

CITY COUNCIL AGENDA

Brainerd, Minnesota

April 2, 2018

7:30 P.M.

Brainerd City Hall

Council Chambers



Presentation 7:15 pm

Ben Soukop, Eagle Scout

Loren Meinke, Minnesota Boy Scouts

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

2. **Roll Call**

___ D. Badeaux ___ G. Johnson ___ S. Hilgart ___ J. Lambert

___ K. Stunek ___ K. Bevans ___ D. Pritschet ___ Mayor Menk

3. **Pledge Of Allegiance**

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

5. **Consent Calendar**

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

A. **Approval Of Minutes**

1. Regular Meeting Held on March 19, 2018

Documents:

20180319_CC draft.pdf

B. **Approval Of Licenses**

1. Contractor Licenses - 1 - New

Documents:

2018-04-02 License RPT.pdf

C. Department Activity Reports

1. Fire Chief
2. Parks Director

Documents:

Fire Dept Report.pdf
Parks Report.pdf

- D. **Minnesota Lawful Gambling - Adopt A Resolution Authorizing The Brainerd Eagles #287 To Conduct Off-Site Gambling On April 21-22, 2018 At Memorial Park, 1700 Mill Avenue, Brainerd**
- E. **Temporary 3.2 Percent Malt Beverage (Beer) On-Sale License - Submitted By Brainerd Eagles Club #287 For An Event To Be Held April 21, 2018 At Memorial Park, 1700 Mill Avenue, Brainerd**
- F. **Resolution For Prosecutor Attorney For MN Court Data Services**

Documents:

Res for Prosecutor Attorney to MGA.pdf

6. Presentations

Representative Josh Heintzeman

7. Council Committee Reports

A. Safety And Public Works Committee

Documents:

20180402_SPW.pdf

1. 2018 Bridge Safety Inspections Request For Proposals

Documents:

2018 Bridge Inspection Request for Proposals.pdf

2. Contract Towing Request For Proposals

Documents:

Contract Towing Request for Proposals.pdf

3. Improvement 12-14 - S 6th Street Change Order Authorization Procedures

Documents:

Improvement 12-14 - S 6th Street (TH 371B) Change Order Authorization Procedures.pdf

4. Event/Street Closure Application - Corpus Christi Procession

Documents:

Event Application - Corpus Christi Processional.pdf

5. Alley Spring Maintenance Discussion

Documents:

Alley Maintenance Discussion.pdf

6. Administrative Citation Process

Documents:

Administrative Citation Process.pdf

B. Personnel And Finance Committee

Documents:

20180402_PF.pdf

1. Approval Of Bills
2. ClearGov Civic Insights Presentation

Documents:

ClearGov.pdf

3. Police Officer Conditional Job Offer

Documents:

Request to Hire Police Officer.pdf

4. Police Request For Out-Of-State Travel And Training

Documents:

Officer Out of State Travel - Training.pdf

5. Resignation Of Paid On-Call Firefighter Martin

Documents:

Resignation of Paid on Call Firefighter Martin.pdf

6. Updated Legislative Agenda For Police, Fire And Airport

Documents:

Legislative Agenda Police Fire and Airport.pdf

8. **Unfinished Business**

9. **New Business**

- A. On-Sale/Sunday Liquor License - Submitted By Sage On Laurel, 606 Laurel Street, Brainerd - Contingent Upon Fire Chief's Approval

Documents:

On-Sale Sunday Liquor Licesnse- Sage on Laurel .pdf

- B. First Reading - Proposed Ordinance No. 1480 - An Ordinance Amending Sections 1200.03 And 1010.01 Of The Brainerd City Code To Permit Issuance Of Licenses And Fees For Microdistilleries And Cocktail Rooms

Documents:

Ord 1480 - Microstilleries and Cocktail Rooms.pdf

- C. Resolution Supporting Preservation Of Local Decision-Making Authority

Documents:

Res - Supporting Local Decision-Making Authority.pdf

- D. Sanitary And Storm Sewer Rate Analysis, Discussion, And Recommendation

Documents:

Res -Sanitary and Storm Sewer Rates.pdf

- E. Comprehensive Plan Steering Committee - Changes In Members

Documents:

Comp Plan Steering Committee.pdf

10. **Planning Commission**

- A. Conditional Use Permit Request - St. Francis Catholic Church - 404 North 9th Street - To Construct A 10,800 Sq. Ft. Addition

Documents:

CUP - St. Francis Catholic Church, 404 North 9th Street.pdf

- B. **Conditional Use Permit Request - City Of Brainerd - To Construct An Accessory Building 37' In Height At The Public Works Facility Located At 724 Thiesse Drive**

Documents:

CUP - City of Brainerd, Accessory Building Height , 724 Thiesse Drive.pdf

11. **Public Forum**

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

12. **Staff Reports**

(Verbal: Any Updates since Packet)

13. **Council Member Reports**

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

- A. **Mr. Rick Fargo, Housing & Redevelopment Authority (HRA) - Effective April 2, 2018**

Documents:

Rick Fargo Resignation.pdf

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

PLEASE NOTE: THIS INCLUDES ANY EXPIRING TERMS UP FOR REAPPOINTMENT - ALL CURRENT MEMBERS ARE REQUIRED TO REAPPLY

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

Charter Commission - 1 term (Expire 2020) - 1 term (Expire 2021)

Housing & Redevelopment Authority - 1 term (Expire 2018) - 1 term (Expire 2022)

16. **Adjourn To Closed Session Under MN Statute 13D.05, Subd. 3(B) Under The Attorney-Client Privilege To Discuss Pending Litigation With Tom's Backhoe And Annexation Of BPU Property**

NOTE: Safety and Public Works Committee will meet at 6:30 P.M.
Personnel and Finance Committee will meet at 6:45 P.M.

ANY INDIVIDUAL NEEDING SPECIAL ACCOMMODATIONS,
PLEASE CALL 828-2307

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

MISSION

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

Brainerd, MN
March 19, 2018

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

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

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

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

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

- A. Approval of the Minutes of the Special Meeting held on March 12, 2018 - Approved**
- B. Approval of Licenses – Approved**
Contractor Licenses – 1 - New; 1 - Renewals
- C. Department Activity Reports - Approved**
1. Police Chief
2. Finance Director
- D. Extension of Premises – Submitted by Steven Shepherd for an Event to be Held on August 24th and 25th, 2018 at Shep's On 6th, 315 S 6th St., Brainerd - Approved**
- E. Minnesota Lawful Gambling Application for Exempt Permit – Submitted by Smiles for Jake, 15594 Sunset Way, Brainerd for an Event to be Held May 4th, 2018 at the Essentia Health Sports Center, 502 Jackson St., Brainerd - Approved**
- F. Minnesota Lawful Gambling Application to Conduct Excluded Bingo – Submitted by Lumberjacks and Jills Club, 324 Washington St. NE, Brainerd. Bingo Events to be Held at the American Legion Post 255, 708 Front St., Brainerd on April 11, 2018 and November 28, 2018 - Approved**
- G. Second Hand Automobile License Application – Submitted by B&B Boat & Rec Inc. dba Brainerd Sports & Marine, 13377 State Hwy 25, Brainerd – Contingent Upon Background Investigation - Approved**
- H. Temporary Beer License – Submitted by Mid-Minnesota Builders Association for an Event to be Held March 23rd – March 25th, 2018 at the Essentia Health Sports Center, 502 Jackson St., Brainerd – Contingent Upon Background Investigation - Approved**

I. Temporary On-Sale Liquor License Application – Submitted by The Elks Governing Body for an Event to be Held on May 9th, 2018 at The Brainerd National Guard Armory, 1115 Wright St., Brainerd - Approved

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

Presentations

Brainerd Community Action Annual Report

The Chair welcomed Ms. Holly Holm, executive director of Brainerd Community Action, who thanked the Council for the opportunity to appear. Ms. Holm wants to educate the community that Community Action does more than organize the 4th of July festivities. The organization works with many non-profits in the area as well as planning other events in the community. It takes the work of many volunteers to make these activities happen and Ms. Holm thanks them all for the time they spend on the projects. Ms. Holm encourages everyone to visit the updated website and Facebook page. She answered questions of the Council and the Chair thanked her for the presentation.

Crow Wing County Sheriff’s Department Update

The Chair welcomed Mr. Scott Goddard, Crow Wing County Sheriff’s Department Captain, who thanked the Council for the time to present. Mr. Goddard explained the new Unmanned Aerial Vehicle (UAV) Program aka “The Drone Program”. This program is a joint effort between local police departments, the sheriff’s office and fire department. An \$80,000 grant was awarded by the National Joint Powers Alliance (NJPA) which allowed the program that is currently under way. There is one team set up in the Brainerd area and another in Crosslake. Mr. Goddard also announced a new Text-to-911 program that is now available throughout Minnesota. The preferred method of reaching emergency personnel is to call 911, however in certain situations, it may not be safe to call. He answered questions of the Council and the Chair thanked him for his presentation.

Sanitary and Storm Sewer Cost of Service Analysis Presentation

The Chair welcomed Mr. Dan Kasbohm, rate analyst with Utility Financial Solutions (UUFS), LLC who presented a Sewer and Storm Water Cost of Service Analysis for the City of Brainerd. He provided Financial Projections for 2018 through 2022, Cost of Service Results, Proposed Rates and Bill Impacts and discussed UFS’ recommendations. He answered questions of the Council and the Chair thanked him for his presentation.

Council Committee Reports

Safety and Public Works Committee Report

Minnesota Department of Transportation (MnDOT) and Minnesota Public Transit Association (MPTA) 5-Year Capital and Operational Transit Plan – Adopted by Resolution 15:18

MOVED AND SECONDED BY ALDERMEN BEVANS AND BADEAUX TO ADOPT RESOLUTION NO. 15:18 AUTHORIZING THE CREATION OF A BRAINERD AND CROW WING COUNTY PUBLIC TRANSIT SYSTEM 5-YEAR CAPITAL AND OPERATIONAL PLAN FOR A FEE OF \$0 FOR THE PERIOD OF JUNE 2018 TO SEPTEMBER 30, 2019.

RESOLUTION NO. 15:18

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

Transit Grant Opportunity – NJPA Innovation Funding – Adopted by Resolution 16:18

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT TO ADOPT RESOLUTION NO. 16:18 FOR THE CITY OF BRAINERD TO BE LEAD AND FISCAL AGENT FOR NATIONAL JOINT POWERS ALLIANCE (NJPA) INNOVATION GRANT REQUEST.

RESOLUTION NO. 16:18

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

Transit Policy Updates - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND BADEAUX, DULY CARRIED, TO ACCEPT THE TRANSPORTATION ADVISORY COMMITTEE'S (TAC) RECOMMENDATION ADOPTING THE POLICY UPDATES AS PRESENTED.

Tax Forfeit Non-Conservation Parcels - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT, DULY CARRIED, TO AGREE WITH THE NON-CONSERVATION STATUS OF THESE PARCELS AND AUTHORIZE CROW WING COUNTY TO SELL THESE PARCELS ONCE THE SAID TRACTS ARE LISTED AS NON-CONSERVATION.

Administrative Citation Fees and Maximums – Informational

Committee Chair Bevans indicated staff will review the current fees and procedures. Further discussion is necessary to make a decision therefore, no action is recommended this evening.

Personnel and Finance Committee Report

Approval of Bills - Approved

MOVED AND SECONDED BY ALDERMEN JOHNSON AND HILGART TO APPROVE THE PAYMENT OF BILLS AS RECOMMENDED BY PERSONNEL AND FINANCE COMMITTEE.

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

Classification and Compensation Study Update - Approved

MOVED AND SECONDED BY ALDERMEN JOHNSON AND STUNEK, DULY CARRIED, TO 1) APPROVE THE REVISED CITY JOB DESCRIPTIONS AND APPEALS AS RECOMMENDED BY THE CONSULTANT/PROJECT TEAM; FURTHER THAT THE REVISED DATE FOR ALL CURRENT/APPROVED JOB DESCRIPTIONS REFLECT JANUARY 1, 2018 FOR CLARITY 2) APPROVE THE CITY'S BENCHMARK JOBS AS RECOMMENDED 3) APPROVE THE BENCHMARK CITIES AS RECOMMENDED FOR THE CITY'S PORTION OF THE CLASSIFICATION AND COMPENSATION STUDY MARKET REVIEW (SUBJECT TO PARK BOARD APPROVAL).

2018 Legislative Agenda - Approved

MOVED AND SECONDED BY ALDERMEN JOHNSON AND HILGART, DULY CARRIED, TO ADOPT THE LEGISLATIVE POSITIONS WITH THESE CHANGES: REMOVE #3 ECONOMIC DEVELOPMENT AND REMOVE THE RECOMMENDATIONS FOR AIRPORT, FIRE, POLICE AND HRA.

Council asked staff to come back with more specific detail for airport, fire, police and HRA. Also, if legislation needs to be addressed that is not specified in the agenda, staff should consult with Personnel and Finance or Safety and Public Works Chairs to get direction.

Adverse Weather Policy - Approved

MOVED AND SECONDED BY ALDERMEN JOHNSON AND STUNEK, DULY CARRIED, TO ADOPT THE POLICY WITH MODIFICATIONS TO THE ACTIONS TAKEN IF THE COUNCIL MEETING IS CANCELLED BY SPECIFYING WEBSITES AND RADIO STATIONS TO CONSULT.

ClearGov Civic Insights Website - Informational

Committee Chair Johnson explained this was discussed at committee level and more information will be brought to a future meeting.

Unfinished Business

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

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

Charter Commission – 1 term (Expire 2020) – 1 term (Expire 2021)

Housing & Redevelopment Authority – 1 term (Expire 2022) – *pending recommendation below subject to background check*

MOVED AND SECONDED BY ALDERMEN BEVANS AND BADEAUX, DULY CARRIED, TO APPOINT MS. ASHLEY STORM TO THE HOUSING AND REDEVELOPMENT AUTHORITY (HRA) FOR A TERM TO EXPIRE 12/31/2022.

New Business

Municipal Separate Storm Sewer System (MS4) Presentation and Public Hearing - Informational

Assistant City Engineer Fladung gave a presentation to educate the public on the importance of storm water management, to give an overview of the City's storm sewer system, and to allow the public to comment on the Municipal Separate Storm Sewer System (MS4) permit that is administered through the Minnesota Pollution Control Agency (MPCA).

The Chair opened the Public Hearing at 9:03 p.m.

The Chair recognized Ms. Barbara Smude, 1523 S. 10th St., Brainerd who questioned what actions are being taken in the city to help alleviate the run-off of pesticides and herbicides.

The Chair recognized Mr. Michael Antus, 811 Brook St., Brainerd who wanted an explanation on how fertilizer, pesticides and herbicides used on lawns are being removed from the wastewater which affects drinking water.

City Engineer Sandy addressed concerns.

The Chair closed the Public Hearing at 9:11 p.m.

Public Hearing – Improvement 17-13 – Brook Street and SE 10th Street Resurfacing – Adopted by Resolution 17:18

City Engineer Sandy explained the Minnesota Statutes 429 process regarding improvements. The public hearing being held tonight is to hear testimony for or against the improvement. There will be future notices and hearings regarding assessments.

The Chair opened the Public Hearing at 9:12 p.m.

The Chair recognized Mr. Joe Studer, 1511 S. 10th St., Brainerd who asked about access to his driveway during construction and the dates proposed for the work. Mr. Studer indicated there are fallen trees and debris behind his property along the trail and questioned what entity is responsible for the cleanup. It was determined this land is owned by Crow Wing County. He expressed concerns with the speed of traffic on 10th Street.

The Chair recognized Ms. Barbara Smude, 1523 S. 10th St., Brainerd that agrees with the high-speed traffic occurring on 10th Street. There is a school bus stop at her address and she is concerned about safety. Ms. Smude asked how the improvement cost is configured per linear foot for the assessment.

The Chair recognized Mr. Michael Antus, 811 Brook St., Brainerd questioned the process to rehabilitate the sewer lines and the age of the water lines in this area of town.

City Engineer Sandy addressed concerns.

The Chair closed the Public Hearing at 9:23 p.m.

MOVED AND SECONDED BY ALDERMEN LAMBERT AND JOHNSON TO ADOPT RESOLUTION NO. 17:18 ORDERING IMPROVEMENT, APPROVING PLANS AND SPECIFICATIONS AND ORDERING ADVERTISEMENTS FOR BIDS ON IMPROVEMENT 17-13 BROOK STREET AND SE 10TH STREET.

RESOLUTION NO. 17:18

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

Planning Commission

Final Reading of Proposed Ordinance No. 1478 – An Ordinance Amending Zoning Ordinance Section 515-60-6 to Consider Adding Parking Lots as a Conditional Use in B-1 Districts - Approved

MOVED AND SECONDED BY ALDERMEN JOHNSON AND LAMBERT TO HOLD THE FINAL READING OF PROPOSED ORDINANCE NO. 1478 – AN ORDINANCE AMENDING ZONING ORDINANCE SECTION 515-60-6 TO CONSIDER ADDING PARKING LOTS AS A CONDITIONAL USE IN B-1 DISTRICTS.

Council discussion took place.

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

MOVED AND SECONDED BY ALDERMEN JOHNSON AND LAMBERT TO ADOPT ORDINANCE NO. 1478 – AN ORDINANCE AMENDING ZONING ORDINANCE SECTION 515-60-6 TO ADD PARKING LOTS AS A CONDITIONAL USE IN B-1 DISTRICTS.

ORDINANCE NO. 1478

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

Final Reading of Proposed Ordinance No. 1479 – An Ordinance to Rezone Property at 15947 Beaver Dam Rd., Brainerd From an R-A (Rural Agriculture) District to an R-1A (Single Family Residential) District - Approved

MOVED AND SECONDED BY ALDERMEN LAMBERT AND HILGART, DULY CARRIED, TO HOLD THE FINAL READING OF PROPOSED ORDINANCE NO. 1479 – AN ORDINANCE TO REZONE PROPERTY AT 15947 BEAVER DAM RD., BRAINERD FROM AN R-A (RURAL AGRICULTURE) DISTRICT TO AN R-1A (SINGLE FAMILY RESIDENTIAL) DISTRICT.

MOVED AND SECONDED BY ALDERMEN JOHNSON AND BEVANS TO ADOPT ORDINANCE NO. 1479 – AN ORDINANCE TO REZONE PROPERTY AT 15947 BEAVER DAM RD., BRAINERD FROM AN R-A (RURAL AGRICULTURE) DISTRICT TO AN R1-A (SINGLE FAMILY RESIDENTIAL) DISTRICT.

ORDINANCE NO. 1479

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

Public Forum

The Chair opened the Public Forum at 9:33 p.m.

No one came forward.

The Chair closed the Public Forum at 9:34 p.m.

Staff Reports

NJPA Open House Invitation – Informational

City Engineer Sandy reminded everyone of the South 6th Street Open House taking place at 5:00 on Tuesday, March 20, 2018 at Trinity Lutheran Church.

City Planner Ostgarden stated the Comprehensive Plan Neighborhood Meeting postcards have all been mailed to residents and business owners. Council members are encouraged to attend one of these meetings to show support in the project.

City Administrator Torstenson announced she visited the legislature last week and met with Senator Ruud, Representative Heintzeman and Representative Lueck. They talked about the events happening in Brainerd and the plan to participate in a Legislative Agenda that will be shared with them in the near future.

City Administrator Torstenson indicated she sent an email to the Council about the Parks and Trails Grant regarding the kayak and canoe landing. It has been determined to proceed with the grant in 2019, as some of the conditions of the application are currently not met.

Mayor Menk announced the St. Patrick’s Day parade on Saturday was fantastic.

Mayor Menk indicated that Sears is relocating from Baxter to Brainerd in the near future.

Mayor Menk also announced the Rotary Club is currently working on an arched entrance into Rotary Park with requests for matching funds being pursued.

Council Member Reports

Council Member Pritschet congratulated the Brainerd Warriors Adapted Floor Hockey team for winning the State title again this year.

Council Member Johnson announced there is a Brainerd Unified Fund meeting Tuesday, March 20, 2018.

Adjourn to South 6th Street Reconstruction Open House – March 20, 2018 at 5:00 P.M. at Trinity Lutheran Church, 1420 S. 6th St.

The Chair adjourned the meeting at 9:40 p.m.

Cassandra Torstenson
City Administrator

CITY OF BRAINERD
LICENSED CONTRACTORS
CITY COUNCIL MEETING
April 2, 2018
(1 New)

CONTRACTOR	TELEPHONE	TYPE	INSURANCE	BOND	STATE NO.
PRAIRIES EDGE PLUMBING & HEATING LL 26123 CO RD 30 LONG PRAIRIE, MN 56347- 18-0154	(320) 533-0597	MECH	6/17/2018	6/28/2018	MB005342 PC002985

Brainerd Fire Department

To: Mayor and City Council
From: Tim Holmes, Brainerd Fire Chief
Date: March 29, 2018
Re: March 2018 Activity Report

Brainerd Fire Department was honored to participate in the CLC Career Exploration Day in March. The event brings in high school students from around the area and gives them an opportunity to explore career options. There were more than 2,400 students from school districts around the area. Several of our Paid on-Call firefighters helped to make this a very successful event for us.



Several fire families joined in the annual Polar Plunge in Breezy Point raising money for Special Olympics.

Training this month included Elevator Operations/Rescue, Low Angle Rope Rescues, SOG Review, Thermal Imaging Cameras and EMS review. The fire department hosted the UAS Workshop for UAS Aerial Operations that was well attended by several fire departments from throughout the state. Chief Holmes attended a 40 hours Incident Management Operations Section Chief training at Camp Ripley.

Chief Holmes attended the Annual Township Fire Wardens Training and Meeting in Nisswa, spoke at the Brainerd Sertoma Club meeting and conducted a fire safety training for the employees of BlackRidgeBANK. Chief Holmes, FM/DC Cox and Administrative Specialist Kraemer attended an Insurance Services Office Public Protection Classification training.

FM/DC Cox completed several inspections for daycares, rental properties, an event at Essentia Health Sports Center, and new construction projects. FM/DC Cox also attended a Longterm Disaster Recovery training.

We ended the month with a great family event for our firefighters and their families with an Easter Egg Hunt at the fire station. Along with the egg hunt, we had crafts for the kids and shared dinner together.

March 2018 Activity Report

Page Two

March 29, 2018

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

Structure Fire	2
Vehicle Fire	2
Grass Fire	1
Motor Vehicle Crash	2
Rescue, Extrication	3
Hazardous Call	1
Public Service, Assist Other Agencies	2
Mutual Aid	1
Good Intent Call	4
Canceled Enroute	5
Smoke Scare	1
Alarm System Activation	2
Carbon Monoxide Detector Activation	4
Total	30

City of Brainerd Incident Report

Structure Fire	1
Vehicle Fire	1
Motor Vehicle Crash	2
Public Service, Assist Other Agencies	1
Good Intent Call	3
Canceled Enroute	4
Smoke Scare	1
Alarm System Activation	2
Carbon Monoxide Detector Activation	2
Total	17

Parks and Recreation Report

April 2018

Submitted by Tony Sailer, Director

- Eleven individuals attended the first Brainerd Baseball Association meeting on March 8. That group included Community Action Executive Director Holly Holm and the Parks and Recreation Director. Ms. Holm explained how Community Action can be the fiscal agent for the group and gave direction on filing the proper paper work to apply for non-profit status.

A Board of Directors was chosen. Troy Rushmeyer was named president, Derek Owen vice president and Melissa Wooden secretary. A treasurer will be named later.

Plans are to organize youth travel baseball teams in Brainerd and, as a result, increase registrations in the Parks and Recreation leagues. The association will be independent of, but work together with, the Parks and Recreation Department. The association will meet at 5:30 p.m. on April 5 at City Hall.

- HR Coordinator Kris Schubert gave a presentation to the Park Board regarding the classification and compensation study.
- The annual Easter Egg Hunt took place at Gregory Park on March 31.
- The Early Bird adult softball tournament will take place April 21 at Memorial Park. Sixteen teams are currently registered with a possibility of adding four more teams and starting the tournament on April 20.
- The adult softball men's leagues begin play on April 24.
- The youth baseball skills clinic will take place April 18 at Memorial Park with the draft on April 23. The youth baseball registration deadline is April 13 and the youth softball registration deadline is April 20.
- The summer program guide was distributed to K-9 students attending ISD 181, St. Francis of the Lakes, Lake Region Christian School and Discovery Woods Montessori School. Program information will also be in the Community Education brochure which is mailed to all ISD 181 households in early April.
- The Brainerd Ski Loons' 2018 show dates at Lum Park are July 8, Aug. 5, Aug. 12 and Aug. 15. The shows begin at 5 p.m., except for a 6:30 p.m. start on Aug. 15.

- Eighteen picnic tables were built to replace those at the Lum Park Campground.
- The office carpet was installed March 6-7 and the front office was painted.
- Tyler Hank, who is majoring in Recreation Management at St. Cloud State University, has been hired as the summer intern and will begin employment on May 14. His salary will be paid through a grant from the National Joint Powers Alliance.



Brainerd City Council Agenda Request

Requested Meeting Date: April 2, 2018

Title of Item: Resolution for Prosecutor Attorney for MN Court Data Services

☐ INFORMATION ONLY ☒ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☒ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Connie Hillman	Department: Finance
Presenter (Name & Title): Finance Director Hillman	Estimated Time Needed: 5 Minutes
Summary of Issue: At the February 5, 2018 council meeting, the Council passed resolution number 07:18 approving the State of MN Master Subscriber Agreement on behalf of the Office of State Court Administration with the City of Brainerd's police department for access to the Court Data Services Systems for Governmental agencies. The City needs to pass a resolution allowing our City Prosecutor access and for our City Prosecutor to enter into the agreement.	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion: Adopt resolution approving State of Minnesota Master Subscriber Agreement on behalf of the Office of the State Court Administration with the City of Brainerd on Behalf of its City Prosecutor for access to the Court Data Services System for Governmental Agencies.	
Financial Impact: Is there a cost associated with this request: ☐ Yes ☒ No What is the total cost, with tax and shipping \$ _____ Is this budgeted? ☐ Yes ☐ No <u>Please Explain:</u>	

RESOLUTION NO. __:18

**RESOLUTION APPROVING STATE OF MINNESOTA MASTER SUBSCRIBER AGREEMENT
ON BEHALF OF THE OFFICE OF THE STATE COURT ADMINISTRATION
WITH THE CITY OF BRAINERD ON BEHALF OF ITS CITY PROSECUTOR
FOR ACCESS TO THE COURT DATA SERVICES SYSTEM FOR GOVERNMENTAL AGENCIES**

WHEREAS, the Minnesota Judicial System offers access to government agencies to specific information through the Minnesota Government Access (**MGA**) system; and

WHEREAS, the City of Brainerd, City Prosecutor is an eligible government agency; and

WHEREAS, the City Prosecutor is already a functioning participant with the MN Judicial Branch system; and

WHEREAS, the City Prosecutor is seeking to gain additional information through MGA to create efficiencies and help ensure public safety is met; and

WHEREAS, the MGA is a tool allowing law enforcement to access important and timely information regarding court documents and court orders; and

WHEREAS, being a recipient of this information will assist law enforcement to be more thorough in investigations and more efficient processing case files for prosecution.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Brainerd, Minnesota as follows:

1. That the State of Minnesota Master Subscriber Agreement by and between the State of Minnesota acting through the Office of State Court Administration and the City of Brainerd on behalf of its City Prosecutor, is hereby approved. A copy of the Agreement is attached to this Resolution and made a part of it.
2. That Matthew Mallie and his successor(s), is designated the Master Subscriber Agreement Signing Authority for the City Prosecutor and is authorized to sign the State of Minnesota Master Subscriber Agreement requesting access to MGA through the Minnesota Judicial Branch. The Signing Authority is also authorized to sign any subsequent amendment or agreement that may be required by the State of Minnesota to maintain the utilization of this service.

Adopted this ____ day of _____, 2018

DAVID J. PRITSCHET
President of the Council

Approved this ____ day of _____, 2018

EDWIN L. MENK
Mayor

ATTEST: _____
CASSANDRA TORSTENSON
City Administrator

MASTER SUBSCRIBER AGREEMENT FOR MINNESOTA COURT DATA SERVICES FOR GOVERNMENTAL AGENCIES

THIS AGREEMENT is entered into by and between
City of Brainerd Prosecuting Attorney

(Government Subscriber Name)

of 510 Norwood Street, Brainerd, MN 56401

(Government Subscriber Address)

(hereinafter "Government Subscriber") and THE STATE OF MINNESOTA

Office of State Court Administration

of 25 Rev. Dr. Martin Luther King Jr. Blvd. St. Paul, Minnesota 55155

(hereinafter "the Court").

Recitals

The Court offers Court Data Services, as defined herein, to Minnesota Government Subscribers as authorized by the Rules of Public Access and Court Order. The Court Data Services are offered to Government Subscribers as governmental units and are offered solely for certain governmental use as permitted herein. Government Subscriber desires to use Court Data Services, and the Court desires to provide the same, to assist Government Subscriber in the efficient performance of its governmental duties as required or authorized by law or court rule in connection with any civil, criminal, administrative, or arbitral proceeding in any Federal, State or local court or agency or before any self-regulatory body.

Court Data Services are defined in the Definitions section of this Agreement and may involve a one-way or two-way transmission of information between the parties, some of which may include court information that is not accessible to the public pursuant to the Rules of Public Access and which may not be disclosed by Government Subscriber without the prior approval of the appropriate court or record custodian. Government Subscriber agrees herein to limit its access to and use of Court Records and Court Documents through Court Data Services to the Government Subscriber's "Legitimate Governmental Business Need" as defined herein.

Agreement

NOW, THEREFORE, in consideration of the mutual covenants, promises and agreements contained herein, the Court and Government Subscriber agree as follows:

1. TERM; TERMINATION; ONGOING OBLIGATIONS.

- 1.1 Term.** This Agreement shall be effective on the date executed by the Court and shall remain in effect according to its terms.

1.2 Termination.

1.2.1 Either party may terminate this Agreement with or without cause by giving written notice to the other party. The effective date of the termination shall be thirty (30) days after the other party's receipt of the notice of termination, unless a later date is specified in the notice. Termination of this Agreement pursuant to Clause 4.5 shall be effective immediately and may occur without prior notice to Government Subscriber.

1.2.2 The provisions of Clauses 5, 6, 8, 9, 10, 12.2, 12.3 and 15 through 24 shall survive any termination of this Agreement, as shall any other provisions that by their nature are intended or expected to survive such termination. Upon termination, the Government Subscriber shall perform the responsibilities set forth in paragraph 8.6 hereof.

1.3 Subsequent Agreement. This Agreement may be superseded by a subsequent agreement between the parties.

2. DEFINITIONS.

2.1 "Agency Account Manager" means the Government Subscriber employee assigned with the tasks of: (1) being the point of contact for communications between Government Subscriber and the Court; (2) maintaining a current list Government Subscriber's Individual Users and their signed User Acknowledgment Forms and promptly notifying the Court when Government Subscriber's Individual Users with individual logins should have accounts added or deleted; (3) reporting violations of this agreement by Government Subscriber's Individual Users and steps taken to remedy violations to the Court.

2.2 "Court Data Services" means one or more of the following services and includes any additional or modified services identified as such on the Justice Agency Resource webpage of the Minnesota Judicial Branch website, which is currently www.mncourts.gov, or other location designated by the Court and/or its affiliates, as the same may be amended from time to time by the Court and/or its affiliates:

2.2.1 "Bulk Data Delivery" means the electronic transmission of Court Records in bulk form from the Court to the Government Subscriber, from one or more of the Court's databases and through any means of transmission, as described in applicable Policies & Notices and materials referenced therein.

2.2.2 "Court Integration Services" means pre-defined automated transmissions of i) Court Records from the Court's computer systems to Government Subscriber's computer systems; and/or ii) Government Subscriber Records from the Government Subscriber's computer systems to the Court's computer systems; on a periodic basis or as triggered by pre-determined events, as described in applicable Policies & Notices and materials referenced therein.

2.2.3 "MNCIS Login Accounts" means a digital login account created for and provided to the Government Subscriber for online access to and use of Court Records and Court Documents maintained by the Minnesota Court

Information System ("MNCIS"), as described in applicable Policies & Notices and materials referenced therein.

- 2.3 **"Court Data Services Databases"** means any databases and the data therein, used as a source for Court Data Services, together with any documentation related thereto, including without limitation descriptions of the format or contents of data, data schemas, and all related components.
- 2.4 **"Court Data Services Programs"** means any computer application programs, routines, transport mechanisms, and display screens used in connection with Court Data Services, together with any documentation related thereto.
- 2.5 **"Court Records"** means all information in any form made available by the Court and/or its affiliates to Government Subscriber for the purposes of carrying out this Agreement, including:
 - 2.5.1 **"Court Case Information"** means any information in the Court Records that conveys information about a particular case or controversy, including without limitation Court Confidential Case Information and Court Documents, as defined herein.
 - 2.5.2 **"Court Confidential Case Information"** means any information in the Court Records (including Court Documents) that is inaccessible to the public pursuant to the Rules of Public Access and that conveys information about a particular case or controversy.
 - 2.5.3 **"Court Confidential Security and Activation Information"** means any information in the Court Records that is inaccessible to the public pursuant to the Rules of Public Access and that explains how to use or gain access to Court Data Services, including but not limited to login account names, passwords, TCP/IP addresses, Court Data Services user manuals, Court Data Services Programs, Court Data Services Databases, and other technical information.
 - 2.5.4 **"Court Confidential Information"** means any information in the Court Records that is inaccessible to the public pursuant to the Rules of Public Access, including without limitation both i) Court Confidential Case Information; and ii) Court Confidential Security and Activation Information.
 - 2.5.5 **"Court Documents"** means electronic images of documents that are part of or included in a court file.
- 2.6 **"DCA"** means the District Court Administrator pursuant to Minnesota Statutes, section 485.01.
- 2.7 **"Government Subscriber Records"** means any information in any form made available by the Government Subscriber to the Court and/or its affiliates for the purposes of carrying out this Agreement.
- 2.8 **"Government Subscriber's Individual Users"** means Government Subscriber's employees or independent contractors whose use or access of Court Data Services,

as well as the access, use and dissemination of Court Records (including Court Documents), is necessary to effectuate the purposes of this Agreement.

- 2.9 **“Legitimate Governmental Business Need”** means a requirement, duty or obligation for the efficient performance of governmental tasks or governmental responsibilities and as required or authorized by law or court rule in connection with any civil, criminal, administrative, or arbitral proceeding in any Federal, State or local court or agency or before any self-regulatory body.
- 2.10 **“Policies & Notices”** means the policies and notices published by the Court and/or its affiliates in connection with each of its Court Data Services, on a website or other location designated by the Court and/or its affiliates, as the same may be amended from time to time by the Court and/or its affiliates. Policies & Notices for each Court Data Service, hereby made part of this Agreement by reference, provide additional terms and conditions that govern Government Subscriber’s use of such services, including but not limited to provisions on fees, access and use limitations, and identification of various third party applications, such as transport mechanisms, that Government Subscriber may need to procure separately to use Court Data Services.
- 2.11 **“Rules of Public Access”** means the Rules of Public Access to Records of the Judicial Branch promulgated by the Minnesota Supreme Court, as the same may be amended from time to time, including without limitation lists or tables published from time to time by the Court and/or the SCAO entitled “Limits on Public Access to Case Records” or “Limits on Public Access to Administrative Records,” all of which by this reference are made a part of this Agreement. It is the obligation of Government Subscriber to check from time to time for updated rules, lists, and tables and be familiar with the contents thereof. Such rules, lists, and tables are posted on the main website for the Court, for which the current address is www.mncourts.gov.
- 2.12 **“SCAO”** means the State of Minnesota, State Court Administrator's Office.
- 2.13 **“This Agreement”** means this Master Subscriber Agreement for Minnesota Court Data Services for Governmental Agencies, including all Exhibits, Policies & Notices, and other documents referenced, attached to, or submitted or issued hereunder.
- 2.14 **“Trade Secret Information of SCAO and its licensors”** is defined in sections 8.1, 8.2 and 8.4 of this Agreement.
- 2.15 **“User Acknowledgement Form”** means the form signed by Government Subscriber’s Individual Users to confirm in writing that the Individual User has read and understands the requirements and restrictions in this Agreement (Exhibit A).

3. **DATA ACCESS SERVICES PROVIDED TO GOVERNMENT AGENCY.** Following execution of this Agreement by both parties, Government Subscriber will be offered access to the Court Records (including Court Documents) described in the Government Subscriber Access Chart, which is posted on the Policies & Notices.

4. AUTHORIZED ACCESS, USE, AND DISSEMINATION OF COURT DATA SERVICES AND COURT RECORDS LIMITED; TRAINING; VIOLATIONS; SANCTIONS.

4.1 Authorized Access to Court Data Services and Court Records.

- 4.1.1 Government Subscriber and Government Subscriber's Individual Users shall access only the Court Data Services and Court Records (including Court Documents) necessary for a Legitimate Governmental Business Need.
- 4.1.2 The access of Court Data Services or Court Records (including Court Documents) by Government Subscriber or Government Subscriber's Individual Users for personal or non-official use, or any use that is not a "Legitimate Governmental Business Need" as defined herein, is prohibited.
- 4.1.3 Government Subscriber and Government Subscriber's Individual Users shall not access or attempt to access Court Data Services or Court Records (including Court Documents) in any manner not set forth in this Agreement, Policies & Notices, or other Court Data Services documentation.

4.2 Authorized Use of Court Data Services and Court Records.

- 4.2.1 Government Subscriber and Government Subscriber's Individual Users shall use the Court Data Services and Court Records (including Court Documents) accessed only for a Legitimate Governmental Business Need and according to the instructions provided in corresponding Policies & Notices or other materials.
- 4.2.2 The use of Court Data Services or Court Records (including Court Documents) by Government Subscriber or Government Subscriber's Individual Users for personal or non-official use, or any use that is not a "Legitimate Governmental Business Need" as defined herein, is prohibited.
- 4.2.3 Government Subscriber and Government Subscriber's Individual Users shall not use or attempt to use Court Data Services or Court Records (including Court Documents) in any manner not set forth in this Agreement, Policies & Notices, or other Court Data Services documentation.

4.3 Dissemination of Court Records. Government Subscriber and Government Subscriber's Individual Users shall not share the Court Records (including Court Documents) accessed and data therefrom with third parties and other individuals other than as needed to further a Legitimate Governmental Business Need.

4.4 Training. Government Subscriber shall provide Government Subscriber's Individual Users training in the proper access, use, and dissemination of Court Records (including Court Documents).

4.5 Violations.

- 4.5.1 The access, use, or dissemination of Court Data Services or Court Records (including Court Documents) beyond what is necessary for a Legitimate

Governmental Business Need by Government Subscriber or Government Subscriber's Individual Users is a violation of this Agreement. The access, use or dissemination of Court Data Services or Court Records (including Court Documents) by Government Subscriber or Government Subscriber's Individual Users for personal use is a violation of this Agreement.

- 4.5.2 Any violation pursuant to Clause 4.5.1, or any unauthorized or attempted access, use or dissemination of Court Data Services, Court Records or Court Documents by Government Subscriber or Government Subscriber's Individual Users shall be grounds for the Court to impose sanctions as described in Clause 4.6 and to terminate this Agreement without prior notice to Government Subscriber and/or Government Subscriber's Individual Users.

4.6 Sanctions.

- 4.6.1 Sanctions for a violation pursuant to Clause 4.5.1 may be imposed upon a Government Subscriber and/or Government Subscriber's Individual Users and may include the suspension of access or termination of access for Government Subscriber and/or Government Subscriber's Individual Users.
- 4.6.2 If the Court decides to terminate the access for Government Subscriber and/or Government Subscriber's Individual Users, the Court shall notify the affected party in writing. The termination shall be effective immediately. Prior notice to Government Subscriber and/or Government Subscriber's Individual Users is not required. Reinstatement of the access shall only be upon the written direction of the Court.

