	$636.18	$348.73	$348.73
EDA	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
Airport	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00	$0.00
SubT	**$48,916.00**	**$51,661.00**	**$167.05**	**$168.05**	**$1,357.77**	**$1,412.13**	**$3,794.44**	**$3,755.50**	**$3,487.28**	**$3,487.28**
Transit	$0.00	$0.00	$0.72	$1.43	$38.79	$38.69	$0.00	$0.00	$99.64	$99.64
SubT	**$0.00**	**$0.00**	**$0.72**	**$1.43**	**$38.79**	**$38.69**	**$0.00**	**$0.00**	**$99.64**	**$99.64**
BPU	$15,343.00	$16,222.00	$35.23	$33.52	$950.44	$909.18	$17,245.56	$18,066.50	$2,441.08	$2,441.08
SubT	**$15,343.00**	**$16,222.00**	**$35.23**	**$33.52**	**$950.44**	**$909.18**	**$17,245.56**	**$18,066.50**	**$2,441.08**	**$2,441.08**
TOTAL	**$64,259.00**	**$67,883.00**	**$203.00**	**$203.00**	**$2,347.00**	**$2,360.00**	**$21,040.00**	**$21,822.00**	**$6,028.00**	**$6,028.00**

Dept.	2025 Premium	2026 Premium
City	$70,293.39	$65,419.32
Str/Swr	$31,545.80	$29,867.67
Police	$103,411.86	$97,037.75
Fire	$15,611.00	$15,565.89
Library	$9,416.32	$9,288.85
Park	$27,888.79	$29,287.84
EDA	$144.48	$144.49
Airport	$500.00	$500.00
SubT	**$258,811.64**	**$247,111.81**
Transit	$1,596.56	$1,553.42
SubT	**$1,596.56**	**$1,553.42**
BPU	$254,474.80	$274,672.77
SubT	**$254,474.80**	**$274,672.77**
TOTAL	**$514,883.00**	**$523,338.00**

Premium	2025	2026
Property	$87,289.00	$86,575.00
BPU Property	$181,247.00	$202,443.00
Unscheduled Equip	$12,916.00	$13,492.00
Scheduled Equip	$350.00	$357.00
Municipal liability	$139,204.00	$122,175.00
Open MTG Law	$0.00	$0.00
Auto	$64,259.00	$67,883.00
HNO Auto	$203.00	$203.00
Bond	$2,347.00	$2,360.00
Equip Breakdown	$21,040.00	$21,822.00
Cyber	$6,028.00	$6,028.00
Total	**$514,883.00**	**$523,338.00**

COVERAGE SUMMARY COMPARISON

City of Brainerd
Economic Development Authority, Public Utilities Commission

League of Minnesota Cities Insurance Trust

Dept.	2025	2026	Difference	2025	2026	Difference	2025	2026	Difference	2025	2026	Difference
	Property Limits	Property Limits	Property Limits	Unscheduled	Unscheduled	Unscheduled	Scheduled	Scheduled	Scheduled	Auto	Auto	Auto
	BLDG - BPP - PPO	BLDG - BPP - PPO	BLDG - BPP - PPO	Equipment	Equipment	Equipment	Equipment	Equipment	Equipment	# of Units	# of Units	# of Units
City	14,949,398	15,392,306	442,908	13,061	13,322	261	-	-	-	**5**	**6**	**1**
Str/Swr	4,911,372	5,089,300	177,928	1,318,319	1,344,685	26,366	275	281	6	**18**	**16**	**-2**
Police	4,633,874	5,055,742	421,868	235,092	239,794	4,702	-	-	-	**15**	**19**	**4**
Fire	4,156,740	4,311,132	154,392	261,213	266,438	5,225	-	-	-	**22**	**18**	**-4**
Library	6,625,952	6,822,132	196,180	-		-	-	-	-	**0**	**0**	**0**
Park	7,014,633	7,478,920	464,287	78,364	79,932	1,568	-	-	-	**10**	**10**	**0**
EDA	-	-	-	-		-	-	-	-	**0**	**0**	**0**
Airport	-	-	-	-		-	-	-	-	**0**	**0**	**0**
SubT	**42,291,969**	**44,149,532**	**1,857,563**	**1,906,049**	**1,944,171**	**38,122**	**275**	**281**	**6**	**70**	**69**	**-1**
Transit	-	-	-	-	-		-	-	-	**0**	**0**	**0**
SubT	**-**	**-**	**-**	**-**	**-**		-	-	**-**	**0**	**0**	**0**
BPU	192,222,378	212,389,116	20,166,738	1,572,107	1,603,549	31,442	75	76	1	**59**	**57**	**-2**
SubT	**192,222,378**	**212,389,116**	**20,166,738**	**1,572,107**	**1,603,549**	**31,442**	**75**	**76**	**1**	**59**	**57**	**-2**
TOTAL	**234,514,347**	**256,538,648**	**22,024,301**	**3,478,156**	**3,547,720**	**69,564**	**350**	**357**	**7**	**258**	**252**	**-3**

City Council
Agenda Request

MEETING DATE: June 1, 2026

TITLE OF ITEM: Resolution - Appointing Election Judges and Setting Wages

AGENDA: P&F Committee

ACTION REQUESTED: Adopt Resolution

SUBMITTED BY: Connie Hillman, Finance Director

DEPARTMENT: Administration

PRESENTER: Connie Hillman, Finance Director

ESTIMATED TIME (MIN): 5 Minutes

SUMMARY OF ISSUE

Attached is a copy of the resolution passed by Council in 2024 setting pay for election and trainee judges. $22 per hour for assistant and head judges and $18 per hour for election and trainee judges. Currently, the City does not pay mileage to anyone, but head judges do get an hour of pay for picking up supplies the day before each election and lunch and dinner is provided at each precinct on election days - pizza and subs.

The County does reimburse judges at the standard IRS mileage rate, and no meals are provided.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS

For 2026, the County's election judge pay rates are $25 per hour for head judges and $20 per hour for regular judges. Baxter is paying $22 or head judges and $18 for regular judges.

It is difficult to staff 8 precincts with 6-10 election judges from 5:30 am to 10:00 + p.m. The days are very long for our election judges, and we don't have enough judges to do shifts. The City budgeted $40,488 for elections in 2026. Elections costs totaled approximately $34,700 in 2024 and $33,200 in 2022.

Attached is a draft resolution appointing and setting pay for election judges for training and the primary and general elections. The hourly rates are not completed, as Staff would appreciate Council's direction if the City should match the County pay rates or maintain wages at $22 for head and assistant judges and $18 for regular and trainee judges.

RECOMMENDED ACTION/MOTION

Discussion and adoption of the attached draft resolution appointing and setting wages for election judges.

FINANCIAL IMPACT

RESOLUTION
27:24

RESOLUTION APPOINTING & SETTING PAY FOR ELECTION JUDGES FOR TRAINING AND THE PRIMARY AND GENERAL ELECTIONS

BE IT RESOLVED by the Council of the City of Brainerd that the judges of the Election are those individuals who have completed training as required by MN Statutes and are on file with the Administrator's Office.

BE IT FURTHER RESOLVED that the rate of pay of judges for the election be fixed as follows:

Precinct Head and Assistant Head Judges - $22.00 per hour;
Election Judges - $18.00 per hour;
Trainee Election Judges $18.00 per hour.

Adopted this 3rd day of June 2024

KELLY BEVANS
President of the Council

Approved this 4th day of June 2024

DAVE BADEAUX
Mayor

ATTEST: _____
NICHOLAS W. BROYLES
City Administrator

RESOLUTION
XX:26

RESOLUTION APPOINTING & SETTING PAY FOR ELECTION JUDGES FOR TRAINING AND THE PRIMARY AND GENERAL ELECTIONS

BE IT RESOLVED by the Council of the City of Brainerd that the judges of the Election are those individuals who have completed training as required by MN Statutes and are on file with the Administrator's Office.

BE IT FURTHER RESOLVED that the rate of pay of judges for the election be fixed as follows:

Precinct Head and Assistant Head Judges - $XX.00 per hour;
Election Judges - $XX.00 per hour;
Trainee Election Judges $XX.00 per hour.

Adopted this 1st day of June 2026

_____
MIKE O'DAY
President of the Council

Approved this 2nd day of June 2026

_____
DAVE BADEAUX
Mayor

ATTEST: _____
NICHOLAS W. BROYLES
City Administrator

City Council
Agenda Request

MEETING DATE: June 1, 2026

TITLE OF ITEM: Hiring - Deputy Public Works Director/City Engineer Jennifer Schumann

AGENDA: P&F Committee

ACTION REQUESTED: Approve/Deny Motion

SUBMITTED BY: Brittney Kummet, HR Director, Paul Sandy, Public Works Director

DEPARTMENT: HR

PRESENTER: Brittney Kummet, HR Director

ESTIMATED TIME (MIN): 2 minutes

SUMMARY OF ISSUE

The City received three applications for the Deputy Public Works Director/City Engineer position. Staff invited all three candidates to interview and subsequently extended an offer to Jennifer Schumann. Jennifer requested a few negotiated items, which have been outlined below for Council consideration.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS

If the below motion is approved by the Council, a start date will be determined, at which time it will be placed on the consent calendar for approval.

RECOMMENDED ACTION/MOTION

Motion to approve the hiring of Jennifer Schumann as the Deputy Public Works Director/City Engineer subject to the following:

1. Placement at Step 3 of the Deputy Public Works Director/City Engineer wage grid, at the rate of $61.46 per hour.
2. To accommodate a previously scheduled vacation, Jennifer will be credited with 40 hours of vacation leave effective on her hire date. She will not accrue additional vacation leave until the point at which she would have normally earned the initial 40 hours.
3. An initial vacation accrual rate of 13.33 hours per month (equivalent to four weeks per year). This accrual rate will be frozen for the first six years of her employment, after which it will increase in accordance with the Employee Policy Manual.
4. Completion of the pre-employment process.

FINANCIAL IMPACT

City Council
Agenda Request

MEETING DATE: June 1, 2026

TITLE OF ITEM: Improvement 26-02 - 2026 Large Patching Project - Award Recommendation

AGENDA: SPW Committee

ACTION REQUESTED: Approve/Deny Motion

SUBMITTED BY: Paul Sandy, Public Works Director

DEPARTMENT: Public Works

PRESENTER: Paul Sandy, Public Works Director

ESTIMATED TIME (MIN): 5 Minutes

SUMMARY OF ISSUE

Staff solicited proposals for the 2026 Large Patching Project by reaching out to qualified contractors. We received one proposal in response, submitted by Knife River. The proposal has been reviewed by staff and is attached for the Council's consideration and review.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS The proposal received is as follows:

- **Knife River = $65,537.90**

As reflected in the attached quote and consistent with previous correspondence with the City Council, a portion of Andrew Street does not share the same typical section as the remainder of the street further into the development. In response to this discrepancy, staff recommended that the Council consider soliciting a proposal for the contractor to over-excavate and place additional Class 5 aggregate base and bituminous material in order to match the typical section of Andrew Street as established within the development. This additional scope of work, as detailed in the attached quote, is priced at $11,025.00, which would place the overall project $487.10 over the approved budget.

While completing this additional work would be beneficial in achieving a consistent typical section for the entirety of Andrew Street, it is worth noting that Andrew Street will likely require resurfacing or reconstruction within the next 10 to 15 years. At that time, the matter of establishing a uniform typical section across the full length of the street could be appropriately addressed as part of that future project.

With that context in mind, staff is recommending that the City Council reduce the scope of the current project to large patching (variable depth) only, and remove the excavation, placement, and shaping of aggregate base course on Andrew Street from the scope of work in its entirety.

Should the Council elect to move forward with staff's recommendation, the revised project cost would come in $487.10 under the approved budget. Should the Council instead elect to proceed with the full scope of work as previously approved, the project would exceed the budgeted amount by $10,537.90.

RECOMMENDED ACTION/MOTION

Staff recommends approval of the quote from Knife River - North Central in the reduced scope amount of $54,512.90 for the 2026 Large Patching Project.

FINANCIAL IMPACT

$54,512.90 from Construction Fund 401. There is $55,000 in the 10-year capital improvement plan in 2026 for large patching.

City of Brainerd

2025 Large Patching Project

Form of Proposal

Description	Unit	Unit Price	Est. Qty.	Ext. Price
LARGE PATCHING (VARIABLE DEPTH)	SY-in	$ 12.35	4,414	$ 54,512.90
CLASS 5 GRAVEL BASE (EXCAVATE, PLACE, AND SHAPE)	CY	$ 63.00	175	$ 11,025.00
			TOTAL PROPOSAL	$ 65,537.90

Additional Considerations:

1. Bituminous mix is to be SPWEA230B or approved alternative by Engineer prior to work.
2. Work shall conform to the latest version of MnDOT Standard Specifications for Construction.
3. Any pavement removal areas left unattended must be marked with traffic cones.
4. Price to include all labor, equipment, and materials necessary to complete the work.
5. All patching areas to be completed by October 2nd, 2026.

This proposal dated this 20 day of May, 2026

Signed: Jenni Finch II

Title: VP

KNIFE RIVER CORPORATION-NORTH CENTRAL CORPORATE SEAL 1966

Knife River Corporation - North Central
4787 Shadow Wood Dr NE
Sauk Rapids MN 56379
(320) 251-9472
KRCMN.Subquotes@kniferiver.com

Street	Length	Width	Area (SY)	Approx. Depth (in)
S. 8th Street				
416 S. 8th Street	31	12	41	5
401 S. 8th Street	89	7	69	5
Maple Street Intersection Leg (West)	42	14	65	5
Front Street Intersection	60	6	40	5
Andrew Street (TH 371B Right-of-Way to East Edge of SE Driveway of 11610 Andrew St)				
Bituminous	295	24	787	3.5
Class 5 Gravel	295	24	787	8
Norwood Street				
1211 Norwood	100	12	133	2
S. 10th Street Intersection	15	14	23	2
Bluff Avenue (N. 4th Street to N. 8th Street)				
515 Bluff Avenue	69	5	38	3
Grove Street (N. 4th Street to N. 8th Street)				
N. 6th Street Intersection	33	11	40	2
N. 6th Street Intersection	25	13	36	2

S. 8th Street

416 S. 8th Street

S. 8th Street

401 S. 8th Street

S. 8th Street

Maple Street Intersection Leg (West)

S. 8th Street

Front Street Intersection

Andrew Street

Norwood Street

1211 Norwood Street

Norwood Street

S. 10th Street Intersection

Bluff Avenue

515 Bluff Avenue

Grove Street

N. 6th Street Intersection

City Council
Agenda Request

MEETING DATE: June 1, 2026

TITLE OF ITEM: Scope and Fee Amendment - SEH for Professional Services - TH 371B/Willow Street Roundabout Project

AGENDA: SPW Committee

ACTION REQUESTED: Approve/Deny Motion

SUBMITTED BY: Paul Sandy, Public Works Director

DEPARTMENT: Public Works

PRESENTER: Paul Sandy, Public Works Director

ESTIMATED TIME (MIN): 5 Minutes

SUMMARY OF ISSUE

Attached to this agenda request is a proposed fee amendment from SEH for the TH 371B and Willow Street Roundabout Project. Over the course of construction, SEH diligently tracked several work tasks that arose outside the originally defined project scope that were directed by the City and performed by SEH. These items represent work that could not have been reasonably anticipated at the time SEH prepared and submitted their proposal to the City, and as such, fall outside the bounds of the original professional services agreement.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS

Staff have identified four primary areas of out-of-scope work in SEH's fee amendment proposal, all of which can be verified and substantiated.

Design Change – Aggregate Base Removal and Replacement - During construction, a significant design change was requested due to field constructibility concerns and the risk of contaminating the in-place aggregate base course. The original design intended to retain the majority of the road core from the 2018 reconstruction project as the foundation for the new roundabout. However, utility work in the area required disturbing the existing road core, and the construction team expressed concern that restoring it after utility installation could result in aggregate base contamination. As a result, SEH was directed to redesign the area during construction to accommodate full removal and replacement of the aggregate base, with corresponding quantity adjustments.

RRFB Material Procurement Delays - Significant delays in material procurement for the RRFB system arose during construction, necessitating additional coordination between SEH and the contractor to manage scheduling impacts and keep the project on track.

Speedway Sign Relocation Coordination - SEH performed extensive coordination with Speedway and their legal representatives regarding the relocation of Speedway's commercial sign on S 6th Street. This effort included multiple on-site meetings, email correspondence, and telephone discussions aimed at developing viable relocation options and maintaining the project schedule.

Additional Turf Restoration and Inspection (2026) - In 2026, SEH was required to coordinate additional turf restoration work and supplemental inspection services after vehicles drove over curbing during the winter months, damaging previously completed topsoil and seeding in numerous locations.

Each of these items represents a reasonable change to the project scope that could not have been anticipated at the outset. Staff was aware of these potential fee amendments throughout construction and elected to defer formal evaluation until project completion in order to assess the overall project budget and determine whether existing funds could offset any of the additional costs incurred.

RECOMMENDED ACTION/MOTION

Staff is recommending approval of the attached fee amendment for professional services from SEH in the total amendment amount of $18,785.

FINANCIAL IMPACT

$18,785 to be paid from Construction Fund 401 and reimbursed through the City's State Aid account.

Building a Better World for All of Us®

May 6, 2026

RE: City of Brainerd
TH371B and Willow Street RAB
Amendment #2 Request
SEH No. BRDMN 173744

Paul Sandy
Public Works Director
City of Brainerd
501 Laurel Street
Brainerd, MN 56401

Mr. Sandy:

The following is the request for Amendment #2 for the TH371B and Willow Street RAB Project. Included is a detailed list of items that we consider to be out the scope.

Scope of Work Refinements

The following summarizes the changes being requested in this amendment:

TH371B's Core Reconstruction
The initial design for TH371B included replacement of the road core. Following direction from MnDOT, the plan was revised to retain the existing road core, as it had been constructed during the 2018 TH371B project. However, during construction, it was determined that replacement of most subsurface utilities under TH371B would require the road core to be replaced after all. Consequently, the design was updated once more to address this requirement.

Rectangular Rapid Flashing Beacons (RRFB) Coordination
Contractor / Supplier delay required additional coordination by SEH staff.

Speedway Sign Coordination
SEH proactively coordinated with Speedway for various issues, including the relocation of their existing sign. Regardless, the relocation of Speedway's sign required additional coordination by SEH staff.

Turf Restoration
Additional coordination by SEH staff.

Compensation

The following is a summary of the fee associated with the Amendment #2 request.

Amendment #2 Contract Amount	$571,805.70
Amendment #2 Request	$18,785.00
Total Contract	$590,590.70

Based on our understanding of the extra work requested and required by the project changes, as outlined in our detailed scope of work for this amendment, our fee for this amendment request is $18,785.00. Compensation is proposed to be the hourly cost of personnel plus reimbursable expenses. Additional services beyond the tasks and estimated hours as described can be negotiated or provided as extra work on an hourly basis.

Please contact me if you need further information.

Sincerely,

Luke Johnson, PE
Project Manager
Attachments
\\sehinc.com\panzura\pzprojects\ae\b\brdmn\173744\1-genl\10-setup-cont\02-contract\amendment1\th371b_willow_amendment1request_2024.09.20.docx

TH371 B & Willow St RAB

Client: City of Brainerd
Date: May 6, 2026

AMENDMENT #2 FEE				
Project Role	Project Manager	Project Eng.	Const. Inspect.	Total Hours / Expenses
Base Hourly Rates	$64.00	$56.00	$50.00	
Amendment #2				
A. TH371B Roadway Core Reconstruction	8	24	16	48
B. Rectangular Rapid Flashing Beacons (RRFB) Coordination			20	20
C. Speedway Sign Coordination	16		16	32
D. Turf Restoration			6	6
Amendment #2 Hours	**24**	**24**	**58**	**106**
			Direct:	**$5,780.00**
			Overhead (225%):	**$13,005.00**
			Amendment #2 Total:	**$18,785.00**

City Council
Agenda Request

MEETING DATE: June 1, 2026

TITLE OF ITEM: Change Order 3 - Improvement 23-14 - Hawkins/Ronald/Joseph Resurfacing Project

AGENDA: SPW Committee

ACTION REQUESTED: Approve/Deny Motion

SUBMITTED BY: Paul Sandy, Public Works Director

DEPARTMENT: Public Works

PRESENTER: Paul Sandy, Public Works Director

ESTIMATED TIME (MIN): 5 Minutes

SUMMARY OF ISSUE

Attached for the Council's review is a staff-directed change order associated with the 2026 Ronald Street, Joseph Street, and Alley Reconstruction Project. The change order reflects improvements that were directed by staff to be incorporated into the project scope during construction and were subsequently performed and completed on a time and materials basis by J & J Excavating.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS

The first change order item recommended for approval involves the reconstruction of the upper sections of five sanitary sewer manholes located within the project limits. The City Council may recall that this project was originally initiated by petition for alley resurfacing only, and did not originally contemplate the replacement of any water main or sanitary sewer utilities within the alley. Upon further review, the Utility Department at the time elected to recommend replacement of the water main in the alley, as it was determined to be undersized in accordance with current standards and practice. The sanitary sewer system, however, was not fully evaluated as part of the original project scope. This was primarily attributable to the significant depth of the sewer within the alley, as well as the physically inaccessible nature of the system given the confined space of the alley corridor.

During site review between staff and the Contractor, it was observed that the sanitary sewer manholes within the alley lacked standard cone sections at the top of the structures. Additionally, the manholes were found to be older block masonry construction that had begun to fall into disrepair near the upper portions of the structures. To address this deficiency, staff worked collaboratively with the Contractor to reconstruct the top sections of the block structures. The reconstruction approach included the installation of a top slab sourced from a storm sewer manhole to properly distribute load, a precast cone section, new concrete grade rings, and a mastic seal at the casting to prevent inflow and infiltration (I&I). Moore Engineering monitored and tracked all time and materials utilized on site throughout this process. This scope of work was completed on all five sanitary sewer manholes within the project limits. With these improvements now in place, a future rehabilitation project will have the ability to line the deep sewer and rehabilitate the reconstructed manholes without the need for excavation, representing a long-term operational benefit to the City.
As noted, staff approved this scope change in the field following review with the Contractor and authorized the work to proceed in order to maintain the Contractor's schedule and avoid unnecessary

project delays.

The second item included in this change order pertains to a water main lowering that was identified in the project plans as a potential field condition requiring evaluation by the Engineer and Contractor during construction. Due to the unknown depth of the existing water main at the intersection of the alley and Joseph Street, the consultant engineer noted in the plans that it may be necessary to lower the water main in order to achieve adequate clearance beneath the existing sanitary sewer. This potential lowering was explicitly identified in the plans as contingent upon field conditions, with a final determination to be made once the Contractor excavated to that location. Upon excavation, the Engineer directed the lowering to proceed on site, and the Contractor completed the work on a time and materials basis.

In total, the sanitary sewer manhole reconstruction work associated with Change Order No. 3 amounted to $23,977.00, and the water main lowering totaled $4,500.00 on a time and materials basis. A detailed breakdown of materials, equipment, and associated costs is available in the attached documentation for the Council's review.

RECOMMENDED ACTION/MOTION

Staff recommends that the City Council approve Change Order No. 3 for Improvement Project No. 23-14 in the total amount of $28,477.00.

FINANCIAL IMPACT

The total cost of $28,477.00 associated with Change Order No. 3 is recommended to be funded through the respective utility enterprise funds, with $23,977.00 to be allocated to the Sanitary Sewer Utility Enterprise Fund and the remaining $4,500.00 to be allocated to the Water Utility Enterprise Fund.

CHANGE ORDER NO.: 3

Owner:	City of Brainerd	Owner's Project No.:	23-14
Engineer:	Moore Engineering, Inc.	Engineer's Project No.:	24538
Contractor:	J&J Excavating, Inc.	Contractor's Project No.:	0
Project:	Improvement 23-14 - Hawkins-Ronald-Joseph Resufacing		
Contract Name:	2025 Street and Utility Improvements		
Date Issued:	5/11/2026	Effective Date of Change Order:	5/11/2026

The Contract is modified as follows upon execution of this Change Order:

Description: Below items are items that were needed to complete the project or were directed to be completed by the Owner.
Attachments: Change Order No. 3

Change in Contract Price	Change in Contract Times
Original Contract Price: $ 698,026.50	Original Contract Times: Substantial Completion: June 15, 2026 Ready for Final Payment: July 1, 2026
Increase from previously approved Change Orders No. 0 to No. 2 $ 31,494.50	Change from previously approved Change Orders No. 0 to No. 2 Substantial Completion: Ready for Final Payment:
Contract Price prior to this Change Order: $ 729,521.00	Contract Times prior to this Change Order: Substantial Completion: June 15, 2026 Ready for Final Payment: July 1, 2026
Increase this Change Order: $ 28,477.00	Change of this Change Order: Substantial Completion: Ready for Final Payment:
Contract Price incorporating this Change Order: $ 757,998.00	Contract Times with all approved Change Orders: Substantial Completion: June 15, 2026 Ready for Final Payment: July 1, 2026

Recommended by Engineer (If required)

By: _____

Title: Project Manager

Date: 05/28/2026

Authorized by Owner

By: _____

Title: City Engineer/Public Works Director

Date: _____

Accepted by Contractor

By: J+J Excavating Inc - Jamie Johns

Title: Owner

Date: 5-27-26

Approved by Funding Agency (if applicable)

By: _____

Title: _____

Date: _____

EJCDC® C-941, Change Order.
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EXHIBIT A
CHANGE ORDER NO.: 3

Item No. & Description		*Unit*	*Quantity*		*Bid Unit Price*	*Decrease in Contract Price*	*Increase in Contract Price*
SECTION 1 - SANITARY MANHOLE CONE REPLACEMENT							
1.	Sanitary Sewer Manhole Cone	EA	5.00	$	1,103.60		$ 5,518.00
2.	Sanitary Sewer Manhole Top Slab	EA	5.00	$	507.80		$ 2,539.00
3.	Sanitary Sewer Manhole Grade Rings	EA	50.00	$	34.00		$ 1,700.00
4.	Mastic Seal	LF	30.00	$	32.00		$ 960.00
5.	300 Komatsu Excavator Time	HR	12.00	$	200.00		$ 2,400.00
6.	CP54B Cat Compactor Time	HR	12.00	$	180.00		$ 2,160.00
7.	Pipe Packer Time	HR	12.00	$	115.00		$ 1,380.00
8.	Superintendent Time	HR	12.00	$	250.00		$ 3,000.00
9.	Foreman Time	HR	12.00	$	150.00		$ 1,800.00
10.	Laborer Time	HR	24.00	$	65.00		$ 1,560.00
11.	Operator Time	HR	12.00	$	80.00		$ 960.00
SECTION 2 - LOWERING WATER MAIN ON JOSEPH ST							
1.	450 Komatsu Excavator Time	HR	3.00	$	250.00		$ 750.00
2.	300 Komatsu Excavator Time	HR	3.00	$	200.00		$ 600.00
3.	CP54B Cat Compactor Time	HR	3.00	$	180.00		$ 540.00
4.	Pipe Packer Time	HR	3.00	$	115.00		$ 345.00
5.	Superintendent Time	HR	3.00	$	250.00		$ 750.00
6.	Foreman Time	HR	3.00	$	150.00		$ 450.00
7.	Laborer Time	HR	9.00	$	65.00		$ 585.00
8.	Operator Time	HR	6.00	$	80.00		$ 480.00
					TOTALS	***$ -***	***$ 28,477.00***
					NET CHANGE IN CONTRACT PRICE	***$28,477.00***	

JUSTIFICATION:

1. Upon reviewing the sanitary sewer manhole cone conditions during construction, it was found that the sanitary sewer cones on five different manholes in the alley way were in poor condition and in need of replacement. Items noted under section 1 are needed for replacement of those cones.
2. When installing the water main on the north end of the alley, to tie into the water main going east-west on Joseph Street, the Contractor needed to install a water main lowering to put the water main under the existing sanitary sewer main. This was called out during design and on the plans as a potential need to install a lower water main on Sheet C-405. Costs are shown in Section 2.

City Council
Agenda Request

MEETING DATE: June 1, 2026

TITLE OF ITEM: Resolution - Authorizing 2027 Transit Operations

AGENDA: SPW Committee

ACTION REQUESTED: Approve/Deny Motion

SUBMITTED BY: Nick Broyles, City Administrator

DEPARTMENT: Public Works

PRESENTER: Nick Broyles, City Administrator

ESTIMATED TIME (MIN): 2

SUMMARY OF ISSUE

Attached is the resolution that allows the City the ability to enter into an agreement with the State of Minnesota to provide public transportation services in the City of Brainerd, Baxter and Crow Wing County in 2027.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS

This resolution is similar to those passed for prior grant cycles with the State of Minnesota. — While the actual required local share for 2027 will ultimately depend on final state and federal funding allocations (it's projected at 10% for operating), the resolution should assume the maximum allowable local share percentages outlined by MnDOT. For planning purposes, that would mean up to 15% local share for operating costs and up to 20% local share for capital vehicle costs shown in the resolution.

RECOMMENDED ACTION/MOTION

Staff recommends adoption of the attached resolution entering into the grant agreement with MnDOT for providing transit services.

FINANCIAL IMPACT

N/A

R E S O L U T I O N

XX:XX

A RESOLUTION AUTHORIZING AN AGREEMENT WITH THE STATE OF MINNESOTA TO PROVIDE

PUBLIC TRANSPORTATION SERVICES IN THE YEAR 2027

BE IT RESOLVED, that the City of Brainerd enters into an Agreement with the State of Minnesota to provide public transportation services in Crow Wing County in 2027; and,

BE IT RESOLVED, that the City of Brainerd agrees to provide a local share of up to 15 percent of the total operating cost and up to 20 percent of the total capital costs; and,

BE IT RESOLVED, that the City of Brainerd agrees to provide 100 percent of the local share necessary for expenses that exceed funds available from the State; and,

BE IT FURTHER RESOLVED, that the City of Brainerd authorizes the Mayor and the City Administrator to execute the aforementioned Agreement and any amendments thereto.

Adopted this 1st day of June 2026

_____
MIKE O'DAY
President of the Council

Approved this 1st day of June 2026

_____
DAVE BADEAUX
Mayor

ATTEST:_____
NICHOLAS W. BROYLES
City Administrator

City Council
Agenda Request

MEETING DATE: June 1, 2026

TITLE OF ITEM: Direction on Active Code Enforcement

AGENDA: SPW Committee

ACTION REQUESTED: Approve/Deny Motion

SUBMITTED BY: James Kramvik, Community Development Director

DEPARTMENT: Community Development

PRESENTER: James Kramvik, Community Development Director

ESTIMATED TIME (MIN): 5 Minutes

SUMMARY OF ISSUE

Section 320 of the City Code dictates that violations of the City Code shall, after receiving a notice of violation, be issued up to three administrative citations for non-compliance. Once three citations have been issued, the violation shall be brought before the Safety & Public Works Committee for review. The Committee shall then make a recommendation to the City Council as to how to proceed with enforcement of the violations. Staff is bringing two (2) properties before the Committee for review. Staff is looking for direction from the Council as to how to proceed with the cases.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS

Attached are the case files for:
2020 Pine St
113 Washington St NE
Section 320 action that could be taken against these properties include:
1) Continued administrative citations for an amount determined by the City Council
2) Abatement of the offense (depending on the type of offense)
3) Legal action (at the recommendation of the City Attorney depending on the type of offense)
4) Cease corrective action

RECOMMENDED ACTION/MOTION

2020 Pine St
Staff recommend obtaining an administrative search warrant and abate the junk/debris/blight.
113 Washington St NE
Staff recommend obtaining an administrative search warrant and abate the junk/debris/blight.

FINANCIAL IMPACT

N/A

MEMO

TO: Mayor and City Council

FROM: James Kramvik, Community Development Director

DATE: June 1st, 2026

RE: Recommendation for Active Code Enforcement Case

Staff recommend the following action regarding the active code enforcement case brought before the City Council:

- **2020 Pine Street – Outdoor Storage**
    - Received one (1) Notice of Violation 04/17/26 and three (3) Citations
    - First Citation 04/29/26 – Third Citation 05/26/26
    - $600 in open citations

Staff recommend obtaining an administrative search warrant and abating the junk/debris/blight.

- **113 Washington Street – Outdoor Storage**
    - Received one (1) Notice of Violation 04/23/26 and three (3) Citations
    - First Citation 05/04/26 – Third Citation 05/26/26
    - $600 in open citations

Staff recommend obtaining an administrative search warrant and abating the junk/debris/blight.

Running Summary of Actions Taken

1) **823 Willow St** – Unlicensed Rental - Issuing $300 citation monthly for non-licensed rental. Legal action from the City Attorney is taking place. City Council motion 2/3/2025 to $100 per day citation.
2) **319 N 9th St** – Property Maintenance/ Roof – Issuing a $300 citation each month until roof is corrected. Working with City Attorney
3) **PID 41191502** – Exterior Structure – Issuing a $300 citation each month until corrected.
4) **401 Holly St** – Fence – Issuing a $300 citation each month until corrected.
5) **113 Washington St NE** – Residing in a commercial business – Issuing $100 per day until corrected.

April 23, 2026

WOLF, MICHAEL RAYMOND
2020 PINE ST
BRAINERD, MN 56401-5040

ORDER TO CORRECT ADMINISTRATIVE VIOLATION

Dear Property Owner(s),

Brainerd residents have consistently expressed that clean, well-maintained residential neighborhoods and commercial districts are a high priority. Maintaining these areas has proven to increase property values, provide a higher standard of living, and promotes community pride. A code violation was observed on the property described below. Understanding that you might not be aware of what the City codes require, I am sending you this courtesy notice to give you an opportunity to correct this matter.

Property Address: 2020 PINE ST
Real Estate Code: 41300875

Violation: Outdoor Storage
Ordinance: 515-3-28
Description: 2. Outdoor Storage is as regulated by the Appendix A: Table of Uses. Outdoor storage is not permitted in any Residential Zoning District.

To review City Codes on the web, go to www.ci.brainerd.mn.us/153/City-Code.

Action should be taken on or before 05/03/2026

Per the above-mentioned code section and City Code 320 – Administrative Citations, failure to comply with this ordinance will result in citation(s) according to the following schedule:

1st Citation - $100.00 | 2nd Citation - $200.00 | 3rd Citation - $300.00

After the issuance of three (3) citations, the offense shall be brought before the Safety & Public Works Committee for determination of further action to correct the violation. Such actions may include but are not limited to abatement, issuance of further administrative citations in an amount determined by the Committee, or legal action. The determination of the Safety & Public Works Committee shall then be referred as a recommendation to the City Council for final approval.

If you are unable to make the corrections by the date above or believe this violation is in error, please call this office to discuss or make other arrangements. Office hours are 7:30 to 4:30, Monday through Friday. **Feel free to contact Housing Inspector Jason Stockinger at 218/454-3416 if you have questions.**

Respectfully,
By Order of:
THE CITY OF BRAINERD

04/23/2026 09:43

04/23/2026 09:44

2020
04/23/2026 09:43

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 – 218-828-2307

EN26-0117

Date of Violation: 05/26/2026 Parcel ID: 41300875

Violator(s): WOLF, MICHAEL RAYMOND
2020 PINE ST
BRAINERD, MN 56401-5040

Location/Address of Violation: **2020 PINE ST**

VIOLATION

Section	Subdivision, Chapter or Article	Fine
515-3-28	Outdoor Storage	$300.00

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: $300.00 **Payment Due By: 30 Days from Date of Violation**
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.

Re-inspection Date: 06/05/2026
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.
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.

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: Jason Stockinger, Building Inspector Date: 05/26/2026

Representative's Signature: (served via first class mail)

05/26/2026 07:33

05/26/2026 07:33

April 17, 2026

MATTHEWS, KEVIN
113 WASHINGTON ST NE
BRAINERD, MN 56401

ORDER TO CORRECT ADMINISTRATIVE VIOLATION

Dear Property Owner(s),

Brainerd residents have consistently expressed that clean, well-maintained residential neighborhoods and commercial districts are a high priority. Maintaining these areas has proven to increase property values, provide a higher standard of living, and promotes community pride. A code violation was observed on the property described below. Understanding that you might not be aware of what the City codes require, I am sending you this courtesy notice to give you an opportunity to correct this matter.

Property Address: 113 WASHINGTON ST NE
Real Estate Code: 41191824

Violation: Outdoor Storage
Ordinance: 515-3-28
Description: 2. Outdoor Storage is as regulated by the Appendix A: Table of Uses. Outdoor storage is not permitted in any Residential Zoning District.

To review City Codes on the web, go to www.ci.brainerd.mn.us/153/City-Code.

Action should be taken on or before 04/27/2026

Per the above-mentioned code section and City Code 320 – Administrative Citations, failure to comply with this ordinance will result in citation(s) according to the following schedule:

1st Citation - $100.00 | 2nd Citation - $200.00 | 3rd Citation - $300.00

After the issuance of three (3) citations, the offense shall be brought before the Safety & Public Works Committee for determination of further action to correct the violation. Such actions may include but are not limited to abatement, issuance of further administrative citations in an amount determined by the Committee, or legal action. The determination of the Safety & Public Works Committee shall then be referred as a recommendation to the City Council for final approval.

If you are unable to make the corrections by the date above or believe this violation is in error, please call this office to discuss or make other arrangements. Office hours are 7:30 to 4:30, Monday through Friday. **Feel free to contact Housing Inspector Jason Stockinger at 218/454-3416 if you have questions.**

Respectfully,
By Order of:
THE CITY OF BRAINERD

04/17/2026 09:22

04/17/2026 09:23

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 – 218-828-2307

EN26-0110

Date of Violation: 05/26/2026 Parcel ID: 41191824

Violator(s): MATTHEWS, KEVIN
113 WASHINGTON ST NE
BRAINERD, MN 56401

Location/Address of Violation: **113 WASHINGTON ST NE**

VIOLATION

Section	Subdivision, Chapter or Article	Fine
515-3-28	Outdoor Storage	$300.00

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: $300.00 **Payment Due By: 30 Days from Date of Violation**
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.

Re-inspection Date: 06/05/2026
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.
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.

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: Jason Stockinger, Building Inspector Date: 05/26/2026

Representative's Signature: (served via first class mail)

05/26/2026 07:40

City Council
Agenda Request

MEETING DATE: June 1, 2026

TITLE OF ITEM: Draft Ordinance - Special Events

AGENDA: SPW Committee

ACTION REQUESTED: Discussion Item

SUBMITTED BY: James Kramvik, Community Development Director

DEPARTMENT: Community Development

PRESENTER: James Kramvik, Community Development Director

ESTIMATED TIME (MIN): 5 min

SUMMARY OF ISSUE

The Special Event process is not codified in City Code, which makes it difficult for staff to require and enforce a special event application. The proposed ordinance defines a special event and requires those holding special events to apply for and have a special event permit prior to holding an event.