5. GUARANTEES OF CONFIDENTIALITY. Government Subscriber agrees:

- 5.1 To not disclose Court Confidential Information to any third party except where necessary to carry out the Government Subscriber's Legitimate Governmental Business Need as defined in this Agreement.
- 5.2 To take all appropriate action, whether by instruction, agreement, or otherwise, to insure the protection, confidentiality and security of Court Confidential Information and to satisfy Government Subscriber's obligations under this Agreement.
- 5.3 To limit the use of and access to Court Confidential Information to Government Subscriber's Individual Users. Government Subscriber shall advise Government Subscriber's Individual Users of the restrictions upon access, use and disclosure contained in this Agreement, requiring each Government Subscriber's Individual User to acknowledge in writing that the individual has read and understands such restrictions. Government Subscriber's Individual Users shall sign the User Acknowledgment Form (Exhibit A) before accessing Court Data Services.
- 5.4 That, without limiting Clause 1 of this Agreement, the obligations of Government Subscriber and Government Subscriber's Individual Users with respect to the confidentiality and security of Court Confidential Information shall survive the termination of this Agreement and the termination of their relationship with Government Subscriber.

5.5 That, notwithstanding any federal or state law applicable to the nondisclosure obligations of Government Subscriber and Government Subscriber's Individual Users under this Agreement, such obligations of Government Subscriber and Government Subscriber's Individual Users are founded independently on the provisions of this Agreement.

5.6 That, a violation of Government Subscriber's agreements contained in this Clause 5, or a violation of those same agreements by Government Subscriber's Individual Users, shall be grounds for the Court to terminate this agreement and Government Subscriber and/or Government Subscriber's Individual Users access to Court Data Services and Court Records (including Court Documents).

6. **APPLICABILITY TO COURT CASE INFORMATION PROVIDED UNDER LEGAL MANDATE AND PREVIOUSLY DISCLOSED COURT RECORDS AND COURT DOCUMENTS.** Subscriber acknowledges and agrees:

6.1 **Court Case Information Provided Under Legal Mandate.** When the Court is required to provide Government Subscriber with Court Case Information under a legal mandate and the provision of such data by the Court is not optional or otherwise left to the discretion of the Court, for example in the case of a state statutory reporting requirement, the provisions of this Agreement that govern or restrict Government Subscriber's access to and use of Court Case Information do not apply to the specific data elements identified in the legal mandate, but remain in effect with respect to all other Court Case Information provided by the Court to Government Subscriber. All other provisions of this Agreement remain in full effect, including, without limitation, provisions that govern or restrict Government Subscriber's access to and use of Court Confidential Security and Activation Information.

6.2 **Previously Disclosed Court Records and Court Documents.** Without limiting section 6.1, all Court Records and Court Documents disclosed to Government Subscriber prior to the effective date of this Agreement shall be subject to the provisions of this Agreement.

7. **ACKNOWLEDGMENT BY INDIVIDUALS WITH ACCESS TO COURT RECORDS UNDER THIS AGREEMENT.**

7.1 **Requirement to Advise Government Subscriber's Individual Users.** To affect the purposes of this Agreement, Government Subscriber shall advise each of Government Subscriber's Individual Users who are permitted to use and/or access Court Data Services and Court Records (including Court Documents) under this Agreement of the requirements and restrictions in this Agreement.

7.2 **Required Acknowledgement by Government Subscriber's Individual Users.**

7.2.1 Government Subscriber shall require each of Government Subscriber's Individual Users to sign the User Acknowledgement Form (Exhibit A).

7.2.2 The User Acknowledgement Forms of current Government Subscriber's Individual Users must be obtained prior to submitting this Agreement to the

Court for approval and shall accompany the submission of this Agreement for approval.

7.2.3 Until the User Acknowledgement Form required in Clause 7.2.1 is signed, a Government Subscriber's Individual User is prohibited from accessing, using or disseminating Court Data Services and Court Records (including Court Documents). The access, use or dissemination of Court Data Services or Court Records (including Court Documents) by a Government Subscriber's Individual User that has not completed a User Acknowledgement Form as required in Clause 7.2.1 is a violation of this Agreement.

7.2.4 Government Subscriber shall keep all such written User Acknowledgment Forms on file while this Agreement is in effect and for one (1) year following the termination of this Agreement. Government Subscriber shall promptly provide the Court with access to, and copies of, such acknowledgements upon request to the Agency Account Manager.

7.2.5 The User Acknowledgment Forms are incorporated herein by reference.

8. LICENSE AND PROTECTION OF PROPRIETARY RIGHTS. During the term of this Agreement, subject to the terms and conditions hereof, the Court, with the permission of the SCAO, hereby grants to Government Subscriber a nonexclusive, nontransferable, limited license to use Court Data Services Programs and Court Data Services Databases to access or receive Court Records (including Court Documents). SCAO and the Court reserve the right to make modifications to the Court Data Services, Court Data Services Programs, and Court Data Services Databases, and related materials without notice to Government Subscriber. These modifications shall be treated in all respects as their previous counterparts.

8.1 Court Data Services Programs. SCAO is the copyright owner and licensor of the Court Data Services Programs. The combination of ideas, procedures, processes, systems, logic, coherence and methods of operation embodied within the Court Data Services Programs, and all information contained in documentation pertaining to the Court Data Services Programs, including but not limited to manuals, user documentation, and passwords, are trade secret information of SCAO and its licensors.

8.2 Court Data Services Databases. SCAO is the copyright owner and licensor of the Court Data Services Databases and of all copyrightable aspects and components thereof. All specifications and information pertaining to the Court Data Services Databases and their structure, sequence and organization, including without limitation data schemas such as the Court XML Schema, are trade secret information of SCAO and its licensors.

8.3 Marks. Government Subscriber shall neither have nor claim any right, title, or interest in or use of any trademark used in connection with Court Data Services, including but not limited to the marks "MNCIS" and "Odyssey."

8.4 Restrictions on Duplication, Disclosure, and Use.

8.4.1 Trade secret information of SCAO and its licensors will be treated by Government Subscriber in the same manner as Court Confidential

Information. In addition, Government Subscriber will not copy any part of the Court Data Services Programs or Court Data Services Databases, or reverse engineer or otherwise attempt to discern the source code of the Court Data Services Programs or Court Data Services Databases, or use any trademark of SCAO or its licensors, in any way or for any purpose not specifically and expressly authorized by this Agreement. As used herein, "trade secret information of SCAO and its licensors" means any information possessed by SCAO which derives independent economic value from not being generally known to, and not being readily ascertainable by proper means by, other persons who can obtain economic value from its disclosure or use. "Trade secret information of SCAO and its licensors" does not, however, include information which was known to Government Subscriber prior to Government Subscriber's receipt thereof, either directly or indirectly, from SCAO or its licensors, information which is independently developed by Government Subscriber without reference to or use of information received from SCAO or its licensors, or information which would not qualify as a trade secret under Minnesota law.

8.4.2 It will not be a violation of Clause 8.4 for Government Subscriber to make up to one (1) copy of training materials and configuration documentation for each individual authorized to access, use, or configure Court Data Services, solely for its own use in connection with this Agreement.

8.4.3 Government Subscriber will take all steps reasonably necessary to protect the copyright, trade secret, and trademark rights of SCAO and its licensors and Government Subscriber will advise Government Subscriber's Individual Users who are permitted access to any of the Court Data Services Programs and Court Data Services Databases, and trade secret information of SCAO and its licensors, of the restrictions upon duplication, disclosure and use contained in this Agreement.

8.5 Proprietary Notices. Government Subscriber will not remove any copyright or proprietary notices included in and/or on the Court Data Services Programs or Court Data Services Databases, related documentation, or trade secret information of SCAO and its licensors, or any part thereof, made available by SCAO or the Court, and Government Subscriber will include in and/or on any copy of the Court Data Services Programs or Court Data Services Databases, or trade secret information of SCAO and its licensors and any documents pertaining thereto, the same copyright and other proprietary notices as appear on the copies made available to Government Subscriber by SCAO or the Court, except that copyright notices shall be updated and other proprietary notices added as may be appropriate.

8.6 Title; Return. The Court Data Services Programs and Court Data Services Databases, and related documentation, including but not limited to training and configuration material, if any, and logon account information and passwords, made available by the Court and SCAO to Government Subscriber hereunder, and all copies, including partial copies, thereof are and remain the property of the respective licensor. Within ten days of the effective date of termination of this Agreement, Government Subscriber shall either: (i) uninstall and return any and all copies of the applicable Court Data Services Programs and Court Data Services Databases, and related documentation, including but not limited to training and configuration

materials, if any, and logon account information; or (2) destroy the same and certify in writing to the Court that the same have been destroyed.

- 8.7 Reasonable Security Measures.** The Court may add reasonable security measures including, but not limited to, a time-out feature, to Court Data Services Programs.
- 9. INJUNCTIVE RELIEF; LIABILITY.** Government Subscriber acknowledges that the Court, SCAO, SCAO's licensors, and DCA will be irreparably harmed if Government Subscriber's obligations under this Agreement are not specifically enforced and that the Court, SCAO, SCAO's licensors, and DCA would not have an adequate remedy at law in the event of an actual or threatened violation by Government Subscriber of its obligations. Therefore, Government Subscriber agrees that the Court, SCAO, SCAO's licensors, and DCA shall be entitled to an injunction or any appropriate decree of specific performance for any actual or threatened violations or breaches by Government Subscriber or Government Subscriber's Individual Users without the necessity of the Court, SCAO, SCAO's licensors, or DCA showing actual damages or that monetary damages would not afford an adequate remedy. Unless Government Subscriber is an office, officer, agency, department, division, or bureau of the state of Minnesota, Government Subscriber shall be liable to the Court, SCAO, SCAO's licensors, and DCA for reasonable attorney's fees incurred by the Court, SCAO, SCAO's licensors, and DCA in obtaining any relief pursuant to this Agreement.
- 10. COMPROMISE LIABILITY.** Government Subscriber and the Court agree that, except as otherwise expressly provided herein, each party will be responsible for its own acts and the results thereof to the extent authorized by law and shall not be responsible for the acts of any others and the results thereof. Liability shall be governed by applicable law. Without limiting the foregoing, liability of the Court and any Government Subscriber that is an office, officer, agency, department, division, or bureau of the state of Minnesota shall be governed by the provisions of the Minnesota Tort Claims Act, Minnesota Statutes, section 3.376, and other applicable law. Without limiting the foregoing, if Government Subscriber is a political subdivision of the state of Minnesota, liability of the Subscriber shall be governed by the provisions of Minn. Stat. Ch. 466 (Tort Liability, Political Subdivisions) or other applicable law.
- 11. AVAILABILITY.** Specific terms of availability shall be established by the Court and set forth in the Policies & Notices. The Court reserves the right to terminate this Agreement immediately and/or temporarily suspend Government Subscriber's approved Court Data Services in the event the capacity of any host computer system or legislative appropriation of funds is determined solely by the Court to be insufficient to meet the computer needs of the courts served by the host computer system. Monthly fees, if any, shall be prorated only for periods of suspension or upon termination of this Agreement.
- 12. ADDITIONAL USER OBLIGATIONS.** The obligations of the Government Subscriber set forth in this section are in addition to the other obligations of the Government Subscriber set forth elsewhere in this Agreement.
- 12.1 Judicial Policy Statement.** Government Subscriber agrees to comply with all policies identified in applicable Policies & Notices. Upon failure of the Government Subscriber to comply with such policies, the Court shall have the option of immediately suspending or terminating the Government Subscriber's Court Data Services on a temporary basis and/or immediately terminating this Agreement.

12.2 Access and Use; Log.

- 12.2.1 Government Subscriber shall be responsible for all access to and use of Court Data Services and Court Records (including Court Documents) by Government Subscriber's Individual Users or by means of Government Subscriber's equipment or passwords, whether or not Government Subscriber has knowledge of or authorizes such access and use.
- 12.2.2 Government Subscriber shall also maintain a log identifying all persons to whom Government Subscriber has disclosed its Court Confidential Security and Activation Information, such as user ID(s) and password(s), including the date of such disclosure. Government Subscriber shall maintain such logs while this Agreement is in effect and for a period of one (1) year following termination of this Agreement. Government Subscriber shall promptly provide the Court with access to, and copies of, such logs upon request.
- 12.2.3 Government Subscriber, through the Agency Account Manager, shall promptly notify the Court when Government Subscriber's Individual Users with individual logins should have accounts added or deleted. Upon Government Subscriber's failure to notify the Court of these changes, the Court may terminate this Agreement without prior notice to Government Subscriber.
- 12.2.4 The Court may conduct audits of Government Subscriber's logs and use of Court Data Services and Court Records (including Court Documents) from time to time. Upon Government Subscriber's failure to maintain such logs, to maintain accurate logs, or to promptly provide access by the Court to such logs, the Court may terminate this Agreement without prior notice to Government Subscriber.

12.3 Personnel. Government Subscriber agrees to investigate (including conducting audits), at the request of the Court, allegations of misconduct pertaining to Government Subscriber's Individual Users having access to or use of Court Data Services, Court Confidential Information, or trade secret information of the SCAO and its licensors where such persons violate the provisions of this Agreement, Policies & Notices, Judicial Branch policies, or other security requirements or laws regulating access to the Court Records. Government Subscriber, through the Agency Account Manager, agrees to notify the Court of the results of such investigation, including any disciplinary actions, and of steps taken to prevent further misconduct. Government Subscriber agrees to reimburse the Court for costs to the Court for the investigation of improper use of Court Data Services, Court Records (including Court Documents), or trade secret information of the SCAO and its licensors.

13. FEES AND INVOICES. Applicable monthly fees commence ten (10) days after notice of the Court's approval of this Agreement or upon the initial Government Subscriber transaction as defined in the Policies & Notices, whichever occurs earlier. When fees apply, the State shall invoice Government Subscriber on a monthly basis for charges incurred in the preceding month and applicable taxes, if any, and payment of all amounts shall be due upon receipt of invoice. If all amounts are not paid within thirty (30) days of the date of the invoice, the Court may immediately cancel this Agreement without notice to Government Subscriber and pursue all available legal remedies. Government Subscriber certifies that

funds have been appropriated for the payment of charges under this Agreement for the current fiscal year, if applicable.

- 14. MODIFICATION OF FEES.** SCAO may modify the fees by amending the Policies & Notices as provided herein, and the modified fees shall be effective on the date specified in the Policies & Notices, which shall not be less than thirty (30) days from the publication of the Policies & Notices. Government Subscriber shall have the option of accepting such changes or terminating this Agreement as provided in section 1 hereof.

15. WARRANTY DISCLAIMERS.

15.1 WARRANTY EXCLUSIONS. EXCEPT AS SPECIFICALLY AND EXPRESSLY PROVIDED HEREIN, COURT, SCAO, SCAO'S LICENSORS, AND DCA MAKE NO REPRESENTATIONS OR WARRANTIES OF ANY KIND, INCLUDING BUT NOT LIMITED TO THE WARRANTIES OF FITNESS FOR A PARTICULAR PURPOSE OR MERCHANTABILITY, NOR ARE ANY WARRANTIES TO BE IMPLIED, WITH RESPECT TO THE INFORMATION, SERVICES OR COMPUTER PROGRAMS MADE AVAILABLE UNDER THIS AGREEMENT.

15.2 ACCURACY, COMPLETENESS AND AVAILABILITY OF INFORMATION. WITHOUT LIMITING THE GENERALITY OF THE PRECEDING PARAGRAPH, COURT, SCAO, SCAO'S LICENSORS, AND DCA MAKE NO WARRANTIES AS TO THE ACCURACY OR COMPLETENESS OF THE INFORMATION CONTAINED IN THE COURT RECORDS. THE COURT IS NOT LIABLE FOR ANY COURT RECORDS OR COURT DOCUMENTS NOT AVAILABLE THROUGH COURT DATA SERVICES DUE TO COMPUTER OR NETWORK MALFUNCTION, MISTAKE OR USER ERROR.

- 16. RELATIONSHIP OF THE PARTIES.** Government Subscriber is an independent contractor and shall not be deemed for any purpose to be an employee, partner, agent or franchisee of the Court, SCAO, SCAO'S licensors, or DCA. Neither Government Subscriber nor the Court, SCAO, SCAO'S licensors, or DCA shall have the right nor the authority to assume, create or incur any liability or obligation of any kind, express or implied, against or in the name of or on behalf of the other.

- 17. NOTICE.** Except as provided in Clause 2 regarding notices of or modifications to Court Data Services and Policies & Notices, and in Clauses 13 and 14 regarding notices of or modification of fees, any notice to Court or Government Subscriber hereunder shall be deemed to have been received when personally delivered in writing or seventy-two (72) hours after it has been deposited in the United States mail, first class, proper postage prepaid, addressed to the party to whom it is intended at the address set forth on page one of this Agreement or at such other address of which notice has been given in accordance herewith.

- 18. NON-WAIVER.** The failure by either Party at any time to enforce any of the provisions of this Agreement or any right or remedy available hereunder or at law or in equity, or to exercise any option herein provided, shall not constitute a waiver of such provision, remedy or option or in any way affect the validity of this Agreement. The waiver of any default by either Party shall not be deemed a continuing waiver, but shall apply solely to the instance to which such waiver is directed.

19. **FORCE MAJEURE.** Neither party shall be responsible for failure or delay in the performance of their respective obligations hereunder caused by acts beyond their reasonable control.
20. **SEVERABILITY.** Every provision of this Agreement shall be construed, to the extent possible, so as to be valid and enforceable. If any provision of this Agreement so construed is held by a court of competent jurisdiction to be invalid, illegal or otherwise unenforceable, such provision shall be deemed severed from this Agreement, and all other provisions shall remain in full force and effect.
21. **ASSIGNMENT AND BINDING EFFECT.** Except as otherwise expressly permitted herein, neither Party may assign, delegate and/or otherwise transfer this Agreement or any of its rights or obligations hereunder without the prior written consent of the other. This Agreement shall be binding upon and inure to the benefit of the Parties hereto and their respective successors and assigns, including any corporation or other legal entity into, by or with which Government Subscriber may be merged, acquired or consolidated or which may purchase the entire assets of Government Subscriber.
22. **GOVERNING LAW.** This Agreement shall in all respects be governed by and interpreted, construed and enforced in accordance with the laws of the United States and of the State of Minnesota.
23. **VENUE AND JURISDICTION.** Any action arising out of or relating to this Agreement, its performance, enforcement or breach will be venued in a state or federal court situated within the State of Minnesota. Government Subscriber hereby irrevocably consents and submits itself to the personal jurisdiction of said courts for that purpose.
24. **INTEGRATION.** This Agreement sets forth the entire Agreement and understanding between the Parties regarding the subject matter hereof and supersedes any prior representations, statements, proposals, negotiations, discussions, understandings, or agreements regarding the same subject matter. Except as otherwise expressly provided in Clause 2 regarding Court Data Services and Policies & Notices, and in Clauses 13 and 14 regarding fees, any amendments or modifications to this Agreement shall be in writing signed by both Parties.
25. **MINNESOTA DATA PRACTICES ACT APPLICABILITY.** If Government Subscriber is a Minnesota Government entity that is subject to the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13, Government Subscriber acknowledges and agrees that: (1) the Court is not subject to Minn. Stat. Ch. 13 (*see* section 13.90) but is subject to the Rules of Public Access and other rules promulgated by the Minnesota Supreme Court; (2) Minn. Stat. section 13.03, subdivision 4(e) requires that Government Subscriber comply with the Rules of Public Access and other rules promulgated by the Minnesota Supreme Court for access to Court Records provided under this Agreement; (3) the use of and access to Court Records may be restricted by rules promulgated by the Minnesota Supreme Court, applicable state statute or federal law; and (4) these applicable restrictions must be followed in the appropriate circumstances.

IN WITNESS WHEREOF, the Parties have, by their duly authorized officers, executed this Agreement, intending to be bound thereby.

1. **GOVERNMENT SUBSCRIBER**
Government Subscriber must attach documented verification of authority to sign on behalf of and bind the entity ("Master Subscriber Agreement Signing Authority"), such as a council resolution, board authority or legally binding decision maker, and attach same as Exhibit B.

By 
(SIGNATURE)

Date 3/19/17

Name (typed) Matthew Mallie

Title City Prosecutor

Office City of Brainerd Prosecutor

2. **THE COURT**

By _____
(SIGNATURE)

Date _____

Title CIO/Director

Information Technology
Division of State Court
Administration

3. Form and execution approved
for Court by:

By: _____
(SIGNATURE)

Title: Staff Attorney - Legal Counsel Division

Date: _____

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

April 2, 2018
2nd Floor Conference Room
6:30 PM

1. 2018 Bridge Safety Inspections Request for Proposals
2. Contract Towing Request for Proposals
3. Improvement 12-14 – S 6th Street Change Order Authorization Procedures
4. Event/Street Closure Application – Corpus Christi Procession
5. Alley Spring Maintenance Discussion
6. Administrative Citation Process



Presentation 7:15 pm

Ben Soukop, Eagle Scout

Loren Meinke, Minnesota Boy Scouts



Brainerd City Council Agenda Request

Requested Meeting Date: April 2, 2018

Title of Item: 2018 Bridge Inspection Request for Proposals

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☒ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1st Reading *provide copy of published hearing notice
Submitted by: City Engineer Sandy	Department: Engineering
Presenter (Name & Title): City Engineer Sandy	Estimated Time Needed: 5 Minutes
Summary of Issue: Attached is a request for proposals for engineering services to perform the City's bi-annual bridge safety inspections.	
Alternatives, Options, Effects on Others/Comments: These bridge safety inspections are required to be performed every 24 months by a qualified team leader trained in bridge safety inspections. This includes a complete inspection of all the bridge elements with the established guidelines and procedures as outlined in the NBI bridge condition and appraisal ratings manual. It also includes verification of all unchanged elements, conversion of all old element ratings that may not have been converted to the new system yet, and updating the City's SIMS (Structure Information Management System) account. Since Jeff has retired since the last time the bridge inspections were completed by WSN in 2016, City Engineer Sandy is designated as the new Program Administrator and approved all inspection reports turned in by the Consultants and entered into SIMS.	
Recommended Action/Motion: Approve the request for proposals for the 2018 bi-annual bridge safety inspections with a return date of April 27, 2018 at 2:00 PM.	
Financial Impact: Is there a cost associated with this request: ☒ Yes ☐ No What is the total cost, with tax and shipping \$ <u>TBD</u> Is this budgeted? ☒ Yes ☐ No <u>Please Explain:</u> This is an item in which an Improvement will be made, and costs will come from the Construction Fund 401, as they have in the past. Staff will bring back the proposals for approval at the May 7 meeting. The last inspections were performed by WSN for \$3,600.	

CITY OF BRAINERD

Request for Proposals 2018 Bridge Safety Inspections

The City of Brainerd is requesting proposals for services to perform our 2018 Bridge Safety Inspections on two bridges which are both on a 2-year inspection cycle. The bridges are as follows:

Bridge #18509 (Laurel Street over the Mississippi River)
Bridge #18505 (College Drive over the Mississippi River)

The bridges were last inspected in October of 2016 and are due for inspection in October of 2018.

Scope of Services

The Scope of Services being requested includes the following items:

- A complete inspection of all bridge elements in accordance with established guidelines and procedures.
- Measurement of changed/new element units including cracking of the concrete deck underside and separation of combination rail elements.
- Verification of all measurements per element rating
- Conversion of old element ratings to new rating system
- Update the inspection data in the City's SIMS account
- Submit updated data to Program Administrator for review and further processing.

All inspection services shall be conducted and led by a qualified and certified Team Leader.

Proposals should include the following information:

- A Lump Sum price for providing the inspection services described for both bridges and shall be compensation in full for all labor, tools, equipment, and supplies necessary to perform the services.
- Qualifications of the key team members who will be performing the inspections and entering the data
- Brief description of proposed inspection procedures
- Estimated schedule for performing the inspections and submitting inspection data

Proposals should be returned to the attention of Paul Sandy, Brainerd City Engineer, by 2:00 P.M., April 27, 2018.



Brainerd City Council Agenda Request

Requested Meeting Date: April 2, 2018

Title of Item: Contract Towing Request for Proposals

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☒ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: City Engineer Sandy	Department: Engineering
Presenter (Name & Title): City Engineer Sandy	Estimated Time Needed: 5 Minutes
Summary of Issue: Our current contract towing agreement with West Brainerd Auto expires on April 14, 2018.	
Alternatives, Options, Effects on Others/Comments: Staff has attached a request for proposals for a new contract towing solicitation. Staff has also attached the old towing specifications and bids for the committee and council's review. The period for the new awarded contract will commence on May 14, 2018 and end on May 14, 2020. Staff will continue to operate under the old agreement until the new contract towing agreement is awarded. Some of the minor changes included in this RFP, per consultation at a staff level, is specifying the after hour pick-up times, removing the no-keys bid items, changing the impound storage from a per day to an impound storage per 24-hours, and deleting the section of miscellaneous towing expenses (this was ambiguous and can vary greatly between each towing company). Instead of miscellaneous towing expenses, there is language in the specifications that allows for direct negotiations regarding the performance and payment with the awarded bidder for any special circumstance additional charge. This service is awarded so that the City may tow vehicles during snow emergencies, for street sweeping, illegal parking, or other various things that the Engineering staff or Police staff may need during the year to remove illegally parked cars from the streets.	
Recommended Action/Motion: Approve the request for proposals language and authorize staff to solicit bids for 2018-2020 contract towing with bids to be received on April 27, 2018 at 10:00 A.M. CDT.	
Financial Impact: <i>Is there a cost associated with this request:</i> ☐ Yes ☒ No <i>What is the total cost, with tax and shipping</i> \$ _____ <i>Is this budgeted?</i> ☐ Yes ☐ No <i>Please Explain:</i>	

NOTICE OF BIDS
BIDS CLOSE MARCH 17, 2016 @ 10:00 A.M.
BRAINERD, MINNESOTA

CONTRACT TOWING SERVICES

Notice is hereby given that bids will be received, opened, and read aloud in the presence of the City Administrator and the City Engineer in the Council Chambers, City Hall, in the City of Brainerd, Minnesota, on Thursday, March 17, 2016, at 10:00 a.m. for the contracting of City ordered towing in accordance with the specifications for the same on file in the office of the City Engineer of said City.

All bids shall be sealed and clearly marked "Bid for Contract Towing, Thursday, March 17, 2016, 10:00 a.m.".

All bids will be referred to the City Engineer for tabulation and then referred to the City Council for action at a Council meeting to be held on Monday, March 21, 2016, at 7:30 p.m.

The City of Brainerd reserves the right to reject any and all bids and to waive minor irregularities and informalities therein and further reserves the right to award the contract in the best interest of the City.

Jim Thoreen
City Administrator

Publish March 4, 2016 (1 time)

**CITY OF BRAINERD
TOWING SERVICES
SPECIFICATIONS**

SECTION 1. GENERAL DESCRIPTION OF SERVICE

This work shall consist of providing all towing services for the City of Brainerd for the period beginning April 15, 2016 and ending on April 14, 2018. The vendor shall tow vehicles parked illegally during snow removal, street sweeping, street maintenance, special activities, when “no preference” of vendors is given for a disabled vehicle, and when directed by the Chief of Police, the City Engineer, or their designees, for public safety. The term for the towing services shall be for 2 years, subject to the termination clause in Section 14.

SECTION 2. EQUIPMENT REQUIREMENTS

The vendor shall operate tow vehicles, which are in good mechanical condition and can operate in a safe and satisfactory matter. The vendor shall operate a sufficient number of vehicles to tow illegally parked vehicles from the Central Business District to the vendors impound lot at a rate of 6 vehicles per hour during snow removal and street sweeping operations. In addition, the Vendor shall operate a truck with a tilting flat bed capable of loading and transporting severely damaged vehicles and a means to transport motorcycles.

All towing equipment shall be clearly identifiable as belonging to the towing vendor and shall have adequate lights, flashers, towing equipment, vehicle securements, and other necessary supplies as required.

SECTION 3. IMPOUND LOT

The Vendor shall operate a secured impound lot for the storage of vehicles towed under the terms of this agreement. The impound lot must meet the requirements of the City of Brainerd Zoning Ordinance and any conditions placed on said lot as a result of a conditional use permit. The impound lot shall either be within the City Limits of the City of Brainerd or within a 2 mile radius extended beyond the city limits. The Vendor shall provide for the release of impounded vehicles 24 hours per day, 7 days per week.

SECTION 4. HOLD HARMLESS/INSURANCE REQUIREMENTS

The Vendor shall assume all liability and shall indemnify and save harmless the City of Brainerd from any loss or damage caused to any person or property by reason of any carelessness or neglect in the performance of this agreement. The Vendor shall take out and maintain throughout the term of this service insurance with the following minimums:

- a. Worker’s Compensation insurance covering all employees in statutory limits who perform any of the obligations assumed by the Vendor under this agreement.

- b. Public Liability, property damage liability insurance covering all operations under the agreement. Limits for bodily injury of death not less than \$500,000.00 for any person and \$1,000,000.00 for each accident and \$500,000.00 property damage for each accident.
- c. Automobile liability insurance on all self-propelled vehicles used in connection with the agreement, whether owner, non-owned or hired; public liability limits of not less than \$500,000.00 for one person, \$1,000,000.00 each accident; property damage limit of \$500,000.00 for each accident.
- d. The Vendor shall provide the City with a certificate of said insurance, which shall list the City of Brainerd as additional insured.

SECTION 5. BASIS OF PAYMENT

- a. Payment for towing shall be by the vehicle owner for impounded vehicles and by the city for vehicles not impounded, at the unit prices bid on the Form of Proposal. The unit prices shall govern for all towing in each category. No separate compensation will be made for towing which may occur outside of normal business hours, on weekends, and on holidays. Payment shall be compensation in full for all labor, equipment, materials, and accessories required to perform the towing as specified.
- b. Impound storage fees shall be paid by the vehicle owner at the unit price bid on the Form of Proposal. Bidders shall state their storage fees per day, per fractional day, and any other term, which applies.

SECTION 6. TOWING WITHOUT IMPOUNDING

- a. On occasion, the City will request that vehicles be towed without impounding. This typically occurs during street maintenance projects, which require the relocation of vehicles. Vehicles towed are to be relocated to a nearby city parking lot or an adjacent street. These requests will typically be during normal business hours and early evening hours.
- b. Payment for an individual vehicle being towed under this provision will be by the City of Brainerd at the unit price bid for "TOWING WITHOUT IMPOUNDING" on the form of proposal. If asked to stand by and relocate numerous vehicles to accommodate a maintenance project, payment will be made for standby/ miscellaneous by the hour.

SECTION 7. TOWING OF CITY OWNED VEHICLES

- a. On occasion, the city may be in need of having a city owned vehicle towed to either a city garage, automobile dealers garage, or a body shop within the Brainerd/Baxter area. Requests to tow city owned vehicles can occur at any time of day.

- b. Included within this bid item are vehicles that are seized, forfeited or held as evidence. These vehicles will be towed to the Law Enforcement Center or other city owner facility. Request for this service can occur at any time of day.
- c. Payment for towing city owned vehicles shall be paid by the city department requesting the towing at the unit price bid for "TOWING CITY VEHICLES" on the form of proposal.

SECTION 8. TOWING OF VEHICLES FOR STREET SWEEPING

- a. Between early March and the beginning of the snow season, the city sweeps streets in the downtown area every Wednesday morning beginning at 5:00 a.m. The streets affected are posted for NO PARKING between 4:00 a.m. and 6:00 a.m. Vehicles parked on these street are ticketed and towed. The Vendor shall only tow those vehicles that have been issued a ticket.
- b. Payment and collection of the towing and impound fees are the responsibility of the vehicle owner and the Vendor respectively.
- c. Payment shall be at the unit price bid for "STREET SWEEPING TOWING" on the form of proposal.

SECTION 9. TOWING OF VEHICLES FOR SNOW REMOVAL

- a. Following the declaration of a Snow Emergency, parking is prohibited in the downtown area, commencing at 3:00 a.m., on the night snow removal operations are scheduled. Vehicles parked on these streets are ticketed and towed. The Vendor shall only tow those vehicles that have been issued a ticket.
- b. Payment and collection of the towing and impound fees are the responsibility of the vehicle owner and the Vendor respectively.
- c. Payment shall be at the unit price bid for "SNOW REMOVAL TOWING" on the form of proposal.

SECTION 10. NO PREFERENCE DISABLED VEHICLE TOWING

- a. When a vehicle is disabled due to a crash or mechanical failure and must be towed, the Brainerd pOlice Department will give the vehicle owner the option of which towing service they want to hire. If there is no preference given, the vehicle will be towed under the provisions of this agreement. If other law enforcement agencies have responded to the scene, those agencies may call other towing services.
- b. Disabled vehicles shall be removed in their entirety, including all body parts. All broken glass shall be swept up and removed and all vehicle fluids shall be absorbed and disposed of in accordance with Minnesota Pollution Control Agency requirements.
- c. Payment and collection of the towing and impound fees are the responsibility of the vehicle owner and the Vendor respectively.

- d. Payment shall be at the unit price bid for “DISABLED VEHICLE TOWING” on the form of proposal.

SECTION 11. MISCELLANEOUS TOWING

- a. Miscellaneous towing is all other towing not specifically identified above which results in the impounding of the vehicle. Examples of miscellaneous towing include the removal of “snow birds”, abandoned vehicles, vehicles parked in no parking zones, and vehicles that constitute a threat to public safety.
- b. Payment and collection of the towing and impound fees are the responsibility of the vehicle owner and the Vendor respectively.
- c. Payment shall be at the unit price bid for “MISCELLANEOUS TOWING” on the form of proposal.

SECTION 12. MISCELLANEOUS CHARGES

- a. Bidders shall submit a detailed itemization of additional charges that may apply to towing along with the Form of Proposal. Additional charges shall include all other charges that may be collected in connection with the towing, storage, and release of vehicles.
- b. The successful bidder shall charge only those fees listed on, or attached to, the Form of Proposal for the towing, storage and release of vehicles towed under the provisions of this contract.

SECTION 13. AWARD OF CONTRACT

- a. The proposals submitted shall be reviewed by the Safety and Public Works Committee of the Brainerd City Council, who will determine the low bid and/or the bid which serves the best interest of the City and its residents.
- b. **Towing items listed in the Schedule of Towing Costs for which a unit price is not submitted will be excluded from the towing agreement. Bidders may also exclude a towing item by placing N/A in the unit price column.**

The bids shall be reviewed by the City Engineer and the Chief of Police who shall make a recommendation to the City Council for approval.

SECTION 14. TERMINATION OF CONTRACT

- a. Either party may terminate this service with 90 days written notice to the other party.
- b. The City Council reserves the right to immediately terminate the service if the Vendor fails to comply with the specifications.

**CITY OF BRAINERD
TOWING SERVICES BID
March 2016**

FORM OF PROPOSAL

SCHEDULE OF TOWING COSTS

ITEM NO.	ITEM	UNIT PRICE	
1.	TOWING WITHOUT IMPOUND	_____	PER TOW
2.	TOWING CITY VEHICLES	_____	PER TOW
3.	STREET SWEEPING TOWING	_____	PER TOW
4.	SNOW REMOVAL TOWING	_____	PER TOW
5.	DISABLED VEHICLE TOWING	_____	PER TOW
6.	MISCELLANEOUS TOWING	_____	PER TOW
7.	MOTORCYCLE	_____	PER TOW
8.	SEMI-WRECKER TOWING	_____	PER TOW
9.	SEMI-WRECKER WINCHING	_____	PER _____
10.	REGULAR WRECKER WINCHING	_____	PER _____

SCHEDULE OF STORAGE COSTS

ITEM NO.	ITEM	UNIT PRICE	
11.	FRACTIONAL DAY	_____	PER _____
12.	PER DAY	_____	PER DAY

MISCELLANEOUS COSTS

13.	AFTER HOURS RELEASE (list hours)	_____	
14.	NO KEYS	_____	PER TOW
15.	DOLLIES	_____	PER TOW
16.	CLEAN UP (CRASH RELATED)	_____	PER _____
17.	STAND BY AND MISC. TIME	_____	PER _____

DATE

BUSINESS NAME

ADDRESS

PHONE NO.

SIGNATURE AND TITLE

**CITY OF BRAINERD
TOWING SERVICES BID
March 2016**

FORM OF PROPOSAL

SCHEDULE OF TOWING COSTS

ITEM NO.	ITEM	UNIT PRICE
1.	TOWING WITHOUT IMPOUND	<u>\$ 45</u> PER TOW
2.	TOWING CITY VEHICLES	<u>\$ 45</u> PER TOW
3.	STREET SWEEPING TOWING	<u>\$ 25</u> PER TOW
4.	SNOW REMOVAL TOWING	<u>\$ 25</u> PER TOW
5.	DISABLED VEHICLE TOWING	<u>\$ 55</u> PER TOW
6.	MISCELLANEOUS TOWING	<u>\$ 55</u> PER TOW
7.	MOTORCYCLE	<u>\$ 55</u> PER TOW
8.	SEMI-WRECKER TOWING	<u>\$ 125</u> PER TOW <i>NON ACCIDENT IN TOWN</i>
9.	SEMI-WRECKER WINCHING	<u>\$ 125</u> PER <u>HR</u>
10.	REGULAR WRECKER WINCHING	<u>\$ 75</u> PER <u>HR</u>

SCHEDULE OF STORAGE COSTS

ITEM NO.	ITEM	UNIT PRICE
11.	FRACTIONAL DAY	<u>NA</u> PER
12.	PER DAY	<u>\$ 25</u> PER DAY

MISCELLANEOUS COSTS

13.	AFTER HOURS RELEASE (list hours)	<u>NO EXTRA CHARGE - 24 HRS</u>
14.	NO KEYS	<u>\$ 15</u> PER TOW
15.	DOLLIES	<u>\$ 20</u> PER TOW
16.	CLEAN UP (CRASH RELATED)	<u>\$ 55</u> PER <u>HR</u>
17.	STAND BY AND MISC. TIME	<u>\$ 55</u> PER <u>HR</u>

3-17-2016
DATE

218-829-3679
PHONE NO.



BUSINESS NAME PETERSON TOWING CO.
Phone (218) 829-3679 916 Washington St.
Fax # (218) 829-7451 Brainerd, MN 56401
Email: towpro@brainerd.net

ADDRESS _____
SIGNATURE AND TITLE President

**CITY OF BRAINERD
TOWING SERVICES BID
March 2016**

FORM OF PROPOSAL

SCHEDULE OF TOWING COSTS

ITEM NO.	ITEM	UNIT PRICE
1	TOWING WITHOUT IMPOUND	<u>45.00</u> PER TOW
2.	TOWING CITY VEHICLES	<u>30.00</u> PER TOW
3.	STREET SWEEPING TOWING	<u>5.00</u> PER TOW
4.	SNOW REMOVAL TOWING	<u>5.00</u> PER TOW
5.	DISABLED VEHICLE TOWING	<u>45.00</u> PER TOW
6.	MISCELLANEOUS TOWING	<u>45.00</u> PER TOW
7.	MOTORCYCLE	<u>60.00</u> PER TOW
8.	SEMI-WRECKER TOWING	<u>NA</u> PER TOW
9.	SEMI-WRECKER WINCHING	<u>NA</u> PER
10.	REGULAR WRECKER WINCHING	<u>45.00</u> PER <u>1/2 hr</u>

95% of
winches are
completed in
30 minutes or
less

SCHEDULE OF STORAGE COSTS

ITEM NO.	ITEM	UNIT PRICE
11.	FRACTIONAL DAY	<u>NA</u> PER
12.	PER DAY	<u>20.00</u> PER DAY

MISCELLANEOUS COSTS

13.	AFTER HOURS RELEASE (list hours)	<u>20.00</u> weekends / 5pm to 7am
14.	NO KEYS	<u>15.00</u> PER TOW
15.	DOLLIES	<u>20.00</u> PER TOW
16.	CLEAN UP (CRASH RELATED)	<u>25.00</u> PER <u>15 min</u>
17.	STAND BY AND MISC. TIME	<u>25.00</u> PER <u>15 min</u>

3-16-16
DATE

West BRAINERD AUTO
BUSINESS NAME

721 West Washington, BRAINERD
ADDRESS

218 829 4181
PHONE NO.

[Signature] (owner)
SIGNATURE AND TITLE

**CITY OF BRAINERD
TOWING SERVICES BID
March 2016**

FORM OF PROPOSAL

SCHEDULE OF TOWING COSTS

ITEM NO.	ITEM	UNIT PRICE
1.	TOWING WITHOUT IMPOUND	<u>\$ 20⁰⁰</u> PER TOW
2.	TOWING CITY VEHICLES	<u>\$ 30⁰⁰</u> PER TOW
3.	STREET SWEEPING TOWING	<u>\$ 10⁰⁰</u> PER TOW
4.	SNOW REMOVAL TOWING	<u>\$ 10⁰⁰</u> PER TOW
5.	DISABLED VEHICLE TOWING	<u>\$ 50⁰⁰</u> PER TOW
6.	MISCELLANEOUS TOWING	<u>\$ 50⁰⁰</u> PER TOW
7.	MOTORCYCLE	<u>\$ 65⁰⁰</u> PER TOW
8.	SEMI-WRECKER TOWING	<u>\$ 125⁰⁰</u> PER TOW
9.	SEMI-WRECKER WINCHING	<u>\$ 150⁰⁰</u> PER <u>HR</u>
10.	REGULAR WRECKER WINCHING	<u>\$ 65</u> PER <u>HR</u>

SCHEDULE OF STORAGE COSTS

ITEM NO.	ITEM	UNIT PRICE
11.	FRACTIONAL DAY	<u>N/A</u> PER
12.	PER DAY	<u>\$ 25⁰⁰</u> PER DAY

MISCELLANEOUS COSTS

13.	AFTER HOURS RELEASE (list hours)	<u>\$ 15⁰⁰</u> <u>from 5pm-8am</u>
14.	NO KEYS	<u>\$ 10⁰⁰</u> PER TOW
15.	DOLLIES	<u>\$ 25⁰⁰</u> PER TOW
16.	CLEAN UP (CRASH RELATED)	<u>\$ 40⁰⁰</u> PER <u>HR</u>
17.	STAND BY AND MISC. TIME	<u>\$ 50⁰⁰</u> PER <u>HR</u>

3/9/16
DATE

218-822-5525
PHONE NO.

Collins Brothers Towing of St Cloud, Inc
BUSINESS NAME

7953 College Rd Baxter, MN 56425
ADDRESS

[Signature] CEO/President
SIGNATURE AND TITLE



Collins Brothers
T O W I N G
of St. Cloud INC.

Collins Brothers Towing of St. Cloud, Inc

Additional Services and costs

3/9/2016

Mileage fee-\$3.50 per mile (this is when any tow goes outside of town)

Administration Fee-\$35/\$75(This fee is usually added on the 5th day after the tow if no contact has been made by the RO of the vehicle, this cost is for sending the certified letter out as required by law, the \$75 is if its an out of state vehicle or we need to list in the local newspaper)

Hazardous Spill/Cleanup/Contaminated ground cleanup-Starts at \$150 Per Hour (We are certified to clean up small amount of oil/fuel spills from crash scenes, semis,etc. This also includes special cleanups such as house debris,trees,rocks,etc)

75ton Rotator Tow Truck-Starting at \$350 per hour (This truck is essentially a crane, the boom swings 360 degrees, we get called to crashes to assist with removal of vehicles in rivers over the bridge, swamp, etc and also quick clearance of roadways, minimum working room, lifting semis,trucks off other vehicles,Air Plane Recoveries,etc)

Off Road Recovery Machine-Starting at \$100 per hour (This is a tracked of road machine that is built into a tow truck, we have been call by law enforcement to help recover stolen recoveries, hard to get to vehicles, swamp areas, etc)

Skidloader with Hydraulic Broom/Grapple Bucket, Forks,Bucket,etc-Starting at \$100 Per hour(We have been called by Law Enforcement to help clean up a scene, sand, rocks, grass, etc with this unit, also to help remove snow piles, adjust loads on vehicle after crash, etc)

Jumpstarts/Tire Changes/Unlocks on City Owned Vehicles- \$30

JumpStarts/Tire Changes/Unlock/Fuel Delivery for public - \$40

Fuel Surcharge-(We add this to the bill of impounded vehicles when fuel reaches national average of \$3 per gallon or more, this is usually 10% of tow.)

Water Diver-Starting at \$500 (We have a certified diver on staff that can usually respond within 1-2hours, we assist on recovering vehicles, etc)

Lowboy/Landoll Truck/Trailer-Starting at \$150- (We can haul any equipment,smashed commercial vehicles etc up to 91,000lbs)

Air Bag Recovery-Starting at \$2000 (We use these to help lift/recover loaded semi trucks, air planes,etc)

(Published in the Brainerd Dispatch,
December 7, 2012, 1t.)

NOTICE OF BIDS
BIDS CLOSE DECEMBER 17, 2012
AT 10:00 A.M.

BRainerd, MINNESOTA
CONTRACT TOWING SERVICES
Notice is hereby given that bids will
be received, opened, and read
aloud in the presence of the City
Administrator and the City Engineer
in the Council Chambers, City Hall,
in the City of Brainerd, Minnesota,
on Monday, December 17, 2012, at
10:00 a.m. for the contracting of City
ordered towing in accordance with
the specifications for the same on
file in the office of the City Engineer
of said City.

All bids shall be sealed and clearly
marked "Bid for Contract Towing,
Monday, December 17, 2012, 10:00
a.m."

All bids will be referred to the City
Engineer for tabulation and then re-
ferred to the City Council for action
at a Council meeting to be held on
Monday, December 17, 2012, at
7:30 p.m.

The City of Brainerd reserves the
right to reject any and all bids and to
waive minor irregularities and infor-
malities therein and further reserves
the right to award the contract in the
best interest of the City.

Theresa Goble
City Administrator

Affidavit of Publication

State of Minnesota)

ss.

County of Crow Wing)

Ann Windorski, being duly sworn, on oath says that he/she is the publisher or authorized agent
and employee of the publisher of the newspaper known as the Brainerd Dispatch, and has full
knowledge of the facts which are stated below:

(A) The newspaper has complied with all of the requirements constituting qualification as a qualified
newspaper, as provided by Minnesota Statute 331A.02, 331A.07, and other applicable laws, as
amended.

(B) The printed Notice Of Bids which is attached was cut from the columns of said newspaper,
and was printed and published once each week, for 1 successive weeks; it was first published on
Friday the 7th day of December, 2012, and was thereafter printed and published on every
_____ to and including _____ the _____ day of _____, 2012; and printed below is a copy of the
lower case alphabet from A to Z, both inclusive, which is hereby acknowledged as being the size and
kind of type used in the composition and publication of the notice.

abcdefghijklmnopqrstuvwxyz

By:

Ann Windorski

Title: Agent

Subscribed and sworn to before me on this 7th day of December, 2012

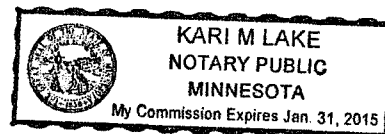
Kari M Lake

Notary Public, Minnesota

(Notarial Seal)

My Commission Expires

Publication Fee \$ 46.12



RATE INFORMATION

- (1) Lowest classified rate paid by
commercial users for com-
parable space \$11.53 /column inch
- (2) Maximum rate allowed by law
for the above matter \$13.90 /column inch
- (3) Rate actually charged for the
above matter \$11.53 /column inch

NOTICE OF BIDS
BIDS CLOSE APRIL 27, 2018 @ 10:00 A.M.
BRAINERD, MINNESOTA

CONTRACT TOWING SERVICES

Notice is hereby given that bids will be received, opened, and read aloud in the presence of the City Administrator and the City Engineer in the Council Chambers, City Hall, in the City of Brainerd, Minnesota, on Thursday, April 27, 2018, at 10:00 a.m. for the contracting of City ordered towing in accordance with the specifications for the same on file in the office of the City Engineer of said City.

All bids shall be sealed and clearly marked "Bid for Contract Towing, Thursday, April 27, 2018, 10:00 a.m.".

All bids will be referred to the City Engineer for tabulation and then referred to the City Council for action at a Council meeting to be held on Monday, May 7, 2018, at 7:30 p.m.

The City of Brainerd reserves the right to reject any and all bids and to waive minor irregularities and informalities therein and further reserves the right to award the contract in the best interest of the City.

Cassandra Torstenson
City Administrator

Publish April 6, 2018 (1 time)

**CITY OF BRAINERD
TOWING SERVICES
SPECIFICATIONS**

SECTION 1. GENERAL DESCRIPTION OF SERVICE

This work shall consist of providing all towing services for the City of Brainerd for the period beginning May 14, 2018 and ending on May 14, 2020. The vendor shall tow vehicles parked illegally during snow removal, street sweeping, street maintenance, special activities, when “no preference” of vendors is given for a disabled vehicle, and when directed by the Chief of Police, the City Engineer, or their designees, for public safety. The term for the towing services shall be for 2 years, subject to the termination clause in Section 14.

SECTION 2. EQUIPMENT REQUIREMENTS

The vendor shall operate tow vehicles, which are in good mechanical condition and can operate in a safe and satisfactory manner. The vendor shall operate a sufficient number of vehicles to tow illegally parked vehicles from the Central Business District to the vendors impound lot at a rate of 6 vehicles per hour during snow removal and street sweeping operations. In addition, the Vendor shall operate a truck with a tilting flat bed capable of loading and transporting severely damaged vehicles and a means to transport motorcycles.

All towing equipment shall be clearly identifiable as belonging to the towing vendor and shall have adequate lights, flashers, towing equipment, vehicle securements, and other necessary supplies as required.

SECTION 3. IMPOUND LOT

The Vendor shall operate a secured impound lot for the storage of vehicles towed under the terms of this agreement. The impound lot must meet the requirements of the City of Brainerd Zoning Ordinance and any conditions placed on said lot as a result of a conditional use permit. The impound lot shall either be within the City Limits of the City of Brainerd or within a 2 mile radius extended beyond the city limits. The Vendor shall provide for the release of impounded vehicles 24 hours per day, 7 days per week. After Hours Release consists of 5 PM to 7 AM weekdays (excluding holidays) and weekends 5 PM Friday to 7 AM Monday.

SECTION 4. HOLD HARMLESS/INSURANCE REQUIREMENTS

The Vendor shall assume all liability and shall indemnify and save harmless the City of Brainerd from any loss or damage caused to any person or property by reason of any carelessness or neglect in the performance of this agreement. The Vendor shall take out and maintain throughout the term of this service insurance with the following minimums:

- a. Worker's Compensation insurance covering all employees in statutory limits who perform any of the obligations assumed by the Vendor under this agreement.
- b. Public Liability, property damage liability insurance covering all operations under the agreement. Limits for bodily injury of death not less than \$500,000.00 for any person and \$1,000,000.00 for each accident and \$500,000.00 property damage for each accident.
- c. Automobile liability insurance on all self-propelled vehicles used in connection with the agreement, whether owner, non-owned or hired; public liability limits of not less than \$500,000.00 for one person, \$1,000,000.00 each accident; property damage limit of \$500,000.00 for each accident.
- d. The Vendor shall provide the City with a certificate of said insurance, which shall list the City of Brainerd as additional insured.

SECTION 5. BASIS OF PAYMENT

- a. Payment for towing shall be by the vehicle owner for impounded vehicles and by the city for vehicles not impounded, at the unit prices bid on the Form of Proposal. The unit prices shall govern for all towing in each category. No separate compensation will be made for towing which may occur outside of normal business hours, on weekends, and on holidays. Payment shall be compensation in full for all labor, equipment, materials, and accessories required to perform the towing as specified.
- b. Impound storage fees shall be paid by the vehicle owner at the unit price bid on the Form of Proposal. Bidders shall state their storage fees per day, per fractional day, and any other term, which applies.

SECTION 6. TOWING WITHOUT IMPOUNDING

- a. On occasion, the City will request that vehicles be towed without impounding. This typically occurs during street maintenance projects, which require the relocation of vehicles. Vehicles towed are to be relocated to a nearby city parking lot or an adjacent street. These requests will typically be during normal business hours and early evening hours.
- b. Payment for an individual vehicle being towed under this provision will be by the City of Brainerd at the unit price bid for "TOWING WITHOUT IMPOUNDING" on the form of proposal. If asked to stand by and relocate numerous vehicles to accommodate a maintenance project, payment will be made for standby/ miscellaneous by the hour.

SECTION 7. TOWING OF CITY OWNED VEHICLES

- a. On occasion, the city may be in need of having a city owned vehicle towed to either a city garage, automobile dealers garage, or a body shop within the Brainerd/Baxter area. Requests to tow city owned vehicles can occur at any time of day.

- b. Included within this bid item are vehicles that are seized, forfeited or held as evidence. These vehicles will be towed to the Brainerd Police Department or other city owner facility. Request for this service can occur at any time of day.
- c. Payment for towing city owned vehicles shall be paid by the city department requesting the towing at the unit price bid for “TOWING CITY VEHICLES” on the form of proposal.

SECTION 8. TOWING OF VEHICLES FOR STREET SWEEPING

- a. Between early March and the beginning of the snow season, the city sweeps streets in the downtown area every Wednesday morning beginning at 5:00 a.m. The streets affected are posted for NO PARKING between 4:00 a.m. and 6:00 a.m. Vehicles parked on these street are ticketed and towed. The Vendor shall only tow those vehicles that have been issued a ticket.
- b. Payment and collection of the towing and impound fees are the responsibility of the vehicle owner and the Vendor respectively.
- c. Payment shall be at the unit price bid for “STREET SWEEPING TOWING” on the form of proposal.

SECTION 9. TOWING OF VEHICLES FOR SNOW REMOVAL

- a. Following the declaration of a Snow Emergency, parking is prohibited in the downtown area, commencing at 3:00 a.m., on the night snow removal operations are scheduled. Vehicles parked on these streets are ticketed and towed. The Vendor shall only tow those vehicles that have been issued a ticket.
- b. Payment and collection of the towing and impound fees are the responsibility of the vehicle owner and the Vendor respectively.
- c. Payment shall be at the unit price bid for “SNOW REMOVAL TOWING” on the form of proposal.

SECTION 10. NO PREFERENCE DISABLED VEHICLE TOWING

- a. When a vehicle is disabled due to a crash or mechanical failure and must be towed, the Brainerd Police Department will give the vehicle owner the option of which towing service they want to hire. If there is no preference given, the vehicle will be towed under the provisions of this agreement. If other law enforcement agencies have responded to the scene, those agencies may call other towing services.
- b. Disabled vehicles shall be removed in their entirety, including all body parts. All broken glass shall be swept up and removed and all vehicle fluids shall be absorbed and disposed of in accordance with Minnesota Pollution Control Agency requirements.

- c. Payment and collection of the towing and impound fees are the responsibility of the vehicle owner and the Vendor respectively.
- d. Payment shall be at the unit price bid for “DISABLED VEHICLE TOWING” on the form of proposal.

SECTION 11. MISCELLANEOUS TOWING

- a. Miscellaneous towing is all other towing not specifically identified above which results in the impounding of the vehicle. Examples of miscellaneous towing include the removal of “snow birds”, abandoned vehicles, vehicles parked in no parking zones, and vehicles that constitute a threat to public safety.
- b. Payment and collection of the towing and impound fees are the responsibility of the vehicle owner and the Vendor respectively.
- c. Payment shall be at the unit price bid for “MISCELLANEOUS TOWING” on the form of proposal.

SECTION 12. MISCELLANEOUS CHARGES

- a. The City recognizes there may be additional charges that occur in special circumstances. When these circumstances arise, consultation with the towing provider will be made regarding the performance or payment for the special service.

SECTION 13. AWARD OF CONTRACT

- a. The proposals submitted shall be reviewed by the Safety and Public Works Committee of the Brainerd City Council, who will determine the low bid and/or the bid which serves the best interest of the City and its residents.
- b. **Towing items listed in the Schedule of Towing Costs for which a unit price is not submitted will be excluded from the towing agreement. Bidders may also exclude a towing item by placing N/A in the unit price column.**

The bids shall be reviewed by the City Engineer and the Chief of Police who shall make a recommendation to the City Council for approval.

SECTION 14. TERMINATION OF CONTRACT

- a. Either party may terminate this service with 90 days written notice to the other party.
- b. The City Council reserves the right to immediately terminate the service if the Vendor fails to comply with the specifications.

TOWING SERVICES BID
March 2018

FORM OF PROPOSAL

SCHEDULE OF TOWING COSTS

ITEM NO.	ITEM	UNIT PRICE
1	TOWING WITHOUT IMPOUND	_____ PER TOW
2.	TOWING CITY VEHICLES	_____ PER TOW
3.	STREET SWEEPING TOWING	_____ PER TOW
4.	SNOW REMOVAL TOWING	_____ PER TOW
5.	DISABLED VEHICLE TOWING	_____ PER TOW
6.	MISCELLANEOUS TOWING	_____ PER TOW
7.	MOTORCYCLE	_____ PER TOW
8.	SEMI-WRECKER TOWING	_____ PER TOW
9.	SEMI-WRECKER WINCHING	_____ PER _____
10.	REGULAR WRECKER WINCHING	_____ PER _____

SCHEDULE OF STORAGE COSTS

ITEM NO.	ITEM	UNIT PRICE
11.	IMPOUND STORAGE PER 24 HOURS	_____

MISCELLANEOUS COSTS

12.	AFTER HOURS RELEASE (see Section 3)	_____
13.	DOLLIES	_____ PER TOW
14.	CLEAN UP (CRASH RELATED)	_____ PER _____
15.	STAND BY AND MISC. TIME	_____ PER _____

DATE

BUSINESS NAME

ADDRESS

PHONE NO.

SIGNATURE AND TITLE



Brainerd City Council Agenda Request

Requested Meeting Date: April 2, 2018

Title of Item: Improvement 12-14 - S 6th Street (TH 371B) Change Order Procedures

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☒ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: City Engineer Sandy	Department: Engineering
Presenter (Name & Title): City Engineer Sandy	Estimated Time Needed: 5 Minutes
Summary of Issue: Change Order's often arise on projects, especially when the project has many unknowns such as the project the City will be undertaking with MnDOT on S 6th Street starting mid-April.	
Alternatives, Options, Effects on Others/Comments: The unknowns on projects like this may include not enough valves to isolate the section of S 6th Street that needs to be isolated for temporary water purposes, miscellaneous valves, fittings, or other items that may arise when we are trying to connect to old pipe at crossings, unknown soil types or groundwater that may come about through digging, buried underground storage tanks that may need to be removed due to our sewer or water being dug in and the presence of contaminated soils, or simply omissions in the plans. Because of the many different scenarios that arise, and the timeframe for completion of this project, in most cases, it will not be possible for the council to hear and approve a change order during the project, as holding off a contractor while waiting for approval will ultimately cost the City more because of damages due to the change order. For this reason, along with the unknowns that may arise during the project and the inability to get approval on a two week basis for a project due to contractor time constraints, staff is requesting the City Engineer has the authority to authorize change orders once the evaluation of unit costs provided by the Contractor is agreeable to the Engineer, and the Engineer has agreed that the proposal is the most feasible and cost effective solution with each separate change order evaluated. Staff will update the council if their was a change order in that two week period at the next regularly scheduled council meeting, or if they anticipate an upcoming change order in the next two weeks of construction in-between meetings. Notifying the council prior to the meeting may give council the opportunity to weigh in on specific problems or solutions however, in certain circumstances, may have to delegate the City Engineer to make the decision and inform them at the next meeting.	
Recommended Action/Motion: Authorize the City Engineer to approve or deny change orders on the S 6th Street project (Improvement 12-14) if time constraints or cost increases become a factor in the decision making process and the Engineer has evaluated the change order for cost effectiveness and feasibility before authorization.	
Financial Impact: <i>Is there a cost associated with this request:</i> ☐ Yes ☒ No <i>What is the total cost, with tax and shipping</i> \$ _____ <i>Is this budgeted?</i> ☐ Yes ☐ No <i>Please Explain:</i>	



Brainerd City Council Agenda Request

Requested Meeting Date: April 2, 2018

Title of Item: Event/Street Closure Application - Corpus Christi Processional

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☒ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: City Engineer Sandy	Department: Engineering
Presenter (Name & Title): City Engineer Sandy	Estimated Time Needed: 5 Minutes
Summary of Issue: Attached is an event application for a procession to take place on June 3, 2018 from 12:00 PM to 1:30 PM.	
Alternatives, Options, Effects on Others/Comments: The Corpus Christi Procession will take place between St. Francis Church and St. Andrew's Church. It will involve a number of people moving through town with low amplitude sound and singing of hymns. The route will use Juniper Street, North 8th Street, South 8th Street/South 9th Street, and Willow Street. The procession will be stopping a couple of times for prayers at North 8th Street and Juniper Street and a couple of other addresses along the way. The applicant will be distributing fliers to property owners a week before the event.	
Recommended Action/Motion: Staff recommends approving the event application with the condition that the applicant speak with the Police Department if assistance is needed during the procession itself at busy street crossings.	
Financial Impact: Is there a cost associated with this request: ☐ Yes ☒ No What is the total cost, with tax and shipping \$ _____ Is this budgeted? ☐ Yes ☐ No <u>Please Explain:</u>	



RECEIVED

MAR 26 2013

CITY OF BRAINERD
ADMINISTRATION

Street Closure, Special Event And Festival Application

Brainerd, Minnesota

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

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

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

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

Application for a Street Closure, Special Event and Festival Permit

PART I: GENERAL INFORMATION

Name of the event: Corpus Christi Procession
Date(s) of the event: June 3rd, 2018
Time of event (setup to breakdown): 12:00 PM - 1:30 PM
Location: Route b/w St. Francis Catholic Church & St. Andrew's Catholic Church on Juniper to N 8th to Willow St.
Estimated number of attendees: 300

Organizer Information

Organizer's name (Please print): Lakes Area Catholic Churches
Organizer's address: 1108 Willow St. Brainerd, MN 56401
Event contact person: Dan O'Reilly
Event contact daytime phone number: (h) _____ (w) _____ (c) 218-831-3197
Event contact persons e-mail address: dan@oreilystavern.com
Contact name and phone number to be used on the day of the event:
(h) _____ (w) _____ (c) 218-831-3197
For Profit/Nonprofit status (type): Nonprofit

Applicant Information, if different from the event organizer:

Applicant name (Please print): _____
Applicant address: _____
Applicant's telephone number (h) _____ (w) _____ (c) _____
Event contact e-mail address: _____

Description of Activities

Brief description of the activities planned during the event: Procession of people praying.

The procession will take place between St. Francis Catholic Church & St. Andrew's Catholic church. It will involve a number of people moving as a group through town. There will be some low amplified sound and singing of hymn music.

If a parade, please describe the proposed route with the assembly and dispersal locations and attach a map: The route will begin at St. Francis Church at 404 N 9th St. and proceed West on Juniper St to North 8th St.

At N 8th St. the procession will turn South and proceed down 8th St. Until it becomes S. 9th St. The procession will stop for prayers at North 8th & Juniper, 214 S 8th St, & 1205 S 9th St along the way and ending at St. Andrew's Church 1108 Willow St.

Site Information

Electrical usage?

Yes ☐ No ☒

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

Amplified sound?

Yes ☒ No ☐

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

Some sound amplification will be used to allow the procession group to follow along with prayers said during the procession.

This will consist of a small set of speakers on the back of a vehicle.

Restrooms provided?

Yes ☐ No ☒ How many? _____

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

Company contracted for restrooms: _____

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

Sign, banners, and posters/flyers?

Yes ☒ No ☐

Locations and descriptions: Only carried with the group during the procession.

Trash Disposal?

Yes ☐ No ☒

Company contracted for trash disposal: _____

Event Layout and Street Site Map

Yes ☒ No ☐

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

Area Notification

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

Flyers/Information distributed to property owners prior to the event.

PART II: STREET CLOSURE REQUEST

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

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

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

We would request an escorted crossing of major intersections such as 8th and Washington St. As well as through the downtown area.

Time and date for beginning of street closures: June 3rd, 2018 Starting at 12:15 PM

Time and date for reopening of streets: June 3rd, 2018 once the procession has passed

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

Flyer and information will be handed out to property owners prior to the event.

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

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

PART III: CONTACTS, PERMITS, AND FEES CHECKLIST

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

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

Contact Information:

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

PART IV: HOLD HARMLESS AGREEMENT AND INSURANCE INFORMATION

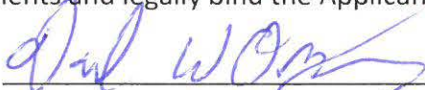
The applicant covenants to save, defend, hold harmless, and indemnify the City of Brainerd and all of its officers, departments, agencies, agents, and employees (collectively the "City") from and against any and all claims, losses, damages, injuries, fines, penalties, costs (including court costs and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

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

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

PART V: SIGNATURE OF EVENT APPLICANT

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



Signature of the Event Applicant

3-21-18

Date submitted to the City

Daniel W O'Reilly

PRINT NAME

Event Applicant Title

PART VI: FOR OFFICIAL USE ONLY

Departmental Sign-Offs Required

	Approval Date/Initials	Comments
Brainerd Public Utilities	<u>OK</u>	<u>OK</u>
City Administration	<u>OK</u>	<u>-</u>
Engineering Depart.	<u>OK</u>	<u>-</u>
Fire Department	<u>OK</u>	<u>-</u>
Fire Support/EMS	<u>OK</u>	<u>-</u>
Parks and Recreation	<u>OK</u>	<u>-</u>
Planning Department	<u>OK</u>	<u>-</u>
Police Department	<u>OK</u>	<u>May need some police assistance</u> <u>crossings of major roads.</u>

Certification of Street Closure Approval

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

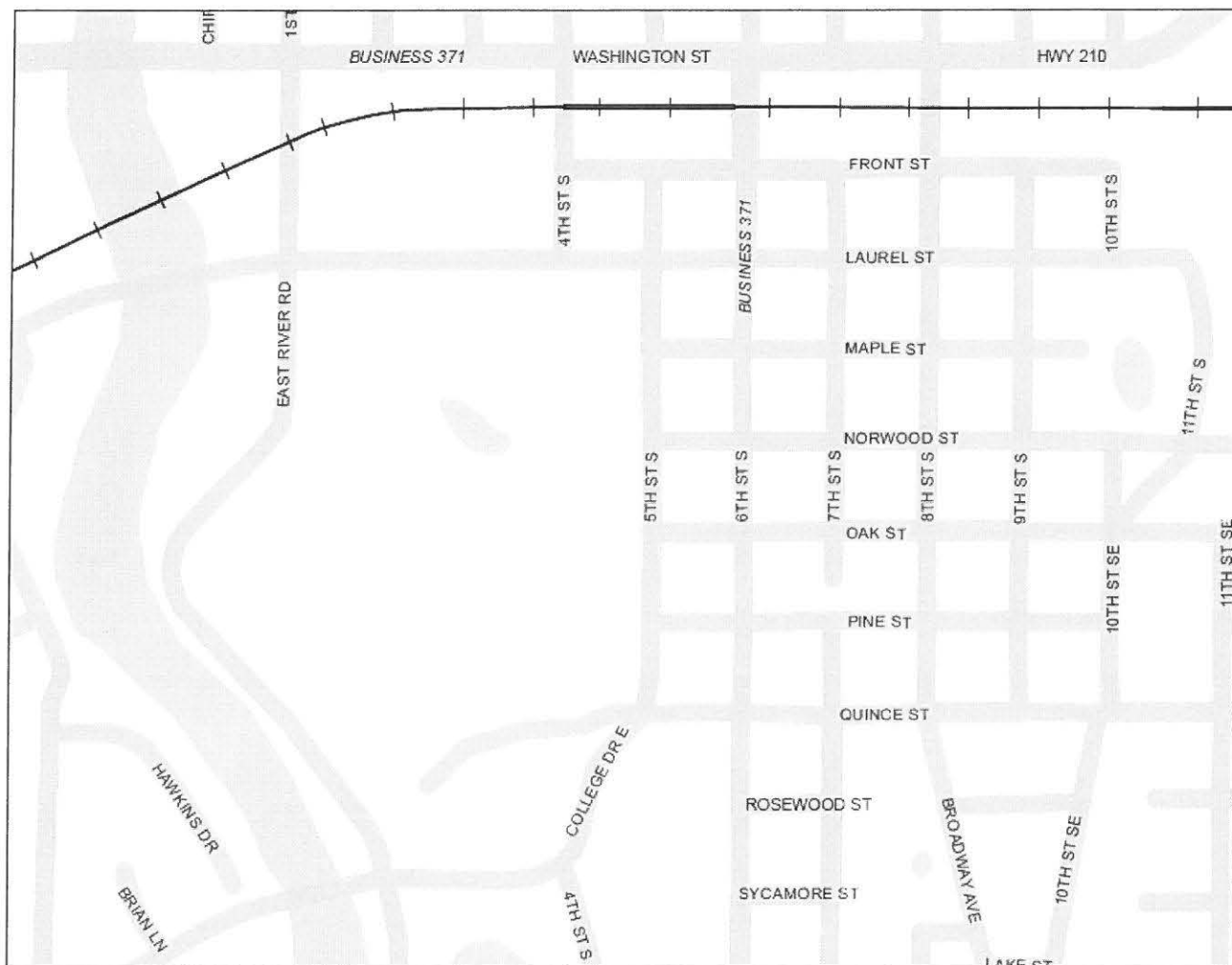
Special Event/Festival Application and Permit Approval

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

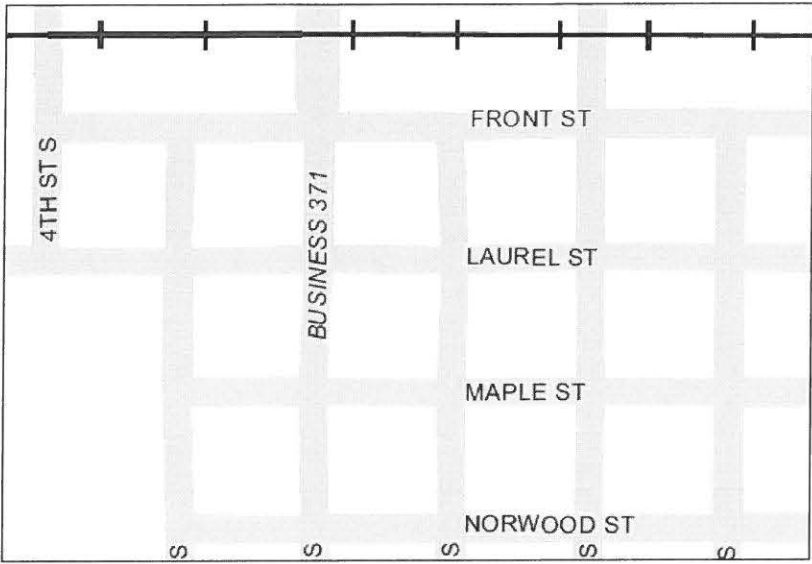
City Administrator

Date

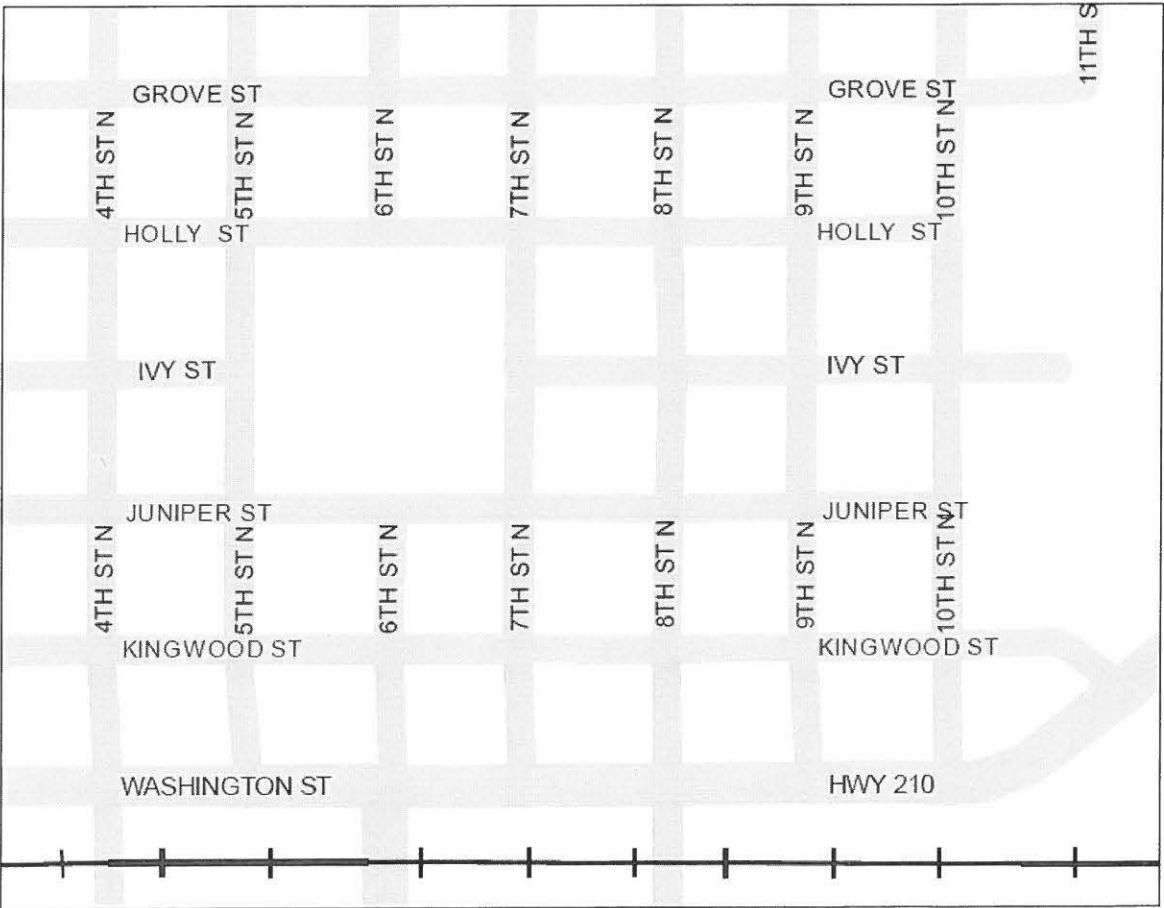
Commonly Used Maps



Historic Downtown



Gregory Park





Brainerd City Council Agenda Request

Requested Meeting Date: April 2, 2018

Title of Item: Alley Maintenance Discussion

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☒ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☒ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: City Engineer Sandy	Department: Engineering
Presenter (Name & Title): City Engineer Sandy	Estimated Time Needed: 10 Minutes
Summary of Issue: Staff wanted to have some discussion about spring alley maintenance and improvements to alleys past the general maintenance our public works staff performs.	
Alternatives, Options, Effects on Others/Comments: Staff also wanted to have some discussion about some alleys that are not platted but still exist and the City's responsibility to maintain these alleys due to past practices. Staff has compiled a memo to the committee with some clarifications and thoughts for the committee to consider during this discussion. See the attached memo.	
Recommended Action/Motion: Discussion item only.	
Financial Impact: Is there a cost associated with this request: ☐ Yes ☒ No What is the total cost, with tax and shipping \$ _____ Is this budgeted? ☐ Yes ☐ No <u>Please Explain:</u>	



MEMO

TO: Safety and Public Works Committee

FROM: City Engineer Sandy

DATE: March 28, 2018

SUBJECT: Alley Maintenance and Alternatives for Improvements

Staff has received some complaints this spring about the condition of their alleys in the rear yards or their houses, and there have been some alleys that are consistent in being maintenance problems for maintenance staff with valuable staff time and effort being put forth to maintain these alleys to standards put forth by the residents using them. Staff would like to take some time to clarify our standard maintenance procedures that we perform in the spring and fall and clarify what residents can do if they would like their alley improved to a state past what the maintenance practices can do.

Alley's are very difficult for our staff to maintain. Tight rights-of-way (typically 20 feet), minimal grades, and garages/houses tucked up to the right-of-way line make for getting heavy equipment in these areas difficult. Grading to get slopes and drainage out of the alleys are always a problem. Thus, in the spring time generally, staff fields multiple complaints of potholes, soft spots, and water standing in alley ways.

Our general maintenance practices have been that we restore alleys in need of gravel and grading in the spring once the frost comes out. Most of the reasons why there is water standing in alleys, potholes, or soft areas in these alleys at this time of year is because the water can not soak into the ground due to underlying frost. Our maintenance staff does the best they can with getting grade out to the ends of the alleys so most of the water spills to the street, but in a lot of circumstances, this is not possible due to structures being tucked to the right-of-way line and the need to maintain access to garage doors, slabs, or other tie in points.

Staff can improve an alley at the request of the abutting property owners through the petition process. Past practices have assessed 100% of the cost of an alley improvement to the adjacent landowners. This would typically consist of removing the existing surfacing, performing some sort of sub-cut if the underlying soils are poor, and replacing the surfacing with gravel and sometimes pavement if the residents are agreeable. Pavement allows to set slopes and invert crowns, so the flat grades can get the water out of the alley. In some extreme cases, storm sewer may be added to if grade is not possible through the alley.

In most cases, the standard alley maintenance practices work to keep the alley in a condition that is suitable for vehicle traffic. These spring months, especially in large snow years, make alleys very difficult to maintain. Staff will begin to maintain alleys once the alleys dry up and the water dissipates. Unfortunately, if heavy equipment was used to try to straighten out an alley right now, we would be causing more of a mess than currently exists.

There are a few alleys staff would like to talk to the committee and council about that are consistently maintenance problems. In all cases, these alleys were not platted or have City right-of-way. Past maintenance practices have dictated that we have maintained these alleys, although no right-of-way exists. This is a prescriptive easement for maintenance of the surface that the City is mandated to perform. In discussions with the attorney, if the City would have to formally vacate these alleys if they would like to forfeit the maintenance of these areas. These are extreme circumstances in which the alley right-of-way has never existed and there are numerous encroachments to the alley including houses, garages, or other barriers which make maintenance practices and keeping the alley in a passable condition very difficult. The location of each of these areas can be seen attached to this memo.





NORWOOD ST

S 11TH ST

S 8TH ST

S 9TH ST

OAK ST

S 10TH ST

PINE ST

QUINCE ST

S 10TH ST

ROSEWOOD ST

ROSEWOOD ST



NORTHERN PACIFIC RD

LAUREL ST

15TH ST SE

17TH ST SE

MAPLE ST

14TH ST SE

NORWOOD ST

16TH ST SE

OAK ST





Brainerd City Council Agenda Request

Requested Meeting Date: April 2, 2018

Title of Item: Administrative Citation Process

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☒ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: City Engineer Sandy	Department: Engineering
Presenter (Name & Title): City Engineer Sandy/Building Official Caughey	Estimated Time Needed: 10 Minutes
Summary of Issue: At the last meeting, there was discussion about the processes that staff use when issuing violations and citations for junk, debris, garbage, long grass, house numbers, inoperable vehicles, and zoning violations along with the consistency between Planning and Building Departments regarding the issuing of such citations. There was also some suggestions for re-working the violation and citation letters to be more understandable to the public receiving these letters.	
Alternatives, Options, Effects on Others/Comments: Staff has looked into all areas including the Administrative Citation Ordinance 320, the violation letters, the citation letters, and the envelopes that they get sent in. Attached to this request is what staff is proposing. We will go over each change at the committee level and discuss any other changes that the committee may see fit to the violation letters, citation letters, envelopes, and the side-by-side comparison of the old letters compared to the new letters at the meeting. Staff has also discussed assisting the Planning Department in tracking citations through PermitWorks so re-inspections of the violation can be scheduled.	
Recommended Action/Motion: Accept staff's recommended changes to the administrative citation and violation letters as presented.	
Financial Impact: Is there a cost associated with this request: ☐ Yes ☒ No What is the total cost, with tax and shipping \$ _____ Is this budgeted? ☐ Yes ☐ No <u>Please Explain:</u>	

Planning Department	Building Department
First letter informs the property owner of the violation. It specifies the length of time to correct, offers a phone number to contact if questions.	Same
If owner contacts the Planning Department requesting more time, we ask the owner to provide an extension date. If it's reasonable we allow an extension.	Same
If the no contact with the owner, the property is inspected when the correction time has ended.	Same
Should the violation not be corrected, a second letter is sent giving the owner another 5-10 days to correct the violation. The letter specifies the ordinance violation and that there will be a \$100/day fine should the violation not be corrected by the end of the date specified in the second letter. It also specifies that each day is a separate violation meaning the fine total will increase \$100 each day until the violation is corrected. The same procedure would be used if the violation is not corrected by the end of an agreed upon extension date.	Should the violation not be corrected during the prescribed timeline, and the property owner makes no attempt to communicate with staff for either a time extension and/or to explain an unavoidable delay, an administrative citation in the amount of \$100 is issued. Citations will continue to be issued weekly until the code violation is abated. Garbage and grass violations are abated by the City after one citation is issued due to potential health and safety concerns. A contracted abatement service is directed to mow the grass and/or pick up household garbage. The cost of abatement is charged to the property owner to be paid in full or collected with property taxes.
If the violation is not corrected the owner is sent a citation specifying the Ordinance violation and the \$100/day fine. It also specifies that each day is a separate violation meaning the fine total will increase \$100 each day until the violation is corrected.	Weekly, not daily
The fine total will accumulate until the violation is corrected or the total reaches \$2,000	Same
Photo images and property diagrams (when needed) are sent with all violation notices. Citations may include photo images.	Photo images of the violation with electronic dates are sent with all violation notices and citations.