After review of the draft ordinance with our City Attorney, it was recommended to remove special event application requirements for private property. This will nevertheless affect or impact the ordinary and normal use by the general public of public property or public rights-of-way within the vicinity of the event. This language will be difficult to enforce and issues that may affect the general public are covered in other Sections of City Code such as noise violations.

Note: Removing this requirement from the proposed code does not prohibit a private property owner from applying for a special event permit that may impact the general public, but it removes the requirement.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS

The proposed ordinance includes a line in Section 835.09 that states, “the applicant is responsible for enforcing and following all City Ordinances, Park Regulations, and Special Event Policies.”

A Special Event Policy could be worked on and reviewed by the Park Board and the Safety and Public Works Committee in the future and, when implemented, it would be enforcible based on the proposed language of this ordinance. A policy could indicate when insurance is required, bathroom facility requirements, deposits, etc....

The Community Development Department, the Police Department, and the City's Prosecuting Attorney have researched enforcement options for the proposed ordinance and recommend the following at this time:

1. Option 1: Criminal Penalty. Subdivision 1. Any violation of this section by the event organizer is deemed a misdemeanor, as defined in Minnesota Statute §609.02, subd. 3, currently a crime for which a sentence of not more than 90 days or a fine of not more than $1,000, or both, may be imposed. Subd. 2. No person may be prosecuted under this chapter unless the person has been warned that their conduct is a violation of this section, subject to criminal prosecution. An individual who has been warned and then relocates to another space that a reasonable person would understand is also covered by this section is not entitled to a new warning.

Note: Staff are waiting for final approval of the language from our Prosecuting Attorney and the language may change before the first reading based on their recommendation.

RECOMMENDED ACTION/MOTION

Motion to conduct the 1st reading of the ordinance at the next meeting and hold a public hearing at the July 6th City Council meeting.

FINANCIAL IMPACT

N/A

Section 835 – Special Events

835.01 Definitions. For purposes of this Section the term "Special Event" means an organized event, gathering, or activity, held on public property, including public streets, sidewalks, walkways, alleys, right-of-way, parks, or any other publicly owned property, which interferes with normal vehicular or pedestrian traffic, or involves fifty (50) or more participants, or amplified sound, or the sale of food or beverages, or the addition of temporary structures, or requires the use of City services~~, or if held wholly upon private property, will nevertheless affect or impact the ordinary and normal use by the general public of public property or public rights-of-way within the vicinity of the event~~. Examples include, but are not limited to: Parade, Community Festival, Run/Walk Event, Sporting Event, and a Public Assembly.

835.03 Permit Requirement. Any person or organization desiring to conduct or sponsor a special event in the City shall first obtain a special event permit from the City and are subject to the following provision:

a) Requests are accepted on a first-come, first-served basis.

b) The submittal of an application does not guarantee permission to conduct the planned event.

c) All applications are subject to review and approval by the City.

835.05 Permit Applications. Application for a permit shall contain, and will be considered complete only upon compliance with the requirements of the following provisions:

a) Submission of a completed permit application form, including all required attachments.

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

a) The Applicant shall provide insurance which indemnifies the City of Brainerd and its elected and/or appointed officials, agents, and authorized volunteers from and against any and all claims, actions, suits, proceedings, costs, expenses, damages,

obligations, penalties, injuries, and liabilities (including, without limitation, reasonable court costs, attorney's fees, and the cost of appellate proceedings) arising in connection with the proposed uses in amounts of at a minimum of $1,000,000 in commercial general liability insurance.

b) Insurance shall cover liability for injury, death and property damage including coverage for alcohol related claims if alcohol will be served.

c) Applicant's insurance shall be primary.

d) The policy shall name the City of Brainerd as an additional insured "as their interest may appear". The name, date and location of event shall be listed under "Description of Operations".

e) The insurance policy must be issued by an insurance company licensed to do business in Minnesota acceptable to the City.

f) At least ten (10) days prior to the event, the Applicant must provide a Certificate of Insurance showing the required coverage to the City.

835.09 Issuance of Permit; Conditions. The City may impose reasonable conditions upon the issuance of the permit and the performance of the applicant thereunder to protect the health, safety and welfare of the public or public property. In addition, the applicant shall agree to the following provisions:

a) The Applicant must take all reasonable safety precautions during the event. If canceling or postponing your event, the applicant must notify the City of Brainerd in advance of the original event date.

b) The Applicant is responsible for enforcing and following all City Ordinances, Park Regulations, and Special Event Policies.

c) The City of Brainerd may require a security deposit for a special event. Permits for the event will not be issued until the full security deposit is paid.

c) The Applicant is responsible for cleaning up and disposing of garbage at the event's conclusion. City of Brainerd personnel will inspect the areas after the event. Any costs for repair or clean-up in excess of your deposit will be billed to the individual and/or group who reserved the facility. The sponsoring group and/or applicant are responsible for any damage or accidents that may occur in connection with the event. Deposit is refundable only by recommendation of City Staff.

835.11 Criminal Penalty. Subdivision 1. Any violation of this section by the event organizer is deemed a misdemeanor, as defined in Minnesota Statute §609.02, subd. 3, currently a crime for which a sentence of not more than 90 days or a fine of not more than $1,000, or both, may be imposed.

Subd. 2. No person may be prosecuted under this chapter unless the person has been warned that their conduct is a violation of this section, subject to criminal prosecution. An individual who has been warned and then relocates to another space that a reasonable person would understand is also covered by this section is not entitled to a new warning.

TH 210/Washington Street Reconstruction Project

Client: City of Brainerd
Date: June 1, 2026

AMENDMENT #1 FEE ESTIMATE				
Project Role	Project Manager	Const. Inspect.	Equipment Charge - LWD	Total Hours / Expenses
Base Hourly Rates	$170.00	$115.00	$40.00	
AMENDMENT #1 FEE ESTIMATE				
A. Materials Testing - Utility Trench Compaction	5	25	50	80
Amendment #1 Hours	**5**	**25**	**50**	**80**
Total Labor and Equipment:				**$5,725.00**
Amendment #1 Total:				**$5,725.00**

City Council
Agenda Request

MEETING DATE: June 1, 2026

TITLE OF ITEM: Transit Fares - City of Baxter

AGENDA: Main

ACTION REQUESTED: Discussion Item

SUBMITTED BY: Nick Broyles, City Administrator

DEPARTMENT: Administration

PRESENTER: Nick Broyles, City Administrator

ESTIMATED TIME (MIN):

SUMMARY OF ISSUE

Council Member Czeczok requested City Council consider directing staff to compile and present additional transit financial and operational data related to fare structure and local share funding participation between Brainerd, Baxter, and Crow Wing County. (e-mail attached)

Requested information includes historical fare revenue, local share contributions, fare structures, ridership totals, projected future fares, and trip pattern analysis for calendar years 2023 through 2025, along with any additional data staff determines may be relevant to evaluating fare equity and potential fare structure adjustments.

The request also includes direction for staff to consult with MnDOT regarding local share management requirements and the City's authority, as the MnDOT contract holder, to independently adjust fare structures.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS

Due to the scope of the request, staff estimates the work would require substantial research, data extraction, validation, reconciliation, and analysis across multiple reporting sources and funding categories. Preliminary estimates indicate approximately 20–30 combined staff hours for two transit staff members to compile, organize, verify, and analyze the requested information, depending on data availability and reporting limitations.

RECOMMENDED ACTION/MOTION

Direct staff on how to proceed regarding prioritization and preparation of the requested analysis.

FINANCIAL IMPACT

From: Nick Broyles
To: Crystal Gauthier; Toni Gage
Subject: FW: Agenda Request: Bus Finances
Date: Wednesday, May 27, 2026 10:40:10 AM
Attachments: image001.png
Importance: High

Crystal,

Please incorporate the below in the agenda item for June 1st.

Regards
Nick

Nick Broyles, MPA | City Administrator
City of Brainerd | 501 Laurel Street Brainerd MN 56401
218.828.2307 | nbroyles@ci.brainerd.mn.us

From: Jeff Czeczok <jczeczok@ci.brainerd.mn.us>
Sent: Tuesday, May 26, 2026 1:32 PM
To: Gabe Johnson <gjohnson@ci.brainerd.mn.us>
Cc: Nick Broyles <nbroyles@ci.brainerd.mn.us>
Subject: Agenda Request: Bus Finances

Greetings, Gabe,
Please consider including this on the June 1, 2026 CC agenda.
I would look for the CC to give direction to staff to come back a.s.a.p. With the following data in order to determine a better bus fare for riders who originate their ride in Baxter.
We are losing ridership based on the significant fare difference between Baxter and Brainerd's rides and the data being requested could show how the local share generated is sufficient to be able to adjust the fares and still have plenty of farebox dollars collected to cover each entity's local share.

I also would appreciate giving staff direction to inquire with MN/DOT to learn the best method of how the local share is to be managed and whether Brainerd can independently adjust fares based on how BRD is the contract holder with MN/DOT for the bus finances. This is very important.

Please let me know you received this email.

Thanks, Jeff

Direct staff to provide for next meeting the following financial data related to transit services:

Fares collected for each, Brainerd, Baxter and CWC for 2023, '24 and '25.

Total local share paid by Brainerd, Baxter and CWC for '23, '24 and '25.
Estimated local fares for the next 3 years for each entity.

Fare structure for each entity for '23, '24 and '25.

Total ridership for each entity for '23, '24 and '25.

Trips from Brainerd to Baxter and no return trip.

Trips from Baxter to Brainerd and no return trip.
And of course any other relevant data staff believes may be useful for these purposes.

City Council
Agenda Request

MEETING DATE: June 1, 2026

TITLE OF ITEM: Resolution - Authorization Approving Special Appropriations for the Memorial Park Skatepark

AGENDA: Main

ACTION REQUESTED: Approve/Deny Motion

SUBMITTED BY: James Kramvik, Community Development Director

DEPARTMENT: Public Works

PRESENTER: James Kramvik, Community Development Director

ESTIMATED TIME (MIN): 10 Minutes

SUMMARY OF ISSUE

Jake Rennaker from the Lakes Area Skatepark Association presented a proposal for a skate park in Memorial Park at the December 19th Park Board Meeting. The Park Board reviewed the skate park design and directed staff to work with the proposer. A 2025 bonding bill allocated $750,000 towards the construction of a skate park in Memorial Park. The bonding bill did not require matching in-kind contributions, but matching funds could be listed for a fully realized project. The following funds, facilities, and land were used to help secure the grant:

1. 2016 – Restroom and Storage Building - $118,205
2. 2020 – Purchase of Parking Lot and Property - $225,083
3. 2022 – Warming House/Pavilion/Restroom Building - $615,375
4. Funds raised by the Skate Park Association - $88,593
5. **Total = $1,047,257**

The Skate Park Association has now raised $119,248 through local donations and events for the construction of a 15,000 SF regional skate park and will continue fundraising until the project begins. The Skate Park Association would like to work with City of Skate as a consultant for the design and construction of the skate park and begin construction in 2027.

In order for distribution of the $750,000 in allocated funds in the bonding bill, the Park Board must authorize the submittal of an application to DEED and City Council must pass the attached resolution. The grant is reimbursable once per calendar month.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS

At the May 26th Park Board meeting, the Park Board approved the application for special appropriations for the Memorial Park Skatepark. The application is attached to the agenda item for City Council review.

Renderings of the proposed skate park, construction costs, and maintenance plan are attached to this agenda item.

RECOMMENDED ACTION/MOTION

Motion to approve the attached resolution.

Note: The account space will be completed on the resolution once the funds are transferred from the Lakes Area Skate Park Association to the City. Staff will not submit the application to DEED until the funds are transferred.

FINANCIAL IMPACT

N/A

R E S O L U T I O N
No. ___:26

RESOLUTION APPROVING SPECIAL APPROPRIATION APPLICATION FOR SKATEPARK

WHEREAS, at the June 1st, 2026, City Council meeting, a motion was approved for the special appropriation application for a skatepark at Memorial Park.

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

1. That the City of Brainerd act as the legal sponsor for the project contained in HF 17 / SF 22 passed in the 94th Legislator 2025 1st Special Session on June 9, entitled Memorial Park Skate Park.
2. That the City of Brainerd has the legal authority to receive financial assistance, and the institutional, managerial, and financial capability to ensure adequate project administration.
3. That the sources and amounts of the grantee's other funds identified in the development proposal are committed to the project identified.
4. That the City of Brainerd has not violated any Federal, State or local laws pertaining to fraud, bribery, graft, kickbacks, collusion, conflict of interest or other unlawful or corrupt practice.
5. That upon approval of its development proposal by the state, the City of Brainerd may enter into an agreement with the State of Minnesota for the above-referenced project(s), and that the City of Brainerd certifies that it will comply with all applicable laws and regulation as stated in all contract agreements.
6. That the non-DEED source(s) of funds identified in the sources and uses outline in the application total the amount of $750,000 and are committed and adequate to fully fund or provide the other funds for the project identified in the application.
7. That any sources of the Applicant's funds to fully fund the project shall be from the _____ account which has an adequate amount of funds to cover the commitment.
8. That the Mayor is hereby authorized to execute such agreements as are necessary to implement the project on behalf of the City of Brainerd.

Adopted this 1st day of June 2026

_____
President of the Council

Approved this 2nd day of June 2026

_____
Mayor

ATTEST: _____
City Administrator

Special Appropriation Application for Construction Projects

Application Cover Sheet

Project Name: MEMORIAL PARK SKATEPARK

Project Address or Location: 1700 MILL AVE, BRAINERD, MN 56401

County Where Project Is: CROW WING

Applicant/Grantee: CITY OF BRAINERD

Project Contact Person: JAMES KRAMVIK

Title: COMMUNITY DEVELOPMENT DIRECTOR

Address: 501 LAUREL STREET

City: BRAINERD MN Zip 56401

Phone: 218-454-3408

E-Mail Address: jkramvik@ci.brainerd.mn.us

Minnesota SWIFT Vendor number: VN0000199019

Mailing Address Assigned by SWIFT: 501 LAUREL STREET, BRAINERD, MN 56401
Grantee Type: Statutory City, Home Rule Charter City or Other (if other indicate type): CHARTER CITY

NOTE: DEED will not provide funds to a title company or any other entity on behalf of the grantee. Funds will be provided directly to the grantee, preferably into a separate account that is created for the project.

Legislative Authorization

Legislative Citation that Authorizes Project: (Chapter #, Article #,section, subdivision): HF 17 / SF 22 was passed in the 94th Legislator 2025 1st Special Session on June 9, 2025. The Brainerd Memorial Skatepark language is on lines 9.5-9.8.

Legislative Language: (Paste full legislative language below or attach as a separate item): Attached as separate item

Project Narrative

Please provide a thorough narrative overview of the project. Include steps necessary for implementation, background and description of the work to be performed.

Include any work that may have already been performed such as land acquisition, pre-design or design, or other aspects of a larger or phased project.

Note: If construction has already started, inform DEED immediately.

Each Special Appropriation project is unique and has different compliance areas. A detailed narrative is required as DEED can best assist with compliance and project success when it has a solid understanding of the project. Make sure that all elements and activities that are outlined in the legislation are accounted for in the narrative. Renderings or diagrams may be submitted as attachments to assist in describing the project.

Attach any community talking points or promotional information, background or application and/or information that was provided to the Legislature and the Minnesota Office of Management and Budget staff that outlined the project.

Provide Narrative Here:

The Lakes Area Skatepark will be a fully concrete recreation facility located at Memorial Park of Brainerd, Minnesota. The facility will be approximately 15,000 square feet and will be open year round free of charge for public use. The skatepark will serve citizens of Brainerd, Baxter, the surrounding Brainerd Lakes Area and greater Minnesota. Funding will be sourced from the DEED grant and other local fundraising efforts. City of Skate will be contracted privately to oversee the project. Construction bidding will take place approximately fall of 2026. Construction of the skatepark will begin approximately June 2027 with completion by approximately October 2027. The Skatepark will utilize the existing pavilion, water fountains, and restrooms at Memorial Park.

Ownership and Usage

Answer all questions below. If the question is not applicable, state such and why

Who is the current owner of the project's footprint: CITY OF BRAINERD

Who is the current owner of the project (building, structure or facility), if not new construction: NEW CONSTRUCTION

How will ownership be transferred to the applying entity if the applying entity does not yet own the footprint, building, structure, or facility: OWNED BY CITY OF BRAINERD

Who will operate and maintain the property or facility (project) after project completion: CITY OF BRAINERD – PUBLIC SERVICES DEPARTMENT

Will there be any other user groups (have set aside time) or tenants of the facility other than the owner: (Yes/No): NO

If so, will any of these tenants be frequent users or already have a lease/use agreement (Yes/No): NO
If unsure, please contact DEED

If so, name the user groups or tenants and how they would use the completed project: N/A

Will the project involve executing a naming rights agreement with any entity (Yes/No): YES

Will any advertising be sold that will be displayed at the project site (Yes/No): NO
If Yes – Describe what kinds of advertising will be sold:

Describe who will own, operate and maintain the property and/or facility after project completion: CITY OF BRAINERD – PARKS DEPARTMENT

Has the project started (Yes/No): NO

Questions

1. If applicable, do any aspects of the project have historical significance? If so, which historical organizations will be consulted or need to approve any of the plans for improvements or demolition of or to any building? If so, please outline how these organizations will be involved. If they will not be involved, or their participation is not applicable, please outline why: N/A

2. Attach a map of the city with the location of the project indicated on the map:

3. Attach engineering and/or architectural total project cost estimate documents. If not available, how do we know the projected costs are professionally estimated: The project will utilize a design/ build firm and costs associated with architectural, engineering, and special testing are including the ramp and skateboard infrastructure estimate.

4. What is the useful life of the project after completion? *Note that the pending grant agreement and public ownership of the project will need to be maintained for 125% of the useful life of the project. So, for example, a project with a useful life of 30 years will have a grant agreement in effect for 37.5 years and need to be owned for the same amount of time. Any sale or any change of use not outlined in the enabling legislation would trigger repayment of a pro-rata share of grant funds back to the state.* 30 Years

5. Does your organization have the capacity to float costs for a month or more before your organization is reimbursed by DEED: YES

6. Is your organization exploring the possibility of soliciting a design build or a construction manager at risk contract to construct the project: YES

7. Does your organization plan to contract with a non-profit consultant and use DEED funds to pay or assist in paying that consultant? NO *If yes, DEED will need evidence that the consultant was procured following state and local law.*

Project Budget

Proposed activities must match up with legislative language and should include all costs required to complete the project. Complete Tables 1 and 2 below. **Before completing, read the instructions provided. Both contain samples for guidance.**

Table 1

For the Project Activities Column: List separately the components of the project that are eligible items: Capital costs and/or costs assigned in the legislative appropriation. Examples would be predesign, design, and construction elements. List all non-eligible items that are needed for the project as a separate line item. Add rows to the table for more costs as needed.

For Other Funds: Provide the dollar amount for any other funds (non-DEED), if applicable, that are estimated to be needed to complete the project.

Total Itemized Projected Costs: Make sure that all costs total correctly.

Table 1 – Budget Outline

Project Activities	DEED/SPAP Funds	Other Funds	Total Itemized Projected Costs
Predesign (Eligible for DEED only if identified in legislation)	N/A	N/A	N/A
Design (Eligible for DEED only if identified in legislation)	$10,000	$10,000	$20,000
Site Preparation (Eligible for DEED only if identified in legislation)		$10,000	$10,000
Construction (sub categories below)	**$740,000**	**$70,000**	**$810,000**
Ramps and skateboarding Infrastructure	$740,000	$70,000	$810,000
Public Restrooms	N/A	N/A	
Drinking Fountain	N/A	N/A	
Shade Canopy	N/A	N/A	
Other (name)			
Other (name)			
Demolition (only if identified in legislation)		$0	$0
Non-Profit Consultant (up to 4%)	$0	$30,000	$30,000
Engineering/ Architectural (construction-related, inspection, testing)	$0	$0	$0
Activities not eligible for grant funds (Any local unit of government work, administration, non- capital costs, feasibility studies, etc.)	$0	$0	$0
Total Costs	**$750,000**	**$120,000**	**$870,000**

Table 2:

Instructions

Lists all eligible activity items from Table 1 in the first column of Table 2. Eligible items are identified in the legislative language. Lists sources individually, whether those funds are committed, and the dollar amount assigned for each source in the second column. Per the sample below, outline the committed status of funds in the third column. If not yet committed, outline how they will be committed. Attach more comments to outline commitment, if necessary.

Finally, in the fourth column, assign the dollar amount of costs assigned to the source that corresponds with that row. Add rows as necessary.

Table 2

Eligible Activity from Table 1	**Source of Funds from Table 1 above**	**Funds Committed? Yes or No**	**Dollars assigned to source**
Design	DEED/SPAP	Yes – Legislative Appropriation	$10,000
Design	Lakes Area Skate Park Fund	Yes – Funds available	$10,000
Site Preparation	Lakes Area Skate Park Fund	Yes - Funds available	$10,000
Construction	DEED/SPAP	Yes – Legislative Appropriation	$740,000
Construction	Lakes Area Skate Park Fund	Yes - Funds available	$70,000
Non-Profit Consultant	Lakes Area Skate Park Fund	Yes - Funds available	$30,000
TOTAL			$870,000

Project Timeline

Activity	Finish mm/yy
Site control (if necessary)	N/A
All funding (non-DEED funds) for project secured and in place with City.	06/2026
Declaration Recorded or Waiver from MMB secured	05/2027
All permits in place	05/2027
Project bid process or design build or construction manager at risk contract finalized	10/2026
Project started	06/2027
Project complete	10/2027
Project inspected and operational	11/2027

Attachment 1 to application: Local Government Resolution
Special Appropriation Application

Applicants must adopt and submit the following resolution. This resolution must be adopted prior to submission of the forms package.

BE IT RESOLVED that_____(Entity Awarded Grant) act as the legal sponsor for the project contained in _____(Law appropriating money to the Project) entitled _____ (Name of Project)

BE IT FURTHER RESOLVED that_____(Entity Awarded Grant) has the legal authority to receive financial assistance, and the institutional, managerial, and financial capability to ensure adequate project administration.

BE IT FURTHER RESOLVED that the sources and amounts of the grantee's other funds identified in the development proposal are committed to the project identified.

BE IT FURTHER RESOLVED that _____(Entity Awarded Grant) has not violated any Federal, State or local laws pertaining to fraud, bribery, graft, kickbacks, collusion, conflict of interest or other unlawful or corrupt practice.

BE IT FURTHER RESOLVED that upon approval of its development proposal by the state, _____ (Entity Awarded Grant) may enter into an agreement with the State of Minnesota for the above-referenced project(s), and that _____(Entity Awarded Grant) certifies that it will comply with all applicable laws and regulation as stated in all contract agreements.

BE IT FURTHER RESOLVED that the non-DEED source(s) of funds identified in the sources and uses outline in the application total the amount of $_____and are committed and adequate to fully fund or provide the other funds for the project identified in the application.

BE IT FURTHER RESOLVED that any source(s) of the Applicant's fund(s)s to fully fund the project shall be from the _____ account which has an adequate amount of funds to cover the commitment.

NOW, THEREFORE BE IT RESOLVED that _____(Title of Authorized Official) is hereby authorized to execute such agreements as are necessary to implement the project(s) on behalf of the _____(Entity Awarded Grant). *Note: Do not include the proper name, only the title of the official.* **Pursuant to M.S. § 412.201, Statutory Cities must authorize <u>both</u> the Mayor and Clerk to execute all contracts**.

I CERTIFY THAT the above resolution was adopted by the _____ (City Council, County Board, etc.) of _____ (Applicant) on _____(Date)

SIGNED:

_____
(Authorized Official)

_____
(Title) (Date)

WITNESSED:

_____
(Signature)

_____
(Title) (Date)

(Check the appropriate box for the Real Property and, if applicable, for the Facility.)

Ownership Interest in the Real Property.

☒ Fee simple ownership of the Real Property.

☐ A Real Property/Facility Lease for the Real Property that complies with the requirements contained in Section 2.06.
(If the term of the Real Property/Facility Lease is for a term authorized by a Minnesota statute, rule or session law, then insert the citation: _____.)

☐ An easement for the Real Property that complies with the requirements contained in Section 2.06.
(If the term of the easement is for a term authorized by a Minnesota statute, rule or session law, then insert the citation: _____.)

Ownership Interest in, if applicable, the Facility.

☒ Fee simple ownership of the Facility.

☐ A Real Property/Facility Lease for the Facility that complies with all of the requirements contained in Section 2.06.
(If the term of the Real Property/Facility Lease is for a term authorized by a Minnesota statute, rule or session law, then insert the citation: _____.)

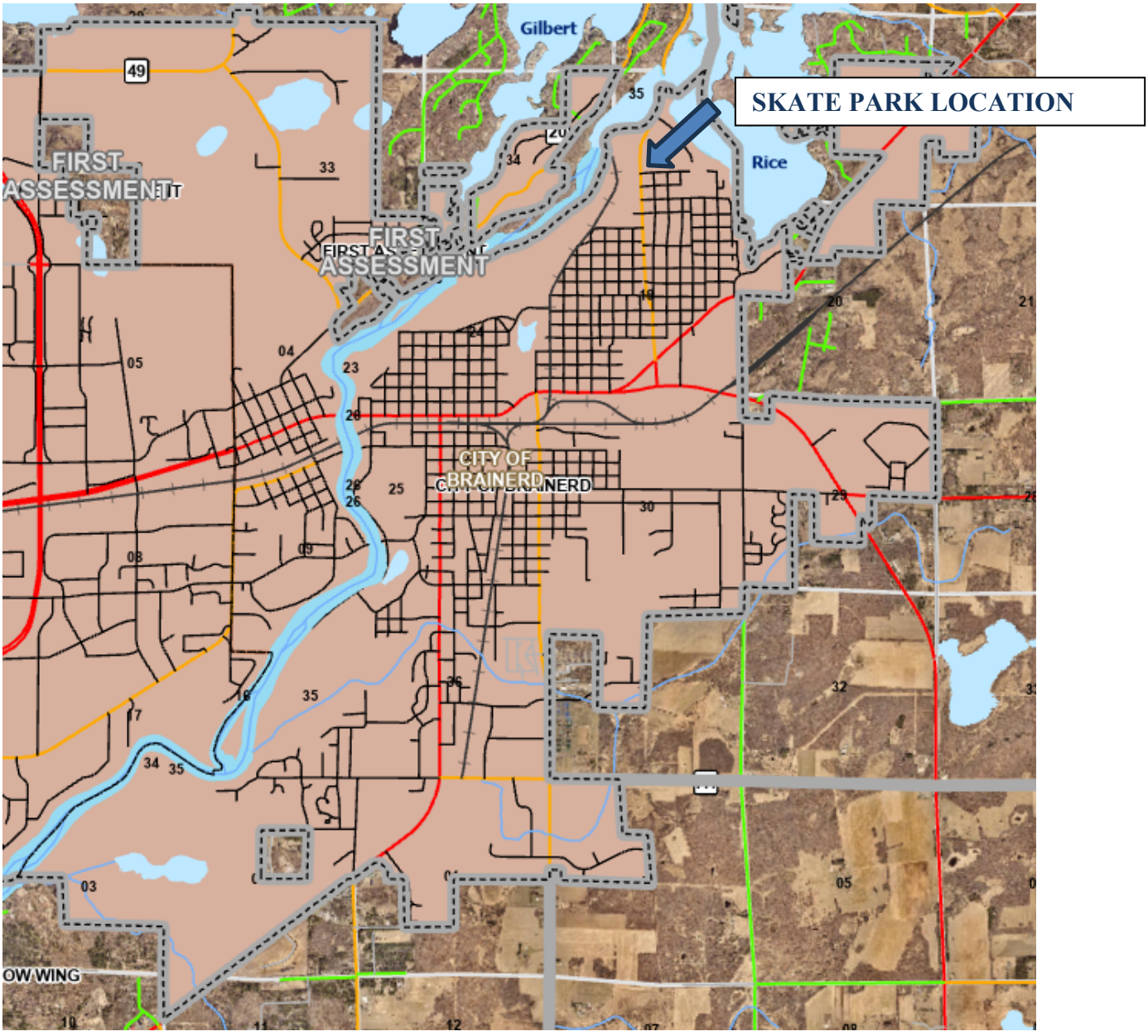
☐ Not applicable because there is no Facility.

Attachment 2 to Application: Legal Description & MAP

Provide the legal description only for the public land footprint on which the property or facility is located.

THAT PART OF GOVERNMENT LOT THREE (3), SECTION EIGHTEEN (18), TOWNSHIP FORTY-FIVE (45), RANGE THIRTY (30), DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTH QUARTER CORNER OF SAID SECTION 18, AS IS PERPETUATED IN THE PLAT OF KOOP AND WALKER'S ADDITION TO THE CITY OF BRAINERD; THENCE NORTH 02 DEGREES 08 MINUTES 43 SECONDS WEST, ASSUMED BEARING ALONG THE NORTH-SOUTH QUARTER SECTION LINE AS SHOWN ON SAID PLAT, 586.0 FEET TO THE NORTHWEST CORNER OF SAID PLAT; THENCE NORTH 87 DEGREES 51 MINUTES 17 SECONDS EAST ALONG THE NORTH LINE OF Q STREET (SHOWN AS WALKER STREET ON SAID PLAT) A DISTANCE OF 240.75 FEET TO THE POINT OF BEGINNING OF TRACT TO BE HEREIN DESCRIBED; THENCE NORTH 07 DEGREES 22 MINUTES 00 SECONDS WEST 389.84 FEET; THENCE SOUTH 82 DEGREES 49 MINUTES 57 SECONDS WEST 50.63 FEET; THENCE NORTH 02 DEGREES 23 MINUTES 46 SECONDS WEST 248.04 FEET; THENCE NORTH 87 DEGREES 14 MINUTES 20 SECONDS EAST 38.08 FEET; THENCE NORTH 00 DEGREES 43 MINUTES 34 SECONDS WEST 271.50 FEET TO ITS INTERSECTION WITH THE SOUTHEASTERLY RIGHT OF WAY OF TRUNK HIGHWAY NUMBER 25; THENCE SOUTHWESTERLY ALONG SAID RIGHT OF WAY 108.41 FEET ON A NON-TANGENTIAL CURVE, CONCAVE TO THE SOUTHEAST HAVING A RADIUS OF 1065.91 FEET, CENTRAL ANGLE OF 05 DEGREES 49 MINUTES 38 SECONDS, AND THE CHORD OF SAID CURVE BEARS SOUTH 22 DEGREES 13 MINUTES 18 SECONDS WEST; THENCE NORTH 70 DEGREES 41 MINUTES 31 SECONDS WEST CONTINUING ALONG SAID HIGHWAY RIGHT OF WAY AND THE PROLONGATION OF THE RADIAL LINE OF LAST DESCRIBED CURVE, 30.00 FEET; THENCE SOUTHWESTERLY CONTINUING ALONG SAID HIGHWAY RIGHT OF WAY 95.64 FEET ON A NON-TANGENTIAL CURVE CONCAVE TO THE SOUTHEAST, HAVING A RADIUS OF 1095.91 FEET, CENTRAL ANGLE OF 05 DEGREES 00 MINUTES 00 SECONDS, AND THE CHORD OF SAID CURVE BEARS SOUTH 16 DEGREES 48 MINUTES 29 SECONDS WEST; THENCE NORTH 75 DEGREES 41 MINUTES 31 SECONDS WEST CONTINUING ALONG SAID HIGHWAY RIGHT OF WAY ON THE PROLONGATION OF THE RADIAL LINE OF LAST DESCRIBED CURVE, 17.00 FEET; THENCE SOUTHERLY CONTINUING ALONG SAID HIGHWAY RIGHT OF WAY 319.59 FEET ON A NON-TANGENTIAL CURVE, CONCAVE TO THE EAST HAVING A RADIUS OF 1112.91 FEET, CENTRAL ANGEL OF 16 DEGREES 27 MINUTES 12 SECONDS, AND THE CHORD OF SAID CURVE BEARS SOUTH 06 DEGREES 04 MINUTES 53 SECONDS WEST; THENCE SOUTH 02 DEGREES 08 MINUTES 43 SECONDS EAST CONTINUING ALONG SAID HIGHWAY RIGHT OF WAY, TANGENT TO THE LAST DESCRIBED CURVE A DISTANCE OF 415.10 FEET TO ITS INTERSECTION WITH THE NORTH LINE OF SAID Q STREET; THENCE NORTH 87 DEGREES 51 MINUTES 17 SECONDS EAST ALONG SAID NORTH LINE OF Q STREET 207.75 FEET TO THE POINT OF BEGINNING.

Map of the City with Project Location



Attachment 3 to Application: Conflict of Interest Disclosure
(To be completed by Mayor, Board Chair, or Equivalent)

Conflict of Interest Disclosure

State of Minnesota
Request for Proposals

Instructions: Please return your completed form as part of the Response submittal.

Conflict of Interest Disclosure Form

This form gives applicants and grantees an opportunity to disclose any actual or potential conflicts of interest that may exist when receiving a grant. It is the applicant/grantee's obligation to be familiar with the Office of Grants Management (OGM) Grants Policy 08-01 Conflict of Interest Policy for State Grant-Making (August 2020 Effective Date 1/1/21) and to disclose any conflicts of interest accordingly.

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

☐ I or my grant organization do NOT have an ACTUAL or POTENTIAL conflict of interest.

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

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

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

Printed name: Nick Broyles

Signature:

Organization or Local Unit of Government Name: City of Brainerd

Date:

SENATE
STATE OF MINNESOTA
SPECIAL SESSION

S.F. No. 22

(SENATE AUTHORS: PAPPAS)

DATE	D-PG	OFFICIAL STATUS
06/09/2025	15	Introduction and first reading
	15	Laid on table

A bill for an act

relating to capital investment; authorizing spending to acquire and better land and buildings and for other improvements of a capital nature with certain conditions; establishing and modifying programs; modifying requirements for certain projects and procedures; canceling prior appropriations; appropriating money; amending Laws 2023, chapter 71, article 1, section 7; Laws 2025, chapter 39, article 2, section 67; proposing coding for new law in Minnesota Statutes, chapter 462A; repealing Minnesota Statutes 2024, section 240A.20.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. **CAPITAL IMPROVEMENT APPROPRIATIONS.**

(a) The sums shown in the column under "Appropriations" are appropriated from the general fund in fiscal year 2026 to the state agencies or officials indicated, to be spent for public purposes. These are onetime appropriations. Unless otherwise specified, money appropriated in this act is subject to paragraphs (b) to (e) of this section.

(b) For any project funded in whole or in part by this act, workers on the project must be paid at least the prevailing wage rate as defined in Minnesota Statutes, section 177.42, subdivision 6, and the project is subject to the requirements and enforcement provisions in Minnesota Statutes, sections 177.27, 177.30, 177.32, and 177.41 to 177.45. For the purposes of this paragraph, "project" means demolition, erection, construction, remodeling, or repairing of a public building, facility, or other public work financed in whole or part by state funds. Project also includes demolition, erection, construction, remodeling, or repairing of a building, facility, or public work when the acquisition of property, predesign, design, or demolition is financed in whole or in part by state funds.

(c) Money appropriated in this act: (1) is available for a grant after the commissioner of management and budget determines that an amount sufficient to complete the project as

described in this act has been committed to the project, as required by Minnesota Statutes, section 16A.502; (2) may be used to pay state agency staff costs that are attributed directly to the capital program or project for capitalizable staff costs; and (3) is available until the project is completed or abandoned, subject to Minnesota Statutes, section 16A.642.

(d) The sustainable building guidelines under Minnesota Statutes, section 16B.325, are mandatory for all new buildings and major renovations owned or to be owned by the state, state agencies, Minnesota State Colleges and Universities, and the University of Minnesota that are funded with an appropriation in this act.

(e) Recipients of grants from money appropriated in this act must demonstrate to the commissioner of the agency making the grant that the recipient has the ability and a plan to fund the program intended for the facility. This paragraph does not apply to state agencies.

APPROPRIATIONS

Sec. 2. **EDUCATION** **$ 1,000,000**

(a) To the commissioner of education for law enforcement emergency entry device grants at schools.

(b) For purposes of this section:

(1) "eligible applicant" means a special or independent school district, a charter school, or a cooperative unit serving students; and

(2) "law enforcement emergency entry device" means an exterior secure master key box meeting Underwriters Laboratories Standard 1037 installed at the school building in accordance with the eligible applicant's crisis management policy.

(c) An eligible applicant may apply to the commissioner of education in the form and manner specified by the commissioner for a law enforcement emergency entry device grant for each of the applicant's school buildings regularly serving students. The maximum grant per building is $1,000.

(d) If the commissioner receives more applications for grants than money is available, the commissioner must first award one grant to each eligible applicant, and then award remaining money as grants to applicants on a lottery basis.

(e) An eligible applicant receiving a grant under this section must update its crisis management policy to include the necessary information on its law enforcement emergency entry devices.

(f) Up to five percent of the appropriation may be retained by the agency for administrative costs.

(g) This appropriation is available until June 30, 2028.

(h) Notwithstanding the requirements in section 1, paragraphs (b) to (e), grants from this appropriation are subject to grant requirements in Minnesota Statutes, sections 16B.97 and 16B.98.

Sec. 3. **ADMINISTRATION**

Subdivision 1. **Total Appropriation**	**$**	**1,325,000**
To the commissioner of administration for the purposes specified in this section.		
Subd. 2. **Hubert H. Humphrey Statue**		325,000

To replace the statue of Henry Mower Rice in the Statuary Hall in the United States Capitol with a statue of Hubert H. Humphrey. This appropriation includes money for the removal and transportation of the Henry Mower Rice statue in coordination with the Minnesota State Historical Society, the recasting of the statue

of Hubert H. Humphrey that currently stands on the mall of the Minnesota State Capitol, and the erection of the new Hubert H. Humphrey statue in the Statuary Hall in the United States Capitol. This appropriation is not an appropriation for a capital improvement project within the meaning of Minnesota Statutes, section 16A.642, notwithstanding the requirements in section 1, paragraphs (b) to (e).

Subd. 3. **Capitol Area Economic Development Grant Program** 1,000,000

(a) For a grant to the St. Paul Port Authority for the creation of a Capitol Area economic development grant program, for the purpose of making grants to new and existing businesses within the Capitol Area in the amount of $50,000 to $150,000 for operating equipment, facade, and other capital improvements with up to ten percent eligible for administration of the program.

(b) As used in this section, "Capitol Area" includes that part of the city of St. Paul within the boundaries described in Minnesota Statutes, section 15B.02.

(c) Notwithstanding the requirements in section 1, paragraphs (b) to (e), the grant from this appropriation is subject to grant requirements in Minnesota Statutes, sections 16B.97 and 16B.98.

Sec. 4. **PUBLIC SAFETY** **$** **500,000**

To the commissioner of public safety for the public safety officer hearing protection program. This appropriation is not an appropriation for a capital improvement

project within the meaning of Minnesota Statutes, section 16A.642, notwithstanding the requirements in section 1, paragraphs (b) to (e).