«ACTION_DATE»

«PO_NAME»

«PO_STRNO» «PO_STREET»

«PO_CITY», «PO_STATE» «PO_ZIP»

ORDER TO CORRECT ADMINISTRATIVE VIOLATION

Dear Property Owner(s),

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

Property Address: «GEO_STREETNO» «GEO_STREET»

Real Estate Code: «PIN»

Violation: «VIOLATION1»

Ordinance: «ORDINANCE_NUMBER1»

Description: «ORDINANCE_DESCRIPTION1»

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

Action should be taken on or before «ACTION_DUE_DATE»

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

If you are unable to make the corrections 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 Jason at 218/454-3416 if you have questions.

Respectfully,

By Order of:

THE CITY OF BRAINERD

«ACTION_DATE»

«PO_NAME»

«PO_STRNO» «PO_STREET»

«PO_CITY», «PO_STATE» «PO_ZIP»

ORDER TO CORRECT ADMINISTRATIVE VIOLATION

Dear Property Owner(s),

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

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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 Jason at 218/454-3416 if you have questions.

Respectfully,

By Order of:

THE CITY OF BRAINERD



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

THIS IS THE ONLY NOTICE YOU WILL RECEIVE

Administrative Citation

Department of Building Safety – 218/828-2309

«CASENUMBER»

Date of Violation: «ACTION_DATE»

Parcel ID: «PIN»

Violator(s): «PO_NAME»
«PO_STRNO» «PO_STREET»
«PO_CITY», «PO_STATE» «PO_ZIP»

Location/Address of Violation: «GEO_STREETNO» «GEO_STREET»

VIOLATION

Section	Subdivision, Chapter or Article	Complaint	Fine
«ORDINANCE_NUMBER1»	«VIOLATION1»	«COMPLAINT»	\$100.00

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

Citation Amount Due: \$100.00

Payment Due By: «ACTION_DUE_DATE»

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

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

Representative: Tim Caughey, City Building Official

Date: _____

Representative's Signature: _____

(served via first class mail)



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

THIS IS THE ONLY NOTICE YOU WILL RECEIVE

Administrative Citation

Department of Building Safety – 218/828-2309

«CASENUMBER»

Date of Violation: «ACTION_DATE»

Parcel ID: «PIN»

Violator(s): «PO_NAME»
«PO_STRNO» «PO_STREET»
«PO_CITY», «PO_STATE» «PO_ZIP»

Location/Address of Violation: «GEO_STREETNO» «GEO_STREET»

VIOLATION

Section	Subdivision, Chapter or Article	Complaint	Fine
«ORDINANCE_NUMBER1»	«VIOLATION1»	«COMPLAINT»	\$100.00

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

Citation Amount Due: \$100.00

Payment Due By: «ACTION_DUE_DATE»

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Re-inspection Date:

**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.

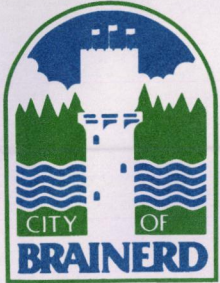
Representative: Tim Caughey, City Building Official

Date: _____

Representative's Signature: _____

(served via first class mail)

City of Brainerd
City Hall
501 Laurel Street
Brainerd, Minnesota 56401



**Code Violation Enclosed
Do Not Discard**



**Citation Enclosed
Do Not Discard**

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

April 2, 2018
City Hall Council Chambers
6:45 PM

1. Approval of Bills
2. ClearGov Presentation
3. Police Officer Conditional Job Offer
4. Police Officer Out of State Travel and Training
5. Resignation of Paid On-Call Firefighter Martin
6. Updated Legislative Agenda for Police and Fire



Presentation 7:15 pm

Ben Soukop, Eagle Scout

Loren Meinke, Minnesota Boy Scouts



Brainerd City Council Agenda Request

Requested Meeting Date: April 2, 2018

Title of Item: ClearGov Civic Insights Presentation

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☒ P&F COMMITTEE ☐ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☒ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Connie Hillman	Department: Finance
Presenter (Name & Title): Torstenson/Hillman	Estimated Time Needed: 15 Minutes
Summary of Issue: At the March 19th council meeting, information was presented to the committee about ClearGov Civic Insights. ClearGov is a website which helps governments leverage data to operate and communicate more effectively and efficiently. Staff feels the public facing solution, the transparency piece, would be useful to communicate with the public. If you recall from the conversation, staff had some concerns about the bench mark solution, which allows a city to compare itself to any other city. As an example, our audit for 2015 shows \$19.6 million of total governmental fund revenues (revenues plus the other financing sources), but ClearGov shows \$21.9 million. This is because ClearGov uses information that was reported to the Office of State Auditor (OSA) which includes activity of the library, airport and part of the HRA as a governmental fund activity. If we subscribe to the website we can update the information to include or exclude the airport, library etc to be more comparable to all cities that may not have those operations.	
Alternatives, Options, Effects on Others/Comments: We will have a 10 minute presentation from Mr. Branden Burdick from ClearGov. The quoted price for 2018 from ClearGov was \$3,300 with an annual price of \$5,500 thereafter. The one time set up fee of \$1,200 was waive and since is it already the end of March and they are just launching into Minnesota, they will give us a 40% discount for 2018. This is the best pricing we can get from ClearGov. We also discussed at the meeting exploring other websites or looking at other options such as Crow Wing County's annual report. Attached is the 2016 Popular Annual Financial Report (PAFR) from CWC that was downloaded from their website for your information. In speaking with the County's Finance Director, this report is done in-house using publisher.	
Recommended Action/Motion: Direction to staff as to how Council would like to proceed with displaying information like this: 1) subscribe to ClearGov; 2) prepared a document similar to Crow Wing County's and display on website; 3) continue to investigate other options for providing easy to understand information to the public and put forth as a budget item in 2019; or 4) staff is open to City Council preference for next steps.	
Financial Impact: Is there a cost associated with this request: ☐ Yes ☒ No What is the total cost, with tax and shipping \$ _____ Is this budgeted? ☐ Yes ☐ No The \$3,300 cost is not budgeted for 2018. <u>Please Explain:</u>	



Crow Wing County, Minnesota

Popular Annual Financial Report

For the year ended December 31, 2016



Our Vision: Being Minnesota's favorite place.

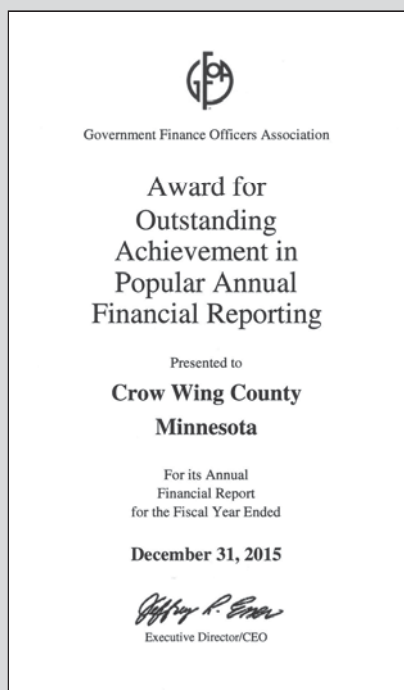
Our Mission: Serve well. Deliver value. Drive results.

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

The Government Finance Officers Association of the United States and Canada (GFOA) has given an Award for Outstanding Achievement in Popular Annual Financial Reporting to Crow Wing County for its Popular Annual Financial Report for the fiscal year ended December 31, 2015. The Award for Outstanding Achievement in Popular Annual Financial Reporting is a prestigious national award recognizing conformance with the highest standards for preparation of state and local government popular reports.

In order to receive an Award for Outstanding Achievement in Popular Annual Financial Reporting, a government unit must publish a Popular Annual Financial Report, whose contents conform to program standards of creativity, presentation, understandability and reader appeal.

An Award for Outstanding Achievement in Popular Annual Financial Reporting is valid for a period of one year only. Crow Wing County has received a Popular Award for the last three consecutive years (fiscal years ended 2013-2015). We believe our current report continues to conform to the Popular Annual Financial Reporting requirements, and we are submitting it to the GFOA.



Financial Report Message

We are pleased to present Crow Wing County's fourth Popular Annual Financial Report (PAFR). The PAFR is a condensed version of the 2016 Comprehensive Annual Financial Report (CAFR).

The CAFR is a more inclusive document, detailing the County's financial statements, notes, schedules, and statistics. The CAFR was prepared in conformance with Generally Accepted Accounting Principles (GAAP) and audited by the Office of the State Auditor of Minnesota. The CAFR received an unmodified (clean) opinion.

This report provides a summary of the financial position of the County in a simple, easy-to-read format for the fiscal year ending December 31, 2016. The PAFR also provides information on the property tax levy and other noteworthy activities. The PAFR is consistent with GAAP, and is unaudited.

Thank you for your interest in Crow Wing County. For a complete review of the County's financial position, please consult the 2016 CAFR available on the County's website at www.crowwing.us, or contact Finance at 218-824-1047 or FinanceAP@crowwing.us.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "J. Rausch".

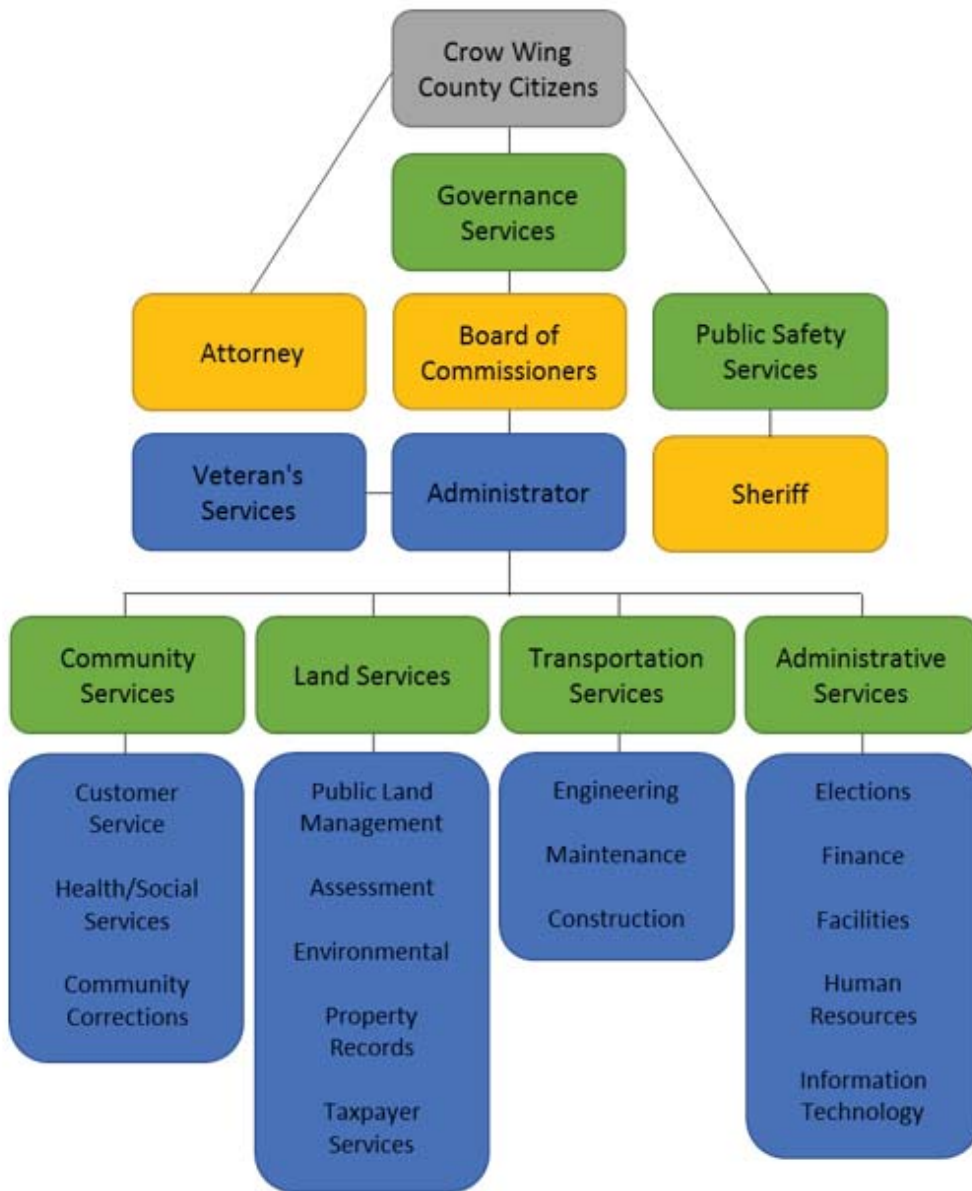
Jason J Rausch
Finance Director

About Crow Wing County

Crow Wing County was established in 1857 and formally organized in 1870. It is located in north-central Minnesota, about 125 miles northwest of the Minneapolis/St. Paul metropolitan area, and covers 999 square miles. The County seat is the City of Brainerd, which is the largest community in the County with a population of 13,671 residents in 2015.

The original County Courthouse was built in Brainerd in 1872; it was replaced in 1920 by the building now known as the Historic Courthouse. Other County structures include the Jail, Judicial Center, Community Services, Central Services, and Land Services buildings. The Highway Department is located off-site near the Brainerd Lakes Regional Airport, and the Solid Waste offices are on the County Landfill property.

Crow Wing County Organizational Structure



Service Areas

While the County presents the Comprehensive Annual Financial Report in accordance with Generally Accepted Accounting Principles in regards to fund structure, internally the County operates under a different organizational structure. Offices and departments of the County are grouped under different service areas. The County reports six different service areas: Governance, Public Safety, Community, Land, Transportation, and Administrative Services.

Each service area is a broad grouping of similar customer deliverables, with comparable expectations and focuses. Most service areas are managed by a department head who oversees the various departments or offices within the area.

Grouping various functions under a single service area allows the County to streamline operations, promote efficiencies, enhance communication within and across departments, and overall provide a better customer experience.

Crow Wing County is governed by the Board of Commissioners. There are five members of the County Board, each representing one of five Districts, elected to four-year overlapping terms. The County Board appoints a County Administrator who is the chief appointed administrative officer of the County. The Administrator is responsible for the administration of Board policy and for the management of various County division and departments. The Attorney and Sheriff are elected officials.

The County provides a full range of services contemplated by statute. These services include public safety, highway, health, attorney, human services, recreational, maintenance of property records, vital statistics, issuance of various permits and licenses, administration of property tax assessment and collection, and the distribution of local governments' property taxes within the County.

Did you know?

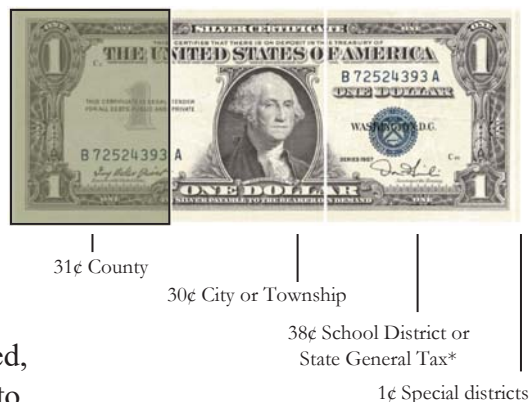
The 2017 budget, which was approved and adopted by the County Board in December 2016, was the seventh straight year of County tax levy decrease. Crow Wing County is proud to report that over the past seven years, levy has decreased 5.07 percent overall. Crow Wing County cannot find any evidence that any county in Minnesota history has ever accomplished seven straight years of levy reductions.

In a 2017 comparison of four nearby counties, Crow Wing County had the lowest County tax levy per capita at \$541.67. The chart below shows the downward trend of the County's property tax levy per capita over the past seven years.

Dividing Up Your Tax Dollar

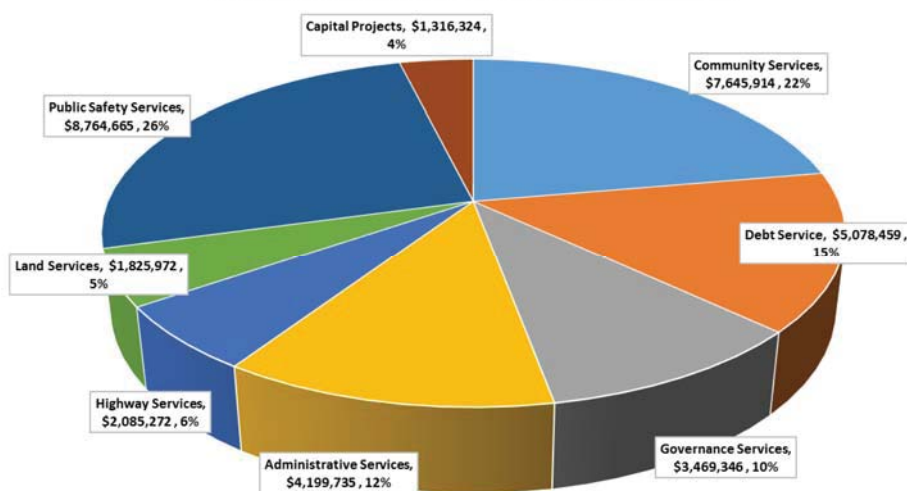
What happens when you pay your property taxes?

Although you make your property tax payments to Crow Wing County, not all of those funds are kept by the County. The County essentially acts as an “in-between”, and collects funds levied by your city or township, school district, and other special districts. These funds are then later distributed to these other districts. On average, for all property taxes collected, the County keeps 31¢ of every dollar to provide services. The remaining 69¢ is distributed to cities, townships, school districts, and special districts such as hospitals, HRAs, or sewer districts.

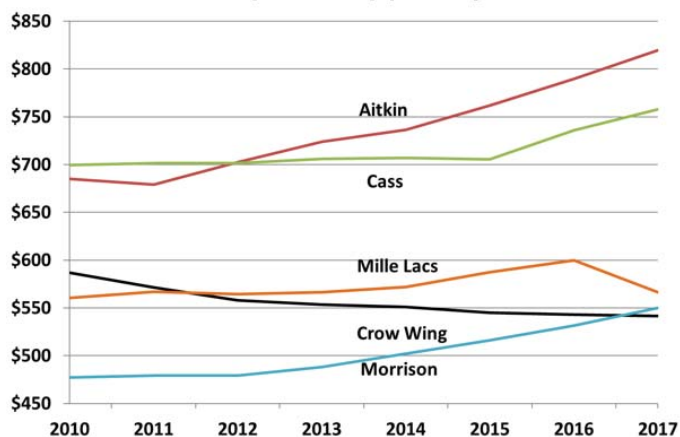


*In most instances, commercial and seasonal recreational properties will pay state general tax in addition to a portion of the school district tax.

Where does the County portion of your property tax go?



County Tax Levy per Capita



Crow Wing County Property Tax

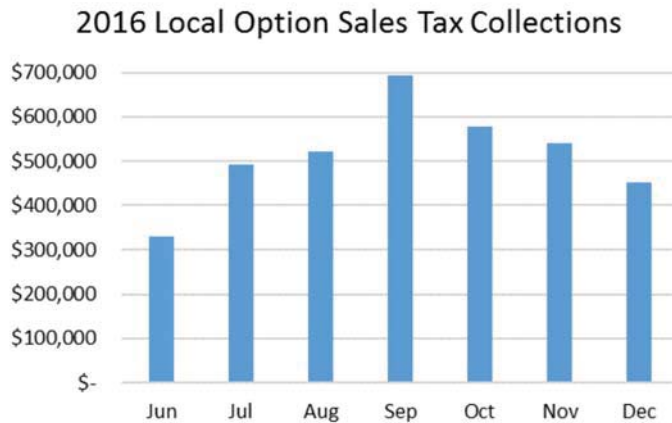
How we allocate resources.

The pie chart above shows where your County property tax dollars go. This does not include the portion of your taxes that go to the city/township, school, or special taxing district. The 2017 property tax levy marked the seventh straight year the County decreased the levy. For 2017, the County property tax levy was \$34,385,687.

Local Option Sales Tax

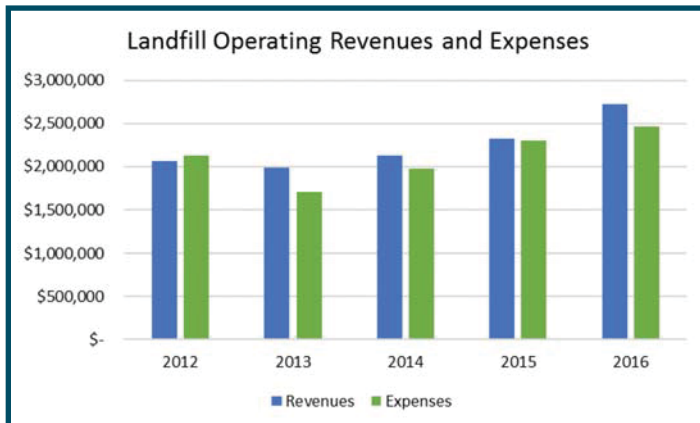
Improving your transportation experience.

The Crow Wing County Board of Commissioners approved a 0.5 percent sales tax effective April 1, 2016. The local option sales tax allows the County to generate additional revenues not only from those who live in our County, but also those who visit. These sales tax funds are dedicated to County road system improvements and maintenance. Sales tax collections in 2016 totaled \$3,609,007. Initial estimates at the time of adoption anticipated annual collections of approximately \$4 million per year. Crow Wing County is tracking well above annualized projections and anticipates a robust collection for 2017.



Landfill Enterprise Fund

Keeping our lakes and forests clean.



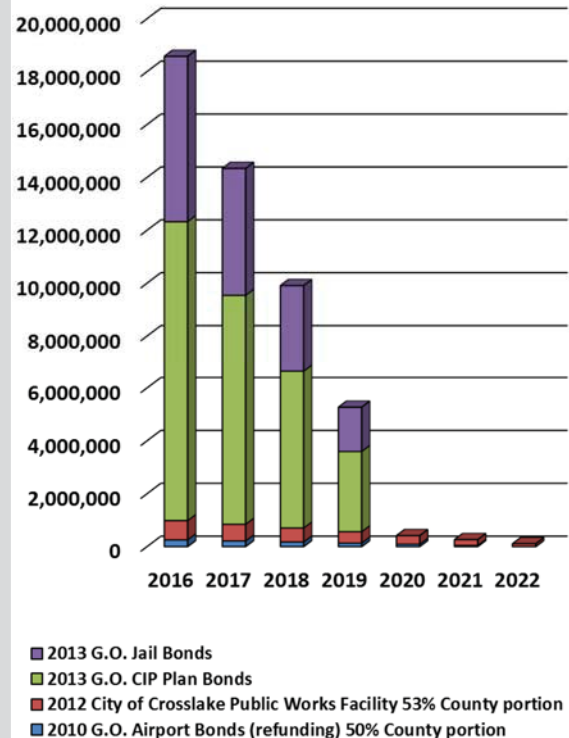
The County's Landfill Fund operates like a business, supporting itself with user fees and charges. For 2016, the Landfill Fund reported an operating income of \$262,170. Operating revenues

and expenses are those that occur in the normal course of business. The principal operating revenues are charges to customers for services provided and for the issuance of licenses and permits. Operating expenses include the cost of services, administrative expenses, depreciation, and costs relating to landfill closure and postclosure. All revenues and expenses not meeting this definition are reported as nonoperating revenues and expenses. During 2016, the Landfill accepted 45,359 tons of municipal solid waste; an increase of 6.33 percent from 2015. Since 2007, municipal solid waste brought to the Landfill has increased 14.47 percent.

Debt Refunding

On July 10, 2013, the County issued \$29,520,000 of General Obligation Refunding Bonds and contributed \$4,943,100 to advance refund \$37,105,000 of outstanding General Obligation bonds. Refunding a bond is comparable to refinancing your mortgage for a lower interest rate. The County reduced its total debt service payments by \$12,022,858 and obtained an economic gain of \$5,022,710. Economic gain is the difference between the present value of the debt service payments on the old and new debt. The new debt will be paid off in 2020. During the refunding, Standard & Poor's reaffirmed the County's AA bond rating. The table below shows a side-by-side comparison of outstanding principal on the old and new debt as of the end of each year.

Debt Principal Outstanding



Fund Types

The County maintains five types of governmental funds: general, special revenue, debt service, capital projects, and permanent; an enterprise fund, the Landfill Fund; and many fiduciary funds.

The **General Fund** is the primary fund for the County. It accounts for all revenues and expenditures associated with the general operations of the County not required to be accounted for in separate funds.

Special Revenue Funds account for proceeds of specific revenue sources that are restricted or committed for specific purposes. The County maintains seven Special Revenue Funds: Highway, Community Services, Public Land Management, Solid Waste (Non-Landfill), Unorganized Townships, Small Cities Development Program, and Ditch.

The **Debt Service Fund** is used to account for financial resources used for the repayment of debt.

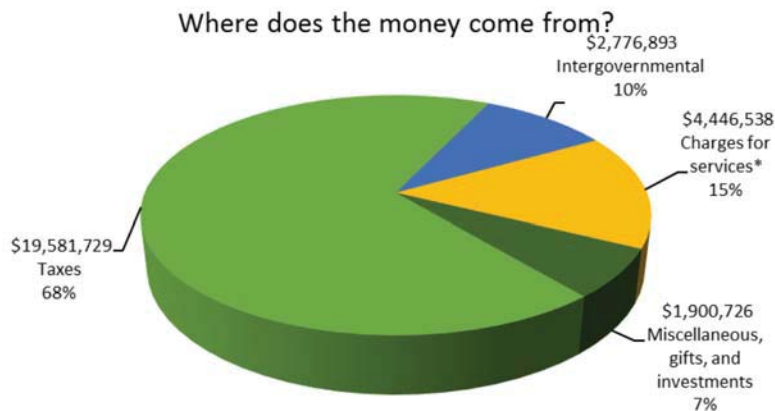
The **Capital Projects Fund** is used to account for the financial resources used for the acquisition or construction of capital facilities and other capital assets.

The County maintains one **Permanent Fund**, the Environmental Trust, to account for resources that are non-spendable or restricted for environmental purposes pursuant to Minn. Stat. § 373.475.

The County reports one **Enterprise Fund**, the Landfill Fund, which is operated and accounted for much like a business.

Fiduciary Funds are used to account for resources held for the benefit of parties outside the government. Fiduciary funds are not included in the government-wide financial statements because the resources of these funds are not available to support the County's own programs.

General Fund Revenues



The General Fund is the primary fund used for County operations. It accounts for revenues and expenditures associated with the general operations of the County that are not required to be accounted for in separate funds.

The General Fund accounts for services such as attorney; public safety, including dispatch, bomb squad, the County Jail, and boat and water; maintenance of property records; vital statistics; elections; administration of property tax assessment and collection; and the distribution of local governments' property taxes within the County.

The General Fund also accounts for internal services such as human resources, payroll and finance, information technology, and facility services.

Revenues for the General Fund totaled \$28,705,886 for 2016, an increase of \$800,888, or 2.9 percent from 2015. Property taxes were the largest revenue of the General Fund, at \$19,581,729.

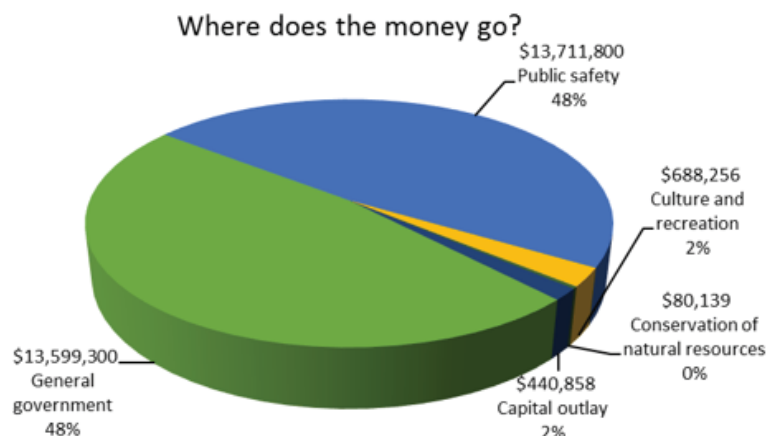
*Charges for services includes charges, licenses and permits, and fines and forfeits.

General Fund Expenditures

General Fund expenditures for 2016 were \$28,520,353, an increase of \$795,961, or 2.8 percent, from 2015. The largest increase was in public safety, in the amount of \$561,306, due to greater staffing in 2016 in the County Jail related to opening an additional jail pod. General government and public safety account for the majority of expenditures out of the General Fund. The General Fund had revenues in excess of expenditures in the amount of \$185,533.

The General Fund reported a positive variance of \$599,881 against the budgeted revenues and expenditures for 2016: the General Fund's revenues were greater than anticipated, and expenditures were less than anticipated.

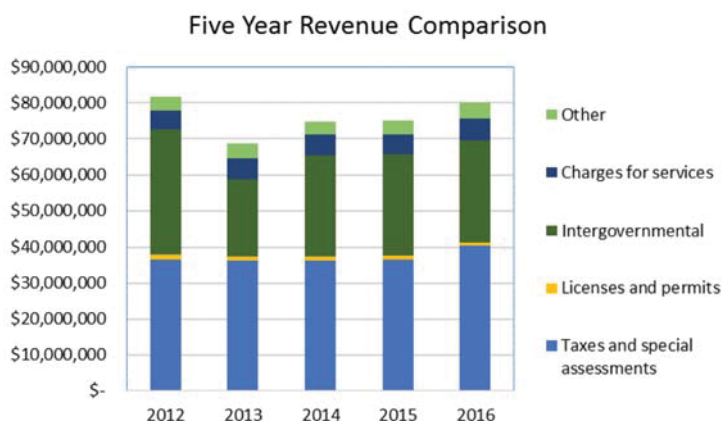
The General Fund continues to maintain healthy fund balance levels, reporting an unrestricted fund balance of \$15,000,004 as of December 31, 2016, which is 52.6 percent of General Fund expenditures.



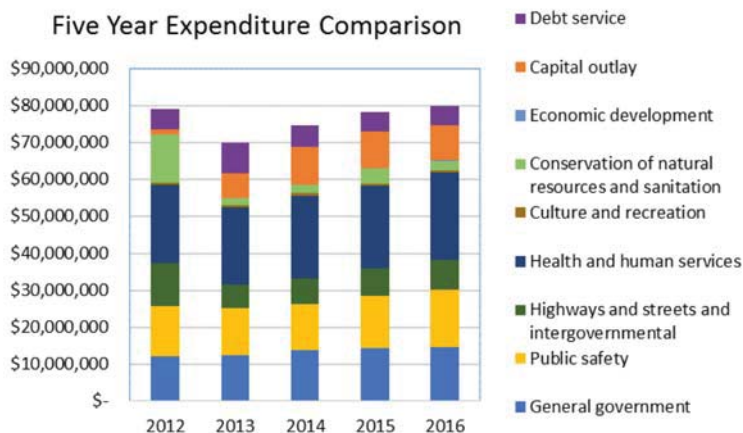
Governmental Funds Revenues and Expenditures

The County's revenues for 2016 (for all funds except the Landfill) were \$80,101,447, an increase of \$5,095,917 over the prior year. The majority of this increase is attributed to the collection of a new transportation sales and use tax, for which the County reported revenues (including accruals) of \$4,020,905. Additionally, charges for services for public safety increased by approximately \$591,000, primarily due to increased prisoner reimbursement related to the County's contract with the Minnesota Department of Corrections.

The graph to the right provides a five-year comparison of governmental revenues. A one-time grant related to the Mississippi Northwoods land acquisition was received in 2012, accounting for the increased revenues in that year.



The County's expenditures for 2016 (for all funds except the Landfill) were \$79,801,103, an increase of \$1,660,390, or 2.1 percent, over the prior year. Expenditures for public safety increased due to the increased



costs of operating an additional jail pod. Expenditures for health and human services increased as a result of the increase in costs for state operated services that were

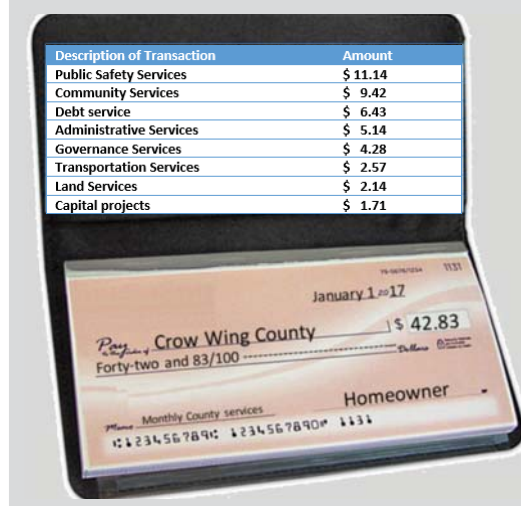
shifted to counties, and for greater out-of-home placement costs than in the prior year.

As of the end of the fiscal year, governmental funds reported combined ending fund balances of \$47,168,711, an increase of \$412,474 in comparison to the prior year. Of this total amount, \$31,070,142 constitutes unrestricted fund balance.

How Your Tax Dollars Buy County Services

Residents receive a variety of County services at an affordable price. The cost of County services in 2017 for a homeowner in Crow Wing County with an assessor's market value of \$176,000 (the County's average market value) is \$42.83 per month. The value received from County services compares favorably to charges for other monthly bills.

The checkbook below shows how the monthly cost of property tax-supported services is divided among County departments. Public Safety Services include sheriff and 911 dispatch, as well as the operation of the County Jail. Land Services includes services such as property tax assessment and collection, environmental services, and the recorder. Administrative Services includes internal support departments such as Finance, IT, Facilities, and also Elections. Transportation Services support road maintenance and improvements within the County. Governance Services provides for County Administrator, County Board, and Attorney.



Economic Condition and Outlook

The County contains a variety of commercial and industrial businesses in areas such as retail and wholesale; health care; education; manufacturing and construction; and financial and information services. Tourism is an important facet of the local economy. During the height of tourism season the County's population swells to an estimated 300,000 when tourists and seasonal residents are taken into consideration. Leisure and hospitality industries brought in nearly \$229 million in gross sales in 2015, the most recent year data is available. The leisure and hospitality industry is a large industry in the County, with an annual average of 4,179 employed in 2016. The single largest employer in the County is Essentia Health, with 1,460 employees, followed by Cuyuna Regional Medical Center with 947 employees, and Independent School District #181 with 893 employees. The chart below shows the breakout of employment by industry for the County for 2015 (the most recent year available).

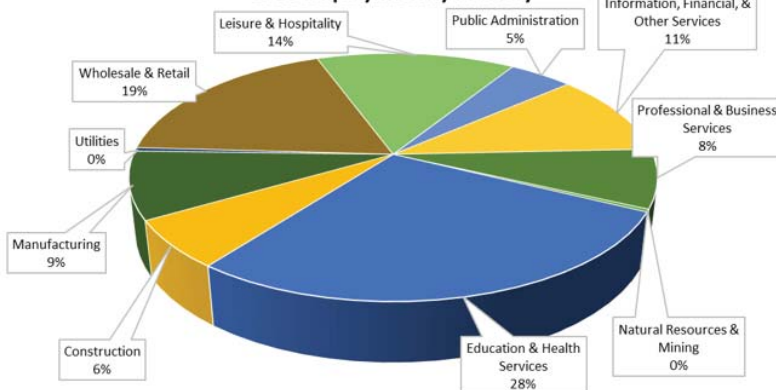
Improved Customer Service Experience

How we seek to **serve well**.

In 2015 the County secured special legislation to appoint the Auditor/Treasurer and Recorder, which were previously elected positions, in order to improve service delivery for land and vital record transactions. This allowed the County to create a single Customer Service center for all land-related transactions, thereby improving customer experience and reducing expenses by over \$300,000. In early 2016, the Recorder and Auditor/Treasurer functions became fully restructured into Land Services. Additionally, an Administrative Services department was created, which contains internal operational divisions such as Elections, Finance, Information Technology, and Facilities, and soon will include Human Resources.



2015 Employment by Industry

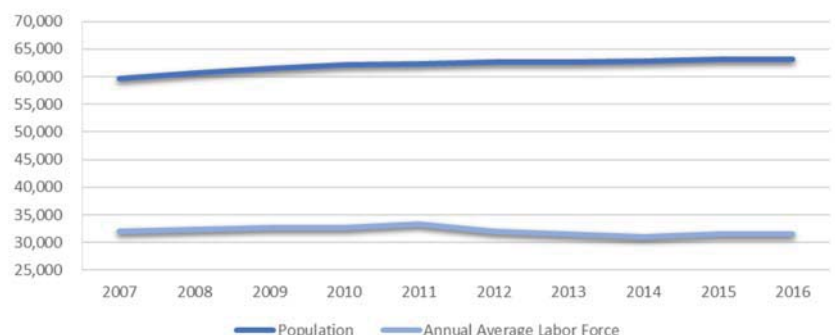


The State Demographic Center estimated the 2016 population of Crow Wing County at 63,481, an increase of 3.2 percent since 2007. The annual average labor force has been estimated at 31,443 for 2016, a decrease of 3.9 percent since 2007, as seen in the graph below.

The County continues to examine potential ways to serve a growing population with a decreasing labor force.

The County's per capita personal income in 2015 (the most recent year available) was \$40,710, an increase of \$1,597 over 2014, or 4.1 percent.

Population and Labor Force





Brainerd City Council Agenda Request

Requested Meeting Date: April 2nd, 2018

Title of Item: Request to Hire Police Officer

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☒ P&F COMMITTEE ☐ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: CHIEF MCQUISTON	Department: POLICE
Presenter (Name & Title): CHIEF MCQUISTON	Estimated Time Needed: 5 MINUTES
Summary of Issue: We are requesting authorization to make a conditional job offer to Shane Holtz. Shane is the top candidate on the police officer eligibility list certified by the Police & Fire Civil Service Commission on March 28th. This is to fill the vacant position created by the retirement of Officer Troy Nash on January 25th, 2018. We are anticipating a projected starting date for Shane of April 30th, or as soon as possible thereafter.	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion: Authorize making conditional job offer to Police Officer Candidate Shane Holtz , contingent on successful completion of the preemployment screening process, with a starting date of April 30th, or shortly thereafter.	
Financial Impact: <i>Is there a cost associated with this request:</i> ☒ Yes ☐ No <i>What is the total cost, with tax and shipping</i> \$ _____ <i>Is this budgeted?</i> ☒ Yes ☐ No <u>Please Explain:</u> This is a budgeted position within the department's current budget and pre-employment screening costs are also covered in the Police Department 2018 budget.	



Brainerd City Council Agenda Request

Requested Meeting Date: April 2nd, 2018

Title of Item: Officer Out of State Travel and Training

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☒ P&F COMMITTEE ☐ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: CHIEF MCQUISTON	Department: POLICE
Presenter (Name & Title): CHIEF MCQUISTON	Estimated Time Needed: 5 MINUTES
Summary of Issue: We are requesting authorization for out of state travel for Officer Derek Pallansch to attend training with our local Drug Court Team in Houston, Texas, from May 30th to June 2nd, 2018. This is the annual National Association of Drug Court Professionals Training Conference. The cost of the training, travel, lodging, and meals will be covered by drug court funding. Currently, scheduling would allow Officer Pallansch to attend this training with a relatively low impact on our coverage. The cost of the conference is \$745, plus airfare, lodging, and meals.	
Alternatives, Options, Effects on Others/Comments: Officer Pallansch is a member of the local drug court team, and this is a unique opportunity for him to attend a national training conference without our agency incurring the costs. This training has areas covering the role of social media for law enforcement, legalizing marijuana, the opioid crisis, current drug trends, trauma impacted juveniles and young adults in the criminal justice system, and responding to mental health disorders. This training will allow Officer Pallansch to continue to develop and increase his community policing skills, as Drug and DWI court are probably two of the most important Community Policing programs we participate in.	
Recommended Action/Motion: Authorize out-of-state travel for Officer Derek Pallansch to attend the National Association of Drug Court Professionals Training Conference in Houston, Texas, from May 30th, to June 2nd, 2018, with the costs associated with the conference to be paid for by drug court funding.	
Financial Impact: <i>Is there a cost associated with this request:</i> ☒ Yes ☐ No <i>What is the total cost, with tax and shipping</i> \$ 745 + _____ <i>Is this budgeted?</i> ☐ Yes ☒ No <u>Please Explain:</u> Other than officer's wages, no additional costs for our department are anticipated at this time.	