Sec. 5. **EMPLOYMENT AND ECONOMIC DEVELOPMENT** **$ 1,000,000**

To the commissioner of employment and economic development for a grant to the city of Minneapolis to acquire property for and to predesign a new building in the city of Minneapolis to be leased to the KMOJ Radio Center for Communication and Media Development.

Sec. 6. **PUBLIC FACILITIES AUTHORITY** **$ 3,500,000**

To the Public Facilities Authority for a grant to the First District Association, a dairy cooperative located in the city of Litchfield, to acquire land for, and to design, engineer, construct, equip, and furnish a new wastewater industrial pretreatment facility in the city of Litchfield. This appropriation is in addition to the appropriation in Laws 2023, chapter 71, article 1, section 15, subdivision 7, and Laws 2025, chapter 34, article 1, section 2, subdivision 4, and is for the same purpose.

Sec. 7. **HOUSING FINANCE AUTHORITY** **$ 2,439,000**

To the Minnesota Housing Finance Authority for the local public housing program under Minnesota Statutes, section 462A.44.

Sec. 8. **MINNESOTA HISTORICAL SOCIETY** **$ 750,000**

To the Minnesota Historical Society for a grant to the Minnesota Transportation Museum to construct capital improvements to the Minnesota Transportation Museum in the city

of St. Paul, including replacing the roof, stabilizing masonry, replacing the roundhouse doors, installing insulation, and making modifications to comply with the Americans with Disabilities Act.

Sec. 9. **[462A.44] LOCAL PUBLIC HOUSING PROGRAM.**

Subdivision 1. **Establishment.** A local public housing program is established for the agency to award funding to allow eligible recipients to develop or acquire housing to be owned by the recipient.

Subd. 2. **Creation of accounts.** Two local public housing program accounts are created. One account is created in the housing development fund and one account is created in the bond proceeds fund. Money in the accounts is appropriated to the commissioner to award funding under this section. Money in the local public housing program account in the housing development fund consists of money appropriated to the account and transferred from other sources and all earnings from money in the account, including repayments on loans awarded under this section.

Subd. 3. **Eligible recipient.** (a) A city, as defined in section 462C.02, subdivision 6, or a county is eligible to apply for and receive a grant from either account established in subdivision 2.

(b) A federally recognized American Indian Tribe or a Tribally designated housing entity is eligible to apply for and receive a loan from the local public housing program account in the housing development fund.

Subd. 4. **Use of funds; program requirements.** (a) An eligible recipient must use money awarded under this section for qualifying capital costs, including predesign, design, property acquisition, construction, furnishing, and equipping of property, for use as housing, and must maintain ownership of housing funded under this section for at least 50 years after receipt of the funding.

(b) In a multifamily property funded under this section, at least 30 percent of the units must be occupied by households whose income, at the time of application or initial lease agreement, does not exceed 50 percent of the area median income as published by the United States Department of Housing and Urban Development, as adjusted for household size, and at least 30 percent of the units must be occupied by households whose income, at the time of application or initial lease agreement, does not exceed 100 percent of the area median

income as published by the United States Department of Housing and Urban Development, as adjusted for household size. At the time of application or initial lease agreement, no household moving into a multifamily property funded under this section may have an income greater than 400 percent of the area median income as published by the United States Department of Housing and Urban Development, as adjusted for household size.

(c) In single-family property funded under this section, the homes must be occupied by households with incomes not exceeding 80 percent of the area median income as published by the United States Department of Housing and Urban Development, as adjusted for household size.

(d) An eligible recipient may act as a community land trust with respect to single-family property funded through the local public housing program account in the housing development fund, provided that the recipient meets the requirements applying to a city acting as a community land trust under sections 462A.30 and 462A.31.

(e) Lease agreements with tenants in housing funded under this section must include all applicable tenant protections included in public housing lease agreements.

Subd. 5. **Operation of local public housing.** (a) An eligible recipient may enter into a lease or management agreement for operation of housing funded under this section. A lease or management agreement for state bond-financed property is subject to section 16A.695, subdivision 2.

(b) Except when money received from the operation of the housing is pledged for repayment of the awarded funds, a recipient may use the money only for the purposes in subdivision 4, paragraph (a), for affordable housing in the recipient's jurisdiction.

Subd. 6. **Administration.** (a) To the extent practicable:

(1) the agency must make funding available so that an approximately equal number of housing units are financed in the metropolitan area and in the nonmetropolitan area;

(2) the agency must fund projects that include accessible units, as defined in section 1002 of the current State Building Code Accessibility Provisions for Dwelling Units in Minnesota; and

(3) the agency must provide technical assistance to eligible recipients seeking to apply for funding under this section and eligible recipients that have been awarded funding under this section.

(b) Money in the local public housing program account in the bond proceeds fund must be awarded as grants. Money in the local public housing development fund must be awarded

as loans. The commissioner must operate the local public housing program account in the housing development fund as a revolving loan fund.

Subd. 7. **Reports.** Beginning January 15, 2026, and each year thereafter, the commissioner must submit a report to the chairs and ranking minority members of the legislative committees with jurisdiction over housing finance and capital investment specifying the projects that received funding under this section in the prior fiscal year.

Sec. 10. Laws 2023, chapter 71, article 1, section 7, is amended to read:

Sec. 7. **AMATEUR SPORTS ~~COMMISSION~~ SUPPORT** **$ 4,000,000**

(a) To the ~~Minnesota Amateur Sports Commission~~ commissioner of employment and economic development for grants to cities, towns, counties, park boards, and school districts for the planning and building of public skate parks ~~under Minnesota Statutes, section 240A.20, subdivision 3,~~ with the assistance of the nonprofit consultant hired under paragraph ~~(b)~~ (j).

(b) Of this amount, $550,000 is for a grant to the city of Winona for site preparation; construction of a public multiuse street park for skateboarding, in-line skating, roller skating, and bmx and scooter riding; and site amenities, including public restrooms, a drinking fountain, a gazebo, shade canopies, a mural, a skate sculpture, picnic tables, and landscaping.

(c) Of this amount, $500,000 is for a grant to the city of Northfield to update the predesign plan for, and to design and construct, phase II of the skate park in Memorial Park in the city of Northfield.

(d) Of this amount, $400,000 is for a grant to the city of Minnetonka to design and construct

a skate park and associated park elements at Glen Lake Park in the city of Minnetonka. This appropriation may be used to demolish existing structures on the site.

(e) Of this amount, $750,000 is for a grant to the city of Brainerd for design and construction of a skate park in Memorial Park in the city of Brainerd.

(f) Of this amount, $650,000 is for a grant to the city of Rochester to design and construct the expansion and renovation of the skate park at Silver Lake Park in the city of Rochester.

(g) Of this amount, $500,000 is for a grant to the city of St. Paul to design and construct the expansion and renovation of the Merriam Park Skatepark for skateboarding, rollerblading, and bicycles in the city of St. Paul. This appropriation is not available until the St. Paul City Council approves this project in its master plan for Merriam Park after soliciting public input.

(h) Of this amount, $250,000 is for a grant to the Minneapolis Park and Recreation Board to construct a skate park at the Central Gym Park in the city of Minneapolis.

(i) Of this amount, $400,000 is for a grant to the Minneapolis Park and Recreation Board to construct a skate park at Folwell Park in North Minneapolis.

~~(b) Of this appropriation, up to $100,000 may be used to hire a Minnesota nonprofit consultant~~ (j) In addition to the project uses listed in this section, up to four percent of each of the grant amounts in paragraphs (b) to (i)

may be used by the grantee to contract with an entity with expertise in public skate park development ~~to assist the commission in developing and applying the criteria for awarding grants under Minnesota Statutes, section 240A.20, subdivision 3~~ for predesign and design work to ensure the parks are constructed to meet high quality standards and are safe and accessible.

(k) Notwithstanding Minnesota Statutes, section 16A.642, the appropriation for grants in this section is available until December 31, 2029.

(l) Notwithstanding Minnesota Statutes, section 471.345, grantees may solicit and award a design-build or construction manager at risk contract on the basis of a best value selection process for a construction project funded under this section. The grantee must consider at least two proposals when awarding a design-build contract under this section.

Sec. 11. Laws 2025, chapter 39, article 2, section 67, the effective date, is amended to read:

EFFECTIVE DATE. This section is effective ~~the day after the chief clerk of the house of representatives and the secretary of the senate jointly notify the revisor of statutes and the commissioner of administration that the state has satisfied the requirements for a statue replacement request under United States Code, title 2, chapter 30, section 2132~~ July 1, 2025.

Sec. 12. **PUBLIC SAFETY OFFICER HEARING PROTECTION PROGRAM.**

Subdivision 1. **Definitions.** For the purposes of this section, the following terms have the meanings given:

(1) "commissioner" means the commissioner of public safety;

(2) "firefighter" means a volunteer, paid on-call, part-time, or career firefighter serving a general population within the boundaries of the state;

(3) "hearing protection product" means a commercial off-the-shelf, multiuse, completely in the canal hearing protection product with a minimum noise reduction rating of 25 decibels and a maximum output of 80 decibels;

(4) "peace officer" means a person who is licensed under Minnesota Statutes, section 626.84, subdivision 1, paragraph (c);

(5) "public safety officer" means a peace officer, firefighter, or qualified emergency medical service provider; and

(6) "qualified emergency medical service provider" means a person certified under Minnesota Statutes, section 144E.28, who is actively employed by a Minnesota licensed ambulance service.

Subd. 2. **State and local eligibility.** Public safety officers and heads of agencies and entities who buy hearing protection products for public safety officer employees may request hearing protection products from the commissioner on a form prepared by the commissioner. While the supply lasts, the commissioner must make hearing protection products available to qualified applicants at no cost in the order the applications are received.

Subd. 3. **Limitation of liability.** A state agency, political subdivision of the state, state or local government employee, or other entity that provides a public safety officer with a hearing protection product under this section is not liable to the public safety officer or public safety officer's heirs for negligence in the death of or injury to the public safety officer because the hearing protection product was defective or deficient.

Sec. 13. **NATIONAL STATUARY HALL; HUBERT H. HUMPHREY STATUE.**

Subdivision 1. **Legislative findings.** The legislature finds that:

(1) an act of Congress of July 2, 1864, established National Statuary Hall in the United States Capitol;

(2) the act provides that each state has the right to donate "statues, in marble or bronze, not exceeding two in number for each State, of deceased persons who have been citizens thereof, and illustrious for their historic renown or for distinguished civic or military services...";

(3) the state of Minnesota appreciates the opportunity provided by that act;

(4) Minnesota currently has contributed for display a statue of Maria Sanford and a statue of Henry Mower Rice;

(5) the act of Congress creating Statuary Hall in the United States Capitol was amended in 2000 by section 311 of H.R. 5657, established as law by Public Law 106-554, and provides that "Any State may request the Joint Committee on the Library of Congress to approve the replacement of a statue the State has provided for display";

(6) the statue of Henry Mower Rice, having been first placed on display in 1916, has met the minimum requirement of that act for display for at least ten years;

(7) by this section, the state has selected the Honorable Hubert H. Humphrey, former Vice President of the United States, to be newly commemorated;

(8) Hubert H. Humphrey served as mayor of Minneapolis from 1945 to 1948;

(9) Hubert H. Humphrey led forces at the 1948 Democratic National Convention in Philadelphia in support of the successful minority platform plank on civil rights and equal opportunity, challenging the delegates to "get out of the shadow of states' rights and walk forthrightly into the bright sunshine of human rights";

(10) Hubert H. Humphrey spent a total of 23 years of service in the United States Senate, serving from 1949 to 1964 and from 1970 to 1978, compiling a record of accomplishments virtually unmatched in the 20th century, including the Civil Rights Act of 1964, the Nuclear Test-Ban Treaty, Medicare, human rights, workforce development, labor rights, health care, arms control and disarmament, the Peace Corps, small business assistance, education reform, wilderness preservation, immigration reform, and agriculture;

(11) Hubert H. Humphrey served in the United States Senate as Assistant Senate Majority Leader and Deputy President Pro Tempore;

(12) Hubert H. Humphrey served as floor leader during consideration of the Civil Rights Act of 1964, which was essential to the eventual passage of the act in the aftermath of breaking the filibuster against this historic legislation;

(13) Hubert H. Humphrey worked alongside former University of Minnesota law student and Republican Senate Minority Leader Everett Dirksen to build a bipartisan coalition to pass the Civil Rights Act of 1964;

(14) Hubert H. Humphrey, although dedicated to the Democratic Party, always sought bipartisan support for his legislative goals and routinely shared credit with other senators for his legislative victories;

(15) Hubert H. Humphrey, as Vice President of the United States, loyally served President Lyndon Baines Johnson and successfully carried out a number of domestic and overseas assignments;

(16) Hubert H. Humphrey served as the Democratic Party's nominee for President of the United States in 1968;

(17) Hubert H. Humphrey was reelected by the people of Minnesota, in 1970 and 1976, to two additional terms in the United States Senate, thereby continuing his extraordinary record of legislative achievement with passage of such bills as the Humphrey-Hawkins Full Employment Act;

(18) Hubert H. Humphrey, after his time in government, later served as a professor at Macalester College and the University of Minnesota; and

(19) the state of Minnesota understands its responsibilities for expenditures associated with removing and transporting the replaced statue and erecting the new statue in its place.

Subd. 2. **Request for statue replacement.** No later than January 1, 2028, the governor must submit to the Architect of the United States Capitol a written request to provide a recast of the statue of Hubert H. Humphrey that currently stands on the mall of the Minnesota State Capitol for placement in the National Statuary Hall Collection, to replace the statue of Henry Mower Rice currently on display. The request must identify the location where the statue of Henry Mower Rice will be displayed after it is transferred back to the state; include an authenticated copy of this act as evidence that the replacement has been authorized; and provide any other information required by Public Law 106-554 and any other applicable federal law that is necessary for the application to be approved by the Joint Committee on the Library of the United States Congress.

Subd. 3. **Duties upon approval of request.** If the request is approved, the governor must enter into all contracts necessary to:

(1) complete, transport, display, and maintain the statue representing Hubert H. Humphrey;

(2) remove and transport the Henry Mower Rice statue to the state and complete its transfer to the Rice County Board of Commissioners for display in a suitable location determined by the board; and

(3) comply with all other state obligations required by Public Law 106-554 and any other applicable federal law related to the statue replacement.

Sec. 14. **GENERAL FUND CANCELLATIONS.**

The amounts of the general fund appropriations listed in the cancellation report submitted to the legislature in 2025, pursuant to Minnesota Statutes, section 16A.642, with the exception of appropriations that are extended in legislation finally enacted in the 2025 First Special Session, are canceled on the effective date of this section.

Sec. 15. **REPEALER.**

Minnesota Statutes 2024, section 240A.20, is repealed.

Sec. 16. **EFFECTIVE DATE.**

This act is effective the day following final enactment.

240A.20 PROMOTING CONSTRUCTION AND RENOVATION OF PUBLIC SKATE PARKS THROUGHOUT THE STATE.

Subdivision 1. **Definition.** For purposes of this section, "skate" means wheeled, nonmotorized recreation, including skateboarding, roller blading, roller skating, and BMX biking.

Subd. 2. **Promotion of public skate parks.** The Minnesota Amateur Sports Commission shall:

(1) develop new public skate parks statewide; and

(2) provide matching grants to local units of government for public skate parks based on the criteria in this section.

Subd. 3. **Criteria for grants to local units of government for public skate parks.** (a) The commission shall administer a site selection process for the skate parks. The commission shall invite proposals from cities, towns, counties, consortia of cities, park boards, and school districts that are eligible to receive a grant under this program. A proposal for a skate park must include matching contributions including in-kind contributions of land, access roadways and access roadway improvements, and necessary utility services, landscaping, and parking.

(b) The skate park must be accessible to the public without charge for personal use.

(c) The skate park must be constructed of concrete.

(d) The location for all proposed facilities must be in areas of maximum demonstrated interest and must maximize accessibility to an arterial highway, transit, or pedestrian or bike path.

(e) To the extent possible, all proposed facilities must be dispersed equitably, must be located to maximize potential for full utilization, must accommodate noncompetitive family and community skating for all ages, and must encourage use of skate parks by a diverse population.

(f) The commission will give priority to proposals that come from more than one local government unit.

(g) The commission may also use the money to upgrade current facilities.

(h) To the extent possible, 50 percent of all grants must be awarded to communities in greater Minnesota.

(i) A grant awarded under subdivision 2, clause (2), may not exceed $500,000 unless the grantee demonstrates that the facility will have a regional or statewide draw. A grant awarded under subdivision 2, clause (2), may be for up to $1,000,000 for a skate park with regional impact. A grant awarded under subdivision 2, clause (2), may be for up to $2,000,000 for a skate park that has or will have more than 40,000 square feet.

(j) In selecting projects to be awarded grants under this section, the commission must give priority to those projects that are designed by experts in the field of concrete skate park design and are to be constructed by professionals with experience in the construction of concrete skate parks.

(k) To be eligible for a grant under this section, a local government must have engaged or must commit to engage youth in the planning, design, and programming for the concrete skate park.

Subd. 4. **Technical assistance.** To the extent possible, the commission shall provide technical assistance on skate park planning, design, and operation to communities.

Subd. 5. **Agreements with local governments and cooperative purchasing agreements.** (a) The Minnesota Amateur Sports Commission may enter into agreements with local units of government and provide financial assistance in the form of grants for the construction of skate parks that, in the determination of the commission, conform to its criteria.

(b) The commission may enter into cooperative purchasing agreements under section 471.59 with local governments to purchase skate park equipment and services through state contracts. The cooperative skate park equipment purchasing revolving fund is a separate account in the state treasury. The commission may charge a fee to cover the commission's administrative expenses to government units that have joint or cooperative purchasing agreements with the state under section 471.59. The fees collected must be deposited in the revolving fund established by this subdivision. Money in the fund is appropriated to the commission to administer the programs and services covered by this subdivision.

Subd. 6. **Awarding a design-build contract.** Notwithstanding section 471.345, cities, towns, counties, park boards, and school districts may solicit and award a design-build or construction

manager at-risk contract for a construction or upgrade project funded under this section on the basis of a best value selection process. The city, town, county, park board, or school district must consider at least three proposals when awarding a design-build contract under this section.

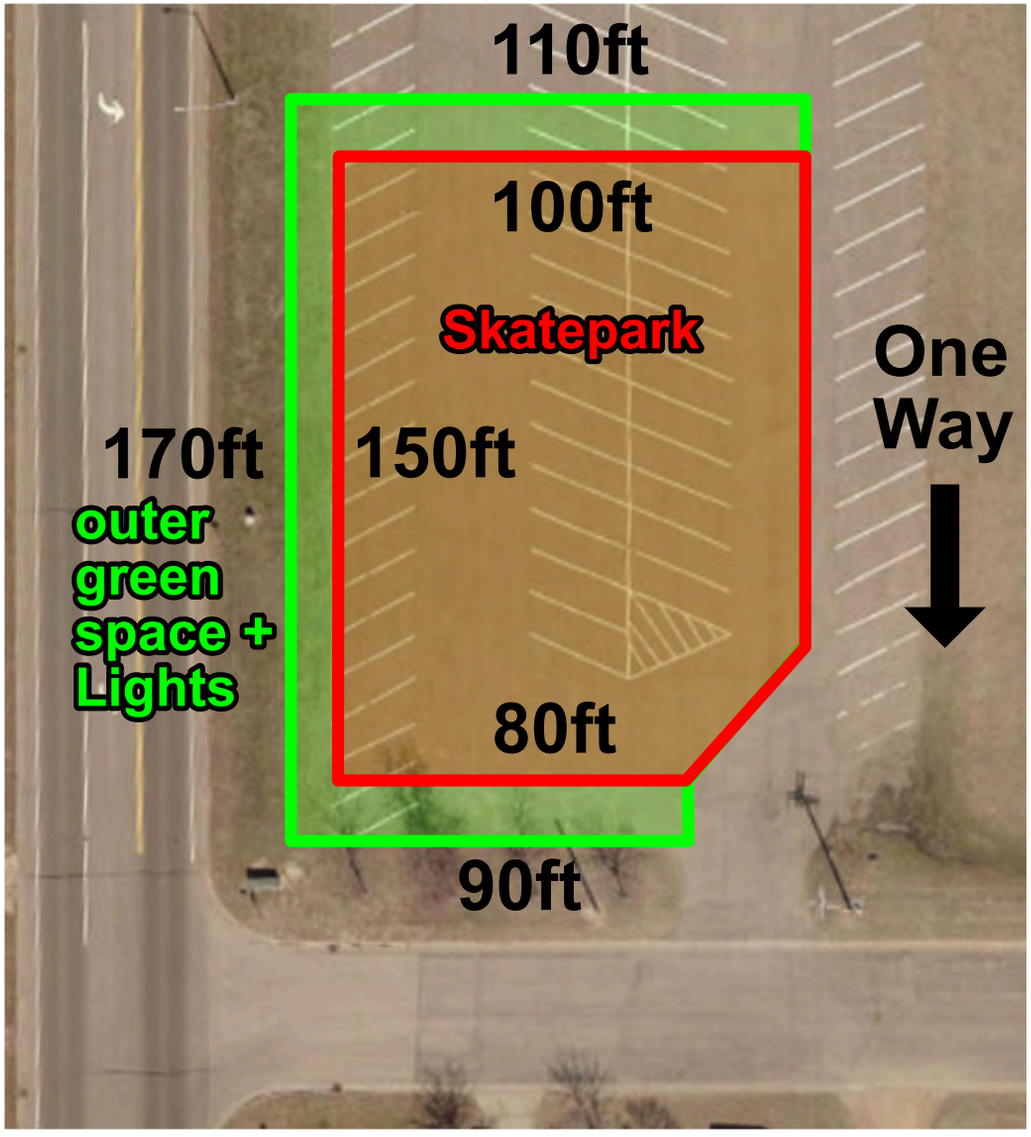
Subd. 7. **Availability of funds.** A grant of money from an appropriation under this program is available to each grantee until the project that is the subject of the grant is completed or abandoned, subject to section 16A.642.

SPOHN RANCH SKATEPARKS

BRAINERD

MEMORIAL PARK SKATEPARK CITY OF BRAINERD, MINNESOTA

CONCEPT DESIGN 05.06.22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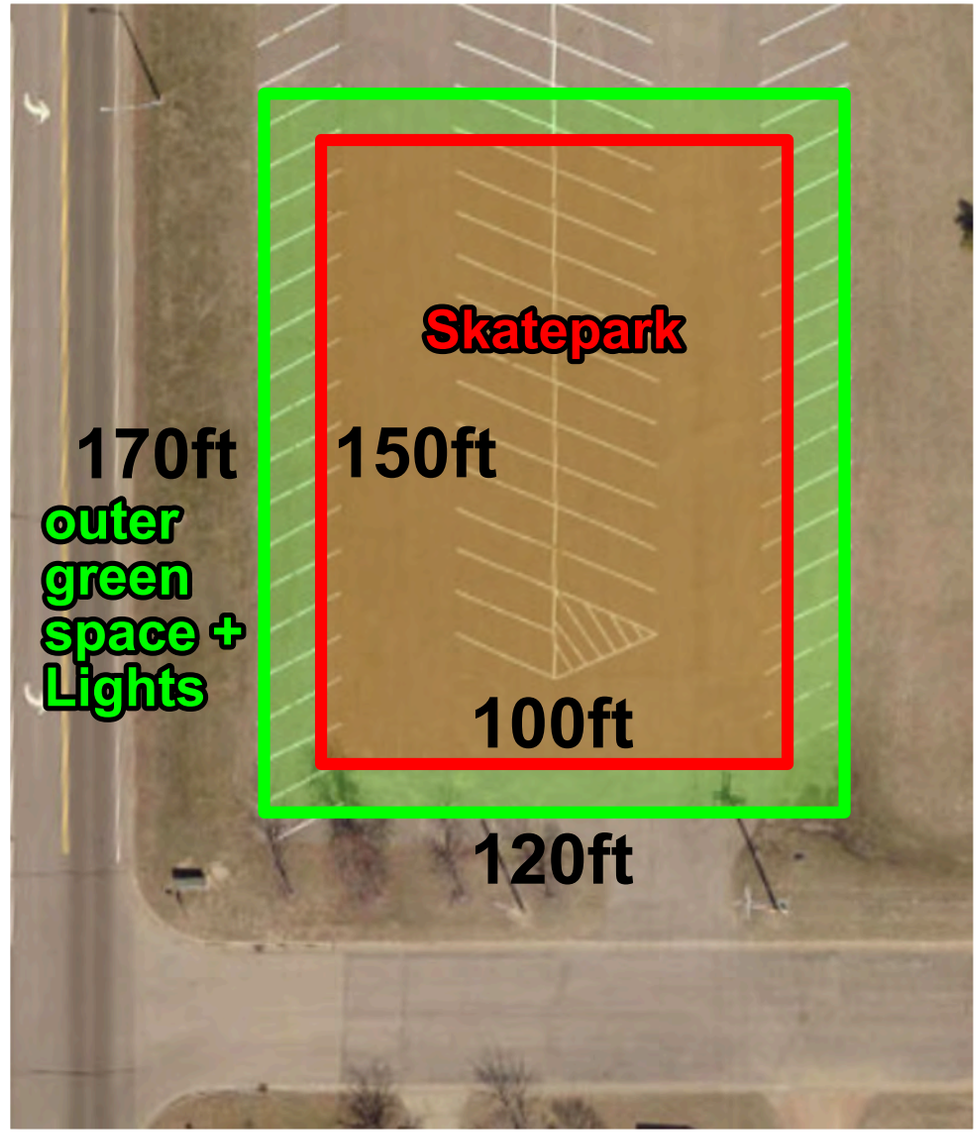
Skatepark
170ft
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Lights
100ft
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Skatepark Maintenance Guide

CITY of SKATE

cityofskate.org

Maintenance Overview - via The Public Skatepark Guide

Skateparks require attention to operate at peak performance. Trash must be removed, debris blown or swept clear, and cosmetic concerns addressed. Considering that skateparks are often a Parks Department's most popular facility, the maintenance demands on them are very low. Concrete skateparks are virtually indestructible and can bear thousands of hours of use without showing signs of wear.

Skateboarders are athletes that "train" for hours on end. The length of a session for the average core skateboarder is more than an hour a day, several days a week. With a majority of the local skateboarding activity concentrated at the skatepark, some maintenance will be required.

Inspections

Cast-in-place concrete skateparks will create very little, if any, cause for careful inspection.

Cast-in-place concrete skateparks should be inspected for structural anomalies weekly during the first two months of a skatepark opening, then monthly thereafter. Inspections can be conducted by Parks maintenance staff. For new parks, staff should look for evidence of cracking and areas containing loose grout.

Daily maintenance inspections should focus on trash and graffiti. Trash accumulation may be evidence of too few or misplaced trash receptacles. Graffiti is most common when a park is new, but adhering to a policy of rapid removal will quickly reduce the amount of graffiti occurring at the park.

Areas requiring inspection:

Steel coping: Concrete, where it abuts steel coping, can chip in places where it's thin. This isn't a safety concern unless those chips create voids that can trap a wheel, usually about ¼-inch or larger. (Chips of grout can also fall into the skating area and create hazards.) The divots can be easily repaired with cement grout or an epoxy. If you are unsure about the best approach, consult the original skatepark builder.

Pool coping: Pool coping is created from high-density concrete and formed into bull-nose blocks held in place by grout. Pool coping should be inspected for wear-and-tear at the seams of high-traffic areas. Divots can develop at the seams, known as "knuckling," and should be repaired as needed (usually at 3-4 year intervals).

Railings: Should be inspected for rust and fastener tightness. Spots of rust should be grinded and painted. (Consult your warranty instructions before taking these measures.)

Drain covers: Small drain grates can become loose. A bit of "lock-tight" should keep the grate secure. Leaves should be cleared of the bowl.

Spalling: Spalling is a condition where the top layer of the surface separates. It leads to rough patches that, in the most severe cases, can stop a skateboard. Spalling is caused during construction by overworking concrete so that the aggregate material is pushed too deeply into the form. Over-trowelling leaves a veneer of weaker cement on the surface. A type of spalling can also occur in wood or Skatelite surfaces. The surface veneers can chip away, particularly in areas where moisture pools. There is not much that can be done in areas subject to spalling. The original park builder should be consulted.

Routine skatepark maintenance should be conducted frequently for the first few months. If good decisions were made during the design and construction of the park, the Parks' maintenance department should feel comfortable tapering off the routine maintenance regimen in order to devote more time to other facilities.

***A city phone # and/or email contact to report any issues that park users may observe should be posted on site.**

****The city should maintain a record of maintenance inspections, corrections, and work performed.**

Graffiti

When the skatepark opens, the local youth will be very interested in the new facility. Skateboarders, of course, will be thrilled. Other residents will be curious and some will want to interact with the space even if they lack the skateboarding skills to use the park as intended. Graffiti can be a problem during these fledgling months as locals leave their mark on the new attraction.

Establishing a zero-tolerance policy toward graffiti starting on Day One is the best way to ensure your skatepark remains visually clean. Some communities aren't bothered by graffiti, and there are some skateparks with literally every inch covered in paint. For those communities that aren't interested in this aesthetic tone, removing graffiti immediately and consistently is the best way to send a message to those that would paint in the park that their messages won't be seen. Denying these artists and/or vandals a showcase is the tried-and-true method for encouraging them to go elsewhere.

Sometimes a park will be utterly defaced in the course of one evening by industrious vandals. Cleaning larger marks can be time-consuming, but with the right tools the work can be done efficiently. There are several graffiti-removal products available that will meet a Parks Department's environmental requirements. Provided that the graffiti is removed immediately, before the paint has a chance to fully cure (usually within a few days), most commercial products work equally well.

Volunteer stewards generally have more latitude about what graffiti-removal products they can use. Some of these products work beautifully but are highly toxic. If you are a skateboarder that prefers a graffiti-free skatepark, and are willing to take matters into your own hands, you can keep a can of Crown Anti-Vandal spray or Elephant Snot in your trunk, along with some rags and gloves (and perhaps a filter mask). Protect yourself physically and legally by gearing up, taking care of the marks quickly and discreetly, then get on with the skating.

Sand-blasting is not recommended for skateparks. Bead-blasting (using granular plastic instead of sandy grit) is appropriate. Sand is too abrasive and can etch the surface of the concrete, exposing it to further deterioration from the elements and creating a rough skating surface. Beads, by comparison, are gentler and won't attack the concrete.

Anti-graffiti coatings are not recommended as they are slippery. These coatings are only appropriate on surfaces that aren't meant to be skated on.

Additionally from **The Skatepark Project “Skatepark Best Practices” guide Page 60.**

MAINTENANCE - A contemporary concrete skatepark designed and built by professionals with community input should be relatively maintenance free. Trash service and graffiti removal should be the responsibility of the city like all other municipal parks. The skatepark group should not be responsible for funding this. Locals should make every effort to help keep the place clean. RECYCLING & TRASH (provide enough bins for heavy use) OCCASIONAL TAGGING/ GRAFFITI REMOVAL (alternatively, allow mural art and graffiti a t) LONG TERM CONCRETE TREATMENT OR REPAIR (ask your builder about intervals and process).

https://static1.squarespace.com/static/5ebecf15da3f1d1078d5a551/t/682ab0e9105975117c944530/1747628280449/Best-Practices-Guide-4.0.pdf

D. Second Reading of Proposed Ordinance No. 1054 - An Ordinance Providing for the Annexation of Certain Properties to the City of Brainerd (Ellingson Property Located in Unorganized Territory) - City Administrator Recommends to Dispense with the Actual Reading of Said Ordinance - Approval of.

E. Minnesota Lawful Gambling Premises Permit Applications - Submitted by (1) North Country Trail Busters for Winnipeg Lounge, 612 Front Street; and (2) Vacationland Figure Skating Club for River Oaks, 15 Washington Street - Resolution No. 38:98 Adopted Approving Applications.

F. Resolution Establishing Polling Places, Appointment and Rate of Pay for Election Judges, and Authorizing the Purchase of Necessary Election Supplies - For Primary Election to be Held September 15, 1998 - Resolution No. 39:98 Adopted.

G. Insurance Reserve Fund Adjustments - Recommended by Insurance Agent Engel and City Administrator Vogt - Approval of.

1. $48,119.55 from Fund 280 (Property/Liability Reserve Fund) to Fund 400 (Capital Projects Fund).
2. $108,810.26 from Fund 281 (Worker's Comp. Reserve Fund) to Fund 400 (Capital Projects Fund).

H. Approval of Bills - Recommended by the Personnel and Finance Committee.

Upon roll call, all members voted "aye". The Chair declared the motion carried.

Skate Park Update - Ms. Nancy Cross to Discuss.

The Chair recognized Ms. Nancy Cross, who updated Council on the progress of the skate park in Jaycees Park. To date the committee has raised $7,142 in funds, and they are now requesting Council to release the $20,000 held in reserve. They will be laying the 100' x 100' concrete and installing the fence soon. Hopefully by the middle of September, the ramps will be done and the project complete.

MOVED AND SECONDED BY ALDERMEN O'DAY AND ASPLUND, DULY CARRIED, TO RELEASE $20,000 FROM THE CAPITAL PROJECTS FUND FOR CONSTRUCTION OF THE SKATE PARK.

The Chair also recognized Patrick Cross who updated Council on the formation of the Brainerd Chapter of National Skate Patrol. A clinic to train the first group of patrol members will be held this weekend and all Council members were invited to attend. They hope to launch the patrol the weekend of the Congressman Jim Oberstar Bike Ride and when the skate park opens the patrol will be fully functional.

Public Hearing - Nuisance Complaints.

The Chair opened the public hearing at 7:44 p.m. relative to a nuisance complaint for the property located at 1002 12th Street SE.

Alderman Nesheim reported the nuisance violation at 1002 12th Street SE has been abated.

The Chair closed the public hearing at 7:44 p.m.

Youth Teen Center - Mayor Cumberland to Discuss.

Mayor Cumberland presented Council with a packet of information regarding different opportunities for the local youth. She encouraged Council to review the ideas and provide input or other ideas.

Public Forum.

The Chair recognized Ms. Jodi Imgrund, 3518 Estate Circle Drive, who had received a parking ticket for parking in a handicap zone while at the BMX Track at Memorial Park. Ms. Imgrund requested the ticket be waived as she felt she was not parked in the handicap zone because it is not well marked.

MOVED AND SECONDED BY ALDERMEN O'DAY AND OLANDER, DULY CARRIED, TO FORGIVE PARKING TICKET NO. 54191 FOR JODI IMGRUND.

From: James Kramvik
To: Kelly Bevans
Cc: Nick Broyles; Toni Gage
Subject: RE: Skate Park
Date: Monday, June 1, 2026 2:13:57 PM
Attachments: City Council 1998-08-03.pdf
image001.png
image002.png
image003.png

Hi Kelly,

I have bcc'd City Council to this e-mail. I have attached City Council minutes from 1998, and it appears $20,000 in capital was used for the construction of the skate park. Park minutes do not go back further than 2025.

Regards,
James Kramvik

James Kramvik | Community Development Director
City of Brainerd | 501 Laurel Street Brainerd MN 56401
218-454-3408 | jkramvik@ci.brainerd.mn.us

From: Kelly Bevans <kbevans@ci.brainerd.mn.us>
Sent: Monday, June 1, 2026 10:19 AM
To: James Kramvik <jkramvik@ci.brainerd.mn.us>
Cc: Nick Broyles <nbroyles@ci.brainerd.mn.us>; Toni Gage <tgage@ci.brainerd.mn.us>; Mike ODay <moday@ci.brainerd.mn.us>
Subject: Skate Park

James

Any chance you can find out how much the City invested in the 1st skate park we had at Jaycee Park?

Kelly

Kelly Bevans
Brainerd City Council
Ward 2

Email correspondence to and from the City of Brainerd government offices is subject to the Minnesota Government Data Practices Act and may be disclosed to third parties.

City Council
Agenda Request

MEETING DATE: June 1, 2026

TITLE OF ITEM: Interim Use Permit for Short Term Rental - 1526 14th Ave NE

AGENDA: Main

ACTION REQUESTED: Approve/Deny Motion

SUBMITTED BY: James Kramvik, Community Development Director

DEPARTMENT: Community Development

PRESENTER: James Kramvik, Community Development Director

ESTIMATED TIME (MIN): 5 Minutes

SUMMARY OF ISSUE

Kathryn Pinke on behalf of Star Oak Properties LLC, has applied for an Interim Use Permit to operate a short-term rental at 1526 14th Ave NE. The applicant proposes to operate this short-term rental as a Vacation Dwelling Unit (VDU): A rental where the property owner is not a permanent resident of the unit, and the entire unit is rented without the property owner present.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS

The Planning Commission considered this request and held a public hearing at their May 20th meeting. The Planning Commission unanimously recommended approval of the Interim Use Permit as presented with conditions.

No one from the public spoke at the public hearing. As noted in the findings, one party has contacted the Community Development Department regarding the Interim Use Permit and was opposed to the short-term rental as they did not want this type of use in the neighborhood.

RECOMMENDED ACTION/MOTION

Recommend approval of the Interim Use Permit as presented with the following conditions:

1) The Interim Use Permit for a short-term rental at 1526 14th Ave NE. Brainerd, MN 56401 terminates one year after approval.
2) The Interim Use Permit shall terminate upon sale or transfer of the property.
3) Occupancy of the short-term rental shall not exceed 10.
4) All outdoor lighting fixtures shall meet the standards of Section 515-4-8 Outdoor Lighting of the Zoning Code.
5) All watercraft docked in the lake at the property shall be within the boundaries of 1526 14th Ave NE.
6) Overnight guest vehicles and trailers must be parked in the driveway. Two additional vehicles may be parked on the street for daytime guests.
7) Submission of the Lodging Tax report on a monthly basis to the Finance Department.
8) Applicant must update the noise policy in the house rules to align with City Code prior to occupancy.

FINANCIAL IMPACT
N/A

M E M O

TO: Planning Commission

FROM: James Kramvik, Community Development Director

DATE: May 20th, 2026

RE: Consider Interim Use Permit for a Short-Term Rental at 1526 14th Ave NE

REQUEST

Public Hearing. Interim Use Permit applied by Kathryn Pinke on behalf of Star Oak Properties LLC for a short-term rental at 1526 14th NE, Brainerd, MN 56401.

Current/Valid Short-Term Rentals

Address	Zoning District	Type of STR
712 6th St N	TN-1	VDU
1005 6th St S	TN-2	VDU
9995 Island Dr	GL	VDU
524 8th S N	TN-1	VDU
714 7th St S	TN-1	VDU
1123 15th Ave NE	TN-1	VDU

CONTEXT

Parcel Numbers: 41180563
Zoning District: Traditional Neighborhood-One (TN-1) District
Property Area: 10,355 SQFT

Adjacent Uses:
North: Single Family Dwelling
East: Rice Lake
South: Single Family Dwelling
West: Privately Owned Lot w/Garage

Adjacent Zoning:
North: Traditional Neighborhood-One (TN-1) District
East: Rice Lake
South: Traditional Neighborhood-One (TN-1) District
West: Traditional Neighborhood-One (TN-1) District

AERIAL MAP

FINDINGS OF FACT

1. The property at 1526 14th Ave NE. Brainerd, MN 56401 is located in a TN-1 (Traditional Neighborhood-One) District. The TN-1 District allows short-term rentals as an Interim Use according to Zoning Code Appendix A: Table of Uses.
2. The applicant proposes to operate this short-term rental as a Vacation Dwelling Unit (VDU): A rental where the property owner is not a permanent resident of the unit, and the entire unit is rented without the property owner present during the rental period.
3. An Interim Use Permit for a short-term rental at a premise shall be granted for a duration not to exceed twelve (12) months.
4. Short-term rentals must comply with the following minimum standards as required by the Section 515-3-34 of the Zoning Code:
    a. The maximum rental period shall not be more than 28 consecutive nights.
    b. The permit holder (owner) of a short-term rental must apply for and receive an interim use permit.
        i. *The applicant has applied for an Interim Use Permit for the operation of a short-term rental.*
    c. The application for an interim use permit shall include:
        i. The number of bedrooms with dimensions and all other sleeping accommodations

1. *The proposed short rental has five (5) bedrooms.*
2. *The dimensions of each of these respective bedrooms are 16'4" x 11'6", 14'6" x 11'2", 9'7" x 11'11" on the main floor and 12'9" x 11'11", and 13'7" x 11'2" on the lower level.*

ii. The number of off-street parking spaces available to guests.
1. *There are two off-street parking spaces allocated to guests in the driveway and two available in the garage. The applicant does not permit short-term renters to utilize on-street parking.*

iii. All accessory structures and outdoor recreational features available for guest use
1. *The applicant did not list any recreational outdoor features.*
2. *The property does have a dock to access the lake.*

iv. A pet, garbage, and noise policy.
1. *The applicant does allow a maximum of two dogs with an additional fee. The dogs must be leashed while outdoors, kenneled while indoors unattended and all waste cleaned up upon departure.*
2. *Garbage service is collected weekly and bins are available for use.*
3. *There is a rule imposing quiet hours Sunday – Thursday 10:00pm – 7:00am and Friday – Saturday 12:00am – 7:00am.*

v. The permit holder shall post emergency contact information (police, fire, hospital) and show renters the location of fire extinguishers in the short-term rental unit.
1. *Emergency contact information is posted.*

d. A permit holder must disclose in writing to their renters the following information regarding property policies and City codes:
i. Contact Information. The managing agent or local contact's name, address, and phone number. The agent shall be available 24 hours a day, seven days a week, whenever the property is being rented. Property contact information will always be accessible to the public on the City of Brainerd website.
1. *Larry Frasier of AirCasa is the owner's agent and is located in Baxter.*

ii. Occupancy. The maximum number of guests allowed at the property.
1. *The posted rules for the short-term rental state a guest maximum of 10 guests and parties are prohibited.*

iii. Vehicles. The maximum number of vehicles, recreational vehicles, and trailers allowed on the property and where they are to be parked. Parking in a yard that fronts a street as well as along an interior side of a house is required to be on an improved surface. Recreational vehicles shall not be parked in any right-of-way or utility easement. No vehicle or trailer shall be parked on a street more than forty-eight (48) continuous hours.

1. *The rules state that there is parking available in the driveway. This would include trailers, however not recreational vehicles, as they are specifically prohibited by the rules.*

iv. Garbage. Garbage and refuse containers shall be placed out for collection no earlier than 6:00 P.M. the day before collection and removed by the end of the day of collection. Garbage shall be placed in fly tight containers sufficient to receive all garbage which may accumulate between times of collection.

1. *The weekly garbage schedule is provided for renters per the rules provided.*

v. Noise. No person shall, between the hours of 10:00 P.M. and 7:00 A.M. congregate at, or participate in any party or gathering of two or more people from which noise emanates of sufficient volume to disturb the peace, quiet, or repose of another person.

1. *The short-term rental rules impose quiet hours Sunday – Thursday 10:00pm – 7:00am and Friday – Saturday 12:00am – 7:00am.*
2. *Staff will add a condition that noise and gatherings shall be restricted from 10:00pm – 7:00am to align with City Code.*

vi. Pets. No person shall keep, maintain, or otherwise house more than a total of four cats or dogs within any household in the City of Brainerd. It shall be unlawful for any person to allow a dog or cat to run at large and to keep or harbor a dog that habitually barks, yelps, howls, cries, or whimpers to unreasonably disturb the peace and quiet of any person in the vicinity. The owner of any animal shall be responsible for cleaning up any feces of the animal and disposing of such feces in a sanitary manner.

1. *The short-term rental rules allow two dogs with an additional fee and additional regulations.*

e. The occupancy of a short-term rental shall be limited to no more than 3 people per bedroom or the occupancy set by the Building Official.

i. According to Section 404.4.1 of the Property Maintenance Code, every bedroom shall contain not less than 70 square feet (6.5 m2) and every bedroom occupied by more than one person shall contain not less than 50 square feet (4.6 m2) of floor area for each occupant thereof, whichever is less.

1. *The house rules indicate only registered guests are authorized after dark. No unauthorized guests are allowed overnight.*
2. *Bedroom one is approximately 190 SQFT which meets the requirement for three guests.*
3. *Bedroom two is approximately 160 SQFT which exceeds the requirements allows for two guests.*
4. *Bedroom three is approximately 112 SQFT which meets the requirement for two guest.*

5. *Bedroom four is approximately 150 SQFT which exceeds the requirement for three guests per room.*
6. *Bedroom five is approximately 149 SQFT which exceeds the requirement for two guests.*

ii. *Total occupancy of the short-term rental is 12 guests based on the square footage calculation and zoning requirements.*

iii. *The applicant proposed a maximum of (10) guests, (2) per bedroom.*

f. Rooms used for sleeping shall be provided with egress windows and smoke detectors in locations that comply with the Minnesota State Building Code or the requirements of the Building Department, whichever is stricter.

i. The rooms used for sleeping have egress windows and smoke detectors that comply with the Minnesota State Building Code and was inspected by the Housing Inspector and the Fire Marshal on May 7th, 2026..

g. The short-term rental shall be connected to city sewer and water or an approved septic system. A valid septic system certificate of compliance is required at the time of rental license issuance and annual renewal. A short-term rental shall have a full bathroom (sink, toilet, and tub or shower).

i. The short-term rental is connected to the city sewer and water system. The building plans show a full bathroom with a toilet, tub/shower, and sink.

h. Additional occupancy by use of recreational vehicles, tents, accessory structures, or fish houses is not permitted.

i. The applicant is not proposing occupancy by use of recreational vehicles, tents, accessory structures, or fish houses.

i. The permit holder shall keep a report detailing use of the short-term rental by recording the full name, address, phone number and vehicle license number of the guest reserving the rental. A copy of the report shall be provided to the Zoning Administrator upon request.

j. A short-term rental shall be a licensed rental unit by the City and shall meet the requirements of all statutes, rules, regulations, and ordinances including, but not limited to, the City of Brainerd's rental housing maintenance code. Each unit shall be inspected annually by the rental housing inspector and the Fire Marshal.

i. The premises was inspected by the Housing Inspector and by the Fire Marshal on May 7th and the house was issued a rental license.

k. The Planning Commission may impose conditions that will reduce the impacts of the proposed use on neighboring properties, public services, nearby water bodies, public safety, and safety of renters. Said conditions may include but not be limited to – fencing or vegetative screening, native buffer along the shoreline, noise standards, duration of permit, restrictions as to the docking of watercraft, and number of renters.

1. *Staff have recommended that additional conditions should apply to the short-term rental and have included them in the staff recommendation.*

l. A permit holder must post their rental license permit number on all print, poster, or web advertisements.
m. It is the owner's responsibility to apply for state and local sales tax numbers, including hotel and motel use sales tax. It is the owner's responsibility to contact the Minnesota Department of Health about lodging license requirements.
    i. The application for short-term rentals includes an application for local sales tax that must be submitted to the City's Finance Department. It is the owner's responsibility to contact the MN Department of Health.
n. There are to be no more than forty (40) operational VDU's at any given time in the City and are granted on a first-come first-serve basis.
    i. There shall be no more than twenty (20) total VDU's permitted in the Town Center and Main Street District, and in all other zoning districts there shall be no more than ten (10) total VDU's permitted at any given time.
        1. Only one (1) building with a permitted VDU may be located on any platted block and shall not abut another property approved for a short-term rental.
            a. *There are currently six (6) VDU's in Brainerd.*
            b. *This property is in the TN-1 District. Excluding this property, there are currently four (4) VDU's in the TN-1 District.*
            c. *There are no other VDU's on this platted block.*

As of this writing, one party has contacted the Community Development Department regarding the Interim Use Permit and was opposed to the short-term rental as they did not want this type of use in the neighborhood.

STAFF RECOMMENDATION

Staff recommends approval of the Interim Use Permit for one short term rental unit at 1526 14th Ave NE Brainerd, MN 56401 with the following conditions:

1) The Interim Use Permit for a short-term rental at 1526 14th Ave NE. Brainerd, MN 56401 terminates one year after approval.
2) The Interim Use Permit shall terminate upon sale or transfer of the property.
3) Occupancy of the short-term rental shall not exceed 10.
4) All outdoor lighting fixtures shall meet the standards of Section 515-4-8 Outdoor Lighting of the Zoning Code.
5) All watercraft docked in the lake at the property shall be within the boundaries of 1526 14th Ave NE.
6) Overnight guest vehicles and trailers must be parked in the driveway. Two additional vehicles may be parked on the street for daytime guests.
7) Submission of the Lodging Tax report on a monthly basis to the Finance Department.

Community Development Department
City Hall – 501 Laurel Street Brainerd, MN 56401
218/828-2307/Fax 218-828-2316 www.brainerdmn.gov

INTERIM USE PERMIT for SHORT-TERM RENTAL

Application Form (residential - $350.00 / commercial - $500.00 +$500.00 escrow deposit) (This form must be filled out completely before your application will be accepted)

Property Address for this *Interim Use Permit*: 1526 14th Ave NE

I (We) the undersigned, do hereby respectfully request the Brainerd City Council to grant an Interim Use Permit to allow Short -Term Rental

_____

_____

_____ *at the property address listed above until the date of* renewal

Legal Description (attach, if lengthy): Lot 003 Block 002 Addition _____
09150 Lakeview Addition to Brainerd

_____

Property Owner: Star Oak Investments LLC, Kathryn Pinke

Address: 550 34th Street Northeast (Street) Northwood (City) ND (State) 58267 (Zip)

Contact Information #: 701-261-9494 (Home) _____ (Business)

_____ (Fax) katpinke@gmail.com (E-mail)

Applicant: (if different than Property Owner) listed above

Address: _____ (Street) _____ (City) _____ (State) _____ (Zip)

Contact Information #: _____ (Home) _____ (Business)

_____ (Fax) _____ (E-mail)

Contact Person: (if different than Property Owner) listed above
AirCasa Larry Frasier

Address: 12115 Fuschia Dr. Baxter, MN 56425 (Street) (City) (State) (Zip)

Contact Information #: 218-330-7897 (Home) _____ (Business)

_____ (Fax) aircasaservices@gmail.com (E-mail)

This Interim Use Permit may be approved if sufficient facts are presented at the Planning Commission and City Council meetings to support a finding that all of the attached criteria for granting an Interim Use Permit have been met.

Obtaining this *Interim Use Permit* does not absolve the applicant from obtaining all other applicable permits, such as Building Permits, MnDOT access permits, etc.

I (We) certify that I (we) have submitted all the required information to apply for an Interim Use Permit and that the information is factual.

Signed by: _____ **Date:** 4-30-26
(Property Owner)

Kathryn Pinke
(Property Owner-Please print Name)

_____ **Date:** _____
(Applicant-If different than owner)

_____
(Applicant - Please print name)

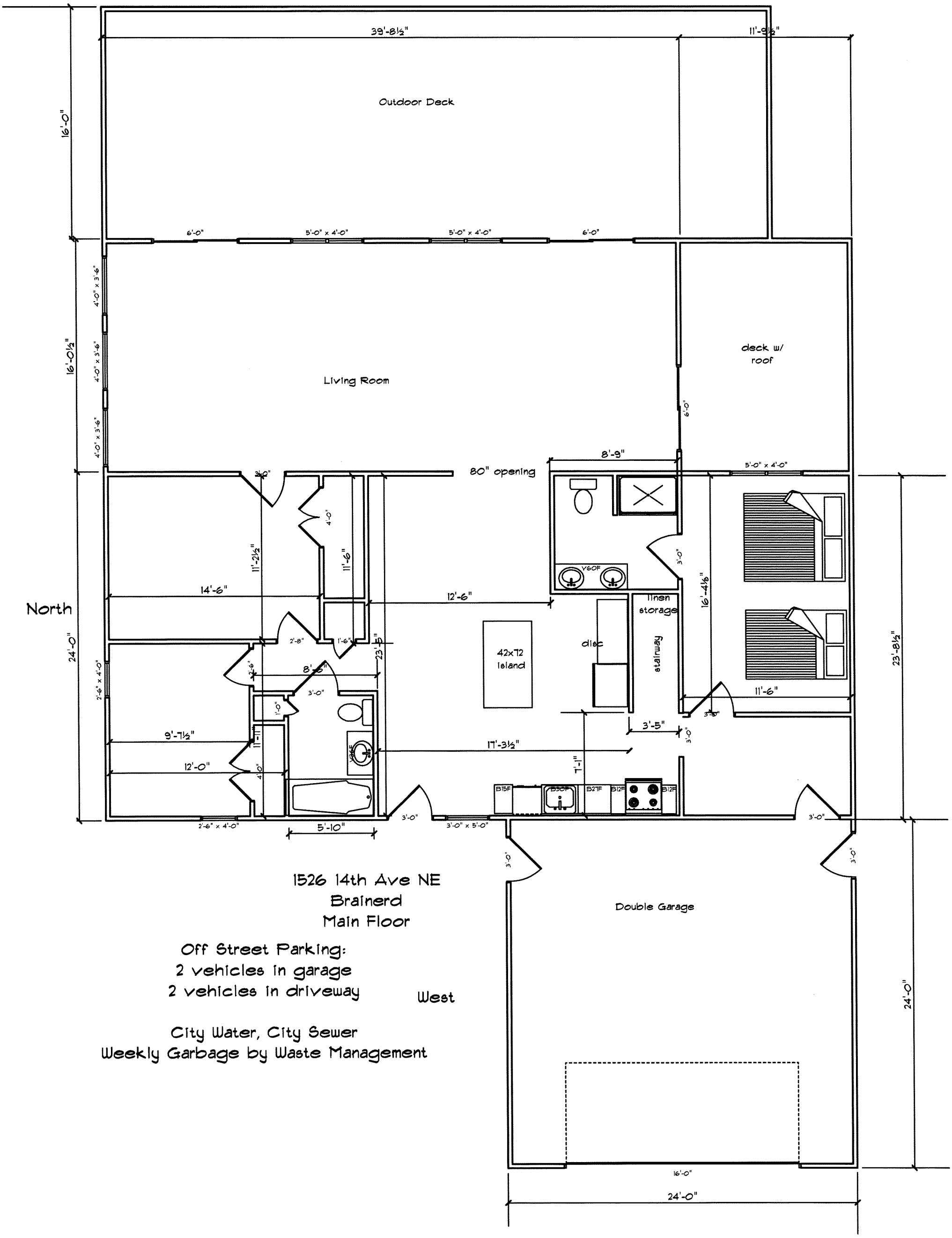
Interim Use Permit

Supporting Information

The City Council may approve an Interim Use Permit if all of the "Criteria for Review of Interim Use Permits" are met. In order to facilitate review of this application for an *Interim Use Permit,* the applicant must address each of the *"Criteria"*, referred to in Section 515-5-3 of the Zoning Ordinance.

1. **Public Health/Safety/Welfare.** The *Planning Commission* and the *City Council* shall review each application for the purpose of determining that each proposed use meets the following criteria referenced to in Section 515-5-3 and in addition, shall find adequate evidence that each use in its proposed location will address the following:
   (a) The proposed use conforms to the district and conditional use provisions and all general regulations of this Ordinance.
   (b) The proposed use meets all special standards which may apply to its class of conditional uses as set forth in this section.
   (c) The proposed use shall not involve any element or cause any condition that may be dangerous, injurious, or noxious to any other property or persons.
   (d) The proposed use shall be sited, oriented and landscaped to produce a harmonious relationship of buildings and grounds to adjacent buildings and properties.
   (e) The proposed use shall produce a total visual impression and environment which is consistent with the environment of the neighborhood.
   (f) The proposed use shall organize vehicular access and parking to minimize traffic congestion in the neighborhood.
   (g) The proposed use shall preserve the objectives of this Ordinance and shall be consistent with the Comprehensive Plan.

(con't)

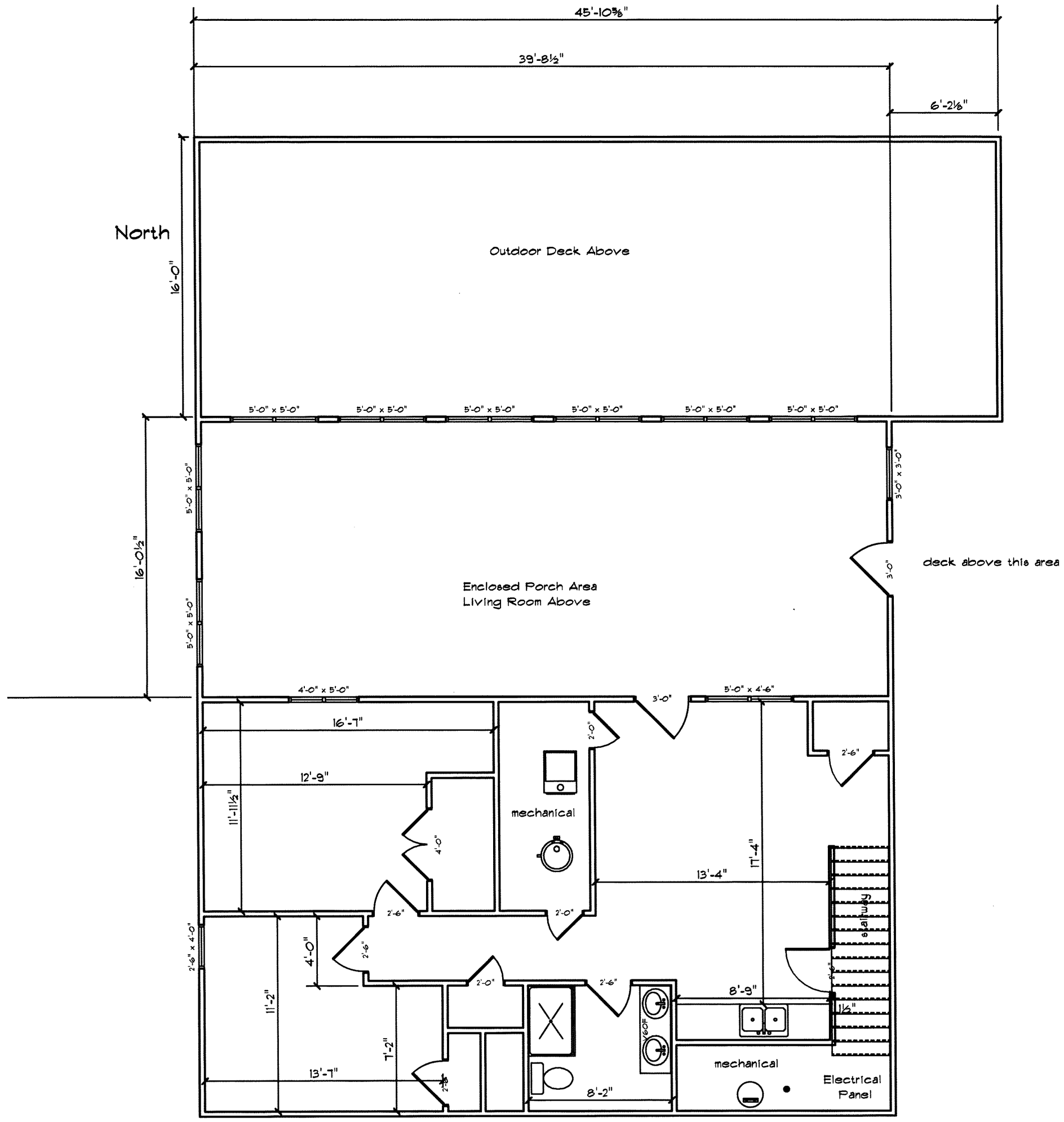


1526 14th Ave NE
Brainerd
Main Floor

Off Street Parking:
2 vehicles in garage
2 vehicles in driveway

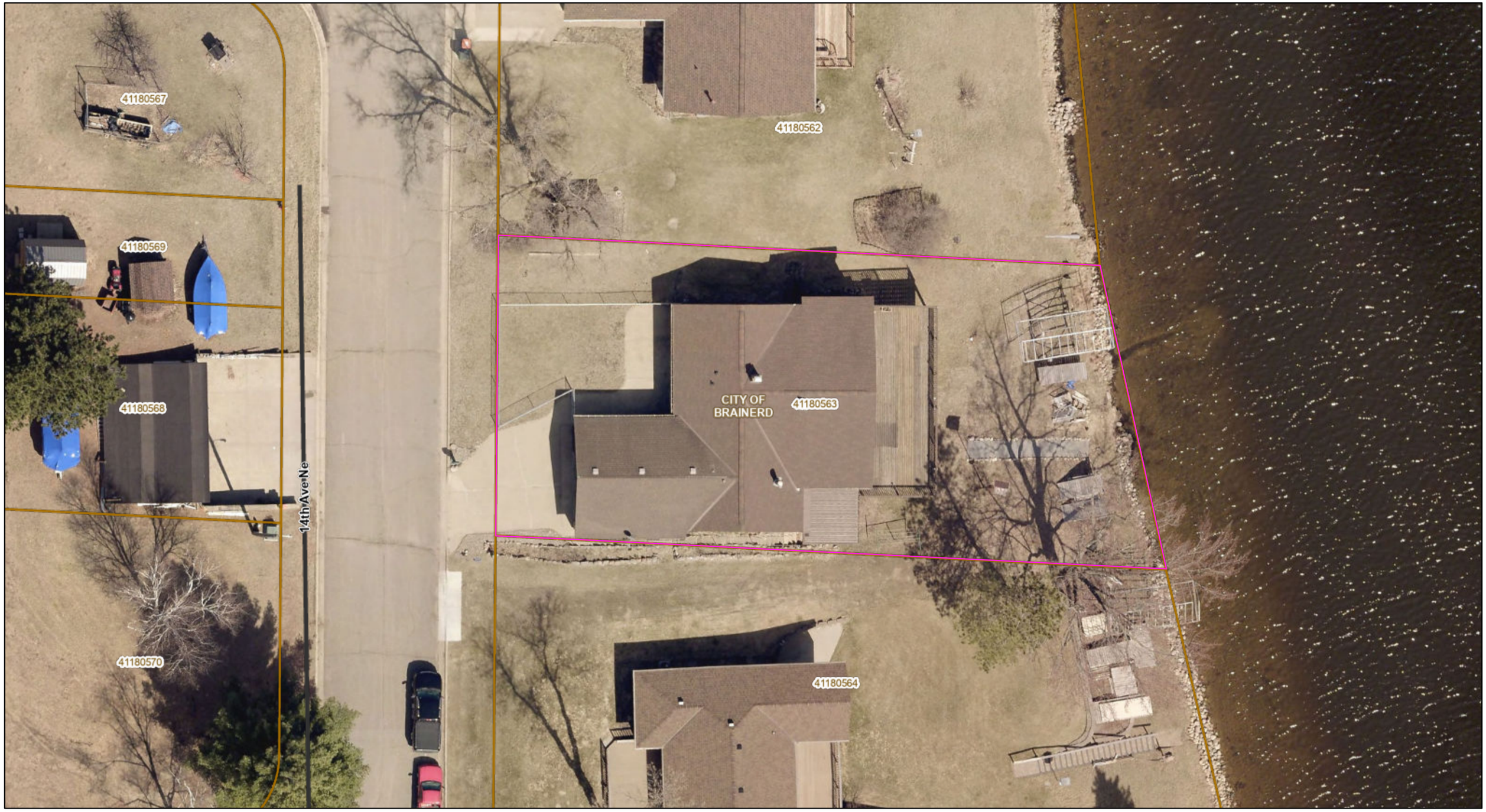
West

City Water, City Sewer
Weekly Garbage by Waste Management



1526 14th Ave NE
Brainerd
Lower Level

West



These data are provided on an "AS-IS" basis, without warranty of any type, expressed or implied, including but not limited to any warranty as to their performance, merchantability, or fitness for any particular purpose.

ArcGIS Web Map

Land Use Classification

- Agricultural/Forestry District
- Airport District
- Commercial District 1
- Commercial District 2
- Commerical/Heavy Industrial District
- Commerical/Light Industrial District
- Rural Residential - 20
- Rural Residential - 10
- Rural Residential - 5
- Rural Residential - 2.5
- Rural Residential - 1
- Sensitive Shoreland District
- Shoreland District
- Urban Growth District
- Waterfront Commerical

CROW WING COUNTY MINNESOTA

Date: 5/4/2026 **Time: 11:58 AM**

1526 14th AVE NE, Brainerd, Minnesota 56401

In case of emergency: 911

Welcome! You booked, traveled and arrived at Paul Bunyan's Lake House on Rice Lake. This is a family-owned and operated home. Every update and detail has been chosen with care.
We've stocked the home with thoughtful amenities to make your stay as relaxing and enjoyable as possible from cozy linens, quality mattresses and furnishings, a fully equipped kitchen, games, and more.
Whether you're exploring Brainerd, enjoying the view, or heading out on the water, we hope every moment feels special.
If you're looking to venture out and explore, we've shared local suggestions in your booking platform messages. You can also find more at explorebrainerdlakes.com.
Enjoy your stay.

HOUSE RULES

GENERAL RULES

House Occupancy: 10

- The house occupancy is 10, 2 per bedroom.

No Unauthorized Parties or Events

- Unauthorized parties or events are not allowed. A **$500 fee** will be charged and your reservation immediately canceled if this rule is broken.

Noise Policy & Quiet Hours

- Sunday–Thursday: 10:00 p.m. to 7:00 a.m.
- Friday–Saturday: 12:00 a.m. to 7:00 a.m.

During quiet hours, you can still be outside or on the deck with quiet voices, just no loud voices, music or games to be respectful to neighbors. Decibel sensors are in place to help us proactively monitor this policy.

No Trespassing on Neighboring Properties

Please stay within the boundaries of our deck, driveway and lawn.

No Smoking Inside (Includes vaping)

Smoking indoors will result in a **$750 fee**. Outdoor smoking is permitted away from entrances. Please clean up immediately.

Deliveries & Mail

Guests must be present to accept any deliveries. No mail or packages may be sent to or left in the property's mailbox. The host is not responsible for lost, delayed, or returned packages.

SECURITY & SAFETY

Exterior Security Cameras

There are four exterior security cameras monitoring the driveway, garage, and entrances for your safety. Cameras are not monitored during your stay unless there's a complaint or law enforcement contacts us. Do not tamper with or cover cameras. Doing so will result in a **$500 fee** and immediate cancellation of your reservation.

No Illegal Activities or Substances

Any illegal activity will result in immediate cancellation of your reservation, notification of law enforcement, and an additional **$750 fee**.

No Fireworks, Glitter, or Confetti

These are strictly prohibited on the property.

PET POLICY

Dogs Only

- Maximum of 2 dogs allowed with a **$180 pet fee**, to be added to your reservation.
- We provide waste bags, a scooper, and food/water dish.
- No undisclosed pets. Bringing unauthorized dogs or other pets will result in a **$750 fee**.
- Dogs must be leashed outside, kenneled inside when unattended, and not allowed on furniture.
- Clean up all pet hair and dog waste before departure. Dog waste must be bagged and placed in the exterior trash daily.

RESPECT FOR THE HOME

- No Unregistered Guests
- No Eating or Drinking in the Bedrooms
- Respect Check-In (4:00 p.m.) & Check-Out (11:00 a.m.) Times
- Take Care of the Furnishings
- Accidents happen. Please let us know about any damages before checkout.
- You are responsible for any damage beyond normal wear and tear.
- Don't Rearrange Furniture
- Do Your Dishes Before You Leave
- Turn Off All Lights and Appliances Before Departure
- Take Out the Trash Before Departure (All trash must be bagged)
- Lock All Exterior Doors Before Departure

PARKING

- Up to 4 Vehicles Allowed, two parked in the garage and two on the driveway.
- No street parking.
- No RV parking or RV stays on the premises.

OUR LICENSE

PERMIT NUMBER HERE

This home is permitted, licensed and inspected by the City of Brainerd for short-term rentals. We take pride in maintaining a safe and welcoming space for our guests.

If you have any questions during your stay, please reach out through your booking platform. We're here to make your visit as enjoyable as possible. Thank you.

NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that Kathryn Pinke, on behalf of Star Oak Investments LLC has submitted an Interim Use Permit to operate a short-term rental at 1526 14th Ave NE. Brainerd, MN 56401. The property included in this application is described as:

Lakeview Addition to Brainerd Lot 3 Block 2
P.I.N. 41180563
Section 18, Township 045, Range 030

The property is zoned TN-1 (Traditional Neighborhood One) District. Appendix A: Table of Uses of the Zoning Code requires an Interim Use Permit for the operation of a short-term rental in a TN-1 District as regulated by Section 515-3-34 Short-Term Rentals. Information on the proposed short-term rental is on file for review at the Community Development Department.

A Public Hearing will be conducted by the Brainerd Planning Commission at 6:00 p.m. Wednesday, May 20th, 2026, in the Brainerd City Hall Council Chambers, 501 Laurel Street, to consider the Interim Use Permit.

Any individual needing special accommodations or would like more information about this request, please call (218) 828-2307.

Dated this 6th day of May, 2026

James L. Kramvik
Community Development Director

Publication Date: May 9th, 2026

City Council
Agenda Request

MEETING DATE: June 1, 2026

TITLE OF ITEM: Interim Use Permit Renewal for Short Term Rental - 1123 15th Ave NE

AGENDA: Main

ACTION REQUESTED: Approve/Deny Motion

SUBMITTED BY: James Kramvik, Community Development Director

DEPARTMENT: Community Development

PRESENTER: James Kramvik, Community Development Director

ESTIMATED TIME (MIN): 5 Minutes

SUMMARY OF ISSUE

Jared Luhman, on behalf of Luhman Properties LLC, has applied for the renewal of the Interim Use Permit to operate a Short-Term rental at 1123 15th Ave NE. This property has been operating as a Vacation Dwelling Unit (VDU): A rental where the property owner is not a permanent resident of the unit, and the entire unit is rented without the property owner being present.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS

The Planning Commission considered this request and held a public hearing at their May 20th meeting. The Planning Commission unanimously recommended approval of the variance request as presented.

A member of the public spoke at the public hearing regarding their concerns about the short-term rental operation. Their letter is attached to this agenda item, citing the complaints. There have been no complaints or calls to the Community Development Department this year regarding the property. Staff did reach out to the Brainerd Police Department for any records of calls to the property and was informed of one call for noise within the last two years, that was determined unsubstantiated.

Commissioner Duval stated that a lot of thought and time went into the creation of the short-term rental ordinance and there are steps in place to address any issues that arise.

Commissioner Erickson requested staff clarify the requirement of having a local property manager, which was determined an agent needs to be within 50 miles of the property. Mr. Fish is approximately 30 miles from the location.

Commissioner Gorham indicated living in a neighborhood in the city has noise and activity; he lives in town, and would sometimes enjoy less noise, but you can't get away from that. He felt we have a good process that can take care of the concerns.

RECOMMENDED ACTION/MOTION

Motion to approve the Interim Use Permit for a short-term rental at 1123 15th Ave NE. Brainerd, MN

56401 with the following conditions:

1) The Interim Use Permit shall terminate two years after approval.
2) The Interim Use Permit shall terminate upon sale or transfer of the property.
3) Occupancy of the short-term rental shall not exceed 9.
4) All outdoor lighting fixtures shall meet the standards of Section 515-4-8 Outdoor Lighting of the Zoning Code.
5) All watercraft docked in the lake at the property shall be within the boundaries of 1123 15th Ave NE.
6) Overnight guest vehicles and trailers must be parked in the driveway. Two additional vehicles may be parked on the street for daytime guests.
7) Submission of the Lodging Tax report on a monthly basis to the Finance Department.

FINANCIAL IMPACT
N/A

M E M O

TO: Planning Commission

FROM: James Kramvik, Community Development Director

DATE: May 20th, 2026

RE: Consider Interim Use Permit Renewal for a Short-Term Rental at 1123 15th Ave NE

REQUEST

Public Hearing. Interim Use Permit applied by Jared Luhman on behalf of Luhman Properties LLC for a short-term rental renewal at 1123 15th Ave NE, Brainerd, MN 56401.

Current/Valid Short-Term Rentals

Address	Zoning District	Type of STR
712 6th St N	TN-1	VDU
1005 6th St S	TN-2	VDU
9995 Island Dr	GL	VDU
524 8th S N	TN-1	VDU
714 7th St S	TN-1	VDU
1123 15th Ave NE	TN-1	VDU

CONTEXT

Parcel Numbers: 41200517
Zoning District: Traditional Neighborhood-One (TN-1) District
Property Area: 28,690 SQFT

Adjacent Uses:
North: Single Family Dwelling
East: Rice Lake
South: Single Family Dwelling
West: Single Family Dwelling

Adjacent Zoning:
North: Traditional Neighborhood-One (TN-1) District
East: Rice Lake
South: Traditional Neighborhood-One (TN-1) District
West: Traditional Neighborhood-One (TN-1) District

AERIAL MAP

FINDINGS OF FACT

1. The property at 1123 15th Ave NE. Brainerd, MN 56401 is located in a TN-1 (Traditional Neighborhood-One) District. The TN-1 District allows short-term rentals as an Interim Use according to Zoning Code Appendix A: Table of Uses.
2. The applicant proposes to operate this short-term rental as a Vacation Dwelling Unit (VDU): A rental where the property owner is not a permanent resident of the unit, and the entire unit is rented without the property owner present during the rental period.
3. Renewal for an Interim Use Permit for an existing short-term rental at a premises shall be granted for a duration not to exceed twenty-four (24) months.
4. Short-term rentals must comply with the following minimum standards as required by the Section 515-3-34 of the Zoning Code:
    a. The maximum rental period shall not be more than 28 consecutive nights.
    b. The permit holder (owner) of a short-term rental must apply for and receive an interim use permit.
        i. The applicant has applied for the renewal of the Interim Use Permit for the operation of a short-term rental.
    c. The application for an interim use permit shall include:
        i. The number of bedrooms with dimensions and all other sleeping accommodations
            1. The proposed short term rental has four (4) bedrooms.
            2. The dimensions of each of these respective bedrooms are 12'x11', 12'x10', 10'x10', and 26'x12'.

ii. The number of off-street parking spaces available to guests.
    1. *There are four off-street parking spaces allocated to guests in the driveway and the applicant does not permit short term renters to utilize on-street parking.*
iii. All accessory structures and outdoor recreational features available for guest use
    1. *The yard is available for guest use along with a fire pit. Guests are responsible for making sure that all the fires are completely extinguished when they are done tending them. If the property manager receives a call from a neighbor concerned about a fire that is unattended or too large, the manager will deal with it immediately.*
iv. A pet, garbage, and noise policy.
    1. *There are no pets allowed on the property in their submitted policies noted as, "House Rules".*
    2. *Two garbage bins for use are located at the property with a capacity of six bags.*
    3. *There is a rule imposing quiet hours after 10:00 PM until 9:00 AM.*
v. The permit holder shall post emergency contact information (police, fire, hospital) and show renters the location of fire extinguishers in the short-term rental unit.
    1. *Emergency contact information is posted.*

d. A permit holder must disclose in writing to their renters the following information regarding property policies and City codes:
    i. Contact Information. The managing agent or local contact's name, address, and phone number. The agent shall be available 24 hours a day, seven days a week, whenever the property is being rented. Property contact information will always be accessible to the public on the City of Brainerd website.
        1. *Mr. Fish is the responsible party for this rental unit, and he resides within 50 miles of the premises.*
    ii. Occupancy. The maximum number of guests allowed at the property.
        1. *The property is advertised for 9 guests on Airbnb.*
    iii. Vehicles. The maximum number of vehicles, recreational vehicles, and trailers allowed on the property and where they are to be parked. Parking in a yard that fronts a street as well as along an interior side of a house is required to be on an improved surface. Recreational vehicles shall not be parked in any right-of-way or utility easement. No vehicle or trailer shall be parked on a street more than forty-eight (48) continuous hours.
        1. *The rules state that there is parking available in the driveway. This would include trailers, however not recreational vehicles, as they are specifically prohibited by the rules.*

iv. Garbage. Garbage and refuse containers shall be placed out for collection no earlier than 6:00 P.M. the day before collection and removed by the end of the day of collection. Garbage shall be placed in fly tight containers sufficient to receive all garbage which may accumulate between times of collection.
    1. *The weekly garbage schedule is provided for renters per the rules provided.*
v. Noise. No person shall, between the hours of 10:00 P.M. and 7:00 A.M. congregate at, or participate in any party or gathering of two or more people from which noise emanates of a sufficient volume to disturb the peace, quiet, or repose of another person.
    1. *The short-term rental rules impose quiet hours after 10:00pm and until 9:00am.*
vi. Pets. No person shall keep, maintain, or otherwise house more than a total of four cats or dogs within any household in the City of Brainerd. It shall be unlawful for any person to allow a dog or cat to run at large and to keep or harbor a dog that habitually barks, yelps, howls, cries, or whimpers to unreasonably disturb the peace and quiet of any person in the vicinity. The owner of any animal shall be responsible for cleaning up any feces of the animal and disposing of such feces in a sanitary manner.
    1. *The short-term rental rules prohibit pets.*

e. The occupancy of a short-term rental shall be limited to no more than 3 people per bedroom or the occupancy set by the Building Official.
    i. According to Section 404.4.1 of the Property Maintenance Code, every bedroom shall contain not less than 70 square feet (6.5 m2) and every bedroom occupied by more than one person shall contain not less than 50 square feet (4.6 m2) of floor area for each occupant thereof, whichever is less.
        1. *The house rules indicate only registered guests are authorized after dark. No unauthorized guests are allowed overnight.*
        2. *Bedroom one is 132 SQFT which allows for two guests.*
        3. *Bedroom two is 120 SQFT which allows for two guests.*
        4. *Bedroom three is 100 SQFT which allows for two guests.*
        5. *Bedroom four is 312 SQFT which exceeds the requirement for a maximum of 3 guests per room (three guests).*
    ii. *Total occupancy of the short-term rental is 9 guests based on the square footage calculation and zoning requirements.*
f. Rooms used for sleeping shall be provided with egress windows and smoke detectors in locations that comply with the Minnesota State Building Code or the requirements of the Building Department, whichever is stricter.
    i. The rooms used for sleeping have egress windows and smoke detectors that comply with the Minnesota State Building Code and will be inspected by the Housing Inspector and the Fire Marshal.

g. The short-term rental shall be connected to city sewer and water or an approved septic system. A valid septic system certificate of compliance is required at the time of rental license issuance and annual renewal. A short-term rental shall have a full bathroom (sink, toilet, and tub or shower).
    i. *The short-term rental is connected to the city sewer and water system. The building plans show a full bathroom with a toilet, tub/shower, and sink.*
h. Additional occupancy by use of recreational vehicles, tents, accessory structures, or fish houses is not permitted.
    i. *The applicant is not proposing occupancy by use of recreational vehicles, tents, accessory structures, or fish houses. Their policies for the property explicitly prohibit them.*
i. The permit holder shall keep a report detailing use of the short-term rental by recording the full name, address, phone number and vehicle license number of the guest reserving the rental. A copy of the report shall be provided to the Zoning Administrator upon request.
j. A short-term rental shall be a licensed rental unit by the City and shall meet the requirements of all statutes, rules, regulations, and ordinances including, but not limited to, the City of Brainerd's rental housing maintenance code. Each unit shall be inspected annually by the rental housing inspector and the Fire Marshal.
    i. *The premises was inspected by the Housing Inspector and by the Fire Marshal.*
k. The Planning Commission may impose conditions that will reduce the impacts of the proposed use on neighboring properties, public services, nearby water bodies, public safety, and safety of renters. Said conditions may include but not be limited to – fencing or vegetative screening, native buffer along the shoreline, noise standards, duration of permit, restrictions as to the docking of watercraft, and number of renters.
    i. *Staff recommend a two-year renewal since no issues have been brought to the Community Development Department.*
    ii. *The following conditions were applied to the previous interim use permit.*
        1. *All outdoor lighting fixtures shall meet the standards of Section 515-4-8 Outdoor Lighting of the Zoning Code.*
        2. *All watercraft docked in the lake at the property shall be within the boundaries of 1123 15th Ave NE.*
        3. *Overnight guest vehicles and trailers must be parked in the driveway. Two additional vehicles may be parked on the street for daytime guests.*
        4. *Submission of the Lodging Tax report on a monthly basis to the Finance Department.*
l. A permit holder must post their rental license permit number on all print, poster, or web advertisements.

m. It is the owner's responsibility to apply for state and local sales tax numbers, including hotel and motel use sales tax. It is the owner's responsibility to contact the Minnesota Department of Health about lodging license requirements.
    i. The application for short-term rentals includes an application for local sales tax that must be submitted to the City's Finance Department. It is the owner's responsibility to contact the MN Department of Health.
n. There are to be no more than forty (40) operational VDU's at any given time in the City and are granted on a first-come first-serve basis.
    i. There shall be no more than twenty (20) total VDU's permitted in the Town Center and Main Street District, and in all other zoning districts there shall be no more than ten (10) total VDU's permitted at any given time.
        1. Only one (1) building with a permitted VDU may be located on any platted block and shall not abut another property approved for a short-term rental.
            a. *There are currently six (6) VDU's in Brainerd.*
            b. *This property is in the TN-1 District. Including this property, there are currently four (4) VDU's in the TN-1 District.*
            c. *There are no other VDU's on this platted block.*

As of this writing, no party has contacted the Community Development Department regarding the Interim Use Permit.