Brainerd City Council Agenda Request

Requested Meeting Date: April 2nd, 2018

Title of Item: Resignation of Paid On-Call Firefighter Martin

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☒ P&F COMMITTEE ☐ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Fire Chief Tim Holmes	Department: Fire
Presenter (Name & Title): Fire Chief Tim Holmes	Estimated Time Needed: 5 minutes
Summary of Issue: Paid On-Call Firefighter Martin submitted a letter of resignation. The effective date is May 1st, 2018. Martin has been on the fire department since 1995. Martin served on the Brainerd Fire Department for just under 23 years. Martin finishes his career with the department as a Captain.	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion: Accept, with regret, the resignation of Randy Martin from the Brainerd Fire Department effective May 1st, 2018.	
Financial Impact: <i>Is there a cost associated with this request:</i> ☐ Yes ☐ No <i>What is the total cost, with tax and shipping</i> \$ _____ <i>Is this budgeted?</i> ☐ Yes ☐ No <i>Please Explain:</i>	

January 29th, 2018

JAN 29 2018

RECEIVED

To Chief Holmes,

As a boy I was inspired to be a fire fighter by my great uncle Duane Doucette or Frenchie as some called him. I would watch him at calls and even at our house for a chimney fire knowing that someday I wanted to do that. We all hope to leave our mark or inspire someone along the way to do great things. Like my great uncle I hope I have been that person. With that being said this has been one of the toughest decisions I have had to make and comes with a heavy heart of having to walk away from something I care for very much. Since the closing of Wausau Paper, losing my job and now trying to balance the long hours of construction work with Anderson Brothers making training, fire calls and trying to provide enough time for family. Every time I run out the door my sons says "daddy wait" he gives me a hug and says "be safe". Giving all I have to make everything work has become too much. I was in high hopes of finding a job that would have similar hours and pay of what the mill had to offer but this area doesn't have many options. I also had a strong desire to someday become a full time fire fighter with Brainerd Fire but like the mill that opportunity no longer exists. For the past twenty two years it has been a humbling experience to be a fire fighter and to be part of a brother hood that only Brainerd Fire could provide. Belonging to a great organization like Brainerd Fire Department has helped to shape me into who I have become for that I thank you. Please except my resignation from Brainerd Fire as of May 1st, 2018.

Sincerely,



Captain Randy Martin
1054



Brainerd City Council Agenda Request

Requested Meeting Date: April 2, 2018

Title of Item: Updated Legislative Agenda for Police, Fire, and Airport

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☒ P&F COMMITTEE ☐ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Cassandra Torstenson	Department: Administration
Presenter (Name & Title): City Administrator Torstenson	Estimated Time Needed: 5 Minutes
Summary of Issue: At the March 19, 2018 council meeting, Council approved the proposed 2018 legislative agenda (with one modification) and the exception of what was submitted for police, fire, airport and HRA. The Council requested more specific items rather than saying the City supports the positions taken by the various associations. Attached is an updated proposed legislative agenda for police, fire, and airport concerns for Council's consideration.	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion: Discussion and approval of the legislative agenda for Police, Fire, and Airport	
Financial Impact: Is there a cost associated with this request: ☐ Yes ☒ No What is the total cost, with tax and shipping \$ _____ Is this budgeted? ☐ Yes ☐ No <u>Please Explain:</u>	



MEMO

TO: City Council
DATE: April 2, 2018
FROM: Cassandra L Torstenson, City Administrator
ITEM: 2018 Legislative Agenda

BACKGROUND INFORMATION

The Legislative Agenda provides the framework for legislative priorities and topic areas, established and approved by the City Council, for city staff to use when communicating with community stakeholders, state legislators, and testifying on legislative bills.

LEGISLATIVE AGENDA

POLICE

1. **Criminal Background Checks** – **Support** preventing individuals who are not legally able to purchase a gun from doing so without background checks at gun shows, online or in private transactions.
2. **First Responder Protection Act** – **Support** protecting the safety and well-being of police officers, firefighters and medical personnel during demonstrations and rallies by increasing the penalties for attempted assaults on these individuals to a gross misdemeanor.
3. **Criminal Gang Investigative Data System** – **Support** amending MN Statute 299C.091 to clarify when a legally identified gang member, who is incarcerated, is removed from the Gang Investigative Data system.
4. **Law Enforcement Integrity Act** - **Support** allowing for a Minnesota Licensed Peace Officer to be terminated from public employment without opportunity to challenge the remedy of termination should the basis for termination be willful or intentional dishonesty, deception, or similar unethical or illegal conduct that is deemed sufficient to imperil their credibility in court testimony. This does not support limiting an officer's due process right to arbitration.

5. **Gun Violence Protective Orders (GVPOS)** – **Support** allowing law enforcement, qualified health care practitioners, family members and intimate partners who believe an individual's dangerous behavior has a substantial likelihood to lead to violence to request an order from a civil court authorizing law enforcement to temporarily remove any guns in the individual's possession and to prohibit new gun purchases for the duration of the order.
6. **Revisions to Permit to Purchase Firearms Statutes** - **Support** aligning the Permits to Purchase Firearms statutes (MN Stat. 624.7131; 624.7132) with the Permit to Carry (MN Stat. 624.714) statute in terms of the time required for conducting background checks (from 7 to 30 days).
7. **Arbitration Revision Act** – **Support** revisions to the arbitration process that lead to a more effective and objective manner of dealing with disciplinary matters of sworn peace officers
8. **Enhanced penalties for repeat shoplifting offenders** – **Support** increasing the charge or severity for repeat shoplifters.

Fire

1. **Support Fire Safety Account.** We strongly request the Fire Safety Account remain intact and fully funded.

This fund supports the State Fire Marshal Division, all the state response teams that we call on, reimbursement for our firefighter training through the MBFTE, and more. Minnesota currently ranks 45th in total investment in the fire service. If we are to continue to provide high quality services to our communities', policymakers will need to improve this ranking.

2. **Support Police and Fire PERA.** Our firefighters and police give a lot of time and energy to the community and a great retirement is beneficial to their long-term commitment to the fire service.
3. **Support Fire Districts.** Fire districts are a way for fire departments and local government to work together in controlling increasing costs of doing business.
4. **Oppose expansion of legal fireworks** This is important for the safety of our community. Fireworks are dangerous and can result in injuries and pose a serious fire risk.
5. **Oppose statutory prohibition on residential fire sprinklers** Background: Oppose efforts that would prohibit the adoption of the residential fire code that may require the installation of a fire suppression systems. The Appellate Court struck down the Department of Labor and Industry's (DLI) adoption of the latest International Residential Code (IRC). The IRC is for building new single-family and duplex homes, which had a provision for residential fire sprinklers in newly constructed one- and two-family homes that were 4,500 sq. feet and larger. The sprinkler provision was challenged

as whether it was done legally and appropriately. The requirement to build these homes safer is no longer in effect. The sobering reality is that, in terms of fire safety, the most dangerous place to be is at home. And most often the victims of fire are the younger and older among us, who have a more difficult time getting out in an emergency situation.

Residential fire sprinklers save lives. Fire sprinklers are cost-effective. In Minnesota recent studies show the cost of installing residential fire sprinkler systems averages \$1.15 per sprinklered square foot, or approximately 1% of new home construction.

6. **Support MnFIRE** A new initiative to support firefighter health and wellness.

AIRPORT

The City of Brainerd supports the proposed changes to Minnesota's Airport safety zoning laws as summarized by MnDOT.

RECOMMENDED CITY COUNCIL ACTION

Consider discussion and approval of the 2018 Legislative Agenda.

STAFF CONTACT INFORMATION

Cassandra L Torstenson, ctorstenson@ci.brainerd.mn.us, 218-828-2307



Brainerd City Council Agenda Request

Requested Meeting Date: April 2, 2018

Title of Item: On-Sale/Sunday Liquor License - Submitted by Sage on Laurel, LLC

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☒ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Connie Hillman	Department: Finance
Presenter (Name & Title): Finance Director Hillman	Estimated Time Needed: 5 Minutes
Summary of Issue: We received an On-Sale/Sunday liquor application from Sage on Laurel, LLC. Currently Sage has an on-sale wine and beer license. They would like to expand their license to a full liquor license.	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion: Approve the On-Sale Liquor/Sunday License for Sage on Laurel, LLC, 606 Laurel Street, Brainerd contingent upon Fire Chief's approval.	
Financial Impact: Is there a cost associated with this request: ☐ Yes ☒ No What is the total cost, with tax and shipping \$ _____ Is this budgeted? ☐ Yes ☒ No <u>Please Explain:</u>	



Brainerd City Council Agenda Request

Requested Meeting Date: April 2, 2018

Title of Item: First Reading - Proposed Ordinance No. 1480

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☒ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☒ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Connie Hillman	Department: Finance
Presenter (Name & Title): Finance Director Hillman	Estimated Time Needed: 5 Minutes
Summary of Issue: On November 20, 2017, the City Council adopted Ordinance No. 1475 amending several Brainerd zoning sections to allow microdistilleries and cocktail rooms. City Planner Ostgarden received a call on Wednesday (3/28) from a company saying they have found a facility to possibly house their microdistillery business. The attached draft ordinance addresses the licensing and fees for operation of microdistilleries and cocktail rooms.	
Alternatives, Options, Effects on Others/Comments: The fees are the same as operating an on-sale tap room and for the off-sale of growlers. The ordinance is also subject to attorney review.	
Recommended Action/Motion: Hold first reading of proposed ordinance number 1480 - an ordinance amending sections 1200.03 and 1010.01 of the Brainerd City Code to permit issuance of licenses and fees for microdistilleries and cocktail rooms.	
Financial Impact: <i>Is there a cost associated with this request:</i> ☒ Yes ☐ No <i>What is the total cost, with tax and shipping</i> \$ <u>Notice of Public Hearing</u> <i>Is this budgeted?</i> ☒ Yes ☐ No The City budgets \$2,500 for legal publications. <i>Please Explain:</i>	

**ORDINANCE
NO. 1480**

**AN ORDINANCE AMENDING SECTIONS 1200.03 AND SECTION 1010.01 OF
THE BRAINERD CITY CODE TO PERMIT ISSUANCE OF LICENSES AND
FEES FOR MICRODISTILLERIES AND COCKTAIL ROOMS**

THE CITY COUNCIL OF THE CITY OF BRAINERD DOES ORDAIN:

SECTION ONE: That the Brainerd City Code Section 1200.03 be amended to read as follows:

1200.03 Licensed Required. Subdivision 1. General Requirements. No person, except a wholesaler or manufacturer to the extent authorized under State license, shall directly or indirectly deal in, sell, or keep for sale in the City any intoxicating liquor without a license to do so as provided in the Section. Liquor licenses shall be of ten kinds: on-sale, on-sale wine, off-sale, special club licenses, temporary on-sale, Sunday on-sale, on-sale brewer taproom, off-sale growler, microdistillery/cocktail room, and off-sale distilled spirits.

SECTION TWO: That the Brainerd City Code be amended by inserting a new Subd. 10 into Section 1200.03 of the Brainerd City Code to read as follows:

Subd. 10. Microdistilleries. (a) An on-sale microdistillery license authorizes samples on its premises of distilled spirits manufactured on its premises, in an amount not to exceed 15 milliliters per variety per person. No more than 45 milliliters may be sampled under this paragraph by any person on any day (b) A microdistillery can sell cocktails to the public, pursuant to subdivision 2 of State Statute 340A.22 (c) A microdistillery may not operate a cocktail room under subdivision 2 of State Statute 340A.22 or conduct sales at off-sale under subdivision 4 of State Statute 340A.22 unless at least 50 percent of the annual production of the licensee is processed and distilled on premises. (d) Distilled spirits produced or in production prior to July 1, 2017 are not counted as part of the calculations under paragraph (c).

SECTION THREE: That the Brainerd City Code be amended by inserting a new Subd. 11 into Section 1200.03 of the Brainerd City Code to read as follows:

Subd. 11. Cocktail Rooms. A microdistillery cocktail room license authorizes on-sale of distilled liquor produced by the distiller for consumption on the premises of or adjacent to one distillery location owned by the distiller, subject to the restrictions in this chapter and Minnesota Statutes, Section 340A.22, Subdivision 2, as it may be amended from time to time. Notwithstanding section 340A.504, subdivision 3, a cocktail room may be open and may conduct on-sale business on Sundays if authorized by the municipality.

SECTION FOUR: That the Brainerd City Code be amended by inserting a new Subd. 12 into Section 1200.03 of Brainerd City Code to read as follows:

Subd 12. Off-sale Distilled Spirits Licenses: An off-sale distilled spirits licenses authorizes off-sale of distilled spirits of one 375 milliliter bottle per customer per day of product manufactured on site, subject to the following requirements: (1) off-sale hours of sale must conform to hours of sale for retail off-sale licensees in the licensing municipality; and (2) no brand may be sold at the microdistillery unless it is also available for distribution by wholesalers.

SECTION FIVE: That the Brainerd City Code be amended by adding the following to Section 1010.01, Subd. 5. Liquor and Cigarettes of the Brainerd City Code:

<u>Type of License</u>	<u>Section Requiring License</u>	<u>Fee Schedule</u>
On Sale Cocktail Room	1200	\$500
Off Sale Distilled Spirits	1200	\$300

SECTION SIX: This Ordinance shall take effect and be in force one week after the day of its publication.

Adopted this ____ day of ____, 2018

DAVID J. PRITSCHET
President of the Council

Approved this ____ day of ____, 2018

EDWIN L. MENK
Mayor

ATTEST: _____
CASSANDRA TORSTENSON
City Administrator

Published: One Time on ____, 2018



Brainerd City Council Agenda Request

Requested Meeting Date: April 2, 2018

Title of Item: Resolution Supporting Preservation of Local Authority

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☒ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☒ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: City Engineer Sandy	Department: All
Presenter (Name & Title): City Engineer Sandy	Estimated Time Needed: 5 Minutes
Summary of Issue: There has been a trend at the legislature of bills being authored that try to regulate local government decision making. It is vitally important that local government elected officials have the ability to make decisions based upon what is best for it's constituents and businesses.	
Alternatives, Options, Effects on Others/Comments: Over two dozen bills that restrict local decision making have been introduced to the legislature in 2017-2018. The most notable bills are cellular wireless companies such as Verizon, AT&T and T-Mobile continually trying to eliminate a City's right to control it's rights-of-ways and zoning authority on structures such as water towers and antennas or put fee caps on permits to allow small cell wireless structures on existing infrastructure. This resolution solidifies the City's standing that it knows what is best for it's constituents and businesses, and that the local elected officials are held accountable to it's constituents, much like legislatures down at the Capitol. Attached is a list of bills from this session that are referenced to limit a local government's ability to govern. Also attached is a list of cities that have passed this same resolution.	
Recommended Action/Motion: Staff recommends adopting this resolution that supports local decision making authority and opposes any attempt to slowly degrade a City's ability to govern in the best interest of it's constituents and businesses.	
Financial Impact: <i>Is there a cost associated with this request:</i> ☐ Yes ☒ No <i>What is the total cost, with tax and shipping</i> \$ _____ <i>Is this budgeted?</i> ☐ Yes ☐ No <i>Please Explain:</i>	

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

A RESOLUTION SUPPORTING LOCAL DECISION-MAKING AUTHORITY

WHEREAS, local elected decision-makers are in the best position to determine what health, safety and welfare regulations best serve their constituents; and

WHEREAS, just like state legislative leaders, local elected officials are held accountable through Minnesota's robust elections process; and

WHEREAS, ordinances at the local level are enacted only after a comprehensive, legal and open process; and

WHEREAS, local units of government are required to publish notices about meetings where policies will be discussed and decisions will be made; and

WHEREAS, under the state's Open Meeting Law, public policy discussions and decisions must occur in meetings that are accessible to members of the public; and

WHEREAS, cities are often laboratories for determining public policy approaches to the challenges that face residents and businesses; and

WHEREAS, preservation of local control in Minnesota has yielded statewide benefits such as the 2007 Freedom to Breathe Act, an amendment to the Minnesota Clean Indoor Air Act; and

WHEREAS, more than two dozen bills that restrict local decision-making have been introduced in 2017 to date.

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

That this Council supports local decision-making authority and opposes legislation that removes the ability for local elected officials to respond to the needs of their businesses and constituents.

Adopted this ____ day of _____, 2018

DAVID J. PRITSCHET
President of the Council

Approved this ____ day of _____, 2018

EDWIN L. MENK
Mayor

ATTEST: _____
CASSANDRA TORSTENSON
City Administrator



CONNECTING & INNOVATING
SINCE 1913

Cities Supporting Local Control

The following 93 cities have passed resolutions supporting local control in 2017 & 2018

Alexandria	Hewitt	Rochester
Audubon	Hinckley	Round Lake
Baudette	Hopkins	Royalton
Bemidji	Hoyt Lakes	Sandstone
Big Lake	Hutchinson	Shoreview
Blue Earth	Isanti	Silver Lake
Buffalo	Jenkins	Springfield
Cambridge	Lake Bronson	St. Louis Park
Carver	Lake City	St. Paul
Centerville	Lindstrom	Stewartville
Clarkfield	Little Falls	Taylors Falls
Climax	Lucan	Thief River Falls
Coates	Mahnomen	Vesta
Cottage Grove	Maplewood	Wabasso
Crosslake	Mazeppa	Wadena
Currie	Medford	Warren
Dawson	Melrose	Warroad
Dayton	Mendota Heights	Watkins
Deer River	Minneapolis	Waverly
Delano	Minnetonka	Wendell
Dilworth	Moorhead	Whakon
Duluth	Mora	Wheaton
Eagan	North Branch	White Bear Lake
Eden Valley	North St. Paul	Wood Lake
Edina	Northfield	Worthington
Ely	Olivia	
Eyota	Oronoco	
Fosston	Ottertail	
Franklin	Owatonna	
Granite Falls	Pequot Lakes	
Grant	Prior Lake	
Ham Lake	Proctor	
Hastings	Rice Lake	
Hawley	Richfield	

Updated: 3/18/18

2017-2018 Bills to Restrict Municipal Authority (Updated 3-16-18)

ISSUE	HF	SF	CURRENT STATUS
Administrative			
Imposes new restrictions on interim ordinances related to housing	330	201	2017 outcome: <i>Chapter 94 (the omnibus jobs and economic development policy and budget bill), Article 11, section 3, creates Minn. Stat. § 462.355, subd. 4, which provides notice requirements when adopting an interim ordinance that regulates, restricts, or prohibits a “housing proposal.” Effective Aug. 1, 2017.</i>
Requires cities and counties to notify potentially impacted businesses of an ordinance that impacts a business licensed in the jurisdiction, including if the ordinance changes the location or availability of a product or service provided by the business	1242	1224	2017 outcome: <i>Chapter 77 creates Minn. Stat. § 415.19, which requires a 10-day notice for most proposed ordinances. Interim ordinances are exempt from the notice requirement. Effective Aug. 1, 2017.</i>
Requires a minimum three-year data retention period for “correspondence”, and defines correspondence in government record retention law	1185	1719	House: Heard in Gov Ops, Civil Law, now in State Gov Senate: Referred to Judiciary 2017 outcome: <i>Not enacted in 2017.</i>
Requires a local government's data retention schedules provides for at least 18 months of retention for electronic records from the date the record is created	70	123	House: Referred to Gov Ops Senate: Heard informationally in Judiciary 2017 outcome: <i>Not enacted in 2017.</i>
Adds new notification requirements on counties and cities related to written procedures across the local governmental enterprise	61	n/a	House: Referred to Gov Ops No Senate version 2017 outcome: <i>Not enacted in 2017.</i>
Requires a city or county to provide 30 days' notice of its intention to hold a hearing on the adoption or amendment of any ordinance or resolution that sets standards or requirements regarding the sale, use, or	2592	2328	House: Referred to Gov Ops Senate: Referred to Local Gov 2017 outcome: <i>Not enacted in 2017.</i>

ISSUE	HF	SF	CURRENT STATUS
marketing of merchandise to consumers at retail or food service locations that are different from, or in addition to, any requirement established by state law			
Prohibits employers, including political subdivisions, from seeking wage history or information about past wages of an employee or prospective employee	2913	2716	House: Referred to Job Growth and Energy Affordability Policy and Finance Senate: Referred to Jobs and Economic Growth Finance and Policy
Prohibits the name of a lake, river, stream, or other body of water that has existed for more than 40 years from being changed		3283	No House version Senate: Referred to Environment and Natural Resources Policy and Legacy Finance
Housing			
Requires legislative approval of local housing goals that are currently negotiated between cities and the Metropolitan Council for the purpose of regional grant program funding	1037	n/a	House: Included as a provision in House version of SF 1937 (omnibus jobs, commerce, energy, labor and industry, and employment and economic development appropriations bill; companion is HF 2209) No Senate version 2017 outcome: Not enacted in 2017.
Local Elections			
Prohibits ranked choice voting	3690	3325	House: Referred to Government Operations and Elections Policy Senate: State Government Finance and Policy and Elections
Local Government Finance			
Eliminates LGA for cities that meet definition of "sanctuary city"	1664	n/a	House: Referred to Gov Ops; amended into HF 754 during Property Tax Division, laid over for possible inclusion No Senate version

ISSUE	HF	SF	CURRENT STATUS
			2017 outcome: Not enacted in 2017.
Eliminates LGA for cities that enact “sanctuary ordinances”	n/a	881	No House version Senate: Introduced, referred to Taxes 2017 outcome: Not enacted in 2017.
Reduces LGA for cities that contribute to a World Fair, eliminates LGA for cities that are sanctuary cities, and reduces aid to cities and counties operating unauthorized driver diversion programs	754	n/a	House: World Fair and diversion provisions included in HF 4 (omnibus tax bill) No Senate version 2017 outcome: Not enacted in 2017.
Eliminates LGA for cities with sick time laws and other local labor regulations	2107	2157	House: Heard in Property Tax Division, laid over for possible inclusion Senate: Referred to Taxes 2017 outcome: Not enacted in 2017.
Reduces LGA for lobbying expenses of local units of government	2187	2155	House: Heard in Property Tax Division, laid over for possible inclusion Senate: Referred to Taxes 2017 outcome: Not enacted in 2017.
Requires reverse referendum every five years to authorize municipality to impose franchise fees to raise revenue	1146	2092	House: Included as provision in HF 4 (omnibus tax bill) Senate: Heard in Local Gov, referred to Taxes 2017 outcome: Not enacted in 2017.
Requires a reverse referendum for lease purchase of public buildings	112	1849	House: Included as provision in HF 4 (omnibus tax bill) Senate: Referred to Taxes 2017 outcome: Not enacted in 2017.

ISSUE	HF	SF	CURRENT STATUS
Provides a delayed reverse referendum requirement on a general city (over 500) or county levy increase	654	1590	House: Included as provision in HF 4 (omnibus tax bill) Senate: Referred to Taxes 2017 outcome: Not enacted in 2017.
Creates special tax district to finance operating costs of light rail and bus rapid transit lines, and prohibits TIF districts from being created in the special taxing district for fixed guideway lines in operation or for which a locally preferred alternative has been designated, and no abatement of the incremental tax for the special taxing district may be made	1315	1825	House: Heard in Transportation Policy, referred to Transportation Finance Senate: Referred to Transportation Finance and Policy 2017 outcome: Not enacted in 2017.
Repeals city authority to establish special service districts	2412	n/a	House: Referred by Tax chair to Property Tax Division No Senate version 2017 outcome: Not enacted in 2017.
Repeals the authority for local units of government to issue bonds payable with property taxes for certain employee benefits	2968	n/a	House: Referred to Government Operations and Elections Policy No Senate version
Prohibits local taxes and fees on food containers	3814	3253	House: Referred to Taxes Senate: Referred to Taxes
Including local sales taxes in the calculation of city aid	3830	n/a	House: Referred to Property Tax and Local Government Finance Division No Senate version
Public Safety			
Prohibits law enforcement agencies from using unmanned aerial cameras to gather evidence in certain circumstances	1200	1529	House: Referred to Public Safety Senate: Referred to Public Safety 2017 outcome: Not enacted in 2017.

ISSUE	HF	SF	CURRENT STATUS
Prohibits political subdivisions (and the State Building and Fire Code) from requiring installation of fire sprinklers in certain dwelling units	681	579	House: Included as provision in House version of SF 780 (omnibus agriculture finance bill; companion is HF 895) Senate: Included as provision in SF 780 (omnibus agriculture and housing appropriations bill) 2017 outcome: Not enacted in 2017. (Note: Chapter 20 requires the commissioner of labor and industry to amend the state building code rules so that new two-unit townhouses are not required to install automatic fire sprinkler systems. It allows the commissioner to make this rule change outside the normal rulemaking process, without the rule expiring in two years, and forbids the commissioner from requiring sprinklers in two-unit townhouses while the rule is being amended.)
Requires law enforcement agencies to comply with federal immigration detainers	26	n/a	House: Referred to Public Safety No Senate version 2017 outcome: Not enacted in 2017.
Requires reverse referendum for a local governmental unit to dissolve a law enforcement agency	2590	2317	House: Referred to Public Safety Senate: Referred to Public Safety 2017 outcome: Not enacted in 2017.
Prohibits the state and local units of government and law enforcement agencies from acquiring military-grade weapons from the federal government's military surplus program	3028	2615	House: Referred to Public Safety and Security Policy and Finance Senate: Referred to Judiciary and Public Safety Finance and Policy
Prohibits state and local officials from cooperating with federal immigration enforcement efforts	3149	1454	House: Referred to Public Safety and Security Policy and Finance Senate: Referred to Judiciary and Public Safety Finance and Policy
Requires law enforcement agencies to issue firearms to peace officers	3611		House: Referred to Public Safety and Security Policy and Finance No Senate companion
Regulatory Issues			

ISSUE	HF	SF	CURRENT STATUS
Prohibits cities from imposing municipal planning fees to review or investigate a permitted use for compliance with any official control, which are ordinances or regulations that control the physical development of a city etc., including ordinances establishing zoning, subdivision controls, site plan regulations, sanitary codes, building codes, and official maps	957	n/a	House: Included as a provision in HF 4 (omnibus tax bill) No Senate version 2017 outcome: Not enacted in 2017.
Allows for profit entities unregulated access to public right-of-way for installation of "small cell wireless" equipment, and supersedes many zoning ordinances and comprehensive plans in place	739	561	House: Heard in Commerce, Gov Ops, Jobs, laid over for possible inclusion Senate: Heard in Energy, referred to Local Gov 2017 outcome: Chapter 94 (the omnibus jobs and economic development policy and budget bill), Article 9 contains provisions regarding small cell wireless facility deployment. Most provisions effective May 31, 2017.
Prohibits political subdivisions from adopting an ordinance governing land use related to private wells	n/a	n/a	House: Drafted as amendment to House version of SF 800 (omnibus health and human services bill) No Senate version 2017 outcome: Not enacted in 2017.
Moratorium on the creation of a playground or athletic field utilizing crumb rubber	1502	1172	House: Referred to Health and Human Services Reform Senate: Included in Senate's omnibus health and human services finance and policy bill (SF 800) 2017 outcome: Not enacted in 2017.

ISSUE	HF	SF	CURRENT STATUS
Application fees for wireless facility applications limited	<u>3497</u>	<u>3166</u>	House: Referred to Government Operations and Elections Policy Senate: Referred to Energy and Utilities Finance and Policy
Solid Waste and Recycling			
Adds more requirements which erode a local government's ability to manage solid waste collection	<u>1976</u>	<u>1755</u>	House: Referred to Gov Ops Senate: Referred to Local Gov 2017 outcome: Not enacted in 2017.
Prohibits local government from banning or taxing plastic bags	<u>1504</u>	<u>1195</u>	House: Tax provision included in HF 4 (omnibus tax bill); policy language included as provision in House version of SF 1937 (omnibus jobs, commerce, energy, labor and industry, and employment and economic development appropriations bill; companion is HF 2209) Senate: Included as provision in Senate version of HF 888 (omnibus environment and natural resources finance; companion is SF 723) 2017 outcome: Chapter 94 (the omnibus jobs and economic development policy and budget bill), Article 8, section 14, creates Minn. Stat. § 471.9998, which prohibits cities from banning the use of paper, plastic, or reusable bags for packaging of any item or good purchased from a merchant, itinerant vendor, or peddler. Effective May 31, 2017.

ISSUE	HF	SF	CURRENT STATUS
Adds more requirements which erode a local government's ability to manage solid waste collection	3095	2697	House: Referred to Environment and Natural Resources Policy and Finance Senate: Environment and Natural Resources Policy and Legacy Finance
Auxiliary containers regulation by counties, cities and towns prohibition	3606	3135	House: Referred to Government Operations and Elections Policy Senate: Referred to Local Government
Transportation			
Prohibits cities, counties, special taxing districts, and others from spending money on studying feasibility, planning, designing, engineering, etc. the development or operation of intercity or interregional passenger rail facilities or operations between the City of Rochester, or locations in the metro area, and any location in the metro area	465	254	House: Included as provision in HF 4 (omnibus tax bill) Senate: Heard in Transportation, laid over for possible inclusion 2017 outcome: Not enacted in 2017.
Prohibits regional rail authorities and metro counties and cities from spending any money to study, plan, design, or construct a light rail line, or expand an existing line, unless the legislature explicitly authorizes it	418 & 1866	150	House: Included as a provision in HF 861 (omnibus transportation bill) Senate: Heard in Local Gov, Transportation Finance and Policy, referred to Finance 2017 outcome: Not enacted in 2017.

ISSUE	HF	SF	CURRENT STATUS
Prohibits political subdivisions from expending public sources of funds for a guideway project, whether for a new or extending line, including study, alternatives analysis, design, engineering, environmental analysis, land acquisition, purchasing rolling stock and other equipment, and construction	1630	n/a	House: Part of bill is included as a provision in HF 861 (omnibus transportation bill) No Senate version 2017 outcome: Not enacted in 2017.
Prohibits road authorities including cities from using funds that increase the cost for any aesthetic enhancements that increase the cost of a project on a highway or bridge, including monuments, markers, memorials, sculptures, statues, decorative fixtures, alternative materials, specialty signage and other treatments designed to impact the perceived beauty or visual appeal of the infrastructure	1062	n/a	House: Referred to Transportation Policy No Senate version 2017 outcome: Not enacted in 2017.
Prohibits local units of government from imposing any tax or fee on a transportation network company (TNC), driver, or TNC vehicle if the tax or fee relates to: • providing prearranged rides, • entry into the jurisdiction of the political subdivision, or • operations of the transportation network company. Prohibits political subdivisions from requiring a TNC or driver to obtain a business license or other similar authorization to operate within the political subdivision's jurisdiction.	3032	2704	House: Referred to Commerce and Regulatory Reform Senate: Referred to Commerce and Consumer Protection Finance and Policy
Worker Benefits			
Prohibits cities from enacting local employer benefit or minimum wage requirements	600	580	House: Passed by House 76-53 (Conferees: Garofalo, Baker, Poppe) Senate: Passed by Senate 35-31 (Conferees: Miller, Rosen, Sparks)

ISSUE	HF	SF	CURRENT STATUS
			2017 outcome: Not enacted in 2017. (Note: This bill, minus “working conditions” language, was included in First SS Chapter 2. See Article 2. The chapter was vetoed by the governor.)
Prohibits local governments including cities, towns, counties, etc., from enacting their own minimum wage requirements	180	n/a	House: Initially referred to Commerce, was re-referred to Jobs No Senate version 2017 outcome: Not enacted in 2017.

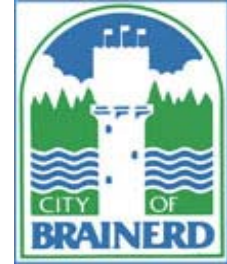


Brainerd City Council Agenda Request

Requested Meeting Date: April 2, 2018

Title of Item: Sanitary and Storm Sewer Rate Analysis, Discussion, and Recommendation

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☒ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☒ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: City Engineer Sandy	Department: Engineering
Presenter (Name & Title): City Engineer Sandy/Finance Director Hillman	Estimated Time Needed: 10-15 Minutes
Summary of Issue: After the presentation from our rate study consultant, along with researching other billing rate structures based upon a front footage cost model, staff has compiled more information along with a memo and replies from other cities across Minnesota and the Country in regards to their rates and how their billing is handled.	
Alternatives, Options, Effects on Others/Comments: See the attached information.	
Recommended Action/Motion: Staff recommends adopting the attached resolutions setting the sanitary and storm sewer rates for 2019 for storm sewer and 2018 and 2019 for sanitary sewer.	
Financial Impact: Is there a cost associated with this request: ☐ Yes ☒ No What is the total cost, with tax and shipping \$ _____ Is this budgeted? ☐ Yes ☐ No <u>Please Explain:</u>	



MEMO

TO: Mayor and City Council
FROM: City Engineer Sandy
DATE: March 27, 2018
SUBJECT: Sanitary Sewer Billing Based Upon Front Footage Based Calculations

Staff has compiled examples of pipe that has been put in the ground recently and the average costs per foot of what people should be paying to pay for the pipe again over an 80-year life. Staff also reached out to the City Engineer's membership to get their feedback on how their City bills and their answers can be seen on the attached spreadsheet.

Non-Uniform Costs of Sanitary Sewer Installation based upon location, right-of-way width, groundwater, soil conditions, location (alley or street).

- Sanitary sewer installation, along with most utility construction of any kind, is very dependent upon depth of the installation, the need for lift stations, topography, groundwater, and soil conditions. To assign a value to replace sewer and anticipate homes that are located closer together should be responsible for less of the cost of installation does not work in most cases. A few examples are below:

Example 1: South 7th Street Sewer Replacement (2011)

Replacement Conditions: Large ROW (street ROW 80 feet), good soils, no groundwater

Total Cost of Sanitary Sewer Replacement Based Upon Final Quantities and GASB:
\$103,691

Total Linear Feet Replaced: 1,410 Linear Feet of 8-inch PVC sewer (8 feet-24 feet deep)

Average Cost/Foot = \$73.54/Foot = \$36.77/foot/Side of Street

Homes Served by New Sewer = 38

Average Lot Front Footage Joseph – Vine = Varies between minimum of 50 feet to 100 feet: Average Lot Size West Side = 78 feet, Average Lot Size East Side = 63 feet. Average lot = 70 feet +/-

For simplicity – Each house is responsible for $1420' / 38 \text{ homes} = 38 \text{ feet of pipe per household}$

$38 \text{ feet} \times \$73.54/\text{foot} = \$3,000 \text{ +/- per household} \times 38 \text{ households} = \$106,000\text{+/-}$

$\$3,000 / 80 \text{ years} = \$37.50/\text{year} = \$3.13/\text{month}$

Example 2: Southeast 19th Street Sewer Replacement (2011)

Replacement Conditions: Large ROW (street ROW 80 feet), poor soils, high groundwater

Total Cost of Sanitary Sewer Replacement Based Upon Final Quantities and GASB:
\$127,492

Total Linear Feet Replaced: 1,385 Linear Feet of 8-inch PVC sewer (7 feet - 10 feet deep)

Average Cost/Foot = \$92.05/Linear Foot

Average lot size varies dramatically, but front footage of lots served by the new sewer divided by the total number of lots = $2236 \text{ feet} / 27 \text{ homes} = 83 \text{ feet}$

For simplicity – Each house is responsible for $1,385 / 27 \text{ homes} = 51 \text{ feet of pipe per household}$

$51 \text{ feet} \times \$92.05/\text{foot} = \$4,694 \text{ +/- per household} \times 27 \text{ households} = \$126,753$

$\$4,694 / 80 \text{ years} = \$58.68/\text{year} = \$4.89/\text{month}$

Example 3: North 2nd Sewer Replacement (2011)

Replacement Conditions: Extremely tight ROW (between homes, in backyards), good soils, no groundwater present

Total Cost of Sanitary Sewer Replacement Based Upon Final Quantities and GASB:
\$91,600

Total Linear Feet Replaced: 550 Linear Feet of 8-inch PVC sewer (4 feet - 10 feet deep)

Average Cost/Foot = \$166.55/Linear Foot

Average lot size varies, but front footage of lots served by the new sewer divided by the total number of lots = $600 \text{ feet} / 10 \text{ homes} = 60 \text{ feet}$

For simplicity – Each house is responsible for $550 \text{ feet} / 10 \text{ homes} = 55 \text{ feet of pipe per household}$

$55 \text{ feet} \times \$166.55/\text{Linear Foot} = \$9,160 \text{ per household} \times 10 \text{ households} = \$91,600$

$\$9,160 / 80 \text{ years} = \$114.50/\text{year} = \$9.54/\text{month}$

Example 4: 2011 NE Sewer Rehabilitation (2011)

Replacement Conditions: high groundwater, poor soils, tight ROW

Total Cost of Sanitary Sewer Rehabilitate Based Upon Final Quantities and GASB:
\$52,688

Total Linear Feet Replaced: 1,540 Linear Feet of 8-inch and 10" PVC sewer (7 feet - 10 feet deep)

Average Cost/Foot = \$34.21/Linear Foot

Average lot size does not vary much, but front footage of lots served by the new sewer divided by the total number of lots = 2,400 / 48 homes = 50 feet

For simplicity – Each house is responsible for 1,540 / 48 homes = 30 feet of pipe per household

30 feet x \$34.21/foot = \$1,026 +/- per household * 27 households = \$49,262+/-

\$1,026/80 years = \$12.83/year = **\$1.07/month**

As you can see from above, it is not cut and dry to assume that developments that have smaller parcels should be responsible for less linear feet of pipe or less cost, and visa-versa. In a lot of circumstances, the parcels that are much larger end up paying less to have that sewer installed. The issue of long term maintenance has also come up through this discussion. Staff would argue that it costs much more to maintain, as it currently stands, the sewers in the older parts of town with the smaller lot sizes than it does to maintain developments such as Northtown, etc. We are in the pipes in areas like southeast and northeast as much as 3 times/year jetting, root cutting, and spot repairing. We are lucky if we must maintain our new PVC pipes once every 5-years. Staff does understand that this may change overtime with the aging of the new PVC pipes, but also anticipates that PVC pipes will have less issues compared to vitrified clay pipes that were put in the ground at the turn of the 19th century.

It is very rare that lot sizes are consistent in each development through numerous years of combining, splitting, and other things that can be done to parcels. Most lots that used to be 25-foot parcels have combined with an adjacent to become a 50-foot parcel. Some others have combined with multiple other parcels to become 100-foot lots or greater.

In short, a properly functioning sanitary sewer system depends upon the whole system to deliver the waste product to the treatment plant, and all users should be billed based upon the amount of sewerage they contribute to the system. Does a smaller lot with a residential home produce more sewage than a larger lot? And did that sewer placed in front of the larger lots cost more per front foot to install than the smaller lots? In all cases, it depends.

The City of Brainerd has approximately 76 miles of pipe to serve our residents and has an average age of 50 years old. Some developments have already paid for the entire cost of the new pipes, some have not. Some have a 12-inch main serving their property, some have an 8-inch. Some parts of Brainerd have poor soils, some have great soils. Some of our sewers are 30 feet deep, some of them are 5 feet deep. To consider charging people a rate upon front footage on their bill based upon where they live, the size of their parcels, and making assumptions that the smaller parcels are subsidizing the larger

parcels because of an average price of installation does not solve the issue of an aging system. Staff understands and believes in compact/continuous development and the model of promoting this type of development, but there is much more to utility placement than just flat costs per linear foot. Staff believes the current system of billing a flat rate plus a consumption charge is the most fair and equitable way to do it and is verified and proven to work by the numerous contacts that have been made on the attached spreadsheet.

The rate consultant staff has indicated that they can do what ever the council desires regarding a rate study based upon the Council feedback. However, staff feels for the reasons, as outlined in this memo and numerous contacts made throughout the last week about this issue, that a billing structure that was modeled after a front footage cost model would be arduous to complete, very difficult for billing staff at BPU, and unfair to lot sizes that are bigger, but did pay less to get their sewer installed compared to smaller lots. Staff feels there are too many assumptions that need to be made, and it would be very unfair to make blanket assumptions about lot sizes based upon original plats, when most of the original lot sizes do not exist.