STAFF RECOMMENDATION

Staff recommends approval of the Interim Use Permit renewal for one short term rental unit at 1123 15th Ave NE Brainerd, MN 56401 with the following conditions:

1) The Interim Use Permit for a short-term rental at 1123 15th Ave NE. Brainerd, MN 56401 terminates two years after approval.
2) The Interim Use Permit shall terminate upon sale or transfer of the property.
3) Occupancy of the short-term rental shall not exceed 9.
4) All outdoor lighting fixtures shall meet the standards of Section 515-4-8 Outdoor Lighting of the Zoning Code.
5) All watercraft docked in the lake at the property shall be within the boundaries of 1123 15th Ave NE.
6) Overnight guest vehicles and trailers must be parked in the driveway. Two additional vehicles may be parked on the street for daytime guests.
7) Submission of the Lodging Tax report on a monthly basis to the Finance Department.

Community Development Department
City Hall – 501 Laurel Street Brainerd, MN 56401
218/828-2309/Fax 218-828-2316 www.ci.brainerd.mn.us

INTERIM USE PERMIT for SHORT-TERM RENTAL

Application Form (residential - $350.00 / commercial - $500.00 +$500.00 escrow deposit) (This form must be filled out completely before your application will be accepted)

Property Address for this *Interim Use Permit:* 1123 15th Ave. NE Brainerd, MN 56401

I (We) the undersigned, do hereby respectfully request the Brainerd City Council to grant an Interim Use Permit to allow us to use the property as a short term rental

at the property address listed above until the date of August, 1 2027

Legal Description (attach, if lengthy): Lot 9 Block ____ Addition ____
S. 160 FT OF LOT 9 EX. S. 65 FT THEREOF.

Property Owner: Luhman Properties LLC

Address: 23008 350th st (Street) Goodhue (City) MN (State) 55027 (Zip)

Contact Information #: 507-271-5968 (Home) ____ (Business)
____ (Fax) mike@mnreandm.com (E-mail)

Applicant: (if different than Property Owner) ____

Address: ____ (Street) (City) (State) (Zip)

Contact Information #: ____ (Home) ____ (Business)
____ (Fax) ____ (E-mail)

Contact Person: (if different than Property Owner) Michael Fish

Address: Suite #205 14391 (Street) Baxter (City) MN (State) 56425 (Zip)

Contact Information #: 218 232 7079 (Home) 218-232-7079 (Business)
____ (Fax) mike@mnreandm.com (E-mail)

This Interim Use Permit may be approved if sufficient facts are presented at the Planning Commission and City Council meetings to support a finding that all of the attached criteria for granting an Interim Use Permit have been met.

Obtaining this *Interim Use Permit* does not absolve the applicant from obtaining all other applicable permits, such as Building Permits, MnDOT access permits, etc.

I (We) certify that I (we) have submitted all the required information to apply for an Interim Use Permit and that the information is factual.

Signed by: _____ **Date:** 4-20-26
(Property Owner)

Jared Luhman
(Property Owner-Please print Name)

_____ **Date:** _____
(Applicant-If different than owner)

_____
(Applicant - Please print name)

Interim Use Permit

Supporting Information

The City Council may approve an Interim Use Permit if all of the "Criteria for Review of Interim Use Permits" are met. In order to facilitate review of this application for an *Interim Use Permit,* the applicant must address each of the *"Criteria"*, referred to in Section 515-5-3 of the Zoning Ordinance.

1. **Public Health/Safety/Welfare**. The *Planning Commission* and the *City Council* shall review each application for the purpose of determining that each proposed use meets the following criteria referenced to in Section 515-5-2 and in addition, shall find adequate evidence that each use in its proposed location will address the following:
   (a) The proposed use conforms to the district and conditional use provisions and all general regulations of this Ordinance.
   (b) The proposed use meets all special standards which may apply to its class of conditional uses as set forth in this section.
   (c) The proposed use shall not involve any element or cause any condition that may be dangerous, injurious, or noxious to any other property or persons.
   (d) The proposed use shall be sited, oriented and landscaped to produce a harmonious relationship of buildings and grounds to adjacent buildings and properties.
   (e) The proposed use shall produce a total visual impression and environment which is consistent with the environment of the neighborhood.
   (f) The proposed use shall organize vehicular access and parking to minimize traffic congestion in the neighborhood.
   (g) The proposed use shall preserve the objectives of this Ordinance and shall be consistent with the Comprehensive Plan.

(con't)

Authentisign ID: 05B65881-2933-EF11-86D4-000D3A8B7EDD

Bedroom 1: 12x11 (132 sq ft)

Bedroom 2: 12x10 (120 sq ft)

Bedroom 3: 10x10 (100 sq ft)

Bedroom 4: 26 x 12 (312 sq ft)

Max Proposed Sleeping 3 (queen + twin pullout)

Max Proposed Sleeping 2 (queen bed)

Max proposed Sleeping 2 (queen bed)

Max Proposed Sleeping 4 (queen plus two twins)

Total Max Proposed Sleeping for STR License: 11

Authentisign ID: 05B65881-2933-EF11-86D4-000D3A6B7EDD

1123 15th Ave NE Brainerd GENERAL HOUSE RULES

All guests are responsible for reviewing and following all basic house rules. Any violation of these rules MAY result in immediate eviction and forfeiting of all monies. Any breach of House Rules (including extraordinary cleaning) will also result in a charge to the credit card on file for no less than $250 & up to $500 per violation plus damage to property. This Charge will be discussed with the guest beforehand and processed on the card on file or billed out to the responsible guest with a 30 net demand for payment.

We want you to have an enjoyable stay! However, the following rules are necessary to protect our guests, neighbors, property, and make it possible for us to continue running as a successful short-term rental. Most guests appreciate and understand the general house rules. Let us know if you have questions. We always accommodate when we can.

Let us start by stating that we ask every guest to have the utmost consideration for our neighbors and community. After all, they did not choose to live next to a vacation rental. Many enjoy and appreciate the guests that rent from us. Some are not so appreciative, so we make our best effort. We must work closely with our neighbors and community if we are going to be able to continue to provide Short Term Rental opportunities for years to come.

Aside from the sign in the yard, all neighbors have our cell phone number and have been asked to call or text 24/7 with any concerns. We also strongly encourage our owners to have a ring camera on the front door. We want everyone to have a good time; however, our basic house rules must be followed. Problems for us are rare, but if you have questions please reach out.

SMOKING OR VAPING INSIDE

Smoking and vaping are strictly prohibited. A guest who smokes in a property without authorization will be charged for carpet cleaning and deodorizing if any evidence of smoking is found.

FIREWORKS

Fireworks of any kind ignited on the property are not allowed. There is just too much clean up, accidental damage, and neighbor complaints to allow fireworks of any kind.

PETS

There are no pets allowed on the property.

Illegal Drugs or other Illicit Activity

No drugs or illegal activity is allowed on the property. Any suspected illegal activity will be immediately turned over to the authorities.

HARD TO CLEAN MESSES

Confetti, glitter, balloons, silly string are not allowed on the property. Please be very careful that gum does not get on furniture, pillows etc. Small, excessive debris of any kind thrown around

Authentisign ID: 05B65881-2933-EF11-86D4-000D3ABB7EDD

the property can make housekeeping very difficult and expensive. We reserve the right to run an extra charge on the CC on file if there is an unreasonable mess left for housekeeping.

YARD DEBRIS

Any garbage or debris thrown in the yard may cause environmental issues and severely impact our relations with neighbors. This most definitely includes water balloons & garbage left in the yard. Water balloons are strictly prohibited, and we ask that you please clean up any outside mess.

GARBAGE

Two garbage cans are provided at the home for each stay. This covers about six bags of trash, which is more than enough for most groups. Please let us know if for some reason you have an excess of garbage. We must hire someone to come and pick up the excess garbage and dispose of it. We do ask that guests let us know if they do have an extraordinary amount of garbage and we ask that they cover the cost of removal. See your specific house rules for pick up times.

UNAUTHORIZED GUESTS OVERNIGHT

Only registered guests can be on the property after dark. See the GUESTS section for more details. We are strictly regulated by the Short-Term License as to how many guests are allowed. This is based on the size of the home. Please be respectful of our rules so our owners do not get in trouble. We prohibit any tents or camping in yards.

NEIGHBOR OR POLICE CALL

Avoiding a complaint or nuisance call by the neighbors or incident involving the police are the reason for all the other rules! The four most common calls we receive are for 1) Too many guests 2) Noise pollution 3) Unauthorized dogs 4) Too many cars. PLEASE ask us if you have questions concerning any of the house rules. Of course, we take each individual situation into account and work closely with our guests to ensure fairness.

EXCESSIVE OR INDECENT NOISE

All neighbors have been given a cell phone number and asked to call or text 24/7 if they have issues. We know you're coming to enjoy your time and that may involve making some noise. However, please be considerate of our neighbors. Quiet hours are 10 PM to 9 AM. Loud music, at any time or music with obscene language or containing explicit sexual content is prohibited. Constant screaming or yelling with obscene language is prohibited. We have some neighbors with small children who may be offended at any loud obscenities. We appreciate your patience and cooperation with this issue.

SELF TANNING LOTION, FINGERNAIL POLISH & REMOVER

Accidents happen and fingernail polish/remover & Self-tanning lotion is prohibited from all properties. It destroys towels, bed linens, and permanently stains furniture.

EXTRA DAYTIME GUESTS

Authentisign ID: 05B65681-2933-EF11-86D4-000D3A8B7EDD

If you do plan to have company during your stay you MUST get prior approval from Management. Daytime guests must never exceed more than the number of registered guests and must be off the property by nightfall.

PARKING

Our rental license allows up to one vehicle per bedroom. There can be no parking on a public road or in a yard. Please let us know if there is a need to make an exception. This is a common complaint call from neighbors, and we need to follow the rules.

USE OF AMENITIES

Due to liability and insurance concerns only guests who are listed on the rental agreement and registered as guests are allowed to use any amenities.

OPERATION OF ATVs & SNOWMOBILES

No motorized vehicles of any kind are allowed at this rental. (expectation of course it he vehicle used to transport guest to the property)

USE OF FIREARMS

As much as we support your right to carry and use firearms, a short-term rental is not the place for them. MN RE&M strictly prohibits firearms from all properties.

OUTSIDE FIRES

We provide a great firepit for our guests to use. It is very important that guests use proper fire safety. When things get dry and the wind picks up flames can easily flare up, get blown into nearby grass and start a serious fire. Guests are responsible for making sure that all fires are completely extinguished when they are done tending them. If we get a call from a neighbor concerned about a fire that is unattended or too large, we must deal with it immediately by calling the guest and asking them to put it out. If they are not reached, all costs of having someone come to put the fire out will be billed to the guest's credit card on file.

LARGE GROUPS, MEETINGS, PARTIES

The Guest must not hold events (such as parties, celebrations, or meetings that exceed the capacity of the home) Any of these cases will allow the Owner to terminate the Agreement without providing a refund of any payment the Guest has paid for the booking and the Owner will not be legally responsible to find any alternative accommodation.

NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that Luhman Properties LLC has submitted an Interim Use Permit renewal to operate a short-term rental at 1123 15th Ave NE. Brainerd, MN 56401. The property included in this application is described as:

Lot 9 AUDITORS SUBDIVISION OF NW 20-45-30 S. 160 FT OF LOT 9 EX. S 65 FT THEREOF
P.I.N. 41200517
Section 20, Township 045, Range 030

The property is zoned TN-1 (Traditional Neighborhood One) District. Appendix A: Table of Uses of the Zoning Code requires an Interim Use Permit for the operation of a short-term rental in a TN-1 District as regulated by Section 515-3-34 Short-Term Rentals. Information on the proposed short-term rental is on file for review at the Community Development Department.

A Public Hearing will be conducted by the Brainerd Planning Commission at 6:00 p.m. Wednesday, May 20th, 2026, in the Brainerd City Hall Council Chambers, 501 Laurel Street, to consider the Interim Use Permit.

Any individual needing special accommodations or would like more information about this request, please call (218) 828-2307.

Dated this 6th day of May, 2026

James L. Kramvik
Community Development Director

Publication Date: May 9th, 2026

We are here because the property owners and management team of the VRBO/Airbnb at 1123 15th Avenue NE, Brainerd are benefiting from the rental income at the expense of the neighbors.

The 1123 property is located in a traditional family neighborhood consisting of young and mature families; families whose members work, attend school, and/or have retired. We purchased and chose to live in a peaceful, safe neighborhood. For our neighborhood to be peaceful and safe again, we need the assistance and collaboration of the 1123 property owners and property management.

As neighbors, it should not be our full-time job to 'police', 'monitor' and 'tolerate' disruptive situations at 1123 to try maintain a respectful, peaceful environment; that is the responsibility of the property owners and managers. **We ask that '1123 owners/managers' be held responsible and accountable, going forward, as part of their rental agreement with the City of Brainerd.** If we have to call the Brainerd Police or Fire Department every time there is a violation, we will be calling almost every week/weekend.

We ask that the VRBO/Airbnb website directions for the 1123 property are updated to be 'clear and concise' **AND** signage be installed and maintained by the 1123 property owners/managers; **signage needs to be clearly visible (day and night) from the street level while in a vehicle.** Better signage hopefully eliminates/minimizes renters from trespassing, trying to access/enter/break-in to clearly marked 'private' neighboring properties which jeopardizes the comfort, safety and security of neighbors.

We ask that the 'minimum age, responsible, mature, respectful' adult rental policy be enforced and that t the 'house rules' remind renters to be 'respectful' and 'considerate' of neighbors' comfort, security, private property lines on land and lakeside/lake accesses.

The 'hot tub' and 'party deck' situation:

The 1123 property is a long and narrow lot; all the properties in this area are in close proximity to the neighboring properties; there are no zonal buffers, no sound-proof or visual barriers/buffers.

The 'hot tub' is listed as the 'first' amenity, the lakeside deck is another highlighted amenity on the vacation rental website. The reviews on the website mention how wonderful the hot tub and lakeside deck are-FOR THE RENTERS (benefiting THE PROPERTY OWNERS AND MANAGERS AT THE EXPENSE OF THE NEIGHBORS). Unfortunately, the reviews you do not see are from the neighbors, who have to live next to a property that has non-stop parties on that deck and in that hot tub, all hours of the day and night, in all seasons.

We are asking, going forward, **1123 property owners and property managers to: update their house rules to include, highlight and 'enforce' the Brainerd City Code Section 2014 ordinance; to install and maintain 'reliable/effective' decibel meters/sound monitors; to start 'policing, monitoring, addressing/resolving' the ordinance violations related to the 'non-stop' partying, loud voices, loud music, and bright lights all hours of the day and night; to install privacy and sound-buffer fences.**

We ask that going forward, property management refrain from revealing the identity/identities of neighbors' presenting issues/concerns regarding 1123 renters to said renters to prevent the neighbors from being harassed and further endangering their comfort, safety, security and health.

We ask that the property owners and managers monitor/manage the renters trash disposal; provide more containers; frequent pickup so 'all' refuse/recycling is placed 'inside' the containers, removed regularly, and not left for neighbors to collect/dispose of from city streets, private properties and the lake.

Please remind renters of 'bonfire' safety rules and ensure compliance.

City Council
Agenda Request

MEETING DATE: June 1, 2026

TITLE OF ITEM: First Reading - Ordinance 1603 - Shoreland Overlay District

AGENDA: Main

ACTION REQUESTED: Ordinance

SUBMITTED BY: James Kramvik, Community Development Director

DEPARTMENT: Community Development

PRESENTER: James Kramvik, Community Development Director

ESTIMATED TIME (MIN): 5 min

SUMMARY OF ISSUE

The Planning Commission directed staff to work with the MN DNR to investigate if lot widths and sizes are negotiable for non-riparian sewered lots in the Traditional Neighborhood and Contemporary Neighborhood Zoning Districts. The current DNR standard for lot widths and sizes are not consistent with the Brainerd Zoning Code or the City's historic development patterns. The MN DNR recommended that staff perform a survey of properties located in the shoreland district prior to making a request. In addition, staff also requested an impervious surface increase from 25% to 40%.

Staff prepared a final ordinance as directed by the Planning Commission with reduced lot widths and lot sizes with concessions in other areas of the Code. The letter to the DNR is attached to this agenda item. After review by the MN DNR, the DNR requested that in order to approve the reduced lot sizes and widths additional regulations would be necessary that would make a significant difference in overall water quality of the lake.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS

At the May 20th Planning Commission meeting, the Commission reviewed the proposed deviations and higher standards and held the public hearing for the proposed shoreland ordinance. The Planning Commission unanimously recommended approval of the ordinance as presented.

The DNR conditional approval letter listing the proposed deviations and higher standards is attached to the agenda item.

RECOMMENDED ACTION/MOTION

Motion to conduct the first reading of proposed Ordinance 1603 and dispense with the actual reading.
Note: Note a motion to dispense with the actual reading must be unanimous.

FINANCIAL IMPACT

N/A

O R D I N A N C E
NO. 1603

AN ORDINANCE AMENDING SECTIONS 530 SHORELAND MANAGEMENT REGULATIONS OF THE CITY CODE AND 515-2 ZONING DISTRICTS, 515-5 RULES AND ADMINISTRATION AND 515-6 RULES AND DEFINITIONS OF THE ZONING CODE

WHEREAS, a public hearing was held by the Planning Commission as required by the Zoning Code, on May 20th, 2026

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Brainerd, Minnesota, as follows:

SECTION ONE Purpose: The purpose of a shoreland zoning district is to protect the quality of surface waters and preserve the environmental and economic values of shorelands by regulating development and land use along lakes and rivers. These districts manage aspects like lot sizes, building setbacks, and land alterations to prevent pollution, minimize flood damage, maintain natural characteristics, and ensure the wise use of water resources.

SECTION TWO: Section 530 Shoreland Management Regulations of Chapter Five of the City Code is hereby repealed in its entirety.

SECTION THREE: Section 515-2 Zoning Districts are hereby amended by adding 515-2-22 Shoreland Overlay in its entirety to the Zoning Code as indicated in Appendix A of this Ordinance.

SECTION FOUR: Section 515-5 – Rules and Administration is hereby amended by adding 515-5-7.J Shoreland Planned Unit Developments in its entirety to the Zoning Code as indicated in Appendix B of this Ordinance. The current section 515-5-7.J and all subsequent Sections in 515-5-7 shall be reformatted in succeeding order.

SECTION FIVE: Section 515-5 – Rules and Administration is hereby amended by adding the following underlined language to Section 515-5-2.B.6 Criteria for Granting Conditional Use Permits.

j. In addition to the above criteria, conditional uses within the shoreland areas shall be subject to a thorough evaluation of the water body and the topographic, vegetation, and soils conditions on the site must be made to ensure:

a. the prevention of soil erosion or other possible pollution of public waters, both during and after construction;

b. the visibility of structures and other facilities as viewed from public waters is limited;

c. the site is adequate for water supply and on-site sewage treatment; and

d. the types, uses, and numbers of watercraft that the project will generate are compatible in relation to the suitability of public waters to safely accommodate these watercraft.

SECTION SIX: Section 515-6-2.A Definitions of Nouns, Person, and Regulatory Bodies shall be amended by adding the following underlined language in alphabetical order.

Commissioner. The commissioner of the Department of Natural Resources.

SECTION SEVEN: Section 515-6-2.B Definitions of Structure, Measurement and Dimension shall be amended by adding the following underlined language in alphabetical order.

Bluff impact zone. A bluff and land located within 20 feet from the top of a bluff.

Boardwalk. A temporary or permanent above-grade constructed linear walkway, located above the OHW, not to exceed 6 feet in width and used to cross wetlands for the purposes of accessing shorelines/public waters.

Boathouse. A structure designed and used solely for the storage of boats or boating equipment.

Boat Slip. A space adjacent to a dock or between two docks or piers where one boat may be moored.

Camper. - A structure capable of providing shelter and mounted on a self-propelled vehicle.

Dock. A narrow platform or structure extending waterward from the shoreline (below OHW) intended for ingress and egress for moored watercraft or seaplanes or to provide access to deeper water for swimming, fishing, or other water-oriented recreational activities.

Failing System. Any subsurface sewage treatment system that discharges sewage to a seepage pit, cesspool, drywell or leaching pit, and any system with less than the required vertical separation as described in Minnesota Rule 7080.1500 Subparts. 4 (D & E).

Guest Cottage. A structure used as a dwelling unit that may contain sleeping spaces and kitchen and bathroom facilities in addition to those provided in the primary dwelling unit on a lot.

Guest Quarter. A structure located above a garage used as a dwelling unit that may contain sleeping spaces and kitchen and bathroom facilities in addition to those provided in the primary dwelling unit on a lot.

Lot, Riparian. A lot that abuts public waters.

Lot, Non-Riparian. A lot that does not abut public waters.

Patio. An open recreation area adjacent to a dwelling, or free standing, that is covered with a pervious or an impervious surface such as asphalt, paving stones, wood, or other approved material.

Public waters. Any waters as defined in Minnesota Statutes, Section 103G.005, Subdivision 15.

Rear Lot Zone (RLZ). Land located between the structure setback line and the landward boundary of the shoreland district.

Rip-Rap. Coarse stones randomly and loosely placed along the shoreline meeting the standards of this Ordinance.

Shore Impact Zone 1 (SIZ 1). Land located between the ordinary high-water level (OHWL) of public waters and a line parallel to it at a setback of 50 percent of the required structure setback. The shore impact zone serves as all or part of the shoreline buffer.

Shore Impact Zone 2 (SIZ 2). Land located between shore impact zone 1 and the structure setback line.

Shoreland. Land located within the following distances from public waters: 1,000 feet from the ordinary high water level of a lake, pond, or flowage; and 300 feet from a river or stream, or the landward extent of a floodplain designated by ordinance on a river or stream, whichever is greater. The limits of shorelands may be reduced whenever the waters involved are bounded by topographic divides which extend landward from the waters for lesser distances and when approved by the Commissioner.

Significant historic site. Any archaeological site, standing structure, or other property that meets the criteria for eligibility to the National Register of Historic Places or is listed in the State Register of Historic Sites, or is determined to be an unplatted cemetery that falls under the provisions of Minnesota Statutes, section 307.08. A historic site meets these criteria if it is presently listed on either register or if it is determined to meet the qualifications for listing after review by the Minnesota state archaeologist or the Director of the Minnesota Historical Society. All unplatted cemeteries are automatically considered to be significant historic sites.

Toe of the bluff. The lower point of a 50-foot segment with an average slope exceeding 18 percent.

Top of the bluff. The higher point of a 50-foot segment with an average slope exceeding 18 percent.

Water Oriented Accessory Structure. A small, above ground building or other improvement, except stairways, fences, docks, pergolas attached to a deck or patio and retaining walls, which, because of the relationship of its use to a surface water feature, reasonably needs to be located closer to the public waters than the normal structure setback. Examples of such structures and facilities include equipment storage buildings, gazebos, screen houses, free-standing pergolas, fish houses, pump houses, patios, and detached decks.

SECTION EIGHT: Section 515-6-2.C Definitions of Use, Standards and Terms shall be amended by adding the following underlined language and deleted language struck out in alphabetical order.

Campground or recreational camping vehicle park. - A development that is used for the purpose of providing five or more sites for nonpermanent overnight use by campers using tents, trailers, recreation camping vehicles, or other temporary shelters.

Dirt Moving. Any movement, excavation, grading, or filling of dirt on a lot.

Extractive use. The use of land for surface or subsurface removal of sand, gravel, rock, industrial minerals, other nonmetallic minerals, and peat not regulated under Minnesota Statutes, sections 93.44 to 93.51.

Forest land conversion. The clear cutting of forested lands to prepare for a new land use other than reestablishment of a subsequent forest stand.

Building Height. The vertical distance to be measured from the ~~average~~ lowest grade of a building line to the top, to the cornice of a flat roof, to the deck line of a mansard roof, to a point on the roof directly above the highest wall of a shed roof, to the uppermost point on a round or other arch type roof, to the mean distance of the highest gable on pitched or hip roof.

Ice Ridge, Annual. A linear mound of lakebed materials pushed up onto the lakeshore by the action of ice within a calendar year.

Ice Ridge, Historic. A linear mound of lakebed materials pushed up onto the lakeshore by the action of ice over a period of two or more years upon which well-established herbaceous and woody vegetation is growing.

Industrial use. The use of land or buildings for the production, manufacture, warehousing, storage, or transfer of goods, products, commodities, or other wholesale items.

Intensive vegetation clearing. The complete removal of trees or shrubs or ground cover in a contiguous patch, strip, row, or block.

No Maintenance Buffer. A strip of land on a riparian parcel adjacent to a public water upon which vegetation is to be maintained in its natural state, and not be mowed, cut or removed shorter than 8 inches in height and is consistent with the standards set forth in the Department's Shoreline Rapid Assessment Model.

Pervious Surface. A surface that allows inflow of rainwater into the underlying construction or soil.

Sensitive Resource Management. The preservation and management of areas unsuitable for development in their natural state due to constraints such as shallow soils over groundwater or bedrock, highly erosive or expansive soils, steep slopes, susceptibility to flooding or occurrence of flora or fauna in need of special protection.

Sensitive Shoreland District. A land use district established to accommodate limited residential uses, agricultural uses, and forest management activities in the shoreland zone while conserving sensitive land areas on which more intensive development would adversely affect water quality, wetlands, lakes, shorelines, slopes, wildlife habitat, biological ecosystems, or scenic and natural values.

Water-Oriented Commercial Use. The use of land for commercial purposes, where access to and use of surface water feature is an integral part of the normal conducting of business. Marinas, resorts, and restaurants with transient docking facilities are examples of such use

SECTION NINE: This ordinance shall take effect and be in full force one week from and after its publication.

Adopted this _____day of _____, 2026

_____
MIKE O'DAY
President of the Council

Approved this _____day of _____, 2026

_____
DAVE BADEAUX
Mayor

ATTEST: _____
NICHOLAS W. BROYLES
City Administrator

Published: One Time – _____

515-2-22 Shoreland Overlay (S)

A. **Purpose of Shoreland Overlay District**. The purpose of the Shoreland Overlay Zoning District is to protect the quality of surface waters and preserve the natural characteristics of shoreland areas by regulating development along lakes and rivers. This includes managing lot sizes, building placement, and alterations to the shoreline to minimize environmental impact. Shoreland is land located 1,000 feet from the ordinary high water level of a lake, pond, or flowage and 300 feet from a river or stream.

B. **Jurisdiction.** The shore lands of the city are hereby designated as a shore land overlay district pursuant to the authorization contained in the Minnesota statutes chapter 103F; Minnesota regulations parts 6120.2500 through 6120.3900; and the planning and zoning enabling legislation in Minnesota statutes chapter 462. The provisions of this Ordinance shall apply to the shorelands of the public water bodies as classified in this Section G Table 515-2-22-1 of this Ordinance and to private water bodies greater than 10 acres in size. For the purposes of this ordinance, "public waters" includes private water bodies greater than 10 acres in size.

C. **Compliance.** The use of any shoreland of public waters; the size and shape of lots; the use, size, type and location of structures on lots; the installation and maintenance of water supply and waste treatment systems, the grading and filling of any shoreland area; the cutting of shoreland vegetation; and the subdivision of land shall be in full compliance with the terms of this ordinance and other applicable regulations.

D. **Interpretation.** In their interpretation based on the most current information available and application, the provisions of this Ordinance shall be held to be minimum requirements and shall be liberally construed in favor of the governing body and shall not be deemed a limitation or repeal of any other powers granted by State Statutes.

E. **Severability.** If any section, clause, provision, or portion of this Ordinance is adjudged unconstitutional or invalid by a court of competent jurisdiction the remainder of this Ordinance shall not be affected thereby.

F. **Abrogation and Greater Restrictions.** It is not intended by this Ordinance to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this Ordinance imposes greater restrictions, the provisions of this Ordinance shall prevail. All other Ordinances inconsistent with this Ordinance are hereby repealed to the extent of the inconsistency only and the stricter state guidelines shall apply.

G. **Public Waters Classifications.**

Table 515-2-22.1. S Public Waters Classifications

Lakes		
A	General Development Lakes (list here and designate on official Zoning map)	Rice Lake: 18-145 Gilbert Lake: 18-320 Unnamed Lake: 18-537
B	Natural Environment (list here and designate on official zoning map)	Mud Lake: 18-321 - Sec 29 and 30 T1234N R28W Buffalo Lake: 18-152 - Sec 2 and 3 T44N R31W Unnamed Lake: 18-535
Rivers and Streams		
D	Forested Rivers (list river names here and show boundaries of district on official zoning map)	Mississippi River: T45N R30W Sect 18,19 - T45N R31W Sect 24,25,35,36 - T133 R28W Sect 4,9 - T134 R28W Sect 34
E	Remote Rivers (list stream names here and show boundaries of district on official zoning map)	Whitley's Creek (M-100) T45N R30W Sect 16,17
F	Tributary Streams (list stream names here and show boundaries of district on official zoning map)	Little Buffalo Creek: T45N R31W Sect 35,36 - T45N R30W Sect 31 Tributary to Lt Buffalo Creek - T45N R30W Sect 31 - T44N R30W Sect 6 Gilbert Lake Creek - T134 R28W Sect 28 – Buffalo Creek (M-098) T44 R30W Sect 2,3,11
G	All protected watercourses in the City of Brainerd indicated on the Official Protected Waters Inventory List for Crow Wing County, a copy of which is hereby adopted by reference. https://files.dnr.state.mn.us/waters/watermgmt_section/pwi/CROW_PWILIST.PDF	

H. **S Zoning District Dimensional Standards.** The following dimensional requirements shall apply to all shorelands of all public waters within the city. Lots must be at least 100 feet from the OHWL to qualify as a non-riparian lot.

Table 515-2-22.2. S Dimensional Standards – Density, Lot Size, Coverage and Height Standards

	Lot Dimensions	Natural Environmental Lakes	Recreational Development Lakes	General Development Lakes	Forested Rivers	Tributary Streams	Remote River
A	**Riparian** Lot Size - **Unsewered** (minimum)						
	Single Family	80,000 SF	40,000 SF	20,000 SF	(no minimum)	(no minimum)	(no minimum)
	Duplex	120,000 SF	80,000 SF	40,000 SF	(no minimum)	(no minimum)	(no minimum)
	Triplex	160,000 SF	120,000 SF	60,000 SF	(no minimum)	(no minimum)	(no minimum)
	Quad	200,000 SF	160,000 SF	80,000 SF	(no minimum)	(no minimum)	(no minimum)
B	**Riparian** Lot Frontage on All Roads and Water Frontage - **Unsewered** (minimum)						
	Single Family	200’	150’	100’	200’	100’	300’
	Duplex	300’	225’	180’	300’	150’	450’
	Triplex	400’	300’	260’	400’	200’	600’
	Quad	500’	375’	340’	500’	250’	750’
C	**Non-riparian** Lot Size – **Unsewered** (minimum)						
	Single Family	80,000 SF	40,000 SF	40,000 SF	(no minimum)	(no minimum)	(no minimum)
	Duplex	160,000 SF	80,000 SF	80,000 SF	(no minimum)	(no minimum)	(no minimum)
	Triplex	240,000 SF	120,000 SF	120,000 SF	(no minimum)	(no minimum)	(no minimum)
	Quad	320,000 SF	160,000 SF	160,000 SF	(no minimum)	(no minimum)	(no minimum)
D	**Non-riparian** Lot Frontage on All Roads and Water Frontage - **Unsewered** (minimum)						
	Single Family	200’	150’	150’	200’	100’	300’
	Duplex	400’	265’	265’	300’	150’	450’
	Triplex	600’	375’	375’	400’	200’	600’
	Quad	800’	490’	490’	500’	250’	750’
E	**Riparian** Lot Size - **Sewered** (minimum)						
	Single Family	40,000 SF	20,000 SF	15,000 SF	(no minimum)	(no minimum)	(no minimum)
	Duplex	70,000 SF	35,000 SF	26,000 SF	(no minimum)	(no minimum)	(no minimum)
	Triplex	100,000 SF	50,000 SF	38,000 SF	(no minimum)	(no minimum)	(no minimum)
	Quad	130,000 SF	65,000 SF	49,000 SF	(no minimum)	(no minimum)	(no minimum)
F	**Riparian** Lot Frontage on All Roads and Water Frontage - **Sewered** (minimum)						
	Single Family	125’	75’	75’	200’	75’	300’
	Duplex	225’	135’	135’	300’	115’	450’
	Triplex	325’	195’	195’	400’	150’	600’
	Quad	425’	255’	255’	500’	190’	750’
G	**Non-riparian** Lot Size - **Sewered** (minimum)						
	Single Family	20,000 SF	15,000 SF	10,000 SF	(no minimum)	(no minimum)	(no minimum)
	Duplex	35,000 SF	26,000 SF	17,500 SF	(no minimum)	(no minimum)	(no minimum)
	Triplex	52,000 SF	38,000 SF	25,000 SF	(no minimum)	(no minimum)	(no minimum)
	Quad	65,000 SF	49,000 SF	32,500 SF	(no minimum)	(no minimum)	(no minimum)
H	**Non-riparian** Lot Frontage on All Roads and Water Frontage - **Sewered** (minimum)						

	Single Family	125’	75’	75’	200’	75’	300’
	Duplex	220’	135’	135’	300’	115’	450’
	Triplex	315’	190’	190’	400’	150’	600’
	Quad	410’	245’	245’	500’	190’	750’
I	**Non-riparian** Lot Size - **Sewered CN & TN Zoning Districts**						
	Single Family	20,000 SF	15,000 SF	7,000 SF	(no minimum)	(no minimum)	(no minimum)
	Duplex	35,000 SF	26,000 SF	10,000 SF	(no minimum)	(no minimum)	(no minimum)
	Triplex	52,000 SF	38,000 SF	13,000 SF	(no minimum)	(no minimum)	(no minimum)
	Quad	65,000 SF	49,000 SF	16,000 SF	(no minimum)	(no minimum)	(no minimum)
J	**Non-riparian** Lot Frontage on All Roads and Water Frontage - **Sewered CN & TN Zoning Districts** (minimum)						
	Single Family	125’	75’	50’	200’	75’	300’
	Duplex	220’	135’	75’	300’	115’	450’
	Triplex	315’	190’	100’	400’	150’	600’
	Quad	410’	245’	125’	500’	190’	750’
K	Dwelling units per acre requirements in the underlying zoning district shall not apply to the Shoreland Overlay District.						

	Building Setback Standards	**Natural Environmental Lakes**	**Recreational Development Lakes**	**General Development Lakes**	**Forested Rivers**	**Tributary Streams**	**Remote River**
	Building setback from ordinary high-water mark (minimum)						
G	**Unsewered** Structures	150’	100’	75’	150’	100’	200’
	Sewered Structures	150’	75’	50’	100’	75’	100’
H	Front Yard Setback	Dimensional standards regulated by underlying zoning district.					
I	Side Yard Setback	Dimensional standards regulated by underlying zoning district.					
J	Rear Yard Setback	Dimensional standards regulated by underlying zoning district.					
	Additional Structure Setbacks						
K	Top of Bluff (feet) (minimum)	30’					
L	Unplatted Cemetery (feet) (minimum)	50’					
M	Right-of-way line of federal, state, or county highway (feet) (minimum)	50’					
N	Right-of-way line of town road, public street, or other roads not classified	20’					
	Sewage System Setback Standards from OHW (MINIMUM)						
O	Sewage systems setback	150’	75’	50’	100’	75’	150’
	Other Standards						
P							
Q	Impervious Surface Coverage (maximum)	25%					
R	Impervious Surface Coverage (maximum) Non-riparian Sewered **CN & TN Zoning Districts**	40%					
S	All primary structures in residential districts height (feet) (maximum)	35’					

I. **Land Development Restrictions**

1. **Placement of Structures on Lots**. When more than one setback applies to a site, structures and facilities must be located to meet all setbacks. Where structures exist on the adjoining lots on both sides of a proposed building site, structure setbacks may be altered with a variance to conform to the adjoining setbacks from the ordinary high-water level, provided the proposed building site is not located in a shore impact zone or in a bluff impact zone.