In conclusion, staff wants to reiterate that it takes an entire system to get the sewerage from your toilet to the back side of the waste treatment plant, not just the pipe in front of a residence. The pipe in front of a residence depends on numerous other pipes of varying size, age, and flow rates to perform its functions of delivering the sewage to BPU.

Municipality	Contact	Methodology
Duluth	Cindy Voigt	Call me if you want. Our rates are on the web site based on water meter values. You further comment references the cost for pipe installation, for that we should talk. Every parcel pays for the sewer pipe once, and if they didn't pay in the past they pay \$90/FF for their share of the cost for the pipe.
Bunsville	Ryan Peterson	We do not use footage as a method of measurement for determining sewer and water bills. Only usage.
Little Falls	Greg Kimman	Our rates are based on flow.
Mound	Erc Hovertson	I would shy as far away from a "frontage cost model" for sanitary as possible. No matter the frontage of a parcel - it relies on the whole system to deliver waste from the property line to the discharge on the back side of the treatment plant. The most equitable "buying in" model for this is the combination of SAC and Water trunk charges for new customers to cover an initial "buy in"... and loading or usage-based fees for all existing.
Austin	Steven Lang	No, our sewer rates are 2 part. A connection charge and a usage or flow charge.
Worthington	Dwayne Haffield	Worthington does not. For sewer, the budgeted costs for sewer main rehab and replacement is billed equally to each user including each dwelling units.
Rochester	Richard Freese	Rochester does not have a utility billing fee that is based on frontage. We also do not assess for the replacement of sanitary sewer, storm sewer or watermain. Those costs are paid by utility customers as part of the monthly customer and use charge.
River Falls, WI	Reid Wronski	Can't say we have that type of rate implemented but it is an intriguing idea and I would be interested to find if you receive input from anyone that does.
Mendota Heights	John Mazzitello	Great question. Basically it comes down to a question of flow, not necessarily pipe length. Does a 25' wide lot produce less contribution (flow) to the sanitary system than a 100' wide lot? It is a comparable question to lot frontage assessments versus unit assessments for street reconstruction and rehabilitation and the question of trip generation. I used to be the Public Works Director in Mendota Heights, MN, and we charged a flat fee per residence for sewer charges regardless of lot width that allowed residents up to a fixed amount of water consumption. Then a fee based on quarterly water consumption (we billed quarterly) was added on top of the base fee if consumption exceeded the allotted base amount. I would see no reason why that base fee couldn't be established based on lot frontage, if there was a consumption based charge as well. Although, I have not heard of any cities charging in this fashion. Might want to check with your billing clerk(s) to see how much of an accounting problem this would create. I too, get the logic behind the idea, and although lot frontage is really more applicable to assessment for utility installation or repair, it is an interesting idea to utilize lot frontage for base fee establishment. Lot frontage fees or assessments would be more in line with the development motive for the program. I could certainly understand if a base fee is established for lot frontage, and a flow charge instituted above the base fee based on water consumption. Again, it is an interesting concept.

Springsted	Nick Dragisich	A friend forwarded your message about billing for sanitary sewer and water based on front footage to utility main to me wondering if I had any experience with a similar charge. We have performed over 100 utility rate studies around the country and have not seen any city with a charge system for active customers based on front footage. I have worked with utilities that charge vacant parcels a fee based on front footage because water and sewer are available to the parcel. I would be interested in learning of any city that charges in this manner if you would be willing to share what you learn. You may want to think about using an inch-mile concept to recognize the difference in cost between pipe sizes.
Coon Rapids	Sharon Legg	The city of Coon Rapids has been doing this to a degree. Residential is one base rate plus usage. Commercial is a higher base rate and industrial higher yet. Same concept as what you are thinking. It certainly is not precise...but since most of the cost, other than the actual disposal fee, is fixed, we have somewhat of a fixed cost plus the winter quarter usage
Eagan	Russ Mathys	Pages 11 through 14 in the attached 2018 Fee Schedule indicate the various fees for utilities in Eagan. You'll see our costs are based upon actual or anticipated use and the individual's cost responsibility is from a system wide perspective. There is so much more of the system that serves the individual parcel than only the pipes in the street adjacent to it.
Marshall	Glen Olson	Marshall has a base charge plus a use charge based upon water consumption. You may find our rates and fees on the City website.
Rosemount	Brian Erickson	The City of Rosemount (within the Metropolitan Council Environmental Services area) does not charge by front foot. Our sewer billing is done quarterly (1/3 of the city monthly) and it's based on 1Q (winter) water usage. We also have a Utility Commission that reviews the sewer rates annually. As part of that analysis, we try to keep our CIP projects and equipment replacement in that spread sheet. Our treatment charges are sent to us from MCES and those are used when calculating the rate as well. Anyway, just wanted to get that info in the mix. I'd think that charging a fee based on front footage would be extremely cumbersome to set up in the financial software. I'd also think that if there's a premium for larger front foot, you may get push back from the some of the less than average property owners. Ultimately, with sanitary lines being in the ground for 50+ years (some communities are using a life span of 80+ for PVC) I wouldn't think there's be much additional charge there...does it really make sense to start saving to replace a line 80 years in the future? Seems to me that with lining and other in situ forms of rehabilitation that the gyrations to accomplish that front foot billing might be much more than it's worth.

Utility Financial Solutions	Dan Kasbohm/Mark Beauchamp	We have not seen cities that we have worked with use a front footage based model for determining rate structures. We have seen some tierd rate structures based upon usage. The real question about this issue is if the homes with the larger parcels are using more of the capacity of the pipe than the homes on the smaller lots. In some cases, this may be true. Others may not be. We have seen assessments for new pipe extended past the current boundaries of the system and charges during the connection to upsize the pipe for future developement (City SAC/WAC). Both feel a rate structure based upon a flat rate plus a consumption charge is the most equitable and fair way to pay for replacement of the system after the original installation.
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SEWER & STORM WATER COST OF SERVICE ANALYSIS

MARCH 19, 2018



DISCUSSION

Financial Projection (2018 through 2022)

Cost of Service Results (from 2017 COS)

Discuss Recommendations

Proposed Rates and Bill Impacts

REV. C



CITY OF BRAINERD **STORM WATER** COST OF SERVICE ANALYSIS



Projection Summary (Storm water)

Without adjustments (note: 4.9% approved in Dec. 2016)

Fiscal Year	Projected Rate Adjustments	Dollar per REU	Projected Revenues	Projected Expenses	Operating Income (Loss)	Projected Cash Balances	Projected Capital Improvements	Debt Coverage Ratio
2018	4.9%	\$ 3.30	\$ 374,338	\$ 309,683	\$ 64,655	\$ (147,706)	\$ 325,000	3.53
2019	0.0%	\$ 3.30	374,338	315,629	58,709	(35,126)	111,000	3.61
2020	0.0%	\$ 3.30	374,338	319,245	55,093	96,154	88,000	3.48
2021	0.0%	\$ 3.30	374,338	325,281	49,056	(31,679)	349,000	3.57
2022	0.0%	\$ 3.30	374,338	332,309	42,028	6,027	183,000	3.64
Recommended Target in 2018					\$ 342,784			1.20
Recommended Target in 2022					\$ 374,420			1.20
Recommended MINIMUM Target in 2018						\$ 414,933		
Recommended MINIMUM Target in 2022						\$ 420,930		

Note: Operating income adjusted to move interest expense out of operating expenses

- 1) Debt Coverage meets requirement
- 2) Cash is negative in 2018, 2019 and 2021 with current CIP
- 3) Operating loss grows

Detailed 2018 Financials (Storm Water)

With 4.9% rate adjustment

	Projected 2018
Total Revenues	\$ 374,338
Salaries	\$ 54,510
Prof Services	2,900
Insurance and Other	2,872
Depreciation	246,237
Supplies	615
Miscellaneous	2,549
Total Expenses	\$ 309,683
Operating Income (Loss)	\$ 64,655
LESS Interest (Expense)	(12,975)
Net Income	\$ 51,680

	Projected 2018
ADD Net Income	\$ 51,680
ADD Depreciation Expense	246,237
ADD Bond Proceeds	0
LESS Debt Principal	(75,000)
LESS Capital Plan	(325,000)
Net Change in Cash	\$ (102,083)
Beginning Cash Balance	\$ (21,784)
Ending Cash Balance	\$ (123,867)

Projection Summary–Option A

(Storm water)

With proposed adjustments

Fiscal Year	Projected Rate Adjustments	Dollar per REU	Projected Revenues	Projected Expenses	Operating Income (Loss)	Projected Cash Balances	Projected Capital Improvements	Debt Coverage Ratio
2018	4.9%	\$ 3.30	\$ 374,338	\$ 309,683	\$ 64,655	\$ (147,706)	\$ 325,000	3.53
2019	5.9%	\$ 3.50	396,424	315,629	80,795	(13,040)	111,000	3.87
2020	5.9%	\$ 3.71	419,813	319,245	100,568	163,715	88,000	3.99
2021	5.9%	\$ 3.92	444,582	325,281	119,300	106,937	349,000	4.40
2022	5.9%	\$ 4.16	470,812	332,309	138,503	242,400	183,000	4.81
Recommended Target in 2018					\$ 342,784			1.20
Recommended Target in 2022					\$ 374,420			1.20
Recommended MINIMUM Target in 2018						\$ 414,933		
Recommended MINIMUM Target in 2022						\$ 420,930		

Note: Operating income adjusted to move interest expense out of operating expenses

- 1) Debt Coverage meets requirement
- 2) Minimum cash turns positive in 2020 (need 9.4% in 2019 to be positive)
- 3) Operating income positive & moving toward target

Projection Summary–Option B

(Storm water)

With proposed adjustments

Fiscal Year	Projected Rate Adjustments	Dollar per REU	Projected Revenues	Projected Expenses	Operating Income (Loss)	Projected Cash Balances	Projected Capital Improvements	Debt Coverage Ratio
2018	4.9%	\$ 3.30	\$ 374,338	\$ 309,683	\$ 64,655	\$ (147,706)	\$ 325,000	3.53
2019	21.0%	\$ 4.00	452,949	315,629	137,320	43,485	111,000	4.53
2020	3.5%	\$ 4.14	468,802	319,245	149,557	269,751	88,000	4.56
2021	3.5%	\$ 4.28	485,210	325,281	159,929	254,874	349,000	4.89
2022	3.5%	\$ 4.43	502,192	332,309	169,883	423,492	183,000	5.21
Recommended Target in 2018					\$ 342,784			1.20
Recommended Target in 2022					\$ 374,420			1.20
Recommended MINIMUM Target in 2018						\$ 414,933		
Recommended MINIMUM Target in 2022						\$ 420,930		

Note: Operating income adjusted to move interest expense out of operating expenses

Option to move to \$4.00/REU, meeting minimum cash target in 5 years

Financial Target One

(Minimum Cash)

With no rate adjustments

Minimum Cash Reserve

	Projected 2018	Projected 2019	Projected 2020	Projected 2021	Projected 2022
Operation & Maintenance (<i>Less Depreciation Expense</i>)	\$ 63,446	\$ 65,032	\$ 66,658	\$ 68,324	\$ 70,032
Historical Rate Base	11,018,629	11,129,629	11,217,629	11,566,629	11,749,629
Current Portion of Debt Service	85,725	88,400	86,000	83,600	83,600
Five Year Capital Improvements - Net of bond proceeds	1,056,000	1,056,000	1,056,000	1,056,000	1,056,000

	Percent Allocated	Projected 2018	Projected 2019	Projected 2020	Projected 2021	Projected 2022
Operation & Maintenance (<i>Less Depreciation Expense</i>)	12.3%	\$ 7,822	\$ 8,018	\$ 8,218	\$ 8,424	\$ 8,634
Historical Rate Base	1.0%	110,186	111,296	112,176	115,666	117,496
Current Portion of Debt Service	100%	85,725	88,400	86,000	83,600	83,600
Five Year Capital Improvements - Net of bond proceeds	20%	211,200	211,200	211,200	211,200	211,200
Recommended Minimum Cash Reserves		\$ 414,933	\$ 418,914	\$ 417,594	\$ 418,890	\$ 420,930
Projected Cash Reserves		\$ (147,706)	\$ (35,126)	\$ 96,154	\$ (31,679)	\$ 6,027

Financial Target Two

(Target Operating Income)

With no rate adjustments

Target Operating Income

System Net Book Value	\$ 6,112,023	\$ 5,972,426	\$ 5,807,839	\$ 5,899,882	\$ 5,820,605
Outstanding Principal on Debt	395,000	320,000	240,000	160,000	80,000
System Equity	\$ 5,717,023	\$ 5,652,426	\$ 5,567,839	\$ 5,739,882	\$ 5,740,605

	Percent Allocated	Projected 2018	Projected 2019	Projected 2020	Projected 2021	Projected 2022
Interest Expense on Debt	2.5%	\$ 12,975	\$ 10,725	\$ 8,400	\$ 6,000	\$ 3,600
System Equity	5.8%	329,809	337,066	344,130	360,094	370,820
Target Operating Income		\$ 342,784	\$ 347,791	\$ 352,530	\$ 366,094	\$ 374,420
Projected Adjusted Operating Inco		\$ 64,655	\$ 58,709	\$ 55,093	\$ 49,056	\$ 42,028
Rate of Return in %		5.6%	5.8%	6.1%	6.2%	6.4%

Storm Water Recommendations

- ▶ Option-A Rate adjustment of 5.9% in 2019 to \$3.50
- ▶ Option-B Rate adjustment of 21% in 2019 to \$4.00

Residential Customer

Year	Current Charge \$/REU		Proposed Charge \$/REU		Monthly Bill Increase per REU		Annual Bill Increase per REU	
2018	\$	3.30	\$	3.30	\$	-	\$	-
2019	\$	3.30	\$	3.50	\$	0.20	\$	2.40
<i>2019 Option</i>	\$	3.30	\$	4.00	\$	0.70	\$	8.40



CITY OF BRAINERD **SEWER** COST OF SERVICE & RATE DESIGN



Assumptions (Sewer)

- 1) 2018 Bond issue of \$997,500:
 - \$350k Vactor truck
 - \$600k 6th Street City Sewer Reconstruction
- 2) CIP includes \$400k annually in 2019 to 2023
 - 20 year infrastructure replacement
- 3) Airport annual revenue of \$2,000 added in 2018 for sewer collection utility

Projection Summary (Sewer)

Without adjustments

Fiscal Year	Projected Rate Adjustments	Projected Revenues	Projected Expenses	Operating Income (Loss)	Projected Cash Balances	Capital Improvements	Bond Issues ^[1]	Debt Coverage Ratio
2018	0.0%	\$ 760,269	\$ 585,007	\$ 175,262	\$ 9,706	\$ 957,534	\$997,500	1.57
2019	0.0%	760,269	608,788	151,481	361,646	406,000	800,000	0.92
2020	0.0%	760,269	626,437	133,832	(178,196)	453,500	-	0.85
2021	0.0%	760,269	644,546	115,723	(125,183)	429,000	600,000	0.80
2022	0.0%	760,269	662,820	97,449	(731,866)	452,500	-	0.75
Recommended Target in 2018				\$ 407,843		1.20		
Recommended Target in 2022				\$ 570,437		1.20		
Recommended MINIMUM Target in 2018					\$ 796,778	Note: Debt Coverage Ratio Target set at 1.2 based on G.O. minimum of 1.0		
Recommended MINIMUM Target in 2022					\$ 908,406			

- 1) Debt Coverage below requirement
- 2) Cash is negative in 2020 through 2022
- 3) Operating income falling

Detailed 2018 Financials (Sewer)

Without rate adjustments

	Projected 2018
Revenue from rates	\$ 575,269
Baxter sales tax for AP project	185,000
Revenue from rates	\$ 760,269
Personal Services	\$ 194,513
Supplies	33,800
Services	39,244
Miscellaneous	1,916
Depreciation	315,534
Total Expenses	\$ 585,007
Operating Income (Loss)	\$ 175,262
Interest Expense (Bond Int. Exp)	(130,207)
Sales of asset	70,000
Net Income	\$ 115,055

	Projected 2018
Cash Flow	
Add Net Income	\$ 115,055
Add back Depreciation	315,534
Less Debt Principal	(226,200)
Add Bond Funds	997,500
LESS Capital Plan	(957,534)
Net Cash from Operations	\$ 244,354
Beginning Cash	\$(234,648)
Ending Cash	\$ 9,706

Projection Summary (Sewer)

Proposed Adjustments

Fiscal Year	Projected Rate Adjustments	Projected Revenues	Projected Expenses	Operating Income (Loss)	Projected Cash Balances	Capital Improvements	Bond Issues ^[1]	Debt Coverage Ratio
2018	20.0%	\$ 875,323	\$ 585,007	\$ 290,316	\$ 124,760	\$ 957,534	\$997,500	1.90
2019	20.0%	1,013,387	608,788	404,599	731,198	406,000	800,000	1.40
2020	10.0%	1,096,226	626,437	469,789	531,749	453,500	-	1.45
2021	10.0%	1,187,349	644,546	542,803	1,018,223	429,000	600,000	1.54
2022	10.0%	1,287,584	662,820	624,764	951,073	452,500	-	1.62
Recommended Target in 2018				\$ 407,843				1.20
Recommended Target in 2022				\$ 570,437				1.20
Recommended MINIMUM Target in 2018					\$ 796,778	Note: Debt Coverage Ratio Target set at 1.2 based on G.O. minimum of 1.0		
Recommended MINIMUM Target in 2022					\$ 908,406			

Average Impact of 20% Increase combined with BPU WWTP bill

Average Wastewater Bill for 3/4" Meter			
	Current	Proposed	Difference
BPU	30.90	31.47	
City	7.17	8.97	
Total	\$ 38.07	\$ 40.44	\$ 2.37
Average bill impact---->			6.2%

Cost of Service Summary

Sewer results from 2017 COS

- Sewer Collection costs are primarily fixed and don't vary on flows
- Infrastructure is designed to handle capacity
- COS moves current commodity cost recovery to a fixed monthly cost recovery based on meter size

Customer Meter Size	COS Readiness to Serve Charge	Number of Meters	Readiness to Serve COS Revenue	Projected 2017 Revenue	Variance to COS
3/4 meter	\$ 15.54	4,224	\$ 787,591	\$ 229,976	242%
1" meter	20.72	159	39,463	29,845	32%
1.5" meter	31.07	87	32,440	29,008	12%
2" meter	41.43	93	46,195	80,064	-42%
3" meter	62.15	20	14,729	29,904	-51%
4" meter	82.86	9	8,452	36,844	-77%
6" meter	124.29	3	4,475	17,422	-74%
Total			\$ 933,344	\$ 453,065	106%

Sewer Recommendations

- ▶ Overall 2018 & 2019 Rate Adjustment of 20.0%
 - Correct negative cash balance
 - Bond Covenant Requirements – Coverage Ratio
 - Repair/replacement of aging infrastructure
- ▶ Consider 2018 & 2019 Rate adjustments in following slides

Example 2018 Rate Adjustment +20%

Meter Size	Annual Usage	Number of Meters	Average Monthly Usage	Current Rates			Proposed Rates			Percent Change in Rates	Average Monthly Bill Increase
				Current Monthly Customer Charge	Current Usage Charge	2018 Revenue with no Adjustments	Proposed Monthly Customer Charge	Proposed Usage Charge	2018 Revenue with Adjustments		
3/4"	164,857	4,224	4	\$ 1.80	\$ 1.45	\$ 306,863	\$ 3.65	\$ 1.43	\$ 391,996	27.7%	\$ 1.80
1"	21,394	159	11	\$ 4.10	1.45	36,074	\$ 8.25	1.43	43,156	19.6%	\$ 4.00
1.5"	20,795	87	20	\$ 6.60	1.45	34,411	\$ 12.60	1.43	39,973	16.2%	\$ 5.73
2"	57,356	93	51	\$ 15.00	1.45	92,792	\$ 25.00	1.43	102,436	10.4%	\$ 9.30
3"	21,437	20	90	\$ 25.00	1.45	34,378	\$ 40.00	1.43	37,413	8.8%	\$ 13.77
4"	25,670	9	252	\$ 60.00	1.45	40,260	\$ 80.00	1.43	41,832	3.9%	\$ 16.58
6"	12,489	3	347	\$ 85.00	1.45	19,664	\$ 110.00	1.43	20,343	3.5%	\$ 20.28
Outside City											
2"	19	1	3	\$ 30.00	3.00	220	\$ 50.00	2.90	330	49.8%	\$ 19.68
4"	371	1	62	\$ 120.00	3.00	1,705	\$ 160.00	2.90	1,893	11.1%	\$ 33.82
Total				\$ 566,367			\$ 679,373			20.0%	

¾" Meter Rate Adjustment for 2018

<u>Wastewater Meter ¾"</u>	Current Rates	Proposed Rates	
Ready to Serve	\$ 1.80	\$ 3.65	
Commodity Rate	\$ 1.45	\$ 1.43	
Usage Level in 1000 Gallons	Current Revenue	Proposed Revenue	Dollar Impact
2	\$ 4.27	\$ 6.10	\$ 1.83
3	\$ 5.72	\$ 7.53	1.81
4	\$ 7.17	\$ 8.97	1.80
5	\$ 8.62	\$ 10.40	1.79
6	\$ 10.06	\$ 11.84	1.77

Note: 4,224 Meters in this ¾" class

Average Wastewater Bill for ¾" Meter			
	Current	Proposed	Difference
BPU	30.90	31.47	
City	7.17	8.97	
Total	\$ 38.07	\$ 40.44	\$ 2.37
Average bill impact---->			6.2%

Example 2019 Rate Adjustment +20%

Meter Size	Annual Usage	Number of Meters	Average Monthly Usage	Current Rates			Proposed Rates			Percent Change in Rates	Average Monthly Bill Increase
				Current Monthly Customer Charge	Current Usage Charge	2019 Revenue with no Adjustments	Proposed Monthly Customer Charge	Proposed Usage Charge	2019 Revenue with Adjustments		
3/4"	164,857	4,224	4	\$ 3.65	\$ 1.43	\$ 391,996	\$ 6.05	\$ 1.40	\$ 500,481	27.7%	\$ 2.29
1"	21,394	159	11	8.25	1.43	43,156	\$ 13.00	1.40	50,967	18.1%	\$ 4.41
1.5"	20,795	87	20	12.60	1.43	39,973	\$ 18.60	1.40	45,211	13.1%	\$ 5.39
2"	57,356	93	51	25.00	1.43	102,436	\$ 35.00	1.40	111,184	8.5%	\$ 8.44
3"	21,437	20	90	40.00	1.43	37,413	\$ 55.00	1.40	40,113	7.2%	\$ 12.25
4"	25,670	9	252	80.00	1.43	41,832	\$ 105.00	1.40	43,478	3.9%	\$ 17.35
6"	12,489	3	347	110.00	1.43	20,343	\$ 140.00	1.40	20,994	3.2%	\$ 19.45
Outside City											
2"	19	1	3	\$ 50.00	\$ 2.90	\$ 330.24	\$ 70.00	\$ 2.80	\$ 440.08	33.3%	\$ 19.68
4"	371	1	62	160.00	2.90	1,893	210.00	2.80	2,138	12.9%	\$ 43.82
Total				\$ 679,373			\$ 815,006			20.0%	

¾" Meter Rate Adjustment for 2019

<u>Wastewater Meter ¾"</u>	Current Rates	Proposed Rates	
Ready to Serve	\$ 3.65	\$ 6.05	
Commodity Rate	\$ 1.43	\$ 1.40	
Usage Level in 1000 Gallons	Current Revenue	Proposed Revenue	Dollar Impact
2	\$ 6.10	\$ 8.45	\$ 2.35
3	\$ 7.53	\$ 9.85	2.32
4	\$ 8.97	\$ 11.26	2.29
5	\$ 10.40	\$ 12.66	2.26
6	\$ 11.84	\$ 14.06	2.23

Note: 4,224 Meters in this ¾" class

Average Wastewater Bill for ¾" Meter				
	Current	Proposed	Difference	
BPU	31.47	31.47		
City	8.97	11.26		
Total	\$ 40.44	\$ 42.72	\$	2.29
Average bill impact---->				5.7%

Storm Water Recommendations

- ▶ Overall Rate Adjustment of 21.0% for 2019

Sewer Collection System

- ▶ Overall Rate Adjustment of 20% for 2018 & 2019

Dan Kasbohm

Rate Analyst

Utility Financial Solutions

Grand Haven, Michigan

P: 616-846-6464

E: dkasbohm@ufsweb.com

RESOLUTION
NO. _____

**RESOLUTION ESTABLISHING SANITARY SEWER
COLLECTION SYSTEM CHARGES**

WHEREAS, the City Council has adopted Ordinance No. 1275 establishing a Sanitary Sewer Collection System Charge to provide for funds for the sanitary sewer collection system; and,

WHEREAS, the ordinances call for the sanitary sewer collection system charges to be established by Council Resolution.

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

That the Sanitary Sewer Collection System Charge contemplated by Ordinance No. 1275 shall be based on a metered water consumption of \$1.43 per 1,000 gallons of water per month in 2018 and \$1.40 per 1,000 gallons of water per month in 2019 plus a monthly customer charge based on the size of water meter serving the customer provided in the schedule below and shall take effect on May 1, 2018 for the 2018 rate design and January 1, 2019 for the 2019 rate design:

<u>2018 Meter Size</u>	<u>2018 Fixed Monthly Customer Charge</u>
3/4"	\$3.65
1"	\$8.25
1 1/2"	\$12.60
2"	\$25.00
3"	\$40.00
4"	\$80.00
6"	\$110.00
<u>2019 Meter Size</u>	<u>2019 Fixed Monthly Customer Charge</u>
3/4"	\$6.05
1"	\$13.00
1 1/2"	\$18.60
2"	\$35.00
3"	\$55.00
4"	\$105.00
6"	\$140.00

Adopted this ____ day of _____, 2018

DAVID J. PRITSCHET
President of the Council

Approved this ____ day of _____, 2018

EDWIN L. MENK
Mayor

ATTEST: _____
CASSANDRA TORSTENSON
City Administrator

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

**RESOLUTION ESTABLISHING STORM SEWER
COLLECTION SYSTEM CHARGES**

WHEREAS, the City Council has adopted Ordinance No. 715 establishing a Municipal Storm Sewer Drainage System Utility Charge to provide funds for the municipal storm sewer utility system; and,

WHEREAS, the ordinances call for the municipal storm sewer utility system charges to be established by council resolution.

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

That the Municipal Storm Sewer Utility Charge contemplated by Ordinance No. 715 shall be based upon a Single Family Residential Fee of \$4.00 and shall take effect on January 1, 2019.

Adopted this ____ day of _____, 2018

DAVID J. PRITSCHET
President of the Council

Approved this ____ day of _____, 2018

EDWIN L. MENK
Mayor

ATTEST: _____
CASSANDRA TORSTENSON
City Administrator



Brainerd City Council Agenda Request

Requested Meeting Date: April 2, 2018

Title of Item: Comprehensive Plan Steering Committee - Changes in Members

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☒ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Mayor Ed Menk	Department:
Presenter (Name & Title): Same	Estimated Time Needed: 5 minutes
Summary of Issue: Mr. Aaron Sinclair has resigned from the Comprehensive Plan Steering Committee. However, Ms. Laine Larson, ISD 181 has offered to take his place on the committee. We also have an individual from Central Lakes College who is interested in participating on the steering committee.	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion: Approve with regret the resignation of Mr. Aaron Sinclair from the steering committee and approve the addition of Ms. Laine Larson and one additional member from CLC.	
Financial Impact: Is there a cost associated with this request: ☐ Yes ☒ No What is the total cost, with tax and shipping \$ _____ Is this budgeted? ☐ Yes ☐ No <u>Please Explain:</u>	



Brainerd City Council Agenda Request

Requested Meeting Date: April 2, 2018

Title of Item: Conditional Use Permit (CUP) - St. Francis Catholic Church, 404 North 9th Street

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☒ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Mark Ostgarden, City Planner	Department: Planning
Presenter (Name & Title): Same	Estimated Time Needed: 5 minutes
Summary of Issue: The Church would like to construct a 10,800 sq. ft. (6,600 sq. ft. main level and 4,200 sq. ft. lower level) addition to the church. The St. Francis Church expansion project is proposed in two phases. Two site plans have been submitted; Phase 1 depicting the site building addition and a parking lot expansion in Phase 2 that would begin in 3-5 years as funds become available and after office personnel have moved into the addition from a temporary office. The Conditional Use Permit request is for both phases of the project.	
Alternatives, Options, Effects on Others/Comments: 1. Approve the request which will permit the building addition and parking lot expansion. 2. Deny the request. If the request is denied, findings will be required to support the decision. Attached is the Staff Report, draft March 21, 2018 meeting minutes and Findings of Fact. Please note page 6 of the Staff Report that references Zoning Ordinance language granting the City Council authority to approve a Conditional Use Permit for more than 1 year.	
Recommended Action/Motion: The Planning Commission voted 5-0 to recommend approval. A motion by _____ and 2nd by _____ to approve the St. Francis Catholic Church, 404 North 9th Street, Conditional Use Permit for Phase 1 building expansion and Phase 2 parking lot expansion based on the Planning Commission recommended Findings of Fact and in accordance with Zoning Ordinance Section 515-5-4: Cancellation of Conditional Use Permits, the Conditional Use Permit is approved for 5 years from the date of this approval.	
Financial Impact: <i>Is there a cost associated with this request:</i> ☐ Yes ☒ No <i>What is the total cost, with tax and shipping</i> \$ _____ <i>Is this budgeted?</i> ☐ Yes ☒ No <i>Please Explain:</i>	

STAFF REPORT TO THE PLANNING COMMISSION

March 21, 2018

CONDITIONAL USE PERMIT

APPLICANT/LOCATION:	St. Francis Catholic Church, 404 North 9 th Street, Brainerd MN 56401
PROPOSED USE:	Construct a 10,800 sq. ft. (6,600 sq. ft. main level and 4,200 sq. ft. lower level) addition to the church
CURRENT ZONING:	R-1 (Single Family Residential) District
ADJACENT USES:	East: Franklin Art Center and Residential South: Church Parking and Residential West: St. Francis School North: Residential
ADJACENT ZONING:	North: R-1 (Single Family Residential) District East: R-1 (Single Family Residential) District South: R-1 (Single Family Residential) District West: R-1 (Single Family Residential) District

REPORT

The St. Francis Church expansion project is proposed in two phases. Two site plans have been submitted; one for Phase 1 depicting the site when the addition is complete and the other depicts Phase 2 that is planned to begin in approximately 3-5 years. Once office personnel move into the addition from a temporary office and funds are available, the parking lot expansion depicted in Phase 2 will begin. The Conditional Use Permit request is for both phases of the project.

A. 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.

1. The proposed use conforms to the district and conditional use provisions and all general regulations of this Ordinance.

The R-1 District requires a 20' front yard setback along N. 9th Street. The site plan identifies the addition will match the existing church setback which is a little over 30' from the 9th Street property line.

The impervious area of 72% in Phase 1 will increase to 78% in Phase 2.

See below for information about the north interior side yard setback.

2. The proposed use meets all special standards which may apply to its class of conditional uses as set forth in this section.

Zoning Ordinance Section 515-54-5: Conditional Uses specifies:

Places of worship and related buildings provided that:

1. Side yards shall be thirty (30) feet.

St. Francis Church owns the residential property to the north of the addition. The addition will meet the 30' setback from the north property line of adjacent church owned (church rectory). The lot has been consolidated with the church lot enabling the 30' setback to be measured from the north side of the rectory lot.

2. Adequate screening from abutting residential uses and landscaping is provided in compliance with Section 20 of the Zoning Ordinance.

Because the size and configuration of the existing parking lot are not changing in Phase 1, screening is not required.

Section 20 specifies that:

A six (6) foot high fence or landscaped screen, providing eighty (80) percent year around opacity, shall be required wherever a non-residential use abuts directly upon land zoned or used for residential purposes or is across an alley from land used or zoned for residential purposes

All exposed parking areas of ten (10) or more required spaces in a front and side street yard shall be screened with landscaping not less than three (3) feet or more than four (4) feet in height. The landscaping shall maintain a year-round fifty (50) percent opacity.

The Phase 2 parking lot expansion will require screening along the north east part of the lot and along N. 10th Street across the street from the parking lot.

3. Adequate off-street parking and access is provided on the site or on lots directly abutting or directly across a public street or alley to the principal use in compliance with Section 22 of this Ordinance and that such parking is adequately screened and landscaped from surrounding and abutting residential uses in compliance with Section 20 of this Ordinance.

Zoning Ordinance off street parking requirements for churches reads:

Places of Worship. At least one (1) parking space for each four (4) seats based on the design capacity of the main assembly hall, plus one (1) space for each church employee. Facilities as may be provided in conjunction with such buildings or uses shall be subject to additional requirements which are imposed by this Ordinance.

The addition is not adding seats to the church and no employees are being added.

4. *Adequate off-street loading and service entrances are provided and regulated where applicable by Section 23 of this Ordinance.*

The addition will not require loading areas or service entrances.

3. *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.*

See Fire, Police and Building Department comments.

4. *The proposed use shall be sited, oriented and landscaped to produce a harmonious relationship of buildings and grounds to adjacent buildings and properties.*

St. Francis School is located across N. 9th Street. The Franklin Art Center is located across N 10th Street. The addition is on the north side of the property, where it is adjacent to a single-family dwelling (church rectory) owned by the Church.

Significant additions are planned to the front of the church and the addition to accommodate handicapped accessibility requirements.

The site is across the street from St. Francis School, which is owned by the Church. The school utilizes almost the entire block. The addition is sited and oriented towards the school and that block.

The addition is setback approximately 75' from N. 10th Street with a parking lot between the addition and the street.

5. *The proposed use shall produce a total visual impression and environment which is consistent with the environment of the neighborhood.*

St. Francis Church has been part of the NE neighborhood since 1934. From the Planning Department's perspective, the building elevation plans identify the addition's architecture complements the historic church building. The addition is a single-story addition. The flat roof area will be 14' 3" tall and the highest peak is 25' 8" tall, along N. 9th Street.

6. *The proposed use shall organize vehicular access and parking to minimize traffic congestion in the neighborhood.*

The addition will not increase seating. No changes are planned or required to off street parking in Phase 1. To accommodate the addition and a new east entrance, the parking stalls on the north side of the parking lot will be decreased in width and extensions of the pavement will be made to maintain the current number of spaces being provided.

Because the current off-street parking area is not increased in size or design, the parking is temporary, and the width reduction affects only a few spaces, a variance is not required.

7. The proposed use shall preserve the objectives of this Ordinance and shall be consistent with the Comprehensive Plan.

The objectives of the Zoning Ordinance are:

515-1-2: Intent and Purpose.

- A. Protect the public health, safety, and general welfare of the community and its people through the establishment of minimum regulations governing development and use.*
- B. This Ordinance shall divide the City into use districts and establish regulations in regard to location, erection, construction, reconstruction, alteration and use of structures and land.*
- C. Protect neighborhoods.*
- D. Promote orderly development and redevelopment of land for residential, commercial, industrial, recreational and public areas.*
- E. Provide adequate light, air, and convenience of access to property.*
- F. Prevent congestion in the public right-of-way.*
- G. Prevent overcrowding of land and undue concentration of structures by regulating land, buildings, yards, and density of population.*
- H. Protect and preserve the natural environment of the City.*
- I. Encourage the protection of historic and aesthetic resources in the City.*
- J. Conserve energy through the use of alternative energy systems and conservation through the encouragement of energy efficient structures for commercial, industrial and residential uses.*
- K. Provide for compatibility of different land uses.*

The addition and parking lot expansion will have no adverse effects on the objectives of the Zoning Ordinance. The addition will ensure the continuation of the historic church building.

The following Comprehensive Plan Goals and Strategies support the proposal:

General Goal #3: ***Promote community spirit and unity and enhance Brainerd's character and identity.***

Strategy

Protect and enhance important historical, cultural and natural resources to maintain the integrity, heritage and local character of Brainerd's natural and built environment.

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

Encourage compatible infill residential development throughout the developed portions of the city, to encourage the efficient use of land, ... and the cost-effective provision of city services.

- B. Requirements for Granting Conditional Use Permits. In permitting a new conditional use or the alteration of an existing conditional use, the following requirements shall be met where applicable:**

1. *Fire Protection. Fire prevention and firefighting equipment acceptable to the Board of Fire Underwriters shall be readily available when any activity involving the handling or storage of flammable or explosive materials is carried on.*
2. *Electrical Disturbance. No activity shall cause electrical disturbance adversely affecting radio or other equipment in the vicinity.*
3. *Noise. Noise which is determined to be objectionable because of volume, frequency, or beat shall be muffled or otherwise controlled subject to MPCA standards. Fire sirens and related apparatus used solely for public purpose shall be exempt from this requirement.*
4. *Vibrations. Vibrations detectable without instruments on neighboring property in any district shall be prohibited.*
5. *Odors. No odorous gas or matter shall be permitted which is discernible on any adjoining lot or property.*
6. *Air Pollution. No pollution of air by flying ash, dust, smoke, vapors, or other substance shall be permitted which is harmful to health, animals, vegetation or other property.*
7. *Glare. Lighting devices which produce objectionable direct or reflected glare on adjoining properties or thoroughfares shall not be permitted.*
8. *Erosion. No erosion by wind or water shall be permitted which will carry objectionable substances onto neighboring properties.*
9. *Water Pollution. Water pollution shall be subject to the standards established by the Minnesota Pollution Control Agency.*

None of the requirements will be affected by improvements in Phase 1 or Phase 2.

DEPARTMENT INFORMATION

Engineering

The increased impervious area resulting from the addition and parking lot expansion will require on site storm water retention. While there may be an area on the north side of the addition for retention, the Church desires to maintain as much green space as possible. They are planning to construct an underground storage area just to the east of the addition.

The volume of stormwater runoff from pre-condition to post-condition is actually being reduced, which is in direct compliance with our stormwater regulations.

Utilities

No issues.

Fire

No issues.

Police

No issues.

Building

No issues

Planning

The Church has not had discussion about parking lot lighting, but lighting would need to be provided according to Zoning Ordinance requirements.

Should the site dumpster be visible after the parking lot expansion, screening would need to be provided according to Zoning Ordinance requirements.

Following is Zoning Ordinance language related to cancellation of Conditional Use Permits:

- A. *Unless otherwise specified by the City Council at the time it is authorized, a Conditional Use Permit shall be null and void and expire if the applicant fails to utilize such Conditional Use Permit and fulfill each and every condition attached thereto within one (1) year from the date of its authorization unless a petition for an extension of time in which to complete or utilize the permit has been granted by the Zoning Administrator provided that:*
 1. *The extension is requested in writing and filed with the City at least thirty (30) days prior to the expiration of the initial Conditional Use Permit request.*
 2. *The request for extension states facts demonstrating that a good faith attempt has been made to complete or utilize the use or activity permitted in the Conditional Use Permit.*
 3. *A maximum of one (1) administrative extension shall be granted.*
 4. *The extension shall not exceed ninety (90) days from the initial Conditional Use Permit expiration date.*
 5. *There shall be no charge for the filing of a petition for an administrative extension.*

The highlighted phrase above grants the City Council authority to approve the 5-year period for St. Francis to complete Phase 2.

PLANNING COMMISSION AND CITY COUNCIL ACTION

The Planning Commission can consider a recommendation on this request at the March 21, 2018 meeting. City Council consideration can occur at the April 2, 2018 meeting.

Respectfully submitted,

Mark Ostgarden AICP
City Planner

PLANNING COMMISSION
Wednesday, March 21, 2018

#1 Call to Order

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

Noted present were Commissioners Burslie, Gorham, Headley, Marohn, Wussow; and Council Liaison Lambert. Noted absent was Commissioner Antolak. Also present was City Planner Ostgarden, Planning Intern Matthew Kallroos and Administrative Specialist Bestul.

#2 Approval of Agenda

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

#3 Approval of Minutes of the Regular Meeting held on February 21, 2018

MOTION AND SECONDED BY COMMISSIONERS WUSSOW AND GORHAM, DULY CARRIED, TO APPROVE THE MINUTES OF THE REGULAR MEETING HELD ON FEBRUARY 21, 2018.