2. **Impervious Surface Standards**.

   a. On riparian lots with total impervious surface coverage that exceeds 15%, a stormwater management plan shall be prepared by the applicant or their designated agent pursuant to the stormwater management plan design guide and worksheet provided by the Department and be submitted to the Department for approval prior to issuance of a permit and shall be effectively implemented subject to the following:

      i. Permit holders or their designated agent shall notify the Department within 24 hours after implementation of the approved stormwater management plan.

      ii. The Department shall conduct an on-site inspection of stormwater management system to ensure compliance with the approved stormwater management plan.

      iii. The Zoning Administrator shall have the discretion to determine whether an engineered stormwater plan is required. A determination by the Zoning Administrator that an engineered stormwater plan is necessary shall be made in writing on a form approved by the City Engineer for this purpose.

   b. On lots with total impervious surface coverage that exceeds 20% a no maintenance shoreline buffer is required pursuant to the standards in the Vegetative Mitigation Section of this Code.

3. **Bluff Impact Zones.** Structures and accessory facilities, except stairways and landings, may not be placed within bluff impact zones.

4. **Steep Slopes.** The Zoning Administrator must evaluate possible soil erosion impacts and development visibility from public waters before issuing a permit for construction of sewage treatment systems, roads, driveways, structures or other improvements on steep slopes. When determined necessary, conditions must be attached to issued permits to prevent erosion and to preserve existing vegetation screening of structures, vehicles, and other facilities as viewed from the surface of public waters, assuming summer, leaf-on vegetation.

5. **Setbacks and Screening for Uses Without Water-Oriented Needs.** Non-residential uses without water-oriented needs must be located on lots or parcels without public waters frontage or, if located on lots or parcels with public waters frontage, must either be set back twice the normal ordinary high-water level setback or be substantially screened from view from the water by vegetation or topography, assuming summer, leaf-on conditions.

6. **High Water Elevations.** Structures must be placed above high water elevations in accordance with the floodplain regulations. Water-oriented accessory structures may have the lowest floor placed lower than the elevation determined in this item if: 1) the structure is constructed of flood-resistant materials to the elevation; 2) electrical and mechanical equipment is placed above the elevation; and 3) if long duration flooding is anticipated, the structure is built to withstand ice action and wind-driven waves and debris.
7. **Significant Historic Sites.** No structure may be placed on a significant historic site, as identified by the Minnesota Historical Society, in a manner that affects the value of the site unless adequate information about the site has been removed and documented in a public repository.

J. **Land Uses.**

1. Shoreland district land uses are regulated as:
   a. Permitted uses (P). These uses are allowed, provided all standards in this ordinance are followed.
   b. Conditional uses (C). These uses are allowed through a conditional use permit.
   c. Interim uses (I). These uses are allowed through a conditional use permit.
   d. Not permitted uses (N). These uses are prohibited.
   e. When the Shoreland Overlay (S) district is in conflict with the base zoning district, the more restrictive use classification shall prevail.

Table 515-2-22.3. S Land Uses for Lake and River Classifications

Land Uses	Natural Environmental Lakes	Recreational Development Lakes	General Development Lakes	Forested Rivers	Tributary Streams	Transition Rivers
Single residential	P	P	P	P	P	P
Duplex, triplex, quad residential	C	P	P	P	P	P
Guest Cottage	P	P	P	P	P	P
Commercial	C	P	P	C	P	C
Residential PUD	C	C	C	C	C	C
Water-dependent (Resorts are also Commercial PUDs)	C	C	C	C	C	C
Commercial PUD (Expansion of PUD involving up to six additional units or sites allowed as a permitted use provided the provisions of Section 10.0 are satisfied.)	C	C	C	C	C	C
Solar Power Facilities (principal land use)	C	C	C	C	C	C
Parks & historic sites	C	C	C	C	C	C
Public, semipublic	C	P	P	C	P	C
Industrial	N	C	C	C	C	N
Agricultural: cropland and pasture	P	P	P	P	P	P
Agricultural feedlots: New	N	N	N	N	N	N
Agricultural feedlots: Expansion or resumption of existing	C	C	C	C	C	C
Forest management	P	P	P	P	P	P

Forest land conversion	C	C	C	C	C	C
Extractive use	I	I	I	I	I	I
Mining of metallic minerals and peat	I	I	I	I	I	I

2. **Standards for Water-Oriented Commercial, Industrial, Public and Semi-Public Uses.** Surface water-oriented commercial, industrial, public and semi-public uses with similar needs to have access to and use of public waters may be located on parcels or lots with frontage on public waters. Those uses with water-oriented needs must meet the following standards:

   a. In addition to meeting impervious coverage limits, setbacks and other zoning standards in this Code, the uses must be designed to incorporate topographic and vegetative screening of parking areas and structures.

   b. Uses that require short-term watercraft mooring for patrons must centralize these facilities, design them to avoid obstructions of navigation, and to be the minimum size necessary to meet the need.

   c. Uses that depend on patrons arriving by watercraft may use signs and lighting to convey needed information to the public, subject to the following general standards:

      i. No advertising signs or supporting facilities for signs may be placed in or upon public waters. Signs conveying information or safety messages may be placed in or on public waters by a public authority or under a permit issued by the County Sheriff.

      ii. Signs may be placed, when necessary, within SIZ 1 and SIZ 2 if they are designed and sized to be the minimum necessary to convey needed information. The signs must only convey the location and name of the establishment and the general types of goods or services available. The signs must not contain other detailed information, such as product brands and prices, must not be located higher than ten (10) feet above the ground, and must not exceed thirty-two (32) square feet in size. If illuminated by artificial lights, the lights must be downcast and shielded or directed to prevent illumination out across public waters.

   d. Outside lighting may be located within SIZ 1 and SIZ 2 or over public waters if it is used primarily to illuminate potential safety hazards and is downcast and shielded or otherwise directed to prevent direct illumination out across public waters. This does not preclude use of navigational lights.

3. **Special Residential Lot Provisions**

   a. Subdivisions of duplexes, triplexes, and quads are conditional uses on Natural Environment Lakes and must also meet the following standards:

      i. Each building must be set back at least 200 feet from the ordinary high water level;

      ii. Each building must have common sewage treatment and water systems in one location and serve all dwelling units in the building;

      iii. Watercraft docking facilities for each lot must be centralized in one location and serve all dwelling units in the building; and

      iv. No more than 25 percent of a lake's shoreline can be in duplex, triplex, or quad developments.

   b. One guest cottage or guest quarter may be allowed on lots meeting or exceeding the single-family lot area and width dimensions presented in this Code, provided the following standards are met:

i. For lots exceeding the minimum lot dimensions of single family lots, the guest cottage or guest quarter must be located within an area equal to the smallest single family-sized lot that could be created including the principal dwelling unit;

ii. A guest cottage or guest quarter must not exceed more than 700 square feet of livable area.

iii. A guest cottage must not exceed 15 feet in height.

iv. A guest quarter must not exceed 35 feet in height.

v. A guest cottage or guest quarter must be located or designed to reduce its visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming summer leaf-on conditions.

vi. All properties with a new guest cottage or guest quarter shall provide a no maintenance buffer in accordance with the Vegetative Mitigation Section of this Code.

vii. No more than one (1) guest cottage or guest quarter shall be allowed per single-family residential lot.

viii. Lots which contain a two-, three-, four- or multi-family dwellings shall not be allowed a guest cottage or guest quarter.

c. Lots intended as private controlled accesses to public waters, or as recreation areas for use by owners of non-riparian lots within subdivisions, are prohibited.

4. **Agricultural Use Standards**

a. The shore impact zone for parcels with permitted agricultural land uses is equal to a line parallel to and 50 feet from the ordinary high-water level.

b. General cultivation farming, grazing, nurseries, horticulture, truck farming, sod farming, and wild crop harvesting are permitted uses if steep slopes and shore and bluff impact zones are maintained in permanent vegetation or operated under an approved conservation plan (Resource Management Systems) consistent with the field office technical guides of the local soil and water conservation districts or the United States National Resource Conservation Service.

5. **Forest Management Standards**

a. The harvesting of timber and associated reforestation must be conducted consistent with the provisions of the Minnesota Non-point Source Pollution Assessment-Forestry and the provisions of the Water Quality in Forest Management "Best Management Practices in Minnesota".

6. **Extractive Use Standards**

a. Extractive uses require a conditional use permit.

b. Site Development and Restoration Plan. An extractive use site development and restoration plan must be developed, approved, and followed over the course of operation of the site. The plan must address dust, noise, possible pollutant discharges, hours and duration of operation, and anticipated vegetation and topographic alterations. It must also identify actions to be taken during operation to mitigate adverse environmental impacts, particularly erosion, and must clearly explain how the site will be rehabilitated after extractive activities end.

c. Setbacks for Processing Machinery. Processing machinery must be located consistent with setback standards for structures from ordinary high-water levels of public waters and from bluffs.

7. **Mining of Metallic Minerals**

a. Mining of metallic minerals, as defined in Minnesota Statutes, sections 93.44 to 93.51, shall be a conditional use provided the provisions of Minnesota Statutes, sections 93.44 to 93.51, are satisfied.

K. **Riparian Shoreland Alterations**

1. **Decks**. Construction of new decks shall require a shoreland alteration permit, building permit, and comply with the following standards:
   a. Decks adjacent to dwellings shall meet structure setbacks in Table 515-2-22.1 of this Section.
   b. A 4-foot walkway located beyond the minimum required setback required for dwellings, or within said setback when attached or immediately adjacent to a building, constructed for the purpose of providing access to an entrance door on a dwelling, may be added without a shoreland alterations permit and without regard to its setback to the ordinary high-water level, but may need a building permit.
   c. Decks should be constructed as to be pervious, allowing water to reach a pervious surface below the deck. Decks not meeting this requirement shall be considered impervious surfaces.
   d. *Setbacks of decks*. Deck additions may be allowed without a variance to a structure not meeting the required setback from the ordinary high water level if all of the following criteria are met:
      i. The structure existed on the date the structure setbacks were established;
      ii. A thorough evaluation of the property and structure reveals no reasonable location for a deck meeting or exceeding the existing ordinary high water level setback of the structure;
      iii. The deck encroachment toward the ordinary high water level does not exceed 15 percent of the existing setback of the structure from the ordinary high water level or is no closer than 30 feet from the OHWL, whichever is more restrictive; and
      iv. The deck is constructed primarily of wood or composite material, and is not roofed or screened.
2. **Patios.** Patios placed within the structure setback require a shoreland alteration permit and shall comply with the following standards:
   a. Not be located in SIZ 1 except as a water-oriented accessory structure according to this Section;
   b. Be free standing;
   c. Have no railings;
   d. Be a maximum of 250 square feet in size. Up to 400 square feet in size is allowed with an approved and implemented stormwater management plan.
   e. The combined footprint of patios, swimming pools and hot tubs in SIZ 2 may not exceed 400 square feet;
   f. Not be more than one foot above natural ground level.
   g. Permeable pavers are considered impervious.
3. **Stairways, Walkways, Lifts and Landings**. Stairways, walkways, lifts, and landings for public water access shall require shoreland alteration permits and comply with the following standards:
   a. Preferred to topographic changes. Stairways, walkways, and lifts are the preferred alternative to major topographic alterations for achieving access up and down bluffs and steep slopes to shore areas.
   b. Only one stairway or walkway shall be allowed within a shore or bluff impact zone. The combination of stairways and walkways to traverse a shore or bluff impact zone shall be allowed, provided they are constructed in a continuous manner without diverting in different directions. A parcel may contain one lift in addition to any allowed stairway/walkway. Within SIZ 1, both the lift and the walkway/stairway must be located within the allowable cleared vegetation standards of this Section.

c. Maximum width. Stairways and lifts shall not exceed four feet in width on residential lots. Up to eight-foot-wide stairways may be permitted on water-oriented commercial lots.

d. The maximum impervious surface limits for the lot shall not be exceeded. Permeable pavers are considered impervious.

e. Landings. Landings for stairways and lifts on residential lots must not exceed 32 square feet in area and be integral to the function of the stairway and not constitute a deck. Landings for stairways and lifts on water-oriented commercial lots must not exceed 64 square feet in area and be integral to the function of the stairway and not constitute a deck.

f. Canopies or roofs are not allowed on stairways, lifts, or landings.

g. Stairways, lifts, and landings may be either constructed above the ground on posts or pilings or placed into the ground, provided they are designed and built in a manner that ensures control of soil erosion.

h. Facilities such as ramps or mobility paths for handicapped access to shoreline areas may be allowed, provided that:

i. The department determines that there is no other reasonable way to achieve access; and

ii. The dimensional and performance standards of this section are met; and

iii. The requirements of Minnesota Rules, Chapters 1307 and 134 are met.

4. **Accessory Structures**.

a. The placement and total cumulative area that all accessory structures may occupy on a lot shall be subject shall be regulated by the applicable zoning district underlying this shoreland overlay district.

b. Accessory structures without water-oriented needs must be located on lots or parcels without public waters frontage, or, if located on lots or parcels with public waters frontage, must meet primary structure setbacks from the ordinary high-water level and all other setback requirements of this Code.

c. Private swimming pools located above or below the ground and hot tubs located above or below the ground shall require a permit as an accessory structure and must meet all applicable setbacks. Private swimming pools and hot tubs located in the ground are prohibited in shore impact zone 1 but shall be allowed in shore impact zone 2 and the rear lot zone. The combined footprint of patios, swimming pools and hot tubs in shore impact zone 2 may not exceed 400 square feet.

d. New boathouses and boat storage structures that do not meet the setback requirements of this Code are prohibited.

e. Existing boathouses and boat storage structures may be repaired or replaced pursuant to Minn. Stat. §394.36, subd. 4.

5. **Water-Oriented Accessory Structures**. One water-oriented accessory structure that does not meet the structure setbacks in Table 515-2-22.2 of this Code may be placed with a shoreland alterations permit on a water-oriented residential or commercial lot provided the following standards are met:

a. For riparian commercial properties the structure or facility shall not exceed 15 feet in height and cannot occupy an area greater than 200 square feet;

b. For riparian residential properties the structure or facility shall not exceed 12 feet in height and cannot occupy an area greater than 120 square feet;

c. The minimum setback of the structure or facility from the OHWL level shall be 20 feet;

d. The structure or facility is treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks or color, assuming summer, leaf-on conditions;

e. The structure shall not be used for human habitation;

f. The structure shall not include bathroom facilities.

g. The structure shall not be located within a bluff impact zone;

6. **Retaining Walls**

a. A retaining wall may be installed with a shoreland alteration permit in SIZ 1 or 2 provided the following standards are met:

i. The City Engineer determines that there is no other alternative to control erosion.

ii. No tier of the retaining wall shall exceed four feet in height without a plan signed by a Minnesota licensed professional engineer.

iii. A retaining wall is not required to meet a side yard setback provided it does not adversely affect adjoining property.

b. A retaining wall may be installed without a permit behind the structure setback provided that:

i. It does not significantly alter the character of the property or does not create runoff or erosion problems.

ii. A retaining wall is not required to meet a side yard setback provided it does not adversely affect adjoining property.

7. **Shoreline Recreation Use Areas.** Intensive vegetation clearing for the purpose of creating a new shoreline recreation use area within shore impact zone 1 is allowed with an approved shoreland alteration permit. The dimensions of a shoreline recreation use area shall be determined as follows:

a. Only one shoreline recreation use area is allowed on each lot and the recreation use area must not exceed 30% of the total lot width and 25 feet landward from the ordinary high-water level in depth. The maximum width of a shoreline recreation use area created under this Article shall not exceed 60 feet.

b. Invasive species removal or the removal of trees or branches that pose a safety hazard or are diseased is allowed;

c. Vegetation must be maintained to screen structures with trees and shrubs so that the structures are substantially screened from view during summer, leaf-on conditions;

d. Sand Blankets pursuant to this Code shall be located in the shoreline recreation use area;

e. Stairways, lifts and landings pursuant to this Code shall terminate or be adjacent to the shoreline recreation use area;

f. Permitted paths pursuant to this Code shall terminate or be adjacent to the shoreline recreation use area.

8. **Vegetative Mitigation**

a. To protect water quality and safeguard sensitive areas, on-site vegetative mitigation may be required for:

i. A variance granted to the standards of this ordinance;

ii. Issuance of any conditional use permit or interim use permit where evaluation and assessment by the Planning Commission / Board of Adjustment determines the need for additional environmental protection;

b. A no maintenance shoreline buffer shall be required for the issuance of a permit on riparian lots that exceeds 20% total lot impervious coverage subject to the following regulations:

i. Vegetation shall be maintained at a minimum of 8 inches high.

ii. A no maintenance shoreline buffer shall constitute a minimum of 70% of the total shoreland width.

a. The following widths shall be required for land located landward from the ordinary high watermark for no maintenance shoreline buffers:

i. General Development Lakes: 10 feet

ii. Recreational Development Lakes: 15 feet

iii. Natural Environmental Lakes: 20 feet

iv. Tributary Streams: 10 feet

v. Forested Rivers & Remote Rivers: 20 feet

iii. This Section applies to reconstruction projects 400 SF or more in one year for riparian lots that exceed 20% total lot impervious coverage.

a. Reconstruction includes demolition and reconstruction of primary and accessory structures.

b. Reconstruction does not include new siding, re-roofing, replacement of deck boards, etc…

iv. Impervious surface additions of 160 square feet or less per year are exempt from this Section.

9. **Rip-Rap.** Placement of natural rock riprap, including the necessary grading of the shoreline and placement of a filter blanket, shall require a shoreland alteration permit and comply with the following standards:

a. Only natural rock (cannot average less than 6 inches or more than 30 inches in diameter) may be used that is free of debris that may cause pollution or siltation. Concrete is not allowed;

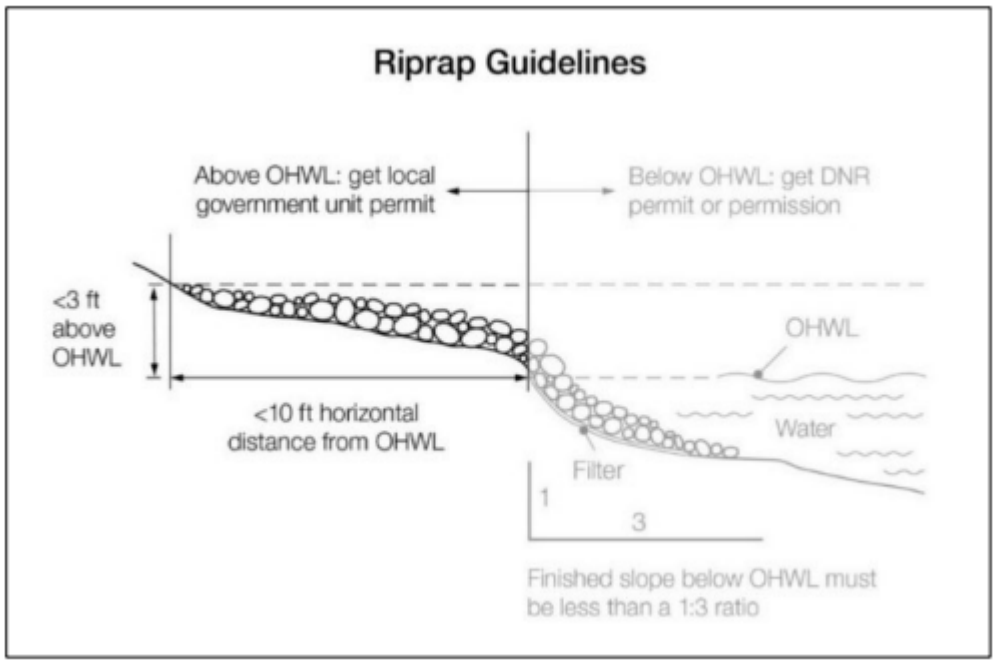
b. A filter of crushed rock, gravel, or filter fabric material must be placed underneath the rock;

c. The minimum finished slope waterward of the OHWL must be no steeper than 3 to 1 (horizontal to vertical);

d. The riprapped area must be no more than 200 linear feet of shoreline along lakes and wetlands or, along shorelines of streams, must be less than five times the average width of the affected watercourse;

e. The landward extent of the riprap must be within ten feet of the ordinary high-water level;

f. The height of the riprap above the ordinary high-water level shall not exceed three feet (see figure below);



g. The installation of riprap must not be located in wetlands.

h. The installation of riprap must not result in a violation of this Code (dirt moving, historic ice ridges, vegetation alterations, recreation use areas, bluff and steep slope standards, etc.), or any other Shoreland District performance standard.

i. The installation of riprap is subject to the requirements of, and/or permitting by, the Minnesota Department of Natural Resources (DNR).

j. Riprap shall only be allowed when erosion is evident and landward of the ordinary high water level with a permit in situations where bio-engineering practices (vegetation) are not feasible..

k. Permit approval for rock riprap landward of the ordinary high water level shall require establishment of a no maintenance shoreline buffer pursuant to the standards in the Vegetative Mitigation Section of this Code.

10. **Boardwalks and Bridges.**

a. Boardwalks over non-public waters are permitted in SIZ1, SIZ2, and RLZ with an approved shoreland alteration permit.

b. Boardwalks located in shoreland or non-shoreland areas are the preferred method of accessing public waters across riparian wetlands. Boardwalks constructed on posts or pilings (temporary or permanent) shall not be considered fill pursuant to MN Rules 8420.0111 Subpart 26. Boardwalks may incorporate railings and shall comply with the following standards:

i. Be constructed perpendicular to the shoreline to the greatest extent possible;

ii. Not have a canopy, roof, or be enclosed;

iii. Not extend into adjoining riparian use areas;

iv. Meet property line setbacks;

v. Be no wider than 6 feet;

vi. Structure supports, other than posts or pilings, shall be constructed above the wetland surface and decking shall be constructed a minimum of 12” above the wetland surface;

vii. Comply with MN Rules 6115.0210 for docks and access below the OHWL ; and

viii. Comply with the Floodplain Regulations.

11. **Dirt Moving**

a. The standards in this Section shall apply to all dirt moving activities within the Shoreland District. Except as specified below, dirt moving activities shall require permits and may require a site plan, scope of work, and additional supporting documents including, but not limited to, surveys, wetland delineation reports, engineered grading plans with profile view, engineered drainage plans including erosion and sediment control and stormwater management plans.

b. The following activities shall not require a shoreland alteration permit but must meet the provisions of this Article.

i. **Dirt moving associated with construction of structures.** Grading, filling, or excavations necessary for construction of structures or septic systems, if part of an approved permit, shall not require a separate shoreland alteration permit.

ii. **Small landscaping projects.** Placement of up to 10 cubic yards of soil for the creation of a lawn or yard as long as the fill / dirt moving is not located within a bluff impact zone or shore impact zone 1.

iii. **Private roads or driveways.** The construction of a driveway, access road, or parking area provided that they:

a. Meet the structure setback from the ordinary high-water level from public waters.

b. Are properly screened from public waters.

iv. **Approved agricultural road.** Agricultural roads for machinery, livestock crossings, or shoreline stabilization on agricultural land with a stabilization plan approved by the Engineering Department.

v. **Approved agricultural improvements.** The construction of livestock watering ponds, agricultural manure treatment facilities and conservation projects approved by the Natural Resource Conservation Service (NRCS), Soil and Water Conservation District (SWCD) and / or other regulatory agencies, only in the RLZ.

vi. **Wetland Replacement Plan.** A shoreland alteration permit is not required if a wetland replacement plan, exemption, or no-loss has been approved pursuant to Minnesota Rules Chapter 8420.

vii. **Normal Agricultural Practices.** To include but not be limited to tillage, planting, harvesting, fencing and proper disposal of animal mortalities pursuant to all state and federal agricultural regulations.

viii. **Existing Sand Blankets / Beaches.** A shoreland alteration permit shall not be required to place 10 cubic yards of sand annually on an existing sand blanket / beach on residential parcels located in the shoreland district. A shoreland alteration permit shall be required for new sand blankets or expansions to existing sand blankets and shall be subject to this Code.

c. **Standards for Grading and Filling**. **Activities in the Shore Impact Zone 1 (SIZ1)** Dirt moving activities in shore impact zone 1 shall require shoreland alteration permits and meet the following standards unless the activity is exempt in this Code:

i. **Sand Blanket**

a. The maximum dimensions shall not exceed 30 percent of the total lot width by 25 feet landward from the OHWL and shall be located within the shoreline recreation use area. The maximum width of a sand blanket created under this Article shall not exceed 200 feet. A sand blanket may also be located in shore impact zone 2 and the rear lot zone.

b. The slope of the area to be covered by the sand blanket shall be less than 10 percent. The sand shall be clean with minimal amounts of organic materials.

c. Sand blankets shall be limited to 10 cubic yards annually with a shoreland alteration permit.

ii. **Upland Fill.**

a. For residential properties in the shoreland district the following standards shall apply:

i. A maximum of 30 cubic yards of dirt moving may be permitted.

b. For commercial and industrial properties in the shoreland district the following standards shall apply:

i. General Development Lakes: 30 cubic yards of dirt moving may be permitted for each 100 feet of shoreline width.

ii. Recreational Development Lakes: 30 cubic yards of dirt moving may be permitted for each 150 feet of shoreline width.

iii. Natural Environment Lakes: 30 cubic yards of dirt moving may be permitted for each 200 feet of shoreline width.

iv. Natural Environment – Special Shallow Lakes: 30 cubic yards of dirt moving may be permitted for each 250 feet of shoreline width.

v. Forested Rivers: 30 cubic yards of dirt moving may be permitted for each 100 feet of shoreline width.

vi. Tributary Streams: 30 cubic yards of dirt moving may be permitted for each 200feet of shoreline width.

vii. Total cubic yards of dirt moving in SIZ1 includes that placed as a sand blanket, if applicable.

viii. Applications for all properties to move larger quantities of dirt for all public water classifications in SIZ1 shall be processed as conditional uses.

c. **Wetland Fill**. No wetland fill shall be allowed in SIZ 1 except as allowed under MN Rules Chapter 8420.0420 Subpart 8 A (1) d.

iii. **Annual ice ridges**. Annual ice ridges may be regraded to their original shoreline contour without a shoreland alteration permit provided that the work is completed in the year in which the annual ice ridge occurred. Any such regrading shall meet the following standards:

a. There shall be no topsoil or vegetative matter deposited in the lake.

b. Any dirt moving from re-grading the annual ice ridge that is used on the remainder of the property shall require a shoreland alteration permit.

c. Depositing any sand below the OHWL is subject to DNR public waters permit rules.

d. Temporary erosion and sediment control best management practices shall be implemented.

iv. **Historic Ice Ridges**. On those ice ridges with well-established vegetative cover, alterations for lake access shall require a shoreland alteration permit and comply with the following standards:

a. One alteration site is allowed per conforming residential lot, single nonconforming lot of record, or per group of contiguous nonconforming lots in the same ownership.

b. On residential lots, the bottom width shall not exceed 15 feet, with side slopes no steeper than 2:1 at each end.

c. On waterfront commercial lots, the maximum bottom width shall be 25 feet with 2:1 side slopes at each end.

d. Berms of not less than 12 inches above grade level or diversions not less than 12 inches below grade level shall be placed landward of all ice ridge alterations to prevent erosion from upland runoff.

e. A stormwater management plan must be approved by the City Engineer prior to any dirt moving.

f. All disturbed material shall be graded landward or removed from the site.

g. Any alteration below the OHWL may require approval from the Department of Natural Resources and / or U.S. Army Corps of Engineers.

d. **Upland Fill in the Shore Impact Zone 2 (SIZ2)**. Dirt moving activities in shore impact zone 2 shall require shoreland alteration permits and meet the following standards unless the activity is exempt in this Code:

i. For residential properties in the shoreland district the following standards shall apply:

a. A maximum of 50 cubic yards of dirt moving may be permitted. Applications to move larger quantities shall be processed as conditional uses.

ii. For commercial and industrial properties in the shoreland district the following standards shall apply:

a. General Development Lakes: 50 cubic yards of dirt moving may be permitted for each 100 feet of shoreline width.

b. Recreational Development Lakes: 50 cubic yards of dirt moving may be permitted for each 150 feet of shoreline width.

c. Natural Environment Lakes: 50 cubic yards of dirt moving may be permitted for each 200 feet of shoreline width.

d. Natural Environment – Special Shallow Lakes: 50 cubic yards of dirt moving may be permitted for each 250 feet of shoreline width.

e. Forested Rivers: 50 cubic yards of dirt moving may be permitted for each 100 feet of shoreline width.

f. Tributary Streams: 50 cubic yards of dirt moving may be permitted for each 200 feet of shoreline width, including that placed as a sand blanket, if applicable. Applications to move larger quantities shall be processed as conditional uses.

g. Total cubic yards of dirt moving in SIZ2 includes that placed as a sand blanket, if applicable.

h. Applications for all properties to move larger quantities of dirt for all public water classifications in SIZ2 shall be processed as conditional uses.

iii. **Wetland Fill**. No wetland fill shall be allowed in SIZ 2 except as allowed under MN Rules Chapter 8420.0420 Subpart 8 A (1) d.

e. **Upland Fill in the Rear Lot Zone (RLZ)**. Dirt moving activities in the rear lot zone shall require shoreland alteration permits and meet the following standards and meet the following standards unless the activity is exempt in this Code:

i. For residential properties in the shoreland district: A maximum of 100 cubic yards of dirt moving may be permitted per calendar year.

ii. For commercial and industrial properties in the shoreland district the following standards shall apply:

a. General Development Lakes: 100 cubic yards of dirt moving may be permitted for each 100 feet of shoreline width.

b. Recreational Development Lakes: 100 cubic yards of dirt moving may be permitted for each 150 feet of shoreline width.

c. Natural Environment Lakes: 100 cubic yards of dirt moving may be permitted for each 200 feet of shoreline width.

d. Natural Environment – Special Shallow Lakes: 100 cubic yards of dirt moving may be permitted for each 250 feet of shoreline width.

e. Forested Rivers: 100 cubic yards of dirt moving may be permitted for each 100 feet of shoreline width.

f. Tributary Streams: 100 cubic yards of dirt moving may be permitted for each 200 feet of shoreline width.

g. Total cubic yards of dirt moving in RLZ includes that placed as a sand blanket, if applicable.

h. Applications for all properties to move larger quantities of dirt for all public water classifications in RLZ shall be processed as conditional uses.

iii. **Wetland Fill**. No wetland fill shall be allowed in RLZ except as allowed under MN Rules Chapter 8420.0420 Subpart 8 A (1) d.

f. **General Dirt Moving Standards.** All dirt moving activities shall comply with the following standards.

i. No more than one dirt moving permit shall be allowed on the same property in any three-year period. This limitation shall apply to each of the SIZ1, SIZ2 and RLZ areas separately.

ii. Soil used as fill shall be free of state-regulated contaminates.

iii. Exposure of bare ground. Dirt moving must be designed to ensure that the smallest amount of bare ground is exposed for the shortest period of time.

iv. Erosion and sediment control best management practices as required by the Department shall be used during and immediately after construction.

v. Permanent vegetative coverage shall be established within 21 days of the completion of construction, or when vegetation establishment is not possible, other protective measures such as erosion control fabric or mulch blankets shall be installed until permanent vegetation can be established.

vi. Dirt moving in a bluff impact zone is prohibited, except for the placement of stairways, lifts, or landings permitted under this Code.

vii. Steep slope stabilization. Dirt moving on steep slopes may be permitted with a stormwater and erosion control plan approved by the City Engineer.

12. **Removal of Natural Vegetation**. Vegetation alteration necessary for the construction of structures and sewage treatment systems and the construction of roads and parking areas regulated by this Code are exempt from the vegetation alteration standards that follow:

a. Removal or alteration of vegetation, except for agricultural and forest management uses as regulated in this Code, respectfully, is allowed subject to the following standards:

i. Intensive vegetation clearing within the shore impact zone 1, shore impact zone 2, and bluff impact zones and on steep and long gradual slopes is not allowed. Intensive vegetation clearing for forest land conversion to another use outside of these areas is allowable as a conditional use if an erosion control and sedimentation plan is developed and approved by the soil and water conservation district in which the property is located.

ii. In shore and bluff impact zones and on steep slopes, limited clearing of trees and shrubs and cutting, pruning, and trimming of trees is allowed to provide a view to the water from the principal dwelling site and to accommodate the placement of stairways and landings, picnic areas, access paths, livestock watering areas, and beach and watercraft access areas, provided that:

a. The screening of structures, vehicles, or other facilities as viewed from the water, assuming summer, leaf-on conditions, is not substantially reduced;

b. Along rivers, existing shading of water surfaces is preserved; and

c. The above provisions are not applicable to the removal of trees, limbs, or branches that are dead, diseased, or pose safety hazards.

13. **Placement and Design of Roads, Driveways, and Parking Areas.**

a. Public and private roads and parking areas must be designed to take advantage of natural vegetation and topography to achieve maximum screening from view from public waters. Documentation must be provided by a qualified individual that all roads and parking areas are designed and constructed to minimize and control erosion to public waters consistent with the field office technical guides of the local soil and water conservation district, or other applicable technical materials.

b. Roads, driveways, and parking areas must meet structure setbacks and must not be placed within bluff and SIZ1, when other reasonable and feasible placement alternatives exist. If no alternatives exist, they may be placed within these areas and must be designed to minimize adverse impacts.

c. The maximum impervious surface limits for the lot shall not be exceeded. Permeable pavers are considered impervious.

14. **Watercraft Access Ramps.** Watercraft access ramps, approach roads, and access related parking areas require shoreland alteration permits and shall comply with the following standards:

a. Are permitted for private residential lots only on lakes without Public Accesses.

b. May be permitted for water-oriented commercial uses on any lake classified General Development or Recreational Development.

c. Shall not include asphalt in shore impact zone 1.

d. Shall not exceed 15 feet in width from the lake to the structure setback line.

e. Construction complies with all stormwater management provisions of this Code.

f. The maximum impervious surface limits for the lot are not exceeded. Permeable pavers are considered impervious.

15. **Connections to Public Waters.** Excavations, where the intended purpose is connection to public water, such as boat slips, canals, lagoons and harbors, must be controlled by local shoreland controls. Permission for excavations may be given only after the Commissioner of Natural Resources has approved the proposed connection to public waters.

16. **Use of Fertilizer.** The Use of fertilizer, pesticides, or animal wastes in shoreland districts must conform to Minnesota Statutes, chapters 18B, 18C, 18D, and 103H, and be consistent with the latest best management practices developed for such use by the Minnesota Department of Agriculture and Pollution Control Agency.

J. Shoreland Planned Unit Developments

1. **Purpose.** To protect and enhance the natural and scenic qualities of shoreland areas during and after development and redevelopment of high density residential and commercial uses.
2. **Types of PUDs Permissible**. Planned unit developments (PUDs) are allowed for new projects on undeveloped land, redevelopment of previously built sites, or conversions of existing buildings and land. Deviation from the minimum lot size standards of this ordinance is allowed if the standards in this Section are met.
3. **Processing of PUDs.** Planned unit developments in the shoreland district must be processed as a conditional use and comply with the provisions of this section in addition to those standards outlined elsewhere in the zoning and subdivision regulations. When there is a conflict in requirements, the more stringent of the requirements shall be applied. An expansion to an existing commercial PUD involving 6 or less new dwelling units or sites since the date this ordinance was adopted is permissible as a permitted use provided the total project density does not exceed the allowable densities calculated in the project density evaluation procedures in this Section. Approval cannot occur until all applicable environmental reviews are complete.
4. **Density Determination**. Proposed new or expansions to existing planned unit developments must be evaluated using the following procedures.

   a. Step 1. Identify Density Analysis Tiers. Divide the project parcel into tiers by drawing one or more lines parallel to the ordinary high water level at the following intervals, proceeding landward:

   Table 515-5-7.1. Density Analysis Tiers.

Waterbody Classification	No Sewer (ft)		Sewer (ft)
General Development Lakes – 1st tier	200		200
General Development Lakes – all other tiers	267		200
Recreational Development Lakes	267		267
Natural Environment Lakes	400		320
All Rivers	300		300

   b. Step 2. Calculate Suitable Area for Development. Calculate the suitable area within each tier by excluding all road rights-of way or easements, wetlands, bluffs, or land below the ordinary high-water level of public waters.

   c. Step 3. Determine Base Density:

      i. For residential PUDs, divide the suitable area within each tier by the minimum single residential lot area for lakes to determine the allowable number of dwelling units, or base density, for each tier. For rivers, if a minimum lot area is not specified, divide the tier width or river frontage by the minimum single residential lot width.

      ii. For commercial PUDs:

         a. Determine the average area for each dwelling unit or dwelling site within each tier. Include both existing and proposed dwelling units and sites in the calculation.

            i. For dwelling units, determine the average inside living floor area of dwelling units in each tier. Do not include decks, patios, garages, or porches and basements, unless they are habitable space.

            ii. For dwelling sites (campgrounds), determine the area of each dwelling site as follows:

iii. For manufactured homes, use the area of the manufactured home, if known, otherwise use 1,000 sf.

iv. For recreational vehicles, campers or tents, use 400 sf.

b. Select the appropriate **floor area/dwelling site area ratio** from the following table for the floor area or dwelling site area determined in Step 3: Determine Base Density for Commercial PUDs.

Table 515-5-7.2. Floor Area/ Dwelling Site Area Ratio.

Inside Living Floor Area or Dwelling Site Area (sf)	General Development Lakes w/Sewer – all tiers General Development Lakes w/no sewer – 1st tier Agricultural, Urban and Tributary Rivers	General Development Lakes w/no sewer – all other tiers Recreational Development Lakes Forested and Transition Rivers	Natural Environment Lakes Remote Rivers
≤ 200	.040	.020	.010
300	.048	.024	.012
400	.056	.028	.014
500	.065	.032	.016
600	.072	.038	.019
700	.082	.042	.021
800	.091	.046	.023
900	.099	.050	.025
1,000	.108	.054	.027
1,100	.116	.058	.029
1,200	.125	.064	.032
1,300	.133	.068	.034
1,400	.142	.072	.036
≥ 1,500	.150	.075	.038

c. Multiply the suitable area within each tier determined in Step 2, Calculate Suitable Area for Development, by the floor area or dwelling site area ratio to yield the total floor area or dwelling site area for each tier to be used for dwelling units or dwelling sites.

i. Divide the total floor area or dwelling site area for each tier calculated in the above paragraph by the average inside living floor area for dwelling units or dwelling site area determined in Step 3 for commercial PUD's. This yields the allowable number of dwelling units or dwelling sites, or base density, for each tier.

iii. Allowable densities may be transferred from any tier to any other tier further from the waterbody, but must not be transferred to any tier closer to the waterbody.

d. Step 4. Determine if the Site can Accommodate Increased Density:

i. The following increases indicated in *Table 515-5-7.3* to the dwelling unit or dwelling site base densities determined in Step 3, Determine Base Density, are allowed if the design criteria of this Section are satisfied as well as the following standards:

a. Structure setbacks from the ordinary high water level:
i. Are increased to at least 50 percent greater than the minimum setback; or
ii. The impact on the waterbody is reduced an equivalent amount through vegetative management, topography, or additional acceptable means and the setback is at least 25 percent greater than the minimum setback.