#4 New Business

A. Public Hearing – St. Francis Catholic Church, 404 N 9th St., Brainerd – Conditional Use Permit to Construct a 10,800 Square Foot (6,600 Sq. Ft. Main Level and 4,200 Sq. Ft. Lower Level) Addition to The Church

City Planner Ostgarden indicated there was an error in the notice that stated the property is in a B-2 (Neighborhood Commercial) District. This should be corrected to show it is in an R-1 (Single Family Residential) District. Mr. Ostgarden explained the Church has been a part of our community since 1934 at this location and are proposing to construct an addition on the north side of the building. The project will consist of two phases; phase one will be the main level addition and phase two will be the lower level. The main level addition will be 6,600 square feet consisting primarily of additional office and meeting rooms. The seating capacity of the church will not increase. The lower level addition is proposed for a 4,200 square foot parking lot expansion and will occur in approximately 3-5 years.

City Planner Ostgarden pointed out on overhead maps the location of the church building, the school, additional property with garages and a residential structure that currently serves as offices for the church. The proposed addition will match the existing church setback which is approximately 30' from the 9th Street property line. As a result of the parking lot expansion, the impervious coverage on the site is anticipated to increase from 72% to 78% in Phase two. The R-1 District maximum non-residential impervious area is 50% and the City Engineer has approved an underground stormwater storage plan which will permit the increase. The two parcels across North 9th street is currently being consolidated into one parcel at Crow Wing County Land Services. With the parking lot expansion, there will be requirements for some degree of screening to the north adjacent to the residential properties and the street right-of-way on the east side.

City Planner Ostgarden showed a photo of the property looking towards north 10th street to show the addition will be at least 75' away from north 10th street at the east property line and will have the parking lot in between. He also described the floor plan layouts. Phase one of the project will be starting as soon as the

approval is given by the City. However, phase two is planned for 3-5 years from now and St. Francis Church has inquired about obtaining approval for both phases at this time. Normally, a Conditional Use Permit is approved for one year with the option of a one year extension. There is a clause in the Zoning Ordinance relating to cancellations of Conditional Use Permits that reads *"unless otherwise specified by the City Council at the time it is authorized"*. This allows the City Council to extend the Conditional Use Permit for a longer period.

City Planner Ostgarden indicated he did receive a phone call from a property owner in the area with the concern that there already is not enough parking when church functions are taking place. The addition may exacerbate the situation even more and wanted this to be a part of the record.

Commissioner Burslie asked if the City Engineer sign-off regarding the allowance of increasing impervious surface is stated in the ordinance language. City Planner Ostgarden indicated that it is specified in the ordinance.

Commissioner Wussow asked if the impervious surface is part of tonight's consideration. City Planner Ostgarden suggested it is included in the findings of fact if it is agreed upon.

Commissioner Wussow referred to a photograph of the church and the properties that the church owns. He asked if a specific property to the south is also owned by the Church, and it was determined that parcel is not.

The Chair opened the public hearing at 6:23 p.m.

The Chair welcomed Ms. Erica Martinson, architect with Widseth Smith Nolting who thanked the Commission for the opportunity tonight. Ms. Martinson explained this project has been in the works for 8+ years and has been a part of the church for 30 years herself. The parish was founded in 1871 with this church being the third building in the church history. Ms. Martinson indicated there have been many meetings and gatherings with the different user groups at the church to determine the needs as a parish and working within a budget.

Ms. Martinson pointed out on the floor plan the following changes:

- There will be a full elevator system installed
- The main level will have an ADA compliant entry including a ramp
- The newly created space adjacent to the nave will provide gathering opportunities after mass and other events
- The restroom facilities will be updated
- Additional conference and office rooms will be constructed along with a family restroom
- An on-grade slab addition will be constructed for offices that are currently housed in the converted home on the property
- No modifications are being done in the main nave area other than some connections to the addition
- Basic updates to finishes in the lower level social hall will be done
- The kitchen will be updated to a commercial kitchen and expanded to accommodate the many events and activities the church has
- The restroom facilities on the lower level will be updated
- Meeting rooms on the lower level will be added
- There is a concern for off-street parking for the church to meet the ADA compliancy.

The entrance that will be on the east side of the building is perceived to be the main entrance for many members as it is closest to the elevator and ADA compliant ramp. A parking lot is proposed for phase two of the project.

Ms. Martinson indicated there is a concern that the requirement of screening on the east side of the parking lot may become a problem with limited visibility of on-coming street traffic.

Commissioner Burslie pointed out on the site plan, the boundary for the site has been extended for the stormwater calculations and questioned whether the two parcels will be consolidated.

Ms. Martinson indicated the consolidation paperwork has already been submitted to Crow Wing County Land Services and is in process.

Commissioner Burslie asked if parking can take place on top of the underground stormwater system. The system is very capable of holding a parking lot and other retail stores in the area have this same system.

The Chair closed the public hearing at 6:37 p.m.

Commissioner Burslie asked if the screening requirement needs to be addressed in the motion.

City Planner Ostgarden indicated it does not need to be discussed at this time – the requirement is that it will have to be screened. At the time when the plans for phase two proceed, there are options at that time for discussion and decisions to be made.

MOVED AND SECONDED BY COMMISSIONERS LAMBERT AND BURLIE TO APPROVE THE CONDITIONAL USE PERMIT BASED ON THE FINDINGS OF FACT WITH THE APPROVAL OF A 5-YEAR EXTENSION FOR THE PROJECT.

Commissioners Burslie, Gorham, Headley, Wussow and Lambert voted “aye”. Commissioner Marohn removed himself from the discussion and sustained from voting. The Chair declared the motion carried.

B. Public Hearing – City of Brainerd, 501 Laurel St., Brainerd – Conditional Use Permit to Construct an Accessory Building 37' in Height at the Public Works Facility Located at 724 Thiesse Dr., Brainerd

City Planner Ostgarden explained the aerial view of the site in relationship to County Road 45 and Industrial Park Road. The site of the proposed building is somewhat isolated from the rest of the community and would be an ideal location because of the wetlands to the north and south. A photograph was taken looking toward the proposed site from Industrial Park Road showing the distance from the highway as approximately 2,200 feet and will be approximately 1,600 feet from County Road 45.

City Planner Ostgarden indicated it is the 7' above the allowed height that we are looking for approval on, not the building design or material used in the construction.

City Engineer Sandy discussed the developments and modifications to the project since he last presented to the commission. The specs have been rewritten to allow multiple types, designs and manufacturers of fabric material structures to place a bid on the project. An overhead map was displayed to show the orientation of the proposed building in relation to the existing street garage buildings. This change is due to further research regarding wind and loading capabilities. Currently, there is a pure salt pile that is under a roof in a cold storage building and incoming rain causes this to become very hard. Hopefully, there

could be a separate area made under the salt storage building to house the salt. The building height that most manufacturers offer is approximately 37' to the top with the street garages' highest point being 30'.

The Chair opened the public hearing at 6:51 p.m.

No one came forward.

The Chair closed the public hearing at 6:52 p.m.

MOVED AND SECONDED BY COMMISSIONERS BURSLIE AND GORHAM, DULY CARRIED, TO APPROVE THE CONDITIONAL USE PERMIT BASED ON THE FINDINGS OF FACT AND THE STAFF REPORT.

#5 Public Forum

The Chair opened the public forum at 6:53 p.m.

No one came forward.

The Chair closed the public forum at 6:53 p.m.

#6 Old Business

A. Remove Rezoning from the Table and Discussion – B.A. Doer, LLC., 20410 98th Place, Kent, WA 98031; Deborah Hulke, Personal Representative for John E. Bailey, 212 2nd Street North, Brainerd and Shingobee Builders, 669 N. Medina St., Loretto, MN 55357 – To Rezone Property at the SE Corner of Kingwood St. and North 2nd St., Brainerd from a B-1 (Residential Office) District to a B-6 (Washington St. Commercial) District

City Planner Ostgarden indicated the petitioner formally withdrew the application, so no further action is necessary.

B. Discussion Regarding Greenhouses in Residential Zoning Districts

City Planner Ostgarden over time there have been several residents interested in constructing a greenhouse on their property. The language used in the current zoning ordinance does not allow greenhouses. There seems to be more interest in the community with home grown produce. Matt Kallroos, Planning Intern researched the definitions of greenhouses and what language we could use. The following definition is recommended for Zoning Ordinance Section 2: **GREENHOUSE:** *A building or structure often on a metal or wooden frame constructed chiefly of glass, glasslike or translucent material, which is devoted to the protection or growing of flowers, shrubbery, vegetables, trees or other horticultural and floricultural products intended to be for residential use.*

The draft language could be as follows:

- Permits greenhouses provided the maximum allowed lot coverage is not exceeded.
- Is open ended to the maximum size greenhouse that would be permitted.
- The Planning Commission can determine the maximum size it thinks should be allowed.
- Includes a list of permitted clear material to allow radiant heat.

City Planner Ostgarden stated our current ordinance allows one detached accessory building in addition to an attached garage. In the case of having a detached garage, one additional accessory building is allowed. A draft to the zoning ordinance section could be as follows:

- b. Number of Buildings. Total number of accessory buildings and garages shall be limited to one of the following:
 - 1. One (1) attached garage and one (1) detached accessory building
 - 2. Two (2) detached accessory ~~structures~~ BUILDINGS
 - 3. SHOULD THERE BE ZERO OR ONE (1) ACCESSORY BUILDING, A NONCOMMERCIAL GREENHOUSE IS PERMITTED, PROVIDED THE COMBINATION OF ACCESSORY BUILDINGS AND GARAGES (ATTACHED AND DETACHED) PER LOT SHALL NOT EXCEED THE MAXIMUM SIZE FOR ALL ACCESSORY BUILDINGS ON THE LOT.
 - 4. SHOULD A LOT HAVE THE MAXIMUM NUMBER OF ALLOWED ACCESSORY BUILDINGS, ONE NONCOMMERCIAL GREENHOUSE UP TO 10' X 10' (OR 10' X 12' OR DIFFERENT SIZE) IS PERMITTED, PROVIDED THE COMBINATION OF ACCESSORY BUILDINGS AND GARAGES (ATTACHED AND DETACHED) PER LOT SHALL NOT EXCEED THE MAXIMUM SIZE FOR ALL ACCESSORY BUILDINGS ON THE LOT.
 - 5. THE FOLLOWING CLEAR MATERIAL IS PERMITTED FOR GREENHOUSE CONSTRUCTION TO ALLOW RADIANT HEAT FROM THE SUN:
 - I. GLASS
 - II. RIGID POLYCARBONATE PANELS
 - III. SEMI RIGID POLYETHYLENE PANELS
 - IV. RIGID FIBERGLASS PANELS
 - V. RIGID ACRYLIC PANELS
 - VI. VINYLCLOTH, CANVAS, PLASTIC SHEETS, TARPS AND SIMILAR MATERIALS ARE NOT ALLOWED AS ROOFING MATERIALS.
 - 6. MATERIAL PERMITTED IN THIS SECTION CAN BE USED FOR GREENHOUSE CONSTRUCTION IN AREAS NOT ALLOWING RADIANT HEAT.

City Planner Ostgarden explained that an accessory building can currently be built up to 200 square feet without needing a permit. If the above conditions in number three are met, a greenhouse is currently permitted. If the conditions apply to number four, the size of the greenhouse is limited.

Commissioner Marohn asked why wouldn't this be covered under the current accessory building ordinance? Why does there need to be a separate set of rules for a greenhouse?

City Planner Ostgarden stated there needs to be some amount of safety in what is being proposed thus the requirement for more stable well-built structures should be required.

Commission discussion took place regarding the need for specific language in the ordinance for greenhouses. It is stated in the current ordinance ...*"no plastic, canvas or vinyl tarps can be used in the construction of any accessory buildings. All buildings over 120 square feet shall have the same or similar finish as the neighborhood buildings and be homogeneous in design..."*

Commissioner Burslie indicated it would be a requirement that it would have to be constructed in a rear yard.

Commissioner Wussow asked if number five of the draft language could be added to the definition instead of under the number of buildings. City Planner Ostgarden stated it certainly could be under the definition instead.

Commissioner Gorham stated that this is an opportunity for the City to do more things for the residents by allowing some flexibility to a desired idea. He suggested using it as a selling point of living in the City of Brainerd, here's a way to be positive to current ideas rather than negative.

City Planner Ostgarden asked for the approval of the Planning Commission to move forward with a public hearing at the April meeting.

C. Discussion Regarding Expanding Uses Allowed in R-A (Rural Agriculture) Districts to Permit Commercial Businesses

City Planner Ostgarden was approached by a resident that wants to have his business located on property he owns in an R-A (Rural Agriculture) District. There was a small amount of discussion at the last commission meeting and the consensus was not favorable.

Commissioner Burslie stated that maybe an agriculture type of business, but he is not in favor of any other commercial business in a rural agriculture zone, as this is not the intent of the zone.

Commission discussion took place regarding the land uses and the future ideas that the City of Baxter is planning on building roads through land owned by the City of Brainerd.

The Planning Commission deemed there was no pending application submitted that would prompt any action to be taken.

#7 Commissioners' Questions/Comments

Commissioner Marohn requested time to show a PowerPoint to the commission regarding parking issues and concerns in the City. Mr. Marohn reviewed slides he created that pertain to the development pattern along Washington Street and the revenue generated in the two (2) eight block examples. Mr. Marohn would like to go forward with the Planning Commission in creating working committees to tackle the parking situation. Mr. Marohn presented a viewpoint and photos along Kingwood Street and discussion about downtown.

Commissioner Burslie attended a River to Rail presentation and many business owners indicated there is a definite parking problem downtown. It was stated that if people cannot find a parking spot within 30 feet of the desired store, they drive away to another store.

Commissioner Gorham works downtown at the Bridge of Harmony and he has witnessed the parking concerns. The business is a regional business with customers coming from Duluth, Fargo to name a few. The reason there is a perception of so much parking is the employees cannot park on the street – it is limited

to two hours. The employees need to find alternate parking along other streets or city owned lots. Downtown is currently at a low cycle but is slowing escalating. If it continues to prosper and more stores locate downtown, the parking that we do have is going to disappear. Mr. Gorham gave the example of a wedding reception held at the Legion, the parking is full. Or when the Crossing Arts Alliance has events and open houses, the parking lots are filled. The residents that live in apartments downtown stay away during the day because of the limitations and park there on nights and weekends.

Commissioner Marohn stated we are not unique in going through a transition between being less desirable and having an abundance of parking to being more desirable with parking shortages. We need to look at what other cities have done to alleviate the issues as they have not torn down buildings to create parking lots. Mr. Marohn offered to compile data and present it for discussion at the April meeting.

#8 City Planner's Report

City Planner Ostgarden stated the postcards should have been received by everyone regarding the Comprehensive Plan Neighborhood Meetings. The first meeting being held is Ward 2 on March 27th at the First Congregational Church.

#9 Adjourn

The Chair adjourned at 7:46 p.m.

Respectfully submitted,

City Planner Mark Ostgarden AICP

Findings of Fact

St. Francis Church Expansion
404 N 9th Street
Conditional Use Permit

1. The property is in an R-1 (Single Family Residential) District that permits churches by Conditional Use Permit.
2. A 10,800 square foot addition is planned that will have a 6,600 sq. ft. main level and a 4,200 sq. ft lower level.
3. The addition is for office, meeting rooms and church gatherings. The seating capacity of the church will not be increased.
4. The project will consist of two Phases; Phase 1 being the addition and Phase 2 is planned to occur in 3-5 years which is the parking lot expansion.
5. The church owns property across N. 9th Street used as a school and the residential lot (church rectory) that is adjacent to the addition area. It has been consolidated with the lot into the church parcel.
6. Zoning Ordinance Section 20 Off-Street Parking specifies that off-street parking is based on the design capacity of the main assembly hall. The addition adds no space to the main assembly hall, so additional off-street parking is not required.
7. The addition will meet setbacks for churches in an R-1 District.
8. The addition is sited, oriented and landscaped to produce a harmonious relationship of buildings and grounds to adjacent buildings and properties because:
 - The site is across the street from St. Francis School owned by the church. The school utilizes almost the entire block. The addition is sited and oriented towards the school and that block.
 - The Franklin Art Center is located across N 10th Street. The addition is setback approximately 75' from N. 10th Street with a parking lot between it and the street.
 - The addition is on the north side of the property where it is adjacent to a single-family dwelling (church rectory) owned by the Church.
9. The addition proposed use shall produce a total visual impression and environment which is consistent with the environment of the neighborhood because the building elevation plans identify the addition's architecture complements the historic church building. Many of the houses are two story buildings and the addition will be a single-story addition with 14' 3" tall flat roof with highest peak being 25' 8" tall, along N. 9th Street across the street from the school.

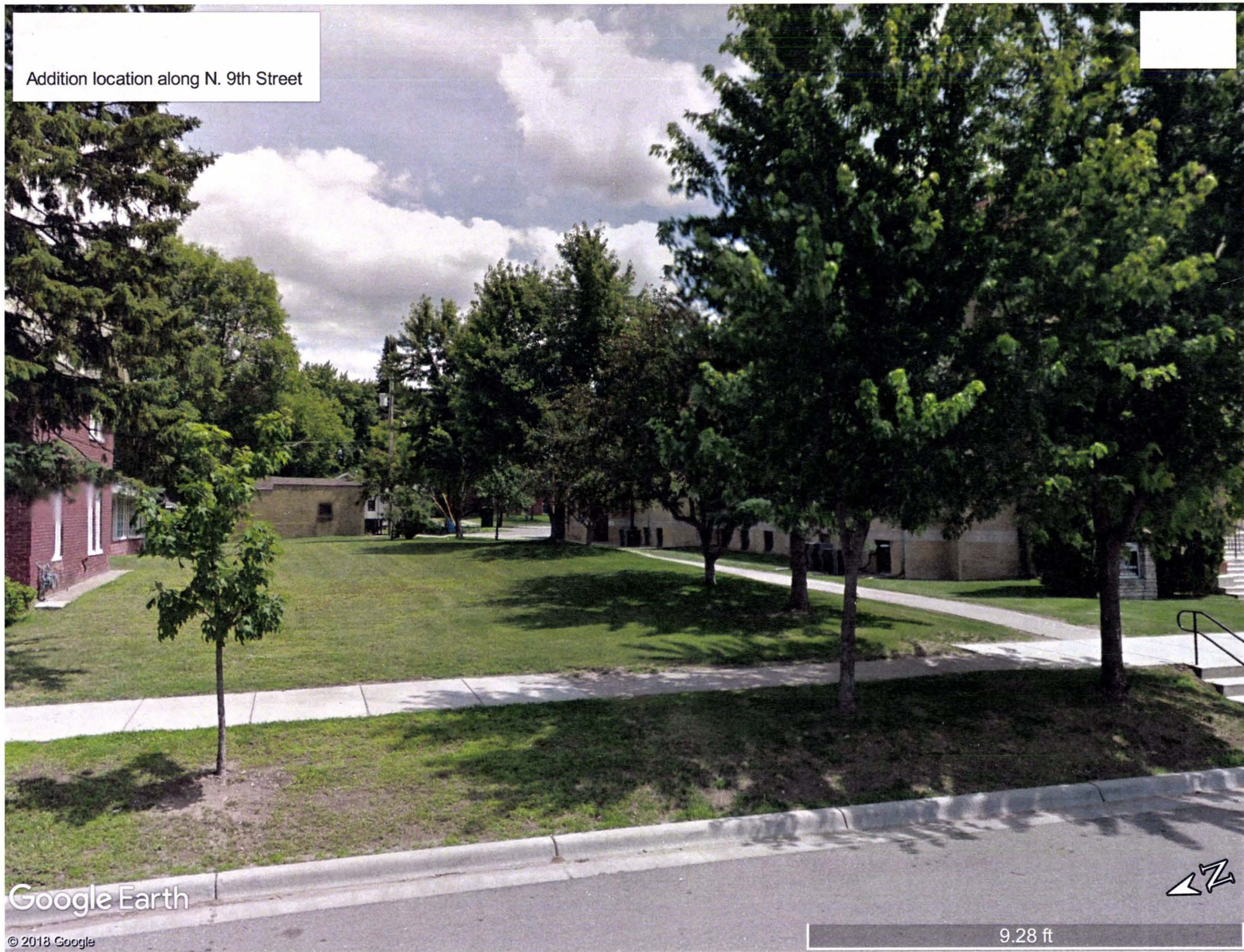
10. The applicable requirements for granting Conditional Use Permits will be met during and after the addition is constructed.
11. The R-1 District maximum non-residential impervious area is 50%. The City Engineer has approved an underground stormwater storage plan which permits the 72% impervious area in Phase 1 and the increase in Phase 2 to 78%.
12. No concerns about the addition were raised by city departments.
13. The following Comprehensive Plan Goals and Strategies support the proposal:
General Goal #3: ***Promote community spirit and unity and enhance Brainerd's character and identity.***
Strategy
Protect and enhance important historical, cultural and natural resources to maintain the integrity, heritage and local character of Brainerd's natural and built environment.

LAND USE GOAL #3: *Plan for the orderly, efficient and fiscally responsible growth of residential development in Brainerd.*
Strategy
Encourage compatible infill residential development throughout the developed portions of the city, to encourage the efficient use of land, ... and the cost-effective provision of city services.



N

Addition location along N. 9th Street



Google Earth

© 2018 Google

9.28 ft

Looking North on N. 9th Street



Google Earth

© 2018 Google

9.26 ft

Addition Location from N. 10th Street

Legend

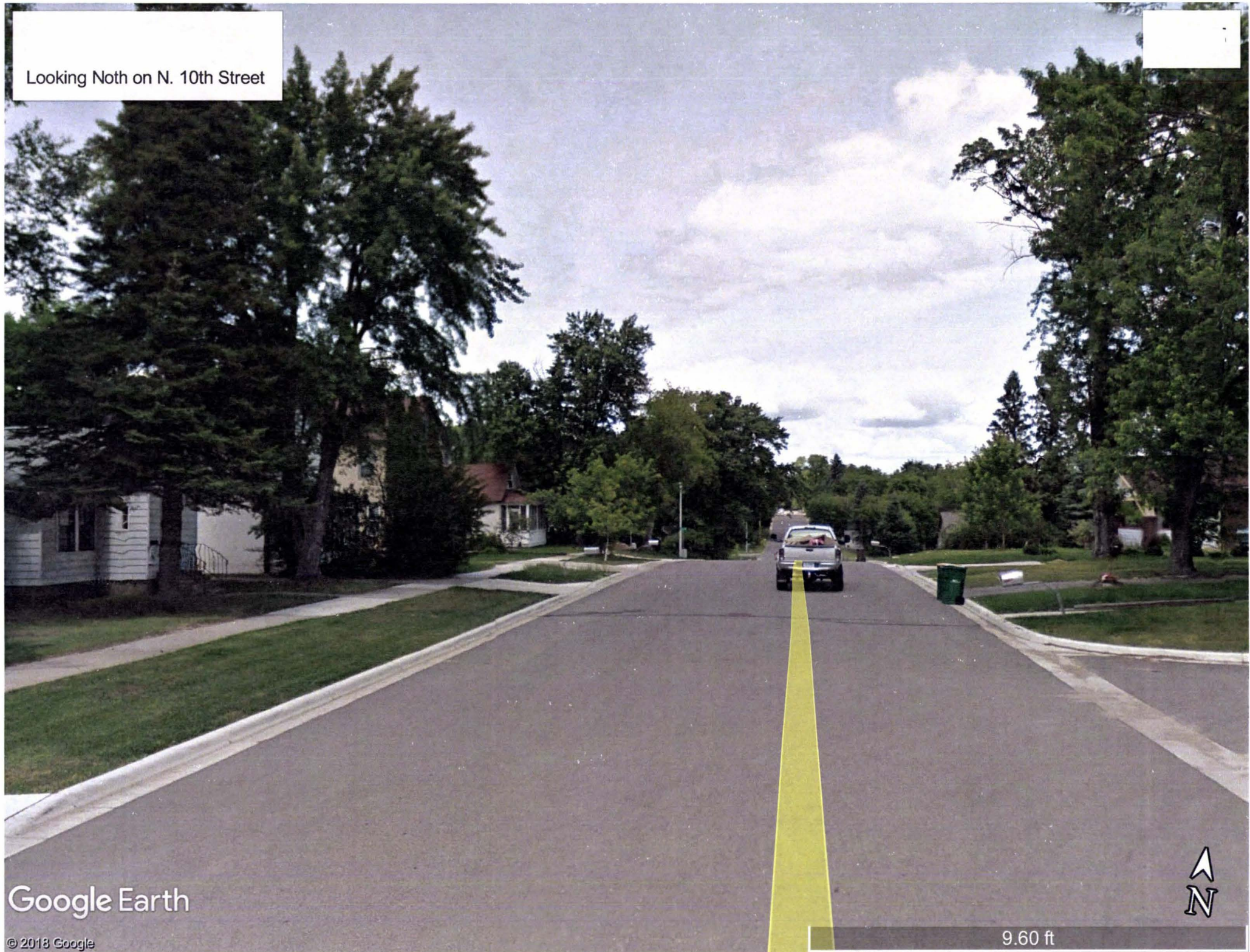


Google Earth

© 2018 Google

9.63 ft

Looking Noth on N. 10th Street



Google Earth

© 2013 Google

9.60 ft



NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that St. Francis Catholic Church, 404 North 9th Street, Brainerd MN 56401, has applied for a Conditional Use Permit to construct a 10,800 sq. ft. (6,600 sq. ft. main level and 4,200 sq. ft. lower level) addition to the church. The property is in a B-2 (Neighborhood Commercial) District and Zoning Ordinance Section 61-6. D. specifies places of worship and related buildings are permitted by Conditional Use Permit. The legal description is: A portion of Block 98, Town of Brainerd.

The Planning Commission of the City of Brainerd will meet in the Brainerd City Hall Council Chambers, 501 Laurel Street, at 6:00 p.m., Wednesday, March 21, 2018 at 6 p.m. to consider the request for the Conditional Use Permit.

A copy of the application is on file for review at the City Planning Department, 501 Laurel Street.

The public is invited to offer public comment by letter, e-mail at mostgarden@ci.brainerd.mn.us or by attending the public hearing regarding the proposed Conditional Use Permit.

Any individual needing special accommodations or if there are any questions please call (218) 828-2309.

Dated this 8th day of March, 2018

Mark Ostgarden AICP
City Planner

Publication date: March 9, 2018



City Planning Department

City Hall – 501 Laurel Street
Brainerd, MN 56401
218-828-2309/Fax 218-828-2316
www.ci.brainerd.mn.us

Received
2/5/18
3/5

Receipt #	2018-00005
Check #	10083
Date Paid:	3/8/18

CONDITIONAL USE/REZONING/VARIANCE APPLICATION

	RESIDENTIAL	COMMERCIAL
CONDITIONAL USE PERMIT	☐ (\$250.00)	☐ (\$400.00 + \$500.00 escrow deposit)
REZONING	☐ (\$300.00)	☐ (\$500.00)
VARIANCE	☐ (\$250.00)	☒ (\$400.00 + \$500.00 escrow deposit)

PROPERTY ADDRESS: 404 North 9th Street

LEGAL DESCRIPTION: Lot(s): _____ Block: _____ Addition: _____
(attach description if lengthy)

Property Owner Name: St. Francis Catholic Church

Street Address: 411 North 10th Street City: Brainerd State: MN Zip Code 56401

Phone Number: (218) 822-4040 Fax: 218-829-8754 E-mail: fr.tony@blccnorth.org

Applicant Name: (If different than Property Owner) Erica Marcussen, WSN Project Architect

Street Address: 7804 Industrial Park Road City: Baxter State: MN Zip Code: 56425

Phone Number: 218-316-3607 Fax: 218-829-2517 E-mail: Erica.Marcussen@wsn.us.com

Description of Request: St. Francis Catholic Church, an existing conditional use with-in R-1 district, is proposing to construct a 10,800 sf (6,600 main level + 4,200 lower level) addition to their church. Majority of the addition will be two levels matching the existing floor levels. The main level of the addition will include a gathering space, conference room, family/bridal room and support spaces. The lower level will include a kitchen with storage, meeting rooms, mechanical and support spaces. As part of the proposed project there will also be an on-grade staff office area as part of the addition along with select portions of the existing building will also be remodeled. The existing worship area will not increase in size.

Property Owner Signature

3/5/2018

Date

Rev. Anthony Wroblewski, Pastor

(Please print name)

Applicant Signature

3/5/2018

Date

Erica Marcussen, WSN Project Architect

(Please print name)

AGENCY REVIEW CHECKLIST

Your request may require review by one or more of the agencies listed below. The City of Brainerd will determine which agencies will need to review your application and provide that agency with the notice of public hearing regarding your application:

BRAINERD FIRE DEPARTMENT

Attn: Fire Chief; 23 Laurel St; Brainerd, MN 56401; 218-828-2312; fire@ci.brainerd.mn.us

BRAINERD POLICE DEPARTMENT

Attn: Corky McQuiston, 225 East River Road; Brainerd, MN 56401; 218-829-2805;
corky.mcquiston@ci.brainerd.mn.us

BRAINERD PUBLIC UTILITIES

Attn: Scott Magnuson, Supt.; P.O. Box 373; Brainerd, MN 56401; 218-829-8726; smagnuson@bpu.org

BWSR (MN Board of Water and Soil Resources)

Attn: John Overland; 1601 Minnesota Dr; Brainerd, MN 56401; 218-828-2383; john.overland@state.mn.us

CROW WING COUNTY HIGHWAY DEPARTMENT

Attn: Tim Bray, County Engineer; 16589 County Rd 142; Brainerd, MN 56401; 218-824-1110/FAX 218-824-1111
tim.bray@crowwing.us

CROW WING COUNTY SOIL AND WATER CONSERVATION DISTRICT

Attn: Melissa Barrick; 322 Laurel St-Ste. 13; Brainerd, MN 56401; 218-828-6197/FAX 828-6095
melissa.barrick@crowwingswcd.us

CROW WING COUNTY SURVEYOR'S OFFICE

Attn: Mark Liedl; 322 Laurel St Ste 14.; Brainerd, MN 56401; 218-824-1124/FAX 824-1126;
mark.liedl@crowwing.us

HRA

Attn: Jennifer Bergman; 324 E. River Rd.; Brainerd, MN 56401; 218-828-3705/FAX 828-8817;
jennifer@brainerdhra.org

MISSISSIPPI HEADWATERS BOARD

322 Laurel Street Ste 5; Brainerd, MN 56401; 218-824-1307/FAX 824-1104
mhb@mississippiheadwaters.org

MINNESOTA DEPARTMENT OF TRANSPORTATION

Attn: Mary Safgren; 7694 Industrial Park Rd.; Baxter, MN 56425; 218-828-5700; mary.safgren@state.mn.us

MINNESOTA DEPARTMENT OF NATURAL RESOURCES

Attn: Wade Miller; 1601 Minnesota Dr.; Brainerd, MN 56401; 218-828-2605/FAX 828-6043;
wade.miller@state.mn.us

MINNESOTA POLLUTION CONTROL AGENCY

Attn: Reed Larson; 7678 College Rd-Ste. 105; Baxter, MN 56425; 218-828-2492/FAX 828-2594
Reed.Larson@state.mn.us

U.S. ARMY CORPS OF ENGINEERS

Attn: Jeff Koshak; 8896 E. Gull Lake Dr.; Brainerd, MN 56401; 218-829-8402

RECEIVED

MAR 09 2018

CITY OF BRAINERD
ADMINISTRATION

Phase 1

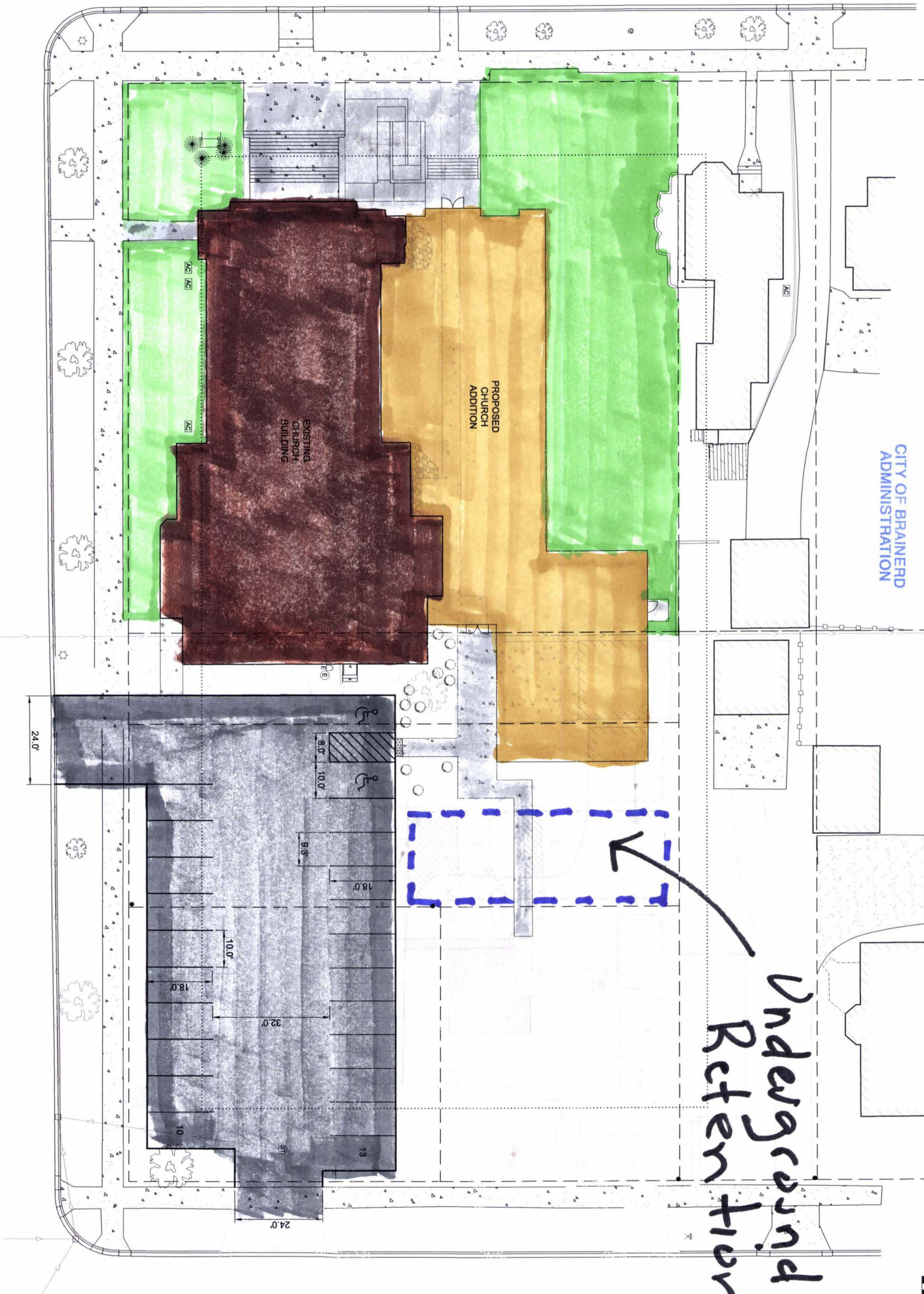
Underground
Retention



NINTH STREET

TENTH STREET

JUNIPER STREET



CUP SUBMITTAL

ST. FRANCIS CATHOLIC CHURCH ADDITION & REMODEL
ST. FRANCIS CATHOLIC CHURCH
BRAINERD, MINNESOTA

PHASE 1 SITE PLAN

DATE: MARCH, 2016
SCALE: AS SHOWN
DRAWN BY: MER
CHECKED BY: MER
JOB NUMBER: 028080305.004

DATE	REV	REVISIONS DESCRIPTION	BY

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 ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.
Michael E. Rude
MICHAEL E. RUDE DATE: 03/8/2018 LIC. NO. 43896



WIDSETH SMITH NOLTING
Engineering | Architecture | Surveying | Environmental

SHEET NO.
C1.0

Phase 2

Underground Retention

15

SCALE (IN FEET)

STORMWATER MANAGEMENT CALCULATIONS

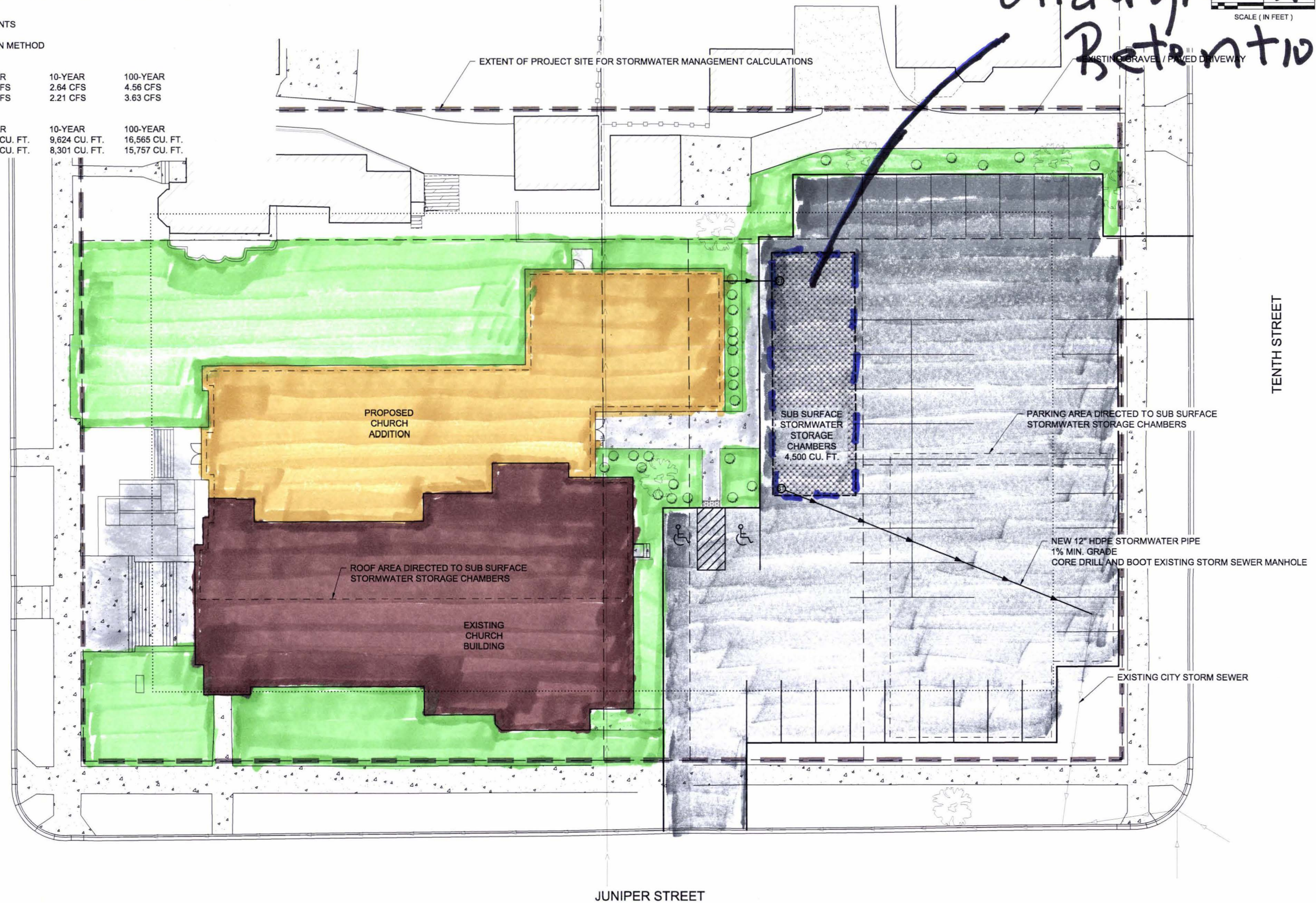
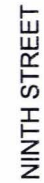
EXISTING GRAVE / PAVED DRIVEWAY

SITE AREA = 56,520 SQ. FT. = 1.298 ACRE
 EXISTING IMPERVIOUS AREA = 31,413 SQ. FT. = 0.721 ACRE = 55.6%
 PROPOSED IMPERVIOUS AREA = 44,144 SQ. FT. = 1.013 ACRE = 78.1%
 • PROPOSED IMPERVIOUS AREA TO SUB SURFACE STORAGE = 15,898 SQ. FT. = 0.365 ACRE = 28.1%

- SCS TYPE II 24-HOUR RAINFALL EVENTS
- SCS TR-20 CALCULATION METHOD
- SCS TR-55 TIME OF CONCENTRATION METHOD

STORM EVENT	2-YEAR	10-YEAR	100-YEAR
EXISTING SITE	1.24 CFS	2.64 CFS	4.56 CFS
PROPOSED SITE	1.13 CFS	2.21 CFS	3.63 CFS

STORM EVENT	2-YEAR	10-YEAR	100-YEAR
EXISTING SITE	4,660 CU. FT.	9,624 CU. FT.	16,565 CU. FT.
PROPOSED SITE	4,152 CU. FT.	8,301 CU. FT.	15,757 CU. FT.