Table 515-5-7.3. Increase Maximum Density.

Shoreland Tier	Maximum density increase within each tier (percent)
1st	50
2nd	100
3rd	200
4th	200
5th	200

5. **Design Criteria**. All PUDs must meet the following design criteria.

a. General Design Standards.

i. All residential planned unit developments must contain at least five dwelling units or sites.

ii. On-site water supply and sewage treatment systems must be centralized and meet the standards of this ordinance. Sewage treatment systems must meet the setback standards of *Table 515-2-22.2. S Dimensional Standards*.

iii. Dwelling units or dwelling sites must be clustered into one or more groups and located on suitable areas of the development.

iv. Dwelling units or dwelling sites must be designed and located to meet the dimensional standards in *Table 515-2-22.2. S Dimensional Standards*:

v. Shore recreation facilities:

a. Must be centralized and located in areas suitable for them based on a suitability analysis.

b. The number of spaces provided for continuous beaching, mooring, or docking of watercraft must not exceed one for each allowable dwelling unit or site in the first tier (notwithstanding existing mooring sites in an existing commercially used harbor).

c. Launching ramp facilities, including a small dock for loading and unloading equipment, may be provided for use by occupants of dwelling units or sites located in other tiers.

vi. Structures, parking areas, and other facilities must be treated to reduce visibility as viewed from public waters and adjacent shorelands by vegetation, topography, increased setbacks, color, or other means acceptable to the local unit of government, assuming summer, leaf-on conditions. Vegetative and topographic screening must be preserved, if existing, or may be required to be provided.

vii. Accessory structures and facilities, except water oriented accessory structures, must meet the required structure setback and must be centralized.

viii. Water-oriented accessory structures and facilities may be allowed if they meet or exceed design standards contained in this ordinance and are centralized.

b. Open Space Requirements.

i. Open space must constitute at least 35 percent of the total project area and must include:

a. Areas with physical characteristics unsuitable for development in their natural state; Areas containing significant historic sites or unplatted cemeteries; Portions of the SIZ preserved in its natural or existing state as follows:

i. For existing residential PUD's, at least 50 percent of the SIZ.

ii. For new residential PUDs, at least 70 percent of the SIZ.

iii. For all commercial PUD's, at least 50 percent of the SIZ.

ii. Open space may include:

a. Outdoor recreational facilities for use by owners of dwelling units or sites, by guests staying in commercial dwelling units or sites, and by the general public;

b. Subsurface sewage treatment systems if the use of the space is restricted to avoid adverse impacts on the systems; and

c. Non-public water wetlands.

iii. Open space shall not include:

a. Dwelling sites or lots, unless owned in common by an owners association;

b. Dwelling units or structures, except water-oriented accessory structures or facilities;

c. Road rights-of-way or land covered by road surfaces and parking areas;

d. Land below the OHWL of public waters; and

e. Commercial facilities or uses.

c. Open Space Maintenance and Administration Requirements.

i. Open space preservation. The appearance of open space areas, including topography, vegetation, and allowable uses, must be preserved and maintained by use of deed restrictions, covenants, permanent easements, public dedication, or other equally effective and permanent means. The instruments must prohibit:

a. Commercial uses (for residential PUD's);

b. Vegetation and topographic alterations other than routine maintenance;

c. Construction of additional buildings or storage of vehicles and other materials; and

d. Uncontrolled beaching of watercraft.

d. Erosion Control and Stormwater Management.

i. Erosion control plans must be developed and must be consistent with the provisions of this ordinance. Erosion control plans approved by a soil and water conservation district may be required if project size and site physical characteristics warrant.

ii. Stormwater management facilities must be designed and constructed to manage expected quantities and qualities of stormwater runoff.

a. For residential PUDs, impervious surface for the entire project site must not exceed 25%.

b. For commercial PUDs, impervious surfaces within any tier must not exceed 25 percent of the tier area.

6. **Conversions.** Local governments may allow existing resorts or other land uses and facilities to be converted to residential PUDs if all of the following standards are met:

a. Proposed conversions must be evaluated using the same procedures for residential PUDs involving new construction. Inconsistencies between existing features of the development and these standards must be identified;

b. Deficiencies involving water supply and sewage treatment, structure color, impervious coverage, open space, and shore recreation facilities must be corrected as part of the conversion or as specified in the conditional use permit;

c. Shore and bluff impact zone deficiencies must be evaluated and reasonable improvements made as part of the conversion. These improvements must include, where applicable, the following:

i. Removal of extraneous buildings, docks, or other facilities that no longer need to be located in shore or bluff impact zones;

ii. Remedial measures to correct erosion, improve vegetative cover and improve screening of buildings and other facilities as viewed from the water; and

iii. Conditions attached to existing dwelling units located in shore or bluff impact zones that preclude exterior expansions in any dimension or substantial alterations. The conditions must also provide for future relocation of dwelling units, where feasible, to other locations, meeting all setback and elevation requirements when they are rebuilt or replaced.

d. Existing dwelling unit or dwelling site densities that exceed standards of this ordinance may be allowed to continue but must not be allowed to be increased, either at the time of conversion or in the future. Efforts must be made during the conversion to limit impacts of high densities by requiring seasonal use, improving vegetative screening, centralizing shore recreation facilities, installing new sewage treatment systems, or other means.

www.ci.brainerd.mn.us

To: Jacob Frie, Area Hydrologist, Minnesota DNR
From: City of Brainerd
Date: May 7, 2026
Re: Request for Implementation Flexibility – Brainerd Shoreland Ordinance

Mr. Frie,

In preparation of the City of Brainerd's draft shoreland overlay zoning ordinance being sent to the DNR for final review, this correspondence is intended to document the City's request for implementation flexibility in accordance with Minnesota Rules 6120.2800 Subp. 3. Flexibility from the State's shoreland rule provisions are requested due to unique characteristics of land in Brainerd that abuts public water bodies.

The shoreland areas are primarily along three public water bodies in Brainerd (Rice Lake, Gilber Lake, and the Mississippi River) and are nearly fully developed. Allowing flexibility for development and redevelopment along the shoreland, specifically in the Traditional and Contemporary Neighborhood Zoning Districts, will result in new restoration efforts, improved management of stormwater runoff, and enhanced stewardship of the lakes. The City is specifically requesting an increase impervious surface maximum requirements and reduced lot dimensional standards for non-riparian sewered lots in the subject zoning districts. Details containing all the requested special standards/flexibility are contained in an accompanying attachment. The attachment also includes offsetting/higher standards in exchange for the requested flexibility.

The City looks forward to continue working with the DNR on establishing reasonable standards that both accommodate future development and protects Brainerd's shoreland. Please contact me if you have any questions 218-454-3408.

Thank you,

James L. Kramvik

Community Development Director

PROPOSED HIGHER STANDARDS

Watercraft access ramps, approach roads, and access related parking areas require shoreland alteration permits and are permitted for private residential lots only on lakes without Public Accesses to help stop the spread of aquatic invasive species. (Section J.13 of Appendix A)

Prohibition on use of permeable pavement to exceed standards. (Sections J.2,3,12, and 13 Appendix A)

Requiring that a lot must be at least 100 feet from the OHWL to qualify as a non-riparian lot. (Section H Appendix A)

Riparian properties may exceed 15% impervious surface with an approved and implemented stormwater plan. (Section I.2 Appendix A)

Riparian properties may exceed 20% impervious surface with a no maintenance shoreline buffer. Impervious surface additions of 160 square feet or less per year are exempt. Reconstruction projects 400 SF or more per year on riparian properties exceeding 20% impervious surface also require a no maintenance shoreline buffer. (Section J.8 Appendix A)

Limit water orientated accessory structures in SIZ1 to 120 SQFT with a 20 foot setback. (Section J.5 Appendix A)

Enhanced riprap provisions. (Section J.9 Appendix A)

All guest cottages or guest quarters require a no maintenance buffer. (Section J.3.b Appendix A)

PROPOSED DEVIATIONS

Allow for a combined 400 SQFT for patios, pools, and hot tubs in SIZ2 with an approved and implemented stormwater plan. (Section J.2 Appendix A)

Allow for reduced lot sizes and lot widths for GD Lakes for lots that are non-riparian and sewered in the Traditional Neighborhood and Contemporary Neighborhood Zoning Districts. (Sections H.I&J Appendix A)

Allow for increased impervious surface maximum requirements for lots that are non-riparian and sewered in the Traditional Neighborhood and Contemporary Neighborhood Zoning Districts. (Section H.R Appendix A)

Allow for 35' primary structures in residential districts. (Section H.S Appendix A)

Allow for (1) guest cottage on a single family lots on lots that meet lot size requirements (Section J.3 Appendix A).

Allow for 35% open space for Planned Unit Developments. (Section J.5.b Appendix B)

STATISTICAL ANALYSIS

Staff reviewed one hundred twenty-one properties located in northeast Brainerd that are non-riparian sewered lots located in the Rice Lake Shoreland Overlay District. Rice Lake is considered a General Development Lake, which means any property located within 1,000 FT of the ordinary high-water level is in the shoreland overlay district and is subject to additional requirements.

properties statistics:

Lot frontage (mean) - 77.94 FT
Lot frontage (mode) - 50 FT (52 properties)
Lot area (mean) - 12,128.82 SF
Lot area (mode) - 6,500 SF – 7,500 SF (59 Properties)
Impervious surface (mean) - 3196.51 SF
Impervious surface % (mean) - 31.48%
Properties Exceeding 40% - 20 Properties

Ecological and Water Resources
1601 Minnesota Drive
Brainerd, MN 56401

May 12, 2026

James Kramvik
Community Development Director
City of Brainerd
501 Laurel Street
Brainerd, MN 56401

Re: Conditional Approval of City of Brainerd's Shoreland Ordinance

Dear James Kramvik:

Thank you for sending your proposed shoreland ordinance to the DNR for conditional approval review. I am pleased to inform you that the proposed ordinance is substantially compliant with the statewide rules (MR 6120.2500 – 6120.3900) and hereby approved, provided the conditions of approval in this letter are met.

Ordinance Evaluation

The City of Brainerd submitted a proposed shoreland ordinance to DNR for preliminary on July 31, 2025. Then, on December 20, 2025, the City requested to implement shoreland flexibility standards pursuant to Mn Rule 6120.2800 subp. 3. The DNR provided preliminary comment review letters on three occasions: 9/11/2025 for the new shoreland overlay district proposal only and on both 3/11/2026 and 4/9/2026 focused solely on the City's request to implement shoreland flexibility standards. The City of Brainerd's Planning Commission reviewed various versions of the proposed ordinance several times, including formal review of the proposed implementation flexibility on 3/18/2026. Based on that review and additional negotiations with DNR, the City of Brainerd's Planning Commission recommended approval of the proposed ordinance with implementation flexibility and agreed-upon offsetting higher standards at the April 15, 2026 meeting.

We have reviewed this ordinance and requested implementation flexibility for compliance with the state shoreland rules (Minn. R. 6120.2500 – 6120.3900) and are providing conditional approval as follows.

Conditions of Approval

The following conditions must be met before the DNR will issue final approval:

1. Ongoing compliance with the following terms of implementation flexibility.

Terms of Implementation Flexibility

The terms of implementation flexibility, in accordance with Minn. R. 6120.2800 Subp. 3, are detailed below. These terms of implementation flexibility are also conditions of approval. If any of the offsetting higher standards are eliminated or protection levels reduced in future ordinance amendments without

DNR approval, approval of implementation flexibility is rescinded. The authority and process under which the DNR evaluates and approves deviations is outlined in Minnesota Rule 6120.2800, Subp 3.

Proposed Deviations:

1. Within the shoreland overlay district, on only non-riparian General Development lake lots within the sewered Contemporary Neighborhood (CN) and Traditional Neighborhood (TN) zoning districts, reduce lot sizes in the following ways (sections H.I & J Appendix A):
    - Single family: from state minimum 10,000 sq. ft to a proposed 7,000 sq. ft
    - Duplex: from a state minimum 17,500 sq. ft to a proposed 10,000 sq. ft
    - Triplex: from a state minimum 25,000 sq. ft to a proposed 13,000 sq. ft
    - Quad: from a state minimum 32,500 sq. ft to a proposed 16,000 sq. ft
2. Within the shoreland overlay district, on only non-riparian General Development lake lots within the sewered Contemporary Neighborhood (CN) and Traditional Neighborhood (TN) zoning districts, reduce lot widths in the following ways (sections H.I & J Appendix A):
    - Single family: from state minimum 75' to a proposed 50'
    - Duplex: from a state minimum 135' to a proposed 75'
    - Triplex: from a state minimum 190' to a proposed 100'
    - Quad: from a state minimum 245' to a proposed 125'
3. Within the shoreland overlay district, on only non-riparian General Development lake lots within the sewered Contemporary Neighborhood (CN) and Traditional Neighborhood (TN) zoning districts, increase impervious surface maximums in the following way (Section H.R Appendix A):
    - From a state maximum 25% to a proposed 40% allowance.
4. On all riparian lots within the Shoreland Overlay District:
    - Allow for a total combination of 400 sq. ft patio, pool, and/or hut tub in SIZ 2 where state minimum standards do not allow for structures to be anywhere within the structural setback from the OHW of the particular shoreland classified lake or river (unless as a water-oriented accessory structure as defined by state shoreland rules) (Section J.2 Appendix A).
5. On all lots within the shoreland overlay district, allow guest cottages (max. 15 ft tall) and guest quarters (max. 35 ft tall) meeting the following provisions (Section J.3 Appendix A):
    - Must be located on existing lots of record that meet minimum size and width requirements for single-family lots. This exceeds minimum state rules requirements that guest cottages only be allowed on duplex-sized lots.
6. Allow for 35' total height of primary structures in residential areas in the shoreland overlay district, where the state's maximum allowance is 25' (Section H.S Appendix A).
7. Allow for 35% open space for Planned Unit Developments (PUDs) within the shoreland overlay district where the state's minimum allowance is 50% (Section J.5.b Appendix B).

Proposed Higher Standards

1. Require an approved and implemented stormwater management for all patio/hot tub/pool permits >250 sq. ft in size located on riparian lots in SIZ 2 (Section J.2 Appendix A).
2. Require stormwater management plans to be submitted and implemented for approved permits on riparian properties exceeding 15% impervious surface coverage (Section I.2 Appendix A).
3. Only allow watercraft access ramps, approach roads, and access related parking areas (with a permit) on lakes without public access (Section J.13 Appendix A).
4. Prohibit the use of permeable pavement to exceed local impervious standards (Sections J.2,3,12, and 13 Appendix A).

5. Require that a lot must be at least 100 feet from the OHWL to qualify as non-riparian (Section H Appendix A).
6. Require no maintenance buffers on 70% of the width of shoreline lots to be implemented for approved permits for riparian properties whose properties exceed 20% impervious surface coverage in the shoreland overlay district (Section J.8 Appendix A). The following projects will be exempt from the above requirement:
    a. All permit requests totaling less than 160 sq. ft in size per-year.
    b. Reconstructions of existing structures of less than 400 sq. ft in size per-year.
7. Limit the size of water-oriented accessory structures to 120 sq. ft and minimum 20 ft from OHW (Section J.5 Appendix A).
8. Enhance riprap standards consisting of the following (Section J.9 Appendix A):
    a. Requiring that riprap may only be approved if both erosion is present and bioengineering practices are not feasible.
    b. Requiring that any approved riprap must also include the establishment of a no-maintenance buffer pursuant to the Vegetative Mitigation section of the city's code.

Next Steps

Following are the steps for completing and receiving final DNR approval for your amendment:

1. The city council adopts the amendment.
2. Email the completed Ordinance Processing Checklist (attached) and the documents identified on the checklist within 10 days of city council adoption to:
    a. Jacob Frie, Jacob.frie@state.mn.us.
    b. Ordinance.review.dnr@state.mn.us
3. We will review the amendment adopted by the city council for consistency with the above conditions.
4. If the adopted amendments are consistent with the conditions, I will send you a "final approval" letter. State rules require DNR final approval of shoreland ordinances and amendments for those ordinances to be effective.

A shoreland ordinance is an important land use regulation that helps to protect surface water quality, near shore habitat, and scenic character of Minnesota's public waters. We appreciate your efforts to protect these resources for all present and future Minnesotans. Jacob Frie is available to assist with ordinance technical guidance and to consult with you on other land and water-related projects.

Sincerely,

Darrin Hoverson

Digitally signed by Darrin Hoverson
Date: 2026.05.12 15:53:31 -05'00'

Darrin Hoverson
MN DNR – Division of Ecological and Water Resources - District Manager

Attachments:
Proposed City of Brainerd Shoreland Ordinance materials
Ordinance Processing Checklist

ec: Jacob Frie, DNR Area Hydrologist
Ordinance.review.dnr@state.mn.us

NOTICE OF HEARING

Notice is hereby given that the City of Brainerd Planning Commission will be conducting a public hearing to consider the amendment of Sections 530 Shoreland Management Regulations of the Brainerd City Code and 515-2 Brainerd Zoning Districts, 515-5 Rules and Administration, and 515-6 Rules and Definitions of the Brainerd Zoning Code. The purpose of this proposed Ordinance is to update our current regulations to meet MN State Statute and to protect the quality of surface waters and preserve the environmental and economic values of shorelands by regulating development and land use along lakes and rivers. These regulations manage aspects like lot sizes, building setbacks, and land alterations to prevent pollution, minimize flood damage, maintain natural characteristics, and ensure the wise use of water resources.

A full copy of the proposed ordinance is available at City Hall in the Community Development Department.

A Public Hearing will be conducted by the Brainerd Planning Commission at 6:00 p.m. Wednesday, May 20th, 2026 in the Brainerd City Hall Council Chambers, 501 Laurel Street.

Any individual needing special accommodations or would like more information about this request, please call (218) 828-2307.

Dated this 6th day of May, 2026

James Kramvik
Community Development Director

Publication Date: May 9th, 2026

City Council
Agenda Request

MEETING DATE: June 1, 2026

TITLE OF ITEM: Ordinance 1604 (Rezoning), Future Land Use Map Amendment, Conditional Use Permits Requests, and Variance Request for a 50 - Unit Multifamily Apartment — Wright Street

AGENDA: Main

ACTION REQUESTED: Ordinance

SUBMITTED BY: James Kramvik, Community Development Director

DEPARTMENT: Community Development

PRESENTER: James Kramvik, Community Development Director

ESTIMATED TIME (MIN): 10 Minutes

SUMMARY OF ISSUE

Central Minnesota Housing Partnership, Inc and the Brainerd HRA have applied for a Rezoning and Future Land Use Map Amendment, Conditional Use Permits and Variance Request to construct a 50-unit multifamily apartment building at 10320 Wright Street (parcel #41310501). The request is to subdivide and rezone the parcel from GI (General Industrial) to a CN-2 (Contemporary Neighborhood 2) Zoning District and amend the future land use map from Industrial to Medium-High Density Residential. The Conditional Use Permits are to allow for multifamily attached dwelling units in the CN-2 Zoning District and to exceed the lot size and width in the CN-2 District. The Variance request is from off-street parking requirements of the CN-2 District.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS

The Planning Commission considered these requests and held a public hearing at their May 20th meeting. Commissioners Duval, Grecula, and Kramer recused themselves from voting due to conflicts of interest. The remaining Commissioners unanimously recommended denial of all applications and provided the following findings/ comments.

Commissioner Peterson stated this is not the right location to construct housing. It will take away the future limits on what type of businesses can build there. This property is zoned industrial to create industrial uses with jobs, manufacturing, etc. If housing is constructed in this industrial area, it will create issues later.

Commissioner Erickson indicated all future applicants for other parcels will then be required to perform a sound study as well as any existing businesses that may want to expand. The applicant said it was near other residential uses, meaning the two mobile home parks (Stoneybrook and Meadowview). They are still quite a distance from this parcel and should not be considered as "nearby". We would be creating zoning and use conflicts by approving this.

Commissioner Gorham explained that this is indeed spot zoning. He feels this project is being driven to

this area due to the cheap price of the land. This is an industrial area with barbwire fencing, and industrial noise. There's no place for families or children to walk or play outdoors. It would mock the future land use map if approved. The nearby crypto mining facility creates a constant hum, and it is in the right spot to do so.

Members of the public spoke at the public hearing in opposition to the proposed development. Attached is a letter from Just for Krypto in opposition to the proposed development.

The Planning Commission meeting can be found at the following link and the public hearing for this item is at the 37-minute mark:
https://www.youtube.com/watch?v=D0z8r60PQLc

RECOMMENDED ACTION/MOTION

Motion to deny the rezoning, the future land use map amendment, conditional use permit requests for a multifamily apartment and to exceed the lot size and lot width in the CN-2 District, and the variance request to not meet the off-street parking requirements based on the comments and findings provided by the Planning Commission.
Note: If City Council denies the land use requests, staff will prepare a resolution with findings for the next meeting.

Option: If City Council would like to proceed with the land-use requests:
Motion to conduct the first reading of proposed Ordinance 1604 (rezoning) and dispense with the actual reading.
Note: A motion to dispense with the actual reading must be unanimous.
Note: City Council would consider the other land-use requests at the next meeting.

FINANCIAL IMPACT

N/A

M E M O

TO: Planning Commission

FROM: James Kramvik, Community Development Director

DATE: May 20th, 2026

RE: Consider Rezoning, Conditional Use Permits, and Variance Request for a 50 - Unit Multifamily Apartment — 10320 Wright Street

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REQUEST

PUBLIC HEARING.
Rezoning and Future Land Use Amendment request to subdivide 5 acres from the 26-acre parcel and rezone the new parcel to a CN-2 (Contemporary Neighborhood 2) Zoning District and amend the Future Land Use Map to Medium-Hight Density Residential.

Conditional Use Permits for the construction of a multi-family (5+ unit) apartment, to exceed the lot size maximum, and exceed the lot width in the CN-2 District.

Variance request from the off-street parking requirements in the CN-2 District.

CONTEXT

Parcel Number: 41310501 (Tract A of Proposed Subdivision – 6.04 Acres)

Zoning District: General Industrial (GI) District

Property Area: Approximately 6.04 Acres

Adjacent Uses:
North: Storage/ Warehousing & Vacant Property
East: Vacant Property
South: Vacant Property
West: Data Center

Adjacent Zoning:
North: General Industrial (GI) District
East: General Industrial (GI) District
South: General Industrial (GI) District
West: General Industrial (GI) District

AERIAL MAP

FINDINGS OF FACT – REZONING

1. The property at 10320 Wright Street is in the General Industrial (GI) District. The applicant is requesting to subdivide the parcel and rezone to a CN-2 (Contemporary Neighborhood 2) Zoning District. Zoning Ordinance 515-3 Allowed Uses. Appendix A: Table of Uses allows for multi-family attached dwelling units as a Conditional Use in the CN-2 District.
2. The property is currently designated as Industrial in the Comprehensive Plan's Future Land Use Map. The Future Land Use Map must be amended to Medium-High Density Residential to reflect the proposed zoning change.
    a. The Land Use Map, along with related goals, policies and strategies serve as the Land Use Plan, which is a long-term guide for how development should occur in Brainerd and provides a framework for making decisions on development and allocation of public resources.
3. The City Council and the Planning Commission shall consider possible adverse effects of the proposed amendment. Their judgment shall be based upon (but not limited to) the following factors:
    a. The proposed action's consistency with the specific policies and provisions of the official City Comprehensive Plan.
        i. **Economic Development Goal 1**: Support infill and redevelopment throughout Brainerd as a strategic component of growth.

1. **Policy 1**: Drive infill development and redevelopment towards areas where current infrastructure is present, or places where high levels of blight or disinvestment exist.
    a. *The Wright Street extension has readily available utilities to support a multi-family apartment.*

ii. **Housing Goal 1:** Provide a diverse mix of housing choices for all stages of life, income ranges, and ownership/rental preferences.

2. Expand home ownership and rental opportunities through rehabilitation and new construction.
    a. *The expansion of residential units adds additional rental units to Brainerd with a mix of one, two, three, and four-bedroom units in the proposed development.*

b. The proposed uses are to be compatible with present and future land uses of the area.
    i. *The proposed Future Land Use Map designation for this property is Medium-High Density Residential.*
    ii. *The property is adjacent to properties designated as Industrial in the Future Land Use Map.*
    iii. *A goal of the Brainerd Economic Development Authority is to evaluate the City's vacant industrial property for compatible non-industrial uses that would address current and future needs of the community.*
    iv. *The surrounding undeveloped land could continue to be utilized to support Brainerd's housing needs.*
c. The proposed use's effect upon the area in which it is proposed.
    i. *The proposed use will not have an adverse effect on the area as the City continues to explore residential development of its City owned industrial property.*
    ii. *The developer must ensure through a sound study that their development will be within MPCA noise requirements due to the adjacent data center that produces consistent noise.*
d. Traffic generation of the proposed use in relation to capabilities of streets serving the property.
    i. *Wright Street is minimally used, and the City Engineer has no concerns at this time regarding traffic generation.*
e. The proposed uses impact upon existing public services and facilities including parks, schools, streets, and utilities, and its potential to overburden the City's service capacity.
    i. *The proposed use will not have an impact on existing public services and facilities including parks, schools, streets, and utilities, and its potential to overburden the City's service capacity.*

4. In addition to the above criteria, the City Council should consider the following criteria for a Future Land Use Amendment.
    a. Are there changed conditions that affect the development of the property, which supports the proposed amendment?

i. *The Brainerd Economic Development Authority made it a strategic goal to evaluate the City's vacant industrial property for compatible non-industrial uses that would address current and future needs of the community.*
ii. *The City developed this area for Industrial opportunities and originally designated this property for Industrial Use.*
iii. *The property has remained undeveloped for several years. It is in the best interest of the City to develop this land as roads and utilities will need to be maintained in the future.*

b. Is there a mistake in the Future Lands Use Plan map?
   i. *There is no mistake with the Future Land Use map.*
c. Has there been a change in the community not anticipated when the Plan was adopted?
   i. *The 2020 Crow Wing County Workforce Housing Study identified a substantial need for additional residential housing units in Brainerd and the surrounding areas.*

FINDINGS OF FACT – CONDITIONAL USE PERMIT

5. The property at 10320 Wright Street is in the General Industrial (GI) District. The applicant is requesting to subdivide the parcel and rezone to a CN-2 (Contemporary Neighborhood 2) Zoning District. Zoning Ordinance 515-3 Allowed Uses. Appendix A: Table of Uses allows for multi-family attached dwelling units as a Conditional Use in the CN-2 District.
6. According to Section 515-2-7.C - CN-2 Zoning District Dimensional Standards lots may be larger than 15,000 SF and a lot width exceeding 80' with an approved Conditional Use Permit. The applicant is requesting to subdivide the parcel with a lot size of a 263,102 SF and a lot width of 424.43' on Kitty Hawk Court from the centerline of the Wright Street right-of-way.
7. According to Section 515-6-2.B.39 Definitions of Use, Standards and Terms the definition of a multi-family dwelling is a building designed for multiple dwelling units for occupancy by families living independently of each other.
   a. According to Section 515-4-2.B1 Multi-Family Dwelling
      i. Efficiency Units 400 square feet
      ii. Two Bedroom Units 700 square feet
      iii. More than Two Bedroom Units (An additional 100 square feet per bedroom)
         1. *The applicant is proposing a mixture of one-, two-, three-, and four-bedroom units that will meet the requirements of this Section.*
8. Table 515-2-7.1. CN-2 Zoning District Dimensional Standards – Density, Lot Size, Coverage and Height Standards
   a. Lot Size - 5,000 SF - 15,000 SF (15,000+ SF requires CUP)
   b. Density (minimum) - 4 – 12 DU/AC
   c. Front Yard Setback – 25'
   d. Side Yard Setback – 5'/20' corner
   e. Rear Yard Setback – 25'

i. *The applicant is requesting to subdivide the parcel with a lot size of a 263,102 SF and a lot width of 424.43' on Kitty Hawk Court from the centerline of Wright Street.*
ii. *The proposed project meets all setback requirements.*
iii. *The applicant is proposing 50 dwelling units on 6.04 acres of property which equates to 8.28 dwelling units per acre and satisfies the requirements of this Section.*

9. Table 515-4-12.4 Parking Space Minimum
    a. Single-Family, Attached Single-Family, Multi-Family Dwellings, and Commercial Uses the following applies in the CN-2 District.
        i. Studios = one (1) space per dwelling unit
        ii. One (1) bedroom = one and a half (1.5) spaces per dwelling unit
        iii. Two (2) bedrooms = two (2) spaces per dwelling unit
        iv. Three (3) bedrooms = Two and a half (2.5) spaces per dwelling unit
        v. Each additional bedroom in a dwelling unit over three (3) bedrooms = + one half (.5) space per bedroom in a dwelling unit.
            1. *The applicant proposes (11) one-bedroom units, (21) two-bedroom units, (9) three-bedroom units, and (9) four-bedroom units which equates to a required (108) off-street parking spaces.*
            2. *The applicant proposes (102) off-street parking spaces and has requested a variance from this Section.*
10. Criteria for Granting Conditional Use Permits. In granting a Conditional Use Permit, the City Council shall consider the advice and recommendations of the Planning Commission and the effect of the proposed use upon the health, safety, morals and general welfare of occupants or surrounding lands. Among other things, the City Council shall make the following findings where applicable.
    a. The proposed use conforms to the Zoning District and is a permitted Conditional Use identified on Appendix A: Table of Uses.
        i. *Multi-family apartments are a conditional use in the CN-2 District.*
        ii. *The CN-2 Zoning District is intended for predominantly single-family detached residential uses and associated accessory uses. Some single-family attached and multi-family uses may be present woven throughout this District. Lots in this District are typically developed with front-loaded garages and principal structures setback and connected to public right-of-way with a private driveway.*
            1. *The applicant proposes a medium density multi-family development that satisfies the dwelling units per acre requirement of the CN-2 District.*
    b. The proposed use meets the regulations and standards established in this Ordinance.
        i. *There are no special standards associated with this use.*
    c. The proposed use shall not involve any element or cause any condition that may be dangerous, injurious, or noxious to any other property or persons.

i. *The structure will not be dangerous, injurious, or noxious to the surrounding properties.*

d. The proposed use shall be sited, oriented, and landscaped to produce a harmonious relationship of buildings and grounds to adjacent buildings and properties.
    1. *The applicant proposes to plant a landscape buffer between the data center and the multi-family residential building to limit noise and visual impacts.*
    2. *The landscaping requirements of the CN-2 District are greater than the surrounding properties zoned GI and the applicant must satisfy the landscaping requirements of Section 515-4-10 prior to issuance of the building permit.*

e. The proposed use shall produce a total visual impression and environment which is consistent with the environment of the neighborhood.
    i. *A goal of the Brainerd Economic Development Authority is to evaluate the City's vacant industrial property for compatible non-industrial uses that would address current and future needs of the community.*
    ii. *According to the 2020 Crow Wing County Workforce Housing Study, additional housing units are needed in Brainerd.*
    iii. *A multi-family apartment with landscaping will enhance the visual impression of the neighborhood.*
    iv. As required by Section 515-4-2.C.2 Exterior Building Materials. Multi-family dwelling units shall be designed to create visual interest through a variety of materials, colors, textures, installation direction, structural elements such as balconies, porches, and wall patterns, or other characteristics that create articulation either between units or floors.
        1. *The exterior building has alternate siding and color patterns along with parapet's to add visual interest to the building and the proposed design will satisfy the requirements of this Section.*

f. The proposed use shall organize vehicular access and parking to minimize traffic congestion in a residential neighborhood.
    i. *This property is surrounded by vacant property and industrial uses that do not utilize on street parking.*
    ii. *The off-street parking plan should satisfy the needs of the residents as there are more three- and four-bedroom units in this building than typical apartments that allow for families with children.*

g. The proposed use shall preserve the objectives of this Ordinance and shall be consistent with the Comprehensive Plan.
    i. **Economic Development Goal 1**: Support infill and redevelopment throughout Brainerd as a strategic component of growth.
        1. **Policy 1**: Drive infill development and redevelopment towards areas where current infrastructure is present, or places where high levels of blight or disinvestment exist.
            a. *The Wright Street extension has readily available utilities to support a multi-family apartment.*

ii. **Housing Goal 1:** Provide a diverse mix of housing choices for all stages of life, income ranges, and ownership/rental preferences.
    1. Expand home ownership and rental opportunities through rehabilitation and new construction.
        a. *The expansion of residential units adds additional rental units to Brainerd with a mix of one-, two-, three-, and four-bedroom units in the proposed development.*

11. Conditions. In reviewing applications for conditional use permits, the City may attach whatever reasonable conditions are deemed necessary to mitigate anticipated adverse impacts associated with the proposed use, to protect the value of property within the Zoning District, and to achieve the goals of the City's Comprehensive Plan. In determining such conditions, special consideration shall be given to protecting nearby properties from objectionable views, noise, traffic, and other characteristics associated with such uses.

FINDINGS OF FACT – VARIANCE REQUEST

12. The applicant requested a variance from the height requirements and the allowable accessory structure square footage in the CN-2 District.
    a. Upon final submittal and review the applicant will not need a variance from the height requirements and the allowable accessory structure square footage in the CN-2 District.
13. The applicant has submitted a variance request from off-street parking requirements of the CN-2 District.
    a. Table 515-4-12.4 Parking Space Minimum
        i. Single-Family, Attached Single-Family, Multi-Family Dwellings, and Commercial Uses the following applies in the CN-2 District.
            1. Studios = one (1) space per dwelling unit
            2. One (1) bedroom = one and a half (1.5) spaces per dwelling unit
            3. Two (2) bedrooms = two (2) spaces per dwelling unit
            4. Three (3) bedrooms = Two and a half (2.5) spaces per dwelling unit
            5. Each additional bedroom in a dwelling unit over three (3) bedrooms = + one half (.5) space per bedroom in a dwelling unit.
                a. *The applicant proposes (11) one-bedroom units, (21) two-bedroom units, (9) three-bedroom units, and (9) four-bedroom units which equates to a required (108) off-street parking spaces.*
                b. *The applicant proposes (102) off-street parking spaces and has requested a variance from this Section.*

1. Section 515-5-4.B.3, General Provisions and Evaluation Criteria. – Variances shall only be permitted:
    a. When they are in harmony with the general purposes and intent of the ordinance and:
        ii. *The CN-2 Zoning District is intended for predominantly single-family detached residential uses and associated accessory uses. Some single-family attached and multi-family uses may be present woven throughout this District. Lots in*

this District are typically developed with front-loaded garages and principal structures setback and connected to public right-of-way with a private driveway.

1. *The applicant proposes a medium density multi-family development that satisfies the dwelling units per acre requirement of the CN-2 District.*

iii. *The proposed multi-family development satisfies all other requirements of the City Code.*

b. When the variances are consistent with the Comprehensive Plan.
   i. **Economic Development Goal 1**: Support infill and redevelopment throughout Brainerd as a strategic component of growth.
      1. **Policy 1**: Drive infill development and redevelopment towards areas where current infrastructure is present, or places where high levels of blight or disinvestment exist.
         a. *The Wright Street extension has readily available utilities to support a multi-family apartment.*
   ii. Housing Goal 1: Provide a diverse mix of housing choices for all stages of life, income ranges, and ownership/rental preferences.
      1. Expand home ownership and rental opportunities through rehabilitation and new construction.
         a. *The expansion of residential units adds additional rental units to Brainerd with a mix of one-, two-, three-, and four-bedroom units in the proposed development.*

c. Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the Zoning Ordinance.
   i. *The proposed apartment building has substantially more three- and four-bedroom units than typical multi-family developments so it can support families with young children that do not possess drivers licenses.*
   ii. *Staff have no concerns regarding the proposed parking plan, and there should be no issues due to the high number of three- and four-bedroom units.*

2. Section 515-5-4.B.4, Variances may be granted when the applicant for the variance establishes that there are practical difficulties in complying with the Zoning Ordinance.;
   a. The plight of the landowner is due to circumstances unique to the property not created by the landowner; and
      i. *The Brainerd EDA requested that the developer maximize their property design to allow for additional development of the property which reduces the ability to expand off-street parking.*
   b. The variance, if granted, will not alter the essential character of the locality.
      i. *This variance, if granted, will not substantially alter the character of the locality.*
   c. Economic considerations alone do not constitute practical difficulties. Practical difficulties include, but are not limited to, inadequate access to direct sunlight for solar energy systems.

i. *In this case, the practical difficulties are not an economic consideration.*

3. Section 515-5-4. B.5, The Commission may impose conditions in the granting of variances. A condition must be directly related to and must bear a rough proportionality to the impact created by the variance.
    a. *Staff recommend no additional conditions.*

As of this writing, no one has contacted the Community Development Department for more information on these requests.

STAFF RECOMMENDATIONS

Hold a Public Hearing

Staff recommend approval of the Rezoning to CN-2 and the Future Land Use Map Amendment to Medium-High Density Residential for Tract A in the attached Survey.

Staff recommend approval of the Conditional Use Permits for the construction of a multi-family (5+ unit) apartment, to exceed the lot size maximum, and exceed the lot width in the CN-2 District for Tract A in the attached Survey with the following conditions:

1) Conveyance of the property from the City to the applicant/ developer must be completed.
2) The applicant shall have four years from the date of approval to initiate the project and utilize the Conditional Use Permits.
3) Prior to the issuance of a building permit the applicant shall submit a sound study to the City proving the development will be within MPCA noise requirements due to the adjacent data center.

Staff recommend approval of the Variance request from the off-street parking requirements in the CN-2 District to allow for 102 total spaces for Tract A in the attached Survey with the following conditions:

1) The applicant shall have four years from the date of approval to initiate the project and utilize the Variance.

Community Development Department
City Hall – 501 Laurel Street Brainerd, MN 56401
218-828-2307

CONDITIONAL USE/REZONING/VARIANCE APPLICATION

	RESIDENTIAL	COMMERCIAL
CONDITIONAL USE PERMIT	☐ ($350.00)	☐ ($500.00 + $500.00 escrow deposit)
REZONING	☐ ($350.00)	☐ ($500.00)
VARIANCE	☐ ($350.00)	☐ ($500.00 + $500.00 escrow deposit)
ZONING TEXT AMENDMENT	☐ ($250.00)	☐ ($400.00)

PROPERTY ADDRESS: 10320 Wright Street Brainerd MN 56401

LEGAL DESCRIPTION: Lot(s): _____ Block: _____ Addition: _____
(attach description if lengthy)

Property Owner Name: Central Minnesota Housing Partnership, Inc and Brainerd HRA

Street Address: 24707 County RD 75 **City:** St. Augusta **State:** MN **Zip Code** 56301

Phone Number: (320) 259-0393 **Fax:** (320)259-9590 **E-mail:** deanna@cmhp.net

Applicant Name: (If different than Property Owner) _____

Street Address: _____ **City:** _____ **State:** ____ **Zip Code:** _____

Phone Number: _____ **Fax:** _____

Description of Request: The purpose of this request is to subdivide 5 acres from the 26 acre parcel and rezone the new parcel to a CN-2 (Contemporary Neighborhood 2) Zoning District to allow for the proposed 50 unit three story multifamily apartment. The CUP requests are for the construction of a multifamily (5+ unit) apartment, to exceed the lot size maximum, and exceed the lot width in the CN-2 District. The Variance requests are to exceed the allowable accessory structure square footage, and to not meet the off street parking space requirement. See attached construction plans.

_____ _____
Property Owner Signature **Date**

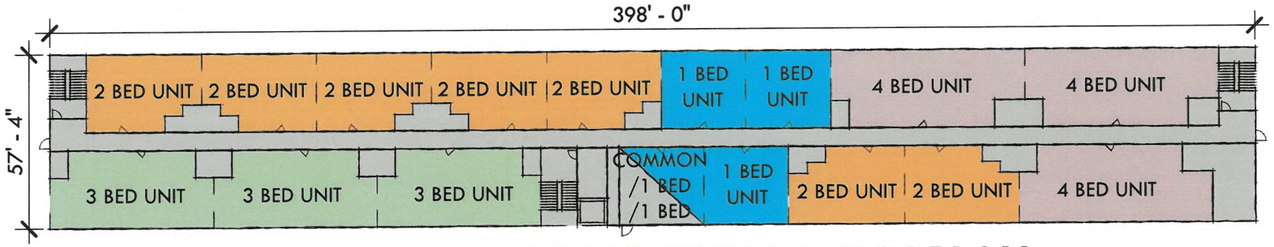
(Please print name)

_____ 05/04/2026
Applicant Signature **Date**

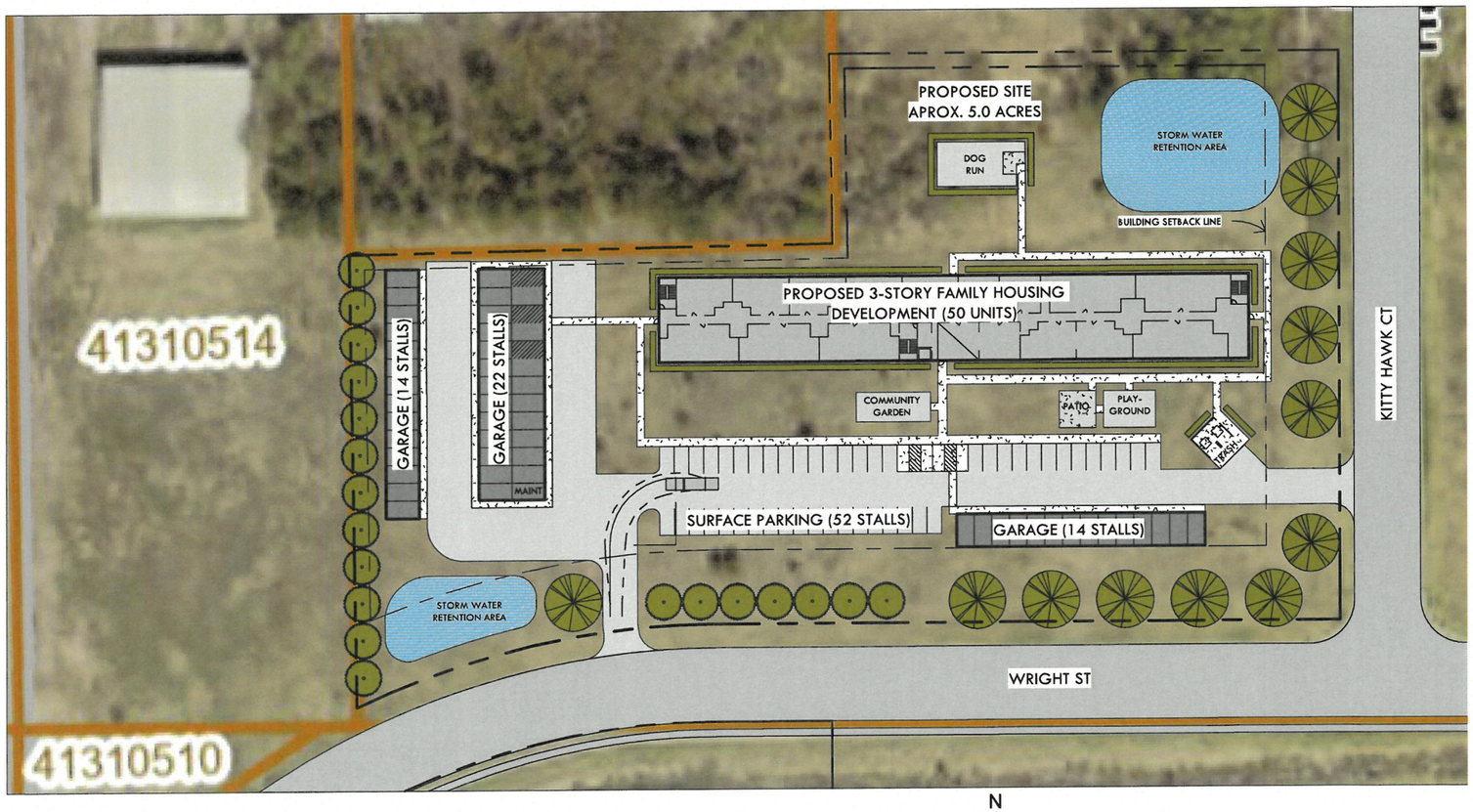
Deanna Hemmesch & Eric Charpentier
(Please print name)

(OVER)

FRONT ELEVATION



50 UNIT 3 STORY APARTMENT TYPICAL FLOORPLAN



SITE PLAN - WRIGHT ST - SITE A

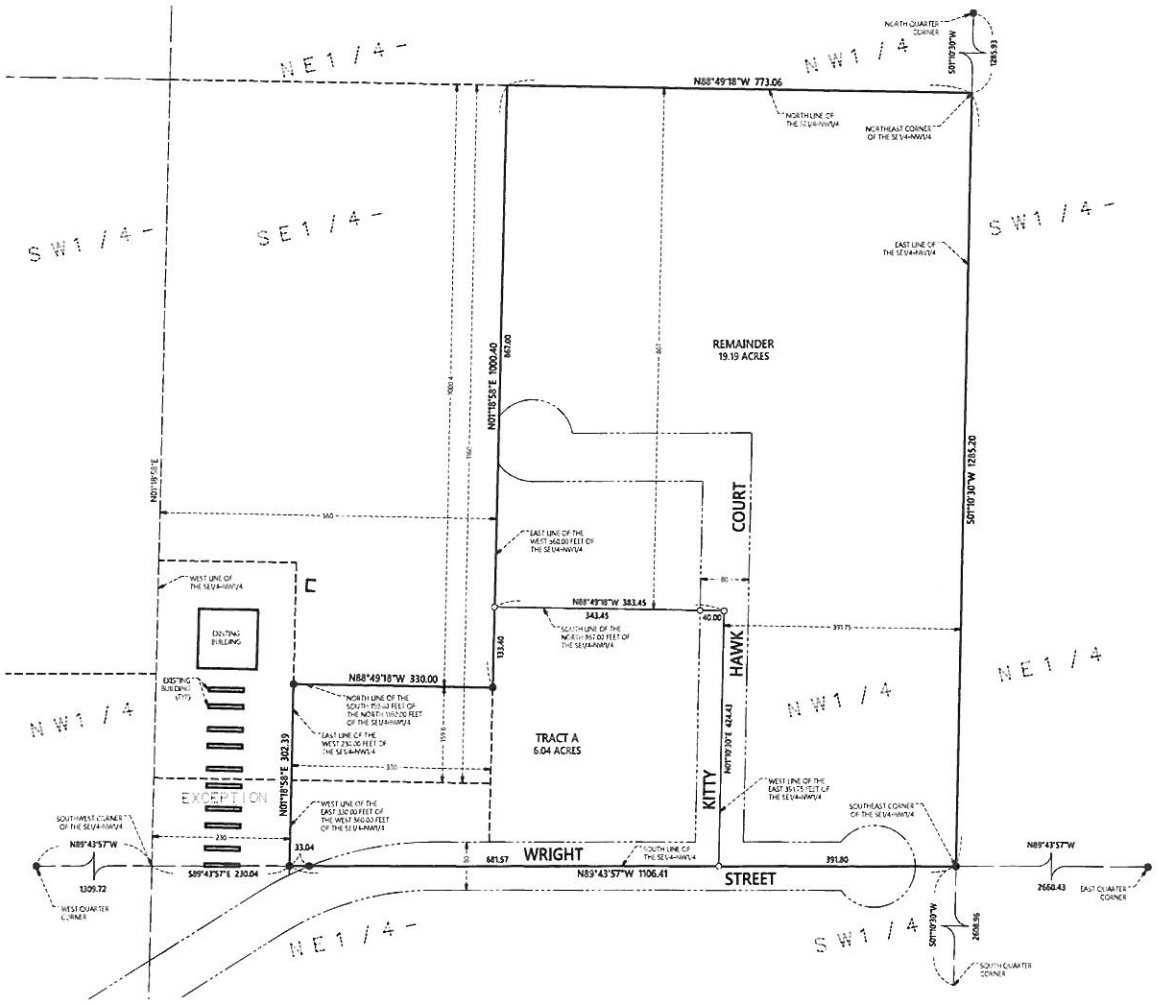
UNIT MATRIX

Unit Size	1st Flr	2nd Flr	3rd Flr	Total	% of total	Max/Min
1 Bed	3	4	4	11	22%	25% Max
2 Bed	7	7	7	21	42%	
3 Bed	3	3	3	9	36%	33% Min
4 Bed	3	3	3	9		
Total	16	17	17	**50**		

CMHP BRAINERD FAMILY HOUSING
Brainerd, MN

CERTIFICATE OF SURVEY

PART OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER,
SECTION 31, TOWNSHIP 45, RANGE 30,
CROW WING COUNTY, MINNESOTA



LEGAL DESCRIPTIONS

Existing Legal Description (According to Doc. No. 871290)

The South 159.60 feet of the North 1160.00 feet of the East 330.00 feet of the West 560.00 feet of the Southeast Quarter of the Northwest Quarter of Section 31, Township 45 North, Range 30 West, Crow Wing County, Minnesota.

Existing Legal Description (According to Doc. No. 878526)

The Southeast Quarter of the Northwest Quarter, Section 31, Township 45, Range 30, except the North 1160 feet of the West 560 feet thereof.

Existing Legal Description (According to Part of Doc. No. 896659)(Exception Document)

The West 230.00 feet of the Southeast Quarter of the Northwest Quarter of Section 31, Township 45 North, Range 30 West, Crow Wing County, Minnesota, EXCEPT the North 1160.00 feet thereof.

Proposed Legal Description (Tract A)

That part of the Southeast Quarter of the Northwest Quarter (SE1/4-NW1/4), Section 31, Township 45, Range 30, Crow Wing County, Minnesota, described as follows: Commencing at the southwest corner of said SE1/4-NW1/4; thence South 89 degrees 43 minutes 57 seconds East, bearing based on the Crow Wing County Coordinate Database NAD 83, 230.04 feet along the south line of said SE1/4-NW1/4 to the point of beginning of the tract to be described; thence continuing South 89 degrees 43 minutes 57 seconds East 714.61 feet along said south line of the SE1/4-NW1/4 to the west line of the East 391.75 feet of said SE1/4-NW1/4; thence North 01 degree 10 minutes 30 seconds East 424.43 feet along said west line of the East 391.75 feet of the SE1/4-NW1/4 to its intersection with the south line of the North 867.00 feet of said SE1/4-NW1/4; thence North 88 degrees 49 minutes 18 seconds West 383.45 feet along said south line of the North 867.00 feet of the SE1/4-NW1/4 to its intersection with the east line of the West 560.00 feet of said SE1/4-NW1/4; thence South 01 degree 18 minutes 58 seconds West 133.40 feet along said east line of the West 560.00 feet of the SE1/4-NW1/4 to its intersection with the south line of the North 800.40 feet of said SE1/4-NW1/4; thence North 88 degrees 49 minutes 18 seconds West 330.00 feet along said south line of the North 800.40 feet of the SE1/4-NW1/4 to its intersection with the east line of the West 230.00 feet of said SE1/4-NW1/4; thence South 01 degree 18 minutes 58 seconds West 302.39 feet along said east line of the West 230.00 feet of the SE1/4-NW1/4 to the point of beginning.

Subject to the right of way for Wright Street.

Subject to the right of way for Kitty Hawk Court.

Subject to other easements, restrictions or reservations of record, if any.

Proposed Legal Description (Remainder)

That part of the Southeast Quarter of the Northwest Quarter (SE1/4-NW1/4), Section 31, Township 45, Range 30, Crow Wing County, Minnesota, described as follows: Commencing at the southwest corner of said SE1/4-NW1/4; thence South 89 degrees 43 minutes 57 seconds East, bearing based on the Crow Wing County Coordinate Database NAD 83, 944.65 feet along the south line of said SE1/4-NW1/4 to its intersection with the west line of the East 391.75 feet of said SE1/4-NW1/4, the point of beginning of the tract to be described; thence North 01 degree 10 minutes 30 seconds East 424.43 feet along said west line of the East 391.75 feet of the SE1/4-NW1/4 to its intersection with the south line of the North 867.00 feet of said SE1/4-NW1/4; thence North 88 degrees 49 minutes 18 seconds West 383.45 feet along said south line of the North 867.00 feet of the SE1/4-NW1/4 to its intersection with the east line of the West 560.00 feet of said SE1/4-NW1/4; thence North 01 degree 18 minutes 58 seconds East 867.00 feet along said east line of the West 560.00 feet of the SE1/4-NW1/4 to its intersection with the north line of said SE1/4-NW1/4; thence South 88 degrees 49 minutes 18 seconds East 773.06 feet along said north line of the SE1/4-NW1/4 to the northeast corner of said SE1/4-NW1/4; thence South 01 degree 10 minutes 30 seconds West 1285.20 feet along the east line of said SE1/4-NW1/4 to the southeast corner of said SE1/4-NW1/4, thence North 89 degrees 43 minutes 57 seconds West 391.80 feet along said south line of the SE1/4-NW1/4 to the point of beginning.

Subject to the right of way for Wright Street.

Subject to the right of way for Kitty Hawk Court.

Subject to other easements, restrictions or reservations of record, if any.

SURVEY NOTES

1. Property Owner of subject property: The City of Brainerd
2. The E911 address for the subject property is: 10320 Wright Street, Brainerd, MN 56401.
3. Property Identification Number: 41310501
4. Total Property Area: 25.23 Acres.
5. This survey was completed without the benefit of a title commitment or opinion. There may be easements or other limiting factors not shown on this survey which affect the subject property.

N

0 100 200

SCALE IN FEET

ORIENTATION OF THIS BEARING SYSTEM IS BASED ON THE CROW WING COUNTY COORDINATE DATABASE NAD 83

● DENOTES FOUND IRON MONUMENT

○ DENOTES 1/2 INCH DIAMETER BY 18 INCH LONG IRON PIPE SET AND MARKED BY RLS #59005

WIDSETH
ARCHITECTS • ENGINEERS • SCIENTISTS • SURVEYORS

DRAWN BY: CJS
CHECKED BY: CMC

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED PROFESSIONAL LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA

CURTIS P. SANOW LIC. NO. 59005 DATE: 05/12/2026

DATE	AMENDMENT DESCRIPTION

PREPARED FOR: CITY OF BRAINERD

PROJECT #: 2026-11061

O R D I N A N C E
NO. 1604

AN ORDINANCE AMENDING THE ZONING MAP OF THE CITY OF BRAINERD AND SECTION 515-3 OF THE ZONING CODE

NOW, THEREFORE, BE IT ORDAINED by the City Council of the City of Brainerd, Minnesota, as follows:

SECTION ONE: The Zoning Map of the City of Brainerd is hereby amended by changing the zoning designation of the property below from GI (General Industrial) to a CN-2 (Contemporary Neighborhood 2) District:

PIN 41310501 (Tract A)
That part of the Southeast Quarter of the Northwest Quarter (SE1/4-NW1/4), Section 31, Township 45, Range 30, Crow Wing County, Minnesota, described as follows: Commencing at the southwest corner of said SE1/4-NW1/4; thence South 89 degrees 43 minutes 57 seconds East, bearing based on the Crow Wing County Coordinate Database NAD 83, 230.04 feet along the south line of said SE1/4-NW1/4 to the point of beginning of the tract to be described; thence continuing South 89 degrees 43 minutes 57 seconds East 714.61 feet along said south line of the SE1/4-NW1/4 to the west line of the East 391.75 feet of said SE1/4-NW1/4; thence North 01 degree 10 minutes 30 seconds East 424.43 feet along said west line of the East 391.75 feet of the SE1/4-NW1/4 to its intersection with the south line of the North 867.00 feet of said SE1/4-NW1/4; thence North 88 degrees 49 minutes 18 seconds West 383.45 feet along said south line of the North 867.00 feet of the SE1/4-NW1/4 to its intersection with the east line of the West 560.00 feet of said SE1/4-NW1/4; thence South 01 degree 18 minutes 58 seconds West 133.40 feet along said east line of the West 560.00 feet of the SE1/4-NW1/4 to its intersection with the south line of the North 800.40 feet of said SE1/4-NW1/4; thence North 88 degrees 49 minutes 18 seconds West 330.00 feet along said south line of the North 800.40 feet of the SE1/4-NW1/4 to its intersection with the east line of the West 230.00 feet of said SE1/4-NW1/4; thence South 01 degree 18 minutes 58 seconds West 302.39 feet along said east line of the West 230.00 feet of the SE1/4-NW1/4 to the point of beginning.

Subject to the right of way for Wright Street.

Subject to the right of way for Kitty Hawk Court.

Subject to other easements, restrictions or reservations of record, if any.

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

Adopted this _____day of _____, 2026

_____
MIKE O'DAY
President of the Council

Approved this _____day of _____, 2026

_____
DAVE BADEAUX
Mayor

ATTEST: _____
NICHOLAS W. BROYLES
City Administrator

Published: One Time – _____

RESOLUTION
NO. xx:25

RESOLUTION APPROVING COMPREHENSIVE PLAN/FUTURE LAND USE MAP AMENDMENT

BE IT RESOLVED by the City Council of the City of Brainerd, Crow Wing County, Minnesota as follows:

WHEREAS, the City of Brainerd approved a Comprehensive Plan (the Plan) in 2021, and

WHEREAS, the Plan included a Future Land Use Map (the Map) to guide Brainerd's growth and development, and

WHEREAS, the City Council has designated as one of the duties of the Planning commission to write and revise its Plan when it finds need to do so; and

WHEREAS, a parcel along Oak Street with PIN 41310501 (Tract A) and is legally described as:

That part of the Southeast Quarter of the Northwest Quarter (SE1/4-NW1/4), Section 31, Township 45, Range 30, Crow Wing County, Minnesota, described as follows: Commencing at the southwest corner of said SE1/4-NW1/4; thence South 89 degrees 43 minutes 57 seconds East, bearing based on the Crow Wing County Coordinate Database NAD 83, 230.04 feet along the south line of said SE1/4-NW1/4 to the point of beginning of the tract to be described; thence continuing South 89 degrees 43 minutes 57 seconds East 714.61 feet along said south line of the SE1/4-NW1/4 to the west line of the East 391.75 feet of said SE1/4-NW1/4; thence North 01 degree 10 minutes 30 seconds East 424.43 feet along said west line of the East 391.75 feet of the SE1/4-NW1/4 to its intersection with the south line of the North 867.00 feet of said SE1/4-NW1/4; thence North 88 degrees 49 minutes 18 seconds West 383.45 feet along said south line of the North 867.00 feet of the SE1/4-NW1/4 to its intersection with the east line of the West 560.00 feet of said SE1/4-NW1/4; thence South 01 degree 18 minutes 58 seconds West 133.40 feet along said east line of the West 560.00 feet of the SE1/4-NW1/4 to its intersection with the south line of the North 800.40 feet of said SE1/4-NW1/4; thence North 88 degrees 49 minutes 18 seconds West 330.00 feet along said south line of the North 800.40 feet of the SE1/4-NW1/4 to its intersection with the east line of the West 230.00 feet of said SE1/4-NW1/4; thence South 01 degree 18 minutes 58 seconds West 302.39 feet along said east line of the West 230.00 feet of the SE1/4-NW1/4 to the point of beginning.

Subject to the right of way for Wright Street.

Subject to the right of way for Kitty Hawk Court.

Subject to other easements, restrictions or reservations of record, if any.

(the Area) is identified as Industrial in the Map, and

WHEREAS, the property owner requested an amendment to the Map for this Area to identify it as Medium-High Density, and

WHEREAS, on May 20th, 2026, the Planning Commission recommends to the City Council that the Map change should be approved based on the findings of fact.

NOW THEREFORE, BE IT HEREBY RESOLVED that the City Council has received the Planning Commission recommendation, reviewed the information associated with the change, and approves the change for the reasons cited in the findings of fact.

Adopted this __ day of _____ 2026

_____
MIKE O'DAY
President of the Council

Approved this __ day of ____ 2026

_____
DAVE BADEAUX
Mayor

ATTEST: _____
NICHOLAS W. BROYLES
City Administrator

NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that Deanna Hemmesch on behalf of Central Minnesota Housing Partnership Inc. and the Brainerd Housing and Redevelopment Authority has submitted applications for a Rezoning, Conditional Use Permits and Variance Requests at 10320 Wright Street, Brainerd for the construction of a multifamily apartment. The property included in this application is described as:

SE1/4 OF NW1/4 EXC N 1160 FT OF W 560 FT THEREOF. & INCL S 159.6 FT OF N 1160 FT OF E 330 FT OF W 560 FT OF SENW. & ALSO EXC
P.I.N. 41310501

The property is currently zoned GI (General Industrial) District and Appendix A: Table of Uses of the Zoning Code does not allow for multi-family attached dwelling units. The purpose of this request is to subdivide 5 acres from the 26-acre parcel and rezone the new parcel to a CN-2 (Contemporary Neighborhood 2) Zoning District to allow for the proposed 50-unit three-story multi-family apartment. The CUP requests are for the construction of a multi-family (5+ unit) apartment, to exceed the lot size maximum, and exceed the lot width in the CN-2 District. The Variance requests are to exceed the allowable accessory structure square footage of the CN-2 District and to not meet the off-street parking space requirement. A copy of the proposed site plan is on file for review at the Community Development Department.

A Public Hearing will be conducted by the Brainerd Planning Commission at 6:00 p.m. Wednesday, May 20th, 2026, in the Brainerd City Hall Council Chambers, 501 Laurel Street, to consider these requests.

Any individual needing special accommodations or would like more information about this request, please call (218) 828-2307.

Dated this 6th day of May, 2026

James L. Kramvik
Community Development Director

Publication Date: May 9th, 2026

JUST FOR KRYPTO
1640 Kitty Hawk Ct.
Brainerd, MN 56401

May 18, 2026

James L. Kramvik
Community Development Director
City of Brainerd
501 Laurel Street
Brainerd, MN 56401

cc: Brainerd Planning Commission
Brainerd City Council

RE: Formal Objection to Rezoning, Conditional Use Permit, and Variance Applications at 10320 Wright Street, Brainerd (P.I.N. 41310501) — Public Hearing, May 20, 2026

Dear Director Kramvik and Members of the Planning Commission:

Just For Krypto operates a 24-hour-per-day cryptocurrency mining facility immediately adjacent to the proposed rezoning area, on parcels **41310503, 41310510, and 41310514**. We have operated continuously at this location since 2022. We submit this letter as a formal objection to the applications filed by Deanna Hemmesch on behalf of Central Minnesota Housing Partnership Inc. and the Brainerd Housing and Redevelopment Authority for the rezoning of a 5-acre subdivision of P.I.N. 41310501 from General Industrial (GI) to Contemporary Neighborhood 2 (CN-2), together with the associated conditional use permits and variances, and we request that the Planning Commission recommend denial.

Our objection is grounded in Minnesota state noise rules, which assign a mandatory duty to the City of Brainerd to prevent the establishment of land uses that will immediately violate state noise standards. As explained below, approval of these applications would place the City in conflict with that duty, would create immediate noncompliance issues for our legally established industrial operation, and would predictably generate noise complaints from the very residents the project is intended to house.

1. Our Operation and Standing to Object

Just For Krypto operates an industrial cryptocurrency mining facility consisting of multiple air-cooled ASIC container rows located on parcel 41310514, with related operations on parcels 41310503 and 41310510. The white structures visible in aerial imagery along the south side of Wright Street, immediately south and west of the proposed rezoning area, are our 60-fooot air-cooled ASIC container rows. These containers operate continuously, 24 hours per day, 7 days per week, 365 days per year. Continuous operation is not optional; it is the nature of the industry.

The cooling fans on air-cooled ASIC mining containers are the dominant noise source. Industry-standard air-cooled ASIC mining operations produce sustained broadband fan noise that is

characteristic of large-scale data center and mining infrastructure. Our facility was sited at this location in 2022 specifically because the surrounding parcels were and are zoned General Industrial, consistent with the character of the Wright Street and Industrial Road corridor.

The proposed 50-unit, three-story multi-family apartment building would be constructed directly adjacent to our operations and across Wright Street and Kitty Hawk Court from our operations, well within the area in which our equipment is plainly audible.

2. Minnesota's Noise Standard Is Receiver-Based

Minnesota Rules Chapter 7030, adopted under Minn. Stat. § 116.07, establishes the State noise standards that apply throughout Minnesota. These standards are *receiver-based*, meaning the applicable noise limit is determined by the land use of the person who hears the noise, not by the zoning of the source. This is set out in Minn. R. 7030.0050, subp. 1, and is summarized by the Minnesota Pollution Control Agency in *A Guide to Noise Control in Minnesota* (MPCA, November 2015, p. 2), which states:

> *"Noise area classifications (NAC) are based on the land use at the location of the person who hears the noise, which does not always correspond with the zoning of an area. Therefore, noise from an industrial facility near a residential area is held to the NAC 1 standards if it can be heard on a residential property."*

Under Minn. R. 7030.0040, subp. 2, the nighttime noise limits applicable to a residential (NAC 1) receiver are:

1. **L_{10} = 55 dBA** (not exceeded more than 10% of the hour, or six minutes); and
2. **L_{50} = 50 dBA** (not exceeded more than 50% of the hour, or thirty minutes).

Nighttime is defined by Minn. R. 7030.0020, subp. 10, as the hours from 10:00 p.m. to 7:00 a.m. Daytime limits are L_{10} = 65 dBA and L_{50} = 60 dBA. These limits apply at the location of normal outdoor human activity nearest to the noise source (Minn. R. 7030.0060, subp. 1).

Today, the parcels surrounding our facility are NAC 3 (industrial), and the relevant nighttime limits are L_{10} = 80 dBA and L_{50} = 75 dBA. The moment the proposed 50-unit apartment building is occupied, every property line of our facility that faces the new development becomes the boundary of an NAC 1 receiver, and the applicable nighttime standards drop by 25 dBA. A 25 dBA reduction is not a marginal adjustment. Under the MPCA guide (p. 9), a change of 10 dBA is perceived as a halving of loudness; a 20 dBA change is perceived as a reduction to one-fourth. The standard would tighten by significantly more than that, instantaneously, on the day the first tenant moves in.

Our operations have not changed. Our equipment has not changed. What would change is the legal noise standard against which we are measured — not because of anything we have done, but because the City would have approved a new sensitive receiver next to a long-established industrial use.

3. The City Has an Affirmative Duty Under Minn. R. 7030.0030

Minn. R. 7030.0030 states, in full:

> *“No person may violate the standards established in part 7030.0040, unless exempted by Minnesota Statutes, section 116.07, subdivision 2a. Any municipality having authority to regulate land use shall take all reasonable measures within its jurisdiction to prevent the establishment of land use activities listed in noise area classification (NAC) 1, 2, or 3 in any location where the standards established in part 7030.0040 will be violated immediately upon establishment of the land use.”*

This rule is not advisory. It uses the word “shall.” It places an affirmative obligation on the City of Brainerd, as the municipality with authority to regulate land use at this location, to take all reasonable measures to prevent the establishment of an NAC 1 land use where state noise standards will be violated immediately upon its establishment.

A 50-unit residential apartment building is unambiguously an NAC 1 land use. It includes household units, outdoor activity areas, and overnight lodging. Multiple independent industrial noise sources — our 24/7 ASIC mining operations, and the other established industrial operations along Wright Street and Industrial Road — are already in continuous nighttime operation at the proposed location. The MPCA's own guidance, the language of Minn. R. 7030.0030, and basic acoustics all point to the same conclusion: the City must take reasonable measures to prevent this land use from being established here. The most direct reasonable measure available to the City is to deny the rezoning.

We respectfully note that the burden under Minn. R. 7030.0030 is on the municipality, not on the existing industrial operator. The rule does not contemplate a process in which a lawful industrial use is expected to retrofit, relocate, or curtail operations to accommodate a newly-introduced residential use. It contemplates the City preventing the residential use from being established in the wrong place to begin with.

4. Additional Concerns

Inconsistency with the surrounding land use pattern. The proposed rezoning carves a 5-acre residential parcel out of a 26-acre General Industrial parcel that is bordered on its west and south sides by an established industrial corridor including parcels 41310502, 41310503, 41310510, 41310514, 41310522, and 41310531. Inserting a single residential parcel into the middle of a contiguous industrial district is inconsistent with the surrounding pattern and with the existing GI designation that the City established for this corridor.

The stack of requested entitlements. The application does not simply request a rezoning. It also requests conditional use permits to exceed the CN-2 lot size maximum, to exceed the CN-2 lot width, and to allow 5+ unit multi-family use in CN-2; *and* variances to exceed the CN-2 accessory structure square footage and to not meet the off-street parking requirement. Each of these requests is, on its face, an admission that this 5-acre subdivision does not fit the CN-2 district the applicant is asking the City to apply to it. Under Minnesota law, variances require “practical difficulties” that are unique to the property and not created by the applicant. Here, the difficulties the applicant cites are direct consequences of selecting an industrial parcel and asking that it be rezoned to a district whose dimensional and parking standards the parcel cannot meet. That is a self-created hardship.

Predictable complaints from future residents. If this development is approved and constructed, the predictable result is that future tenants — many of whom will be Brainerd HRA residents — will experience continuous industrial noise and will file noise complaints against our facility and against our industrial neighbors. The MPCA will be obligated to investigate. The City of Brainerd will be

drawn into ongoing enforcement disputes that it had the opportunity to prevent at this stage. The applicant's parking variance further suggests that some resident vehicles will park on-street along Wright Street and Kitty Hawk Court, increasing the residential footprint of activity even closer to our operations.

There are better sites in Brainerd for this housing. We are not opposed to multi-family housing in Brainerd. We are opposed to siting a 50-unit NAC 1 land use directly adjacent to a 24-hour industrial operation that has been lawfully established at this location for nearly four years, in a corridor that the City's own zoning map identifies as General Industrial.

5. Request

For the reasons set out above, Just For Krypto respectfully requests that the Brainerd Planning Commission:

3. Recommend denial of the requested rezoning of the 5-acre subdivision of P.I.N. 41310501 from GI to CN-2;
4. Recommend denial of the associated conditional use permits for multi-family use, lot size maximum, and lot width;
5. Recommend denial of the variances for accessory structure square footage and off-street parking; and
6. Enter this letter into the public record of the May 20, 2026 hearing.

We further request that this letter be transmitted to the Brainerd City Council in the event the application advances to a Council vote.

Thank you for your time and for your consideration of these comments. We are available to answer questions from the Planning Commission, City staff, or the applicant, and we plan to attend the May 20, 2026 hearing in person.

Respectfully submitted,

Bret Mattheisen
Director of Technology
Just For Krypto
1640 Kitty Hawk Ct.
Brainerd, MN 56401

City Council
Agenda Request

MEETING DATE: June 1, 2026

TITLE OF ITEM: Direction Requested - Referendum YMCA

AGENDA: Main

ACTION REQUESTED: Direction Requested

SUBMITTED BY: Nick Broyles, City Administrator

DEPARTMENT: Administration

PRESENTER: Jeff Czeczok, Councilmember

ESTIMATED TIME (MIN): 5 Minutes

SUMMARY OF ISSUE

The YMCA is requesting the City to partner with them in building a community pool as part of YMCA's remodel project. The request is $4 million. The City would need to issue debt to fund the request.

At the April 6, 2026 council meeting, Baker Tilly provided funding options, and Staff presented annual debt service costs and the potential estimated impact on the 2026 levy based on various debt repayment terms.

The motion from that meeting was to take no action (on committing or not committing $4 million to the YMCA for a community pool) at this time and continue working with the YMCA.

ALTERNATIVE, OPTIONS, EFFECTS ON OTHERS/COMMENTS

An option would be to take this to the voters. In order to have a referendum question on the ballot for the general election, the language is due to the County by August 11th.

RECOMMENDED ACTION/MOTION

Direct Staff to work with City Attorney in drafting a referendum question for discussion.

FINANCIAL IMPACT

Unknown

From:	Nick Broyles
To:	Jeff Czeczok
Cc:	James Kramvik; Toni Gage; Paul Sandy BPU; Connie Hillman; Shawn Middagh; Troy Harris; Lisa Asbach; Andrew Shipe; Joseph J. Langel <jjl@ratwiklaw.com>; mike.angland
Subject:	Downtown Memorial Bench
Date:	Thursday, May 28, 2026 5:27:05 PM
Attachments:	image001.png

Jeff et al.,

Thank you for your question about a privately funded downtown memorial bench. I have bcc'd the full council on this response. First, let me apologize. I received your initial email while in Santa Fe last week and I must have missed it so, I didn't even begin to consider your question until late on Tuesday, and I wanted to get some input from staff before I responded.

Yes, a one-time bench could be approved by SPW and would typically be staffed through the public services department, but there are concerns to consider. The city receives similar requests absent any defined process, procedure, or design continuity or standards. We are currently working on a concept/design plan for downtown through James Kramvik and the EDA. This will ideally provide for a consistent approach moving forward. Part of that EDA discussion will include downtown seating and benches. The anticipated completion date for the plan is early next year as the EDA will hopefully complete their work in December and then it will go to city council for their consideration.

Currently, the only department that has a policy related to memorial benches is the parks department, and they have selected a standard which they implement in all parks, and the requestor covers all costs for materials and installation. The city does not currently have a policy in place that covers memorial benches outside of dedicated park spaces, and downtown space is considerably more limited.

Following is a largely comprehensive list of some considerations as we move forward:

Aesthetic & Design Concerns

- **Visual clutter** — without strict standards, a mix of bench styles, materials, and plaque designs can create a chaotic, inconsistent streetscape
- **Plaque proliferation** — personalized plaques can look out of place in a professional or historic downtown setting
- **Aging/deterioration** — benches and plaques weather, rust, fade, and crack over time, potentially making the streetscape look neglected

Space & Safety Issues

- **ADA compliance** — benches placed in or near the right-of-way must maintain clear pedestrian passage which limits placement options considerably
- **Sight line obstruction** — poorly placed benches can block driver or pedestrian sight lines at intersections and driveways

- **Snow removal conflicts** — in northern climates, benches in the right-of-way complicate plowing operations and can be damaged by equipment
- **Utility conflicts** — underground utilities restrict where benches can go

Administrative & Legal Complications

- **Encroachment liability** — the city assumes liability for any bench in the public right-of-way; if someone is injured on or near a bench, the city may be responsible
- **Removal disputes** — if a bench needs to be removed for construction, utility work, or road projects, families may resist or seek legal remedy
- **Ongoing maintenance responsibility** — who is obligated to repair a damaged bench, if the city, that will be an ongoing cost; if the family, enforcement is difficult
- **Program sunset issues** — what happens when the program is discontinued? Removing benches with deceased honorees' names is politically sensitive

Social & Equity Concerns

- **Pay-to-memorialize disparity** — the program may be seen as inequitable, favoring wealthier families who can afford the fee
- **Favoritism perception** — decisions about placement approvals can appear arbitrary or politically influenced
- **Memorialization creep** — pressure to add flowers, photos, flags, or other informal memorial items around benches can grow over time and become difficult to regulate
- **Sensitive honorees** — without a robust and equitable vetting policy, the program could be used to memorialize controversial figures, creating public relations challenges

Financial Pitfalls

- **Underpriced fees** — programs often underprice the true lifecycle cost (installation, maintenance, eventual replacement, administration), leaving the city subsidizing the program
- **Replacement cost gaps** — benches typically last 15–25 years; if the original fee does not account for replacement, there is no funding mechanism when needed
- **Staff time underestimated** — application review, site surveys, coordination, and family communication can add up to significant hidden staff costs

Practical Recommendations to Mitigate These Issues

1. **Adopt a strict design standard** with one approved bench style, one plaque format, period.
2. **Create a right-of-way encroachment agreement** with clear terms that the city can remove the bench for any public purpose without compensation.
3. **Set fees to cover full lifecycle costs** including a maintenance reserve.
4. **Limit the number and density** of benches per block or district.

5. **Establish a vetting/approval process** for honorees to avoid controversy.
6. **Define a clear maintenance responsibility.**
7. **Consult city attorney** about liability exposure before launching.

If council wishes to begin this conversation, staff can certainly take action to initiate. Additionally, staff is unaware of another instance of receiving a request for a memorial bench outside of park property. We should also consider whether we believe we will continue to receive these types of requests or if this is a one-off. Does this warrant the requisite staff time to work on this project? Do we want to include the Restoration Downtown folks in the conversation?

Thank you staff for the assist in responding. You are all amazing!

Thoughts?
Nick

Nick Broyles, MPA | City Administrator
City of Brainerd | 501 Laurel Street Brainerd MN 56401
218.828.2307 | nbroyles@ci.brainerd.mn.us

From: Jeff Czeczok
Sent: Wednesday, May 20, 2026 8:05 AM
To: Nick Broyles <nbroyles@ci.brainerd.mn.us>
Cc: Toni Gage <tgage@ci.brainerd.mn.us>; James Kramvik <jkramvik@ci.brainerd.mn.us>
Subject: Downtown memorial bench?

Greetings, Nick,
I was asked if a memorial bench could be placed in DT Brainerd at the individual's cost.

Please advise.

Thanks, Jeff