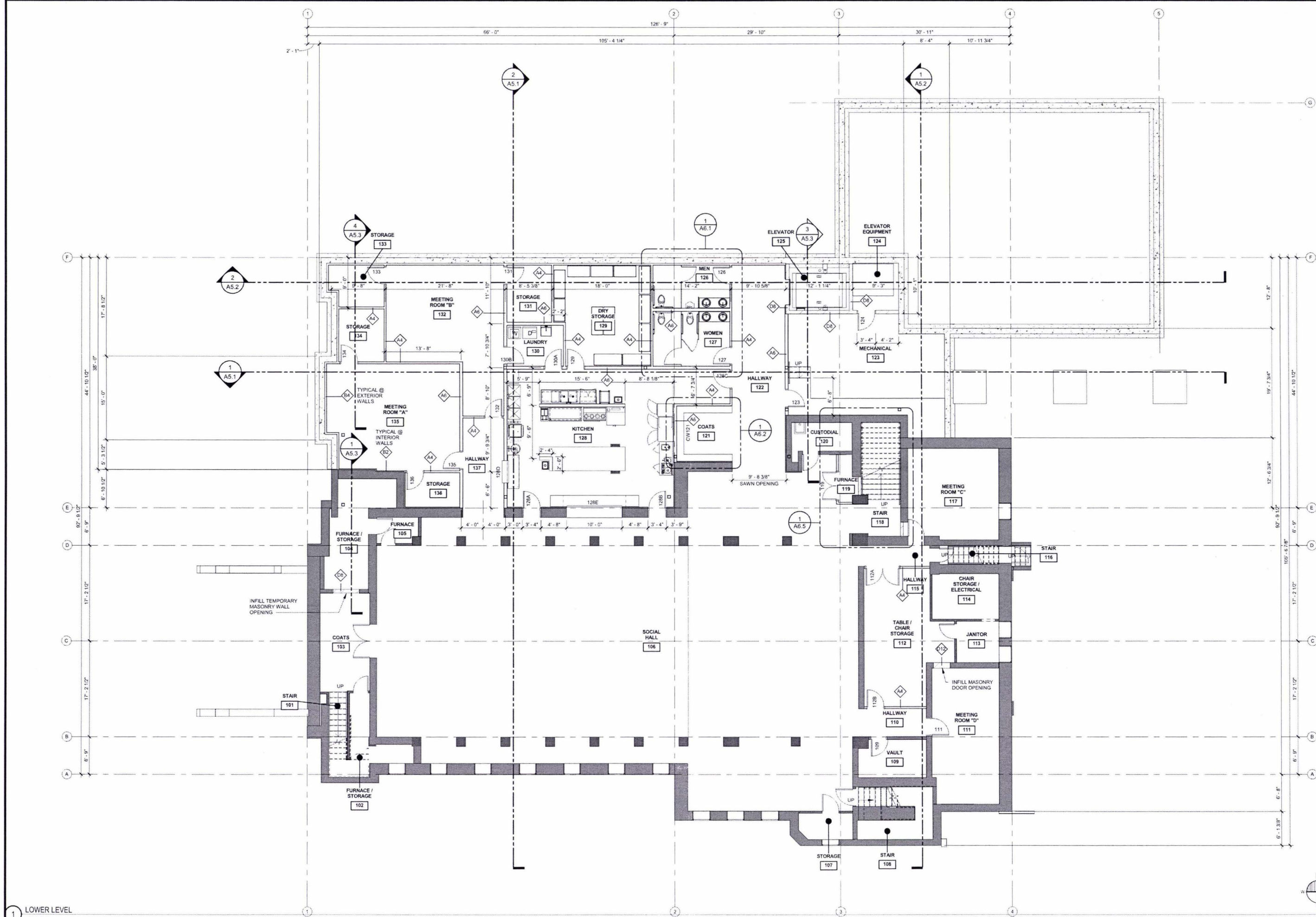
CUP SUBMITTAL

ST. FRANCIS CATHOLIC CHURCH
BRAINERD, MINNESOTA

SHEET NO.
C3.0

Michael E. Rude

WIDSETH SMITH NOLTING
Engineering | Architecture | Surveying | Environmental



1 LOWER LEVEL
1/8" = 1'-0"



WIDSETH SMITH NOLTING
Engineering | Architecture | Surveying | Environmental

HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A LICENSED PROFESSIONAL ARCHITECT UNDER THE LAWS OF THE STATE OF MINNESOTA.

ERICA D. MARCUSSEN
SIGN DATE LIC# 43851

DATE	REV#	REVISION DESCRIPTION	BY
MARCH 2018	AS NOTED		
	D.C.Q.		
	EDM		

ADDITION & REMODEL
ST. FRANCIS CATHOLIC CHURCH
BRainerd, MINNESOTA

LOWER LEVEL PLAN

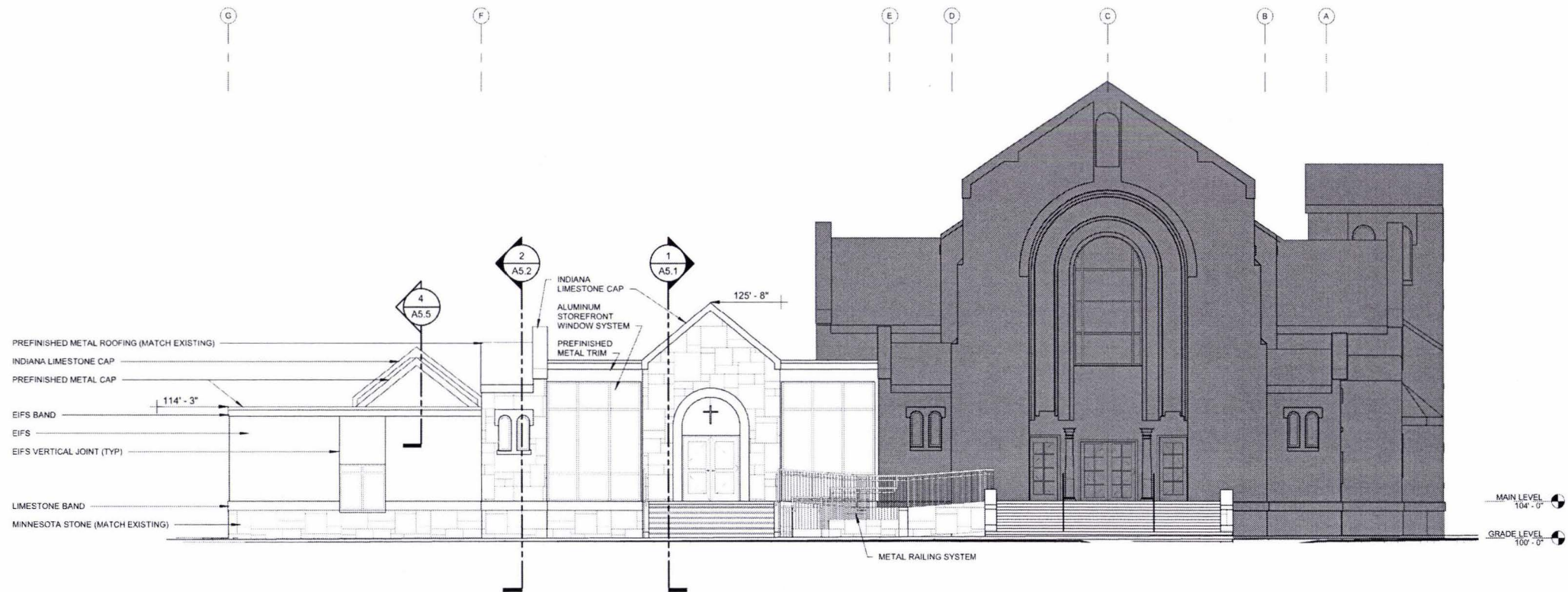


I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR
 REPORT WAS PREPARED BY ME OR UNDER MY DIRECT
 SUPERVISION AND THAT I AM A DULY LICENSED ARCHITECT
 UNDER THE LAWS OF THE STATE OF MINNESOTA.

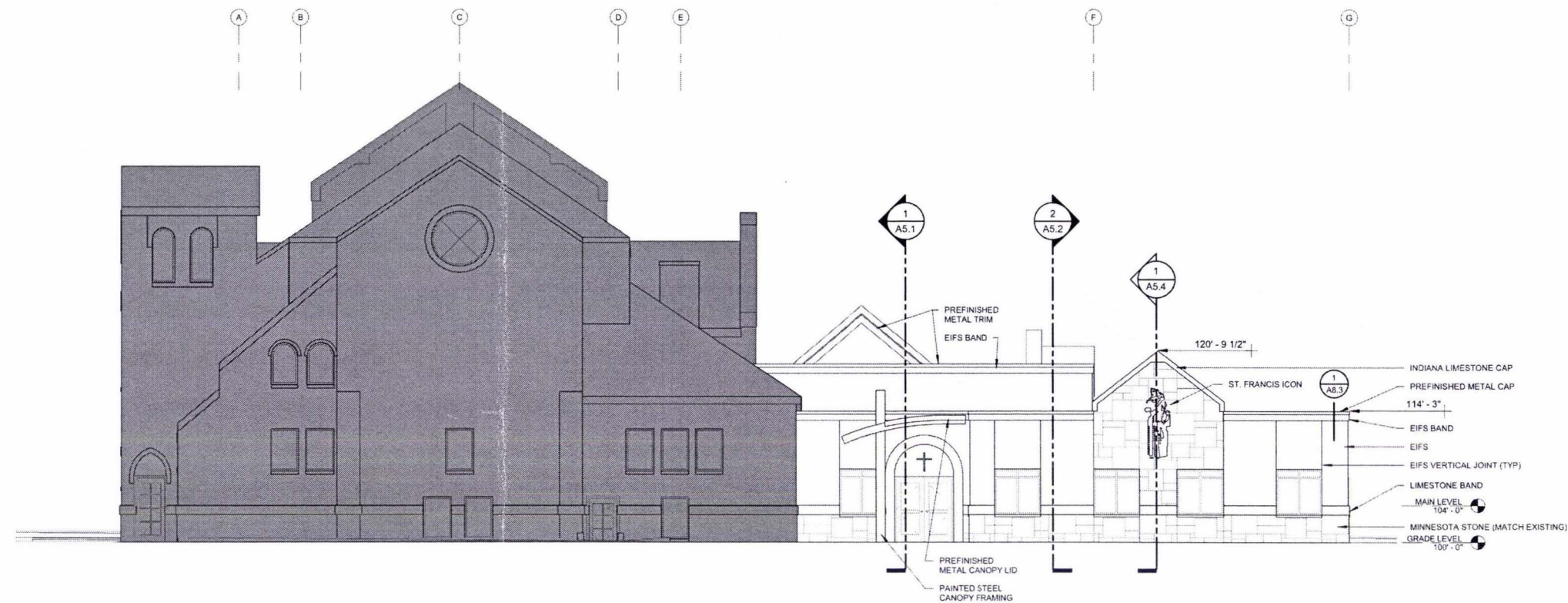
[illegible]

DATE:	MARCH, 2018
SCALE:	AS NOTED
DRAWN BY:	D.C.Q.
CHECKED BY:	EDM
JOB NUMBER:	0280B0305 004

ADDITION & REMODEL ST. FRANCIS CATHOLIC CHURCH BRainerd, MINNESOTA	SHEET NO. A1.2
MAIN LEVEL PLAN	SHEET OF



1 WEST ELEVATION
1/8" = 1'-0"

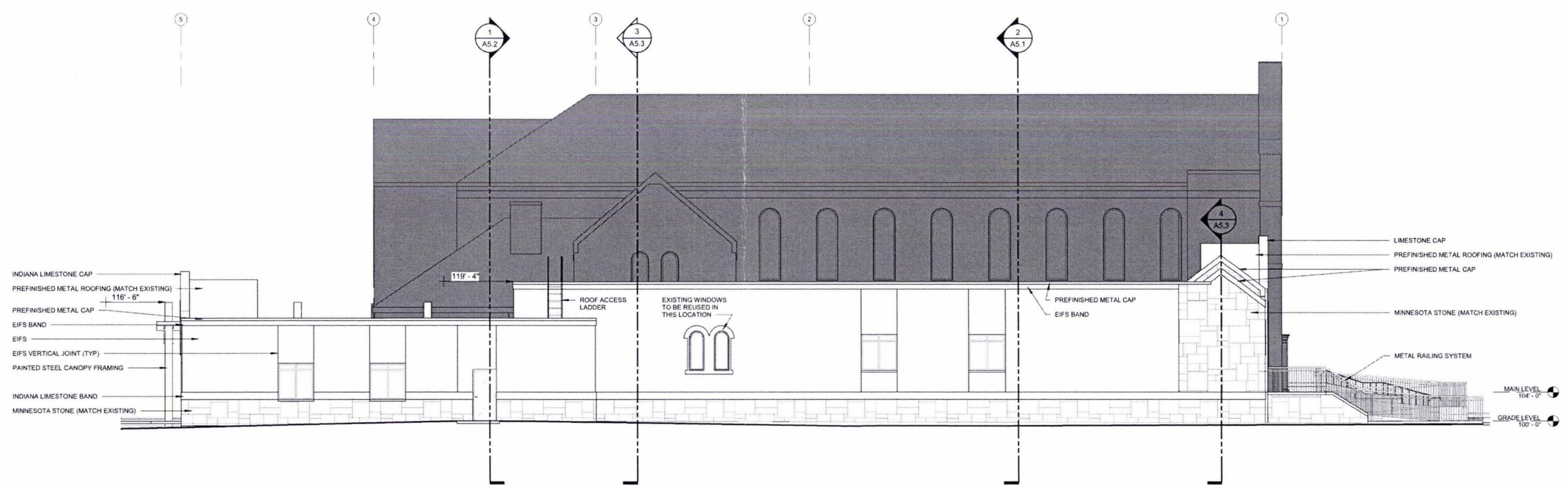


2 EAST ELEVATION
1/8" = 1'-0"

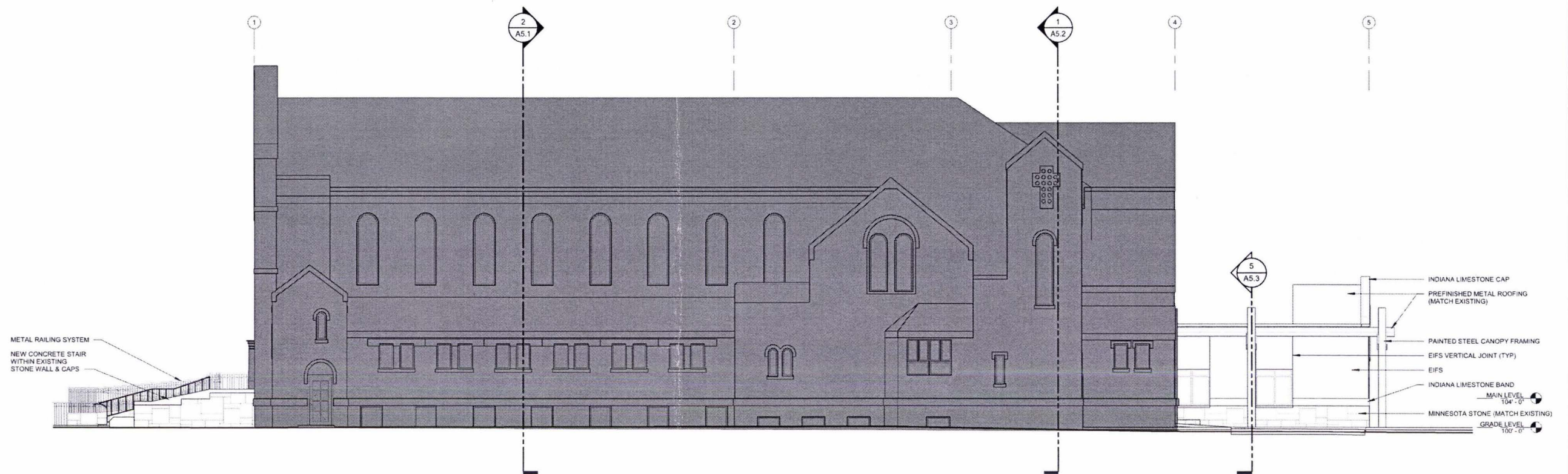
DATE	REV#	REVISIONS DESCRIPTION

DATE:	MARCH, 2018
SCALE:	AS NOTED
DRAWN BY:	D.C.Q.
CHECKED BY:	E.D.M.
JOB NUMBER:	028060305.004

ADDITION & REMODEL
ST. FRANCIS CATHOLIC CHURCH
BRainerd, MINNESOTA
EXTERIOR ELEVATIONS



1 NORTH ELEVATION
1/8" = 1'-0"



2 SOUTH ELEVATION
1/8" = 1'-0"



DATE	REV#	REVISIONS DESCRIPTION

DATE:	MARCH 2018
SCALE:	AS NOTED
DRAWN BY:	D.C.Q.
CHECKED BY:	E.D.M.
JOB NUMBER:	028080305.004

ADDITION & REMODEL
ST. FRANCIS CATHOLIC CHURCH
BRainerd, MINNESOTA
EXTERIOR ELEVATIONS



Brainerd City Council Agenda Request

Requested Meeting Date: April 2, 2018

Title of Item: Conditional Use Permit (CUP) - City of Brainerd, Accessory Building Height, 724 Thiesse Drive

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☒ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Mark Ostgarden, City Planner	Department: Planning
Presenter (Name & Title): Same	Estimated Time Needed: 5 minutes
Summary of Issue: The City of Brainerd Street Department is proposing to construct a 37' tall salt storage building at its Public Works facility on Thiesse Road. Zoning Ordinance Section 70-8, I-1 (Light Industry) District, specifies buildings over 30' in height are permitted by Conditional Use Permit.	
Alternatives, Options, Effects on Others/Comments: 1. Approve the request which will permit the building to exceed the maximum height by 7 feet. 2. Deny the request. If the request is denied, findings will be required to support the decision. Attached is the Staff Report, dated March 21, 2018, meeting minutes and Findings of Fact.	
Recommended Action/Motion: The Planning Commission voted 5-0 to recommend approval. A motion by _____ and 2nd by _____ to approve a Conditional Use Permit for a 37' tall salt storage building located at its Public Works garage, 724 Thiesse Road.	
Financial Impact: <i>Is there a cost associated with this request:</i> ☐ Yes ☒ No <i>What is the total cost, with tax and shipping</i> \$ _____ <i>Is this budgeted?</i> ☐ Yes ☒ No <i>Please Explain:</i>	

STAFF REPORT TO THE PLANNING COMMISSION

March 21, 2018

CONDITIONAL USE PERMIT

APPLICANT/LOCATION:	City of Brainerd, 501 Laurel Street
PROPOSED USE:	Construct an accessory building 37' in height at its Public Works facility located at 724 Thiesse Drive.
CURRENT ZONING:	I-1 (Light Industry) District
ADJACENT USES:	East: Industrial South: Industrial West: Industrial North: Industrial
ADJACENT ZONING:	North: I-1 (Light Industry) District East: I-1 (Light Industry) District South: Crow Wing Township West: I-1 (Light Industry) District

The City of Brainerd street department has a salt storage area located at its Public Works garage site on Thiesse Road. The salt storage area has never been within a building and constructing a shelter has been desired for many years. Funds have been budgeted for 2018 and the most economical style is an High-density polyethylene (HDPE) fabric round roof building. The building will be 37' tall, which the Zoning Ordinance Section 71-8 specifies buildings over 30' in height are permitted by Conditional Use Permit. The issue is not whether the fabric structure is permitted, the issue is what affect the additional 7' in height have on the area.

- A. 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.

1. The proposed use conforms to the district and conditional use provisions and all general regulations of this Ordinance.

The building location will comply with district setback requirements. A piece of existing asphalt will be cut for the building location, so no additional impervious surface will be added.

2. The proposed use meets all special standards which may apply to its class of conditional uses as set forth in this section.

515-70-8: Building Height. No more than thirty (30) feet, however, building heights in excess of the prescribed standard may be permitted through a Conditional Use Permit, provided that:

1. The site can accommodate any increased intensity of use.

The intensity of site use is not being increased.

2. Any increased intensity of use does not cause an increase in traffic volumes beyond the capacity of the surrounding streets.

No additional traffic is created by the addition.

3. Public utilities and services are adequate.

The addition will have no effect on city services.

4. The front and side yard setbacks shall be increased one (1) foot for every foot of height more than thirty (30) feet.

The I-1 minimum interior side yard setback is 10'. The additional height would require a 17' setback. The storage building will be setback 25'.

3. 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.

Construction will provide a long-needed cover for the salt storage eliminating salt runoff after rains and spring thaw.

See Fire, Police and Building Department comments.

4. The proposed use shall be sited, oriented and landscaped to produce a harmonious relationship of buildings and grounds to adjacent buildings and properties.

The building will be located along the west side of the garage and setback off the street right of way. The building is about 2,200 feet south of Industrial Park Road and about 1,600 feet from CR 45 and buffered by the garage building.

5. The proposed use shall produce a total visual impression and environment which is consistent with the environment of the neighborhood.

While the roof appearance is different from other buildings, its location is isolated from the rest of the industrial park. The garage height is 30' to the peak meaning the storage building will be 7' taller than the garage building.

6. The proposed use shall organize vehicular access and parking to minimize traffic congestion in the neighborhood.

Constructing the storage building will have no effect on vehicle access or traffic in the neighborhood.

7. The proposed use shall preserve the objectives of this Ordinance and shall be consistent with the Comprehensive Plan.

The objectives of the Zoning Ordinance are:

515-1-2: Intent and Purpose.

- A. Protect the public health, safety, and general welfare of the community and its people through the establishment of minimum regulations governing development and use.*
- B. This Ordinance shall divide the City into use districts and establish regulations in regard to location, erection, construction, reconstruction, alteration and use of structures and land.*
- C. Protect neighborhoods.*
- D. Promote orderly development and redevelopment of land for residential, commercial, industrial, recreational and public areas.*
- E. Provide adequate light, air, and convenience of access to property.*
- F. Prevent congestion in the public right-of-way.*
- G. Prevent overcrowding of land and undue concentration of structures by regulating land, buildings, yards, and density of population.*
- H. Protect and preserve the natural environment of the City.***
- I. Encourage the protection of historic and aesthetic resources in the City.*
- J. Conserve energy through the use of alternative energy systems and conservation through the encouragement of energy efficient structures for commercial, industrial and residential uses.*
- K. Provide for compatibility of different land uses.*

The salt storage building will provide a cover for the salt storage area at the city Public Works facility.

The following Comprehensive Plan Goals and Strategies support the proposal:

COMMERCIAL/INDUSTRIAL LAND USE

Goal: PLAN FOR THE ORDERLY, EFFICIENT AND FISCALLY RESPONSIBLE GROWTH OF COMMERCIAL AND INDUSTRIAL DEVELOPMENT IN BRAINERD.

Strategy

Buffer commercial and industrial developments from environmentally sensitive areas and residential areas within the community.

LAND USE GOAL #2: Plan for the orderly, efficient and fiscally responsible growth of commercial and industrial development in Brainerd.

Strategy

Buffer commercial and industrial developments from environmentally sensitive areas, residential neighborhoods and other incompatible land uses within the community.

B. Requirements for Granting Conditional Use Permits. In permitting a new conditional use or the alteration of an existing conditional use, the following requirements shall be met where applicable:

- 1. Fire Protection. Fire prevention and firefighting equipment acceptable to the Board of Fire Underwriters shall be readily available when any activity involving the handling or storage of flammable or explosive materials is carried on.*
- 2. Electrical Disturbance. No activity shall cause electrical disturbance adversely affecting radio or other equipment in the vicinity.*

3. *Noise. Noise which is determined to be objectionable because of volume, frequency, or beat shall be muffled or otherwise controlled subject to MPCA standards. Fire sirens and related apparatus used solely for public purpose shall be exempt from this requirement.*
4. *Vibrations. Vibrations detectable without instruments on neighboring property in any district shall be prohibited.*
5. *Odors. No odorous gas or matter shall be permitted which is discernible on any adjoining lot or property.*
6. *Air Pollution. No pollution of air by flying ash, dust, smoke, vapors, or other substance shall be permitted which is harmful to health, animals, vegetation or other property.*
7. *Glare. Lighting devices which produce objectionable direct or reflected glare on adjoining properties or thoroughfares shall not be permitted.*
8. *Erosion. No erosion by wind or water shall be permitted which will carry objectionable substances onto neighboring properties.*
9. *Water Pollution. Water pollution shall be subject to the standards established by the Minnesota Pollution Control Agency.*

DEPARTMENT INFORMATION

Utilities

No issues.

Fire

No issues.

Police

No issues.

Building

No issues

Planning Department Review

No Issues.

PLANNING COMMISSION AND CITY COUNCIL ACTION

The Planning Commission may consider a recommendation on this request at its March 21, 2018 meeting. City Council consideration can occur at its April 2, 2018 meeting.

Respectfully submitted,

Mark Ostgarden AICP
City Planner

PLANNING COMMISSION
Wednesday, March 21, 2018

#1 Call to Order

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

Noted present were Commissioners Burslie, Gorham, Headley, Marohn, Wussow; and Council Liaison Lambert. Noted absent was Commissioner Antolak. Also present was City Planner Ostgarden, Planning Intern Matthew Kallroos and Administrative Specialist Bestul.

#2 Approval of Agenda

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

#3 Approval of Minutes of the Regular Meeting held on February 21, 2018

MOTION AND SECONDED BY COMMISSIONERS WUSSOW AND GORHAM, DULY CARRIED, TO APPROVE THE MINUTES OF THE REGULAR MEETING HELD ON FEBRUARY 21, 2018.

#4 New Business

A. Public Hearing – St. Francis Catholic Church, 404 N 9th St., Brainerd – Conditional Use Permit to Construct a 10,800 Square Foot (6,600 Sq. Ft. Main Level and 4,200 Sq. Ft. Lower Level) Addition to The Church

City Planner Ostgarden indicated there was an error in the notice that stated the property is in a B-2 (Neighborhood Commercial) District. This should be corrected to show it is in an R-1 (Single Family Residential) District. Mr. Ostgarden explained the Church has been a part of our community since 1934 at this location and are proposing to construct an addition on the north side of the building. The project will consist of two phases; phase one will be the main level addition and phase two will be the lower level. The main level addition will be 6,600 square feet consisting primarily of additional office and meeting rooms. The seating capacity of the church will not increase. The lower level addition is proposed for a 4,200 square foot parking lot expansion and will occur in approximately 3-5 years.

City Planner Ostgarden pointed out on overhead maps the location of the church building, the school, additional property with garages and a residential structure that currently serves as offices for the church. The proposed addition will match the existing church setback which is approximately 30' from the 9th Street property line. As a result of the parking lot expansion, the impervious coverage on the site is anticipated to increase from 72% to 78% in Phase two. The R-1 District maximum non-residential impervious area is 50% and the City Engineer has approved an underground stormwater storage plan which will permit the increase. The two parcels across North 9th street is currently being consolidated into one parcel at Crow Wing County Land Services. With the parking lot expansion, there will be requirements for some degree of screening to the north adjacent to the residential properties and the street right-of-way on the east side.

City Planner Ostgarden showed a photo of the property looking towards north 10th street to show the addition will be at least 75' away from north 10th street at the east property line and will have the parking lot in between. He also described the floor plan layouts. Phase one of the project will be starting as soon as the

approval is given by the City. However, phase two is planned for 3-5 years from now and St. Francis Church has inquired about obtaining approval for both phases at this time. Normally, a Conditional Use Permit is approved for one year with the option of a one year extension. There is a clause in the Zoning Ordinance relating to cancellations of Conditional Use Permits that reads *“unless otherwise specified by the City Council at the time it is authorized”*. This allows the City Council to extend the Conditional Use Permit for a longer period.

City Planner Ostgarden indicated he did receive a phone call from a property owner in the area with the concern that there already is not enough parking when church functions are taking place. The addition may exacerbate the situation even more and wanted this to be a part of the record.

Commissioner Burslie asked if the City Engineer sign-off regarding the allowance of increasing impervious surface is stated in the ordinance language. City Planner Ostgarden indicated that it is specified in the ordinance.

Commissioner Wussow asked if the impervious surface is part of tonight's consideration. City Planner Ostgarden suggested it is included in the findings of fact if it is agreed upon.

Commissioner Wussow referred to a photograph of the church and the properties that the church owns. He asked if a specific property to the south is also owned by the Church, and it was determined that parcel is not.

The Chair opened the public hearing at 6:23 p.m.

The Chair welcomed Ms. Erica Martinson, architect with Widseth Smith Nolting who thanked the Commission for the opportunity tonight. Ms. Martinson explained this project has been in the works for 8+ years and has been a part of the church for 30 years herself. The parish was founded in 1871 with this church being the third building in the church history. Ms. Martinson indicated there have been many meetings and gatherings with the different user groups at the church to determine the needs as a parish and working within a budget.

Ms. Martinson pointed out on the floor plan the following changes:

- There will be a full elevator system installed
- The main level will have an ADA compliant entry including a ramp
- The newly created space adjacent to the nave will provide gathering opportunities after mass and other events
- The restroom facilities will be updated
- Additional conference and office rooms will be constructed along with a family restroom
- An on-grade slab addition will be constructed for offices that are currently housed in the converted home on the property
- No modifications are being done in the main nave area other than some connections to the addition
- Basic updates to finishes in the lower level social hall will be done
- The kitchen will be updated to a commercial kitchen and expanded to accommodate the many events and activities the church has
- The restroom facilities on the lower level will be updated
- Meeting rooms on the lower level will be added
- There is a concern for off-street parking for the church to meet the ADA compliancy.

The entrance that will be on the east side of the building is perceived to be the main entrance for many members as it is closest to the elevator and ADA compliant ramp. A parking lot is proposed for phase two of the project.

Ms. Martinson indicated there is a concern that the requirement of screening on the east side of the parking lot may become a problem with limited visibility of on-coming street traffic.

Commissioner Burslie pointed out on the site plan, the boundary for the site has been extended for the stormwater calculations and questioned whether the two parcels will be consolidated.

Ms. Martinson indicated the consolidation paperwork has already been submitted to Crow Wing County Land Services and is in process.

Commissioner Burslie asked if parking can take place on top of the underground stormwater system. The system is very capable of holding a parking lot and other retail stores in the area have this same system.

The Chair closed the public hearing at 6:37 p.m.

Commissioner Burslie asked if the screening requirement needs to be addressed in the motion.

City Planner Ostgarden indicated it does not need to be discussed at this time – the requirement is that it will have to be screened. At the time when the plans for phase two proceed, there are options at that time for discussion and decisions to be made.

MOVED AND SECONDED BY COMMISSIONERS LAMBERT AND BURLIE TO APPROVE THE CONDITIONAL USE PERMIT BASED ON THE FINDINGS OF FACT WITH THE APPROVAL OF A 5-YEAR EXTENSION FOR THE PROJECT.

Commissioners Burslie, Gorham, Headley, Wussow and Lambert voted “aye”. Commissioner Marohn removed himself from the discussion and sustained from voting. The Chair declared the motion carried.

B. Public Hearing – City of Brainerd, 501 Laurel St., Brainerd – Conditional Use Permit to Construct an Accessory Building 37' in Height at the Public Works Facility Located at 724 Thiesse Dr., Brainerd

City Planner Ostgarden explained the aerial view of the site in relationship to County Road 45 and Industrial Park Road. The site of the proposed building is somewhat isolated from the rest of the community and would be an ideal location because of the wetlands to the north and south. A photograph was taken looking toward the proposed site from Industrial Park Road showing the distance from the highway as approximately 2,200 feet and will be approximately 1,600 feet from County Road 45.

City Planner Ostgarden indicated it is the 7' above the allowed height that we are looking for approval on, not the building design or material used in the construction.

City Engineer Sandy discussed the developments and modifications to the project since he last presented to the commission. The specs have been rewritten to allow multiple types, designs and manufacturers of fabric material structures to place a bid on the project. An overhead map was displayed to show the orientation of the proposed building in relation to the existing street garage buildings. This change is due to further research regarding wind and loading capabilities. Currently, there is a pure salt pile that is under a roof in a cold storage building and incoming rain causes this to become very hard. Hopefully, there

could be a separate area made under the salt storage building to house the salt. The building height that most manufacturers offer is approximately 37' to the top with the street garages' highest point being 30'.

The Chair opened the public hearing at 6:51 p.m.

No one came forward.

The Chair closed the public hearing at 6:52 p.m.

MOVED AND SECONDED BY COMMISSIONERS BURSLIE AND GORHAM, DULY CARRIED, TO APPROVE THE CONDITIONAL USE PERMIT BASED ON THE FINDINGS OF FACT AND THE STAFF REPORT.

#5 Public Forum

The Chair opened the public forum at 6:53 p.m.

No one came forward.

The Chair closed the public forum at 6:53 p.m.

#6 Old Business

A. Remove Rezoning from the Table and Discussion – B.A. Doer, LLC., 20410 98th Place, Kent, WA 98031; Deborah Hulke, Personal Representative for John E. Bailey, 212 2nd Street North, Brainerd and Shingobee Builders, 669 N. Medina St., Loretto, MN 55357 – To Rezone Property at the SE Corner of Kingwood St. and North 2nd St., Brainerd from a B-1 (Residential Office) District to a B-6 (Washington St. Commercial) District

City Planner Ostgarden indicated the petitioner formally withdrew the application, so no further action is necessary.

B. Discussion Regarding Greenhouses in Residential Zoning Districts

City Planner Ostgarden over time there have been several residents interested in constructing a greenhouse on their property. The language used in the current zoning ordinance does not allow greenhouses. There seems to be more interest in the community with home grown produce. Matt Kallroos, Planning Intern researched the definitions of greenhouses and what language we could use. The following definition is recommended for Zoning Ordinance Section 2: **GREENHOUSE:** *A building or structure often on a metal or wooden frame constructed chiefly of glass, glasslike or translucent material, which is devoted to the protection or growing of flowers, shrubbery, vegetables, trees or other horticultural and floricultural products intended to be for residential use.*

The draft language could be as follows:

- Permits greenhouses provided the maximum allowed lot coverage is not exceeded.
- Is open ended to the maximum size greenhouse that would be permitted.
- The Planning Commission can determine the maximum size it thinks should be allowed.
- Includes a list of permitted clear material to allow radiant heat.

City Planner Ostgarden stated our current ordinance allows one detached accessory building in addition to an attached garage. In the case of having a detached garage, one additional accessory building is allowed. A draft to the zoning ordinance section could be as follows:

- b. Number of Buildings. Total number of accessory buildings and garages shall be limited to one of the following:
 - 1. One (1) attached garage and one (1) detached accessory building
 - 2. Two (2) detached accessory ~~structures~~ BUILDINGS
 - 3. SHOULD THERE BE ZERO OR ONE (1) ACCESSORY BUILDING, A NONCOMMERCIAL GREENHOUSE IS PERMITTED, PROVIDED THE COMBINATION OF ACCESSORY BUILDINGS AND GARAGES (ATTACHED AND DETACHED) PER LOT SHALL NOT EXCEED THE MAXIMUM SIZE FOR ALL ACCESSORY BUILDINGS ON THE LOT.
 - 4. SHOULD A LOT HAVE THE MAXIMUM NUMBER OF ALLOWED ACCESSORY BUILDINGS, ONE NONCOMMERCIAL GREENHOUSE UP TO 10' X 10' (OR 10' X 12' OR DIFFERENT SIZE) IS PERMITTED, PROVIDED THE COMBINATION OF ACCESSORY BUILDINGS AND GARAGES (ATTACHED AND DETACHED) PER LOT SHALL NOT EXCEED THE MAXIMUM SIZE FOR ALL ACCESSORY BUILDINGS ON THE LOT.
 - 5. THE FOLLOWING CLEAR MATERIAL IS PERMITTED FOR GREENHOUSE CONSTRUCTION TO ALLOW RADIANT HEAT FROM THE SUN:
 - I. GLASS
 - II. RIGID POLYCARBONATE PANELS
 - III. SEMI RIGID POLYETHYLENE PANELS
 - IV. RIGID FIBERGLASS PANELS
 - V. RIGID ACRYLIC PANELS
 - VI. VINYLCLOTH, CANVAS, PLASTIC SHEETS, TARPS AND SIMILAR MATERIALS ARE NOT ALLOWED AS ROOFING MATERIALS.
 - 6. MATERIAL PERMITTED IN THIS SECTION CAN BE USED FOR GREENHOUSE CONSTRUCTION IN AREAS NOT ALLOWING RADIANT HEAT.

City Planner Ostgarden explained that an accessory building can currently be built up to 200 square feet without needing a permit. If the above conditions in number three are met, a greenhouse is currently permitted. If the conditions apply to number four, the size of the greenhouse is limited.

Commissioner Marohn asked why wouldn't this be covered under the current accessory building ordinance? Why does there need to be a separate set of rules for a greenhouse?

City Planner Ostgarden stated there needs to be some amount of safety in what is being proposed thus the requirement for more stable well-built structures should be required.

Commission discussion took place regarding the need for specific language in the ordinance for greenhouses. It is stated in the current ordinance ...*"no plastic, canvas or vinyl tarps can be used in the construction of any accessory buildings. All buildings over 120 square feet shall have the same or similar finish as the neighborhood buildings and be homogeneous in design..."*

Commissioner Burslie indicated it would be a requirement that it would have to be constructed in a rear yard.

Commissioner Wussow asked if number five of the draft language could be added to the definition instead of under the number of buildings. City Planner Ostgarden stated it certainly could be under the definition instead.

Commissioner Gorham stated that this is an opportunity for the City to do more things for the residents by allowing some flexibility to a desired idea. He suggested using it as a selling point of living in the City of Brainerd, here's a way to be positive to current ideas rather than negative.

City Planner Ostgarden asked for the approval of the Planning Commission to move forward with a public hearing at the April meeting.

C. Discussion Regarding Expanding Uses Allowed in R-A (Rural Agriculture) Districts to Permit Commercial Businesses

City Planner Ostgarden was approached by a resident that wants to have his business located on property he owns in an R-A (Rural Agriculture) District. There was a small amount of discussion at the last commission meeting and the consensus was not favorable.

Commissioner Burslie stated that maybe an agriculture type of business, but he is not in favor of any other commercial business in a rural agriculture zone, as this is not the intent of the zone.

Commission discussion took place regarding the land uses and the future ideas that the City of Baxter is planning on building roads through land owned by the City of Brainerd.

The Planning Commission deemed there was no pending application submitted that would prompt any action to be taken.

#7 Commissioners' Questions/Comments

Commissioner Marohn requested time to show a PowerPoint to the commission regarding parking issues and concerns in the City. Mr. Marohn reviewed slides he created that pertain to the development pattern along Washington Street and the revenue generated in the two (2) eight block examples. Mr. Marohn would like to go forward with the Planning Commission in creating working committees to tackle the parking situation. Mr. Marohn presented a viewpoint and photos along Kingwood Street and discussion about downtown.

Commissioner Burslie attended a River to Rail presentation and many business owners indicated there is a definite parking problem downtown. It was stated that if people cannot find a parking spot within 30 feet of the desired store, they drive away to another store.

Commissioner Gorham works downtown at the Bridge of Harmony and he has witnessed the parking concerns. The business is a regional business with customers coming from Duluth, Fargo to name a few. The reason there is a perception of so much parking is the employees cannot park on the street – it is limited

to two hours. The employees need to find alternate parking along other streets or city owned lots. Downtown is currently at a low cycle but is slowing escalating. If it continues to prosper and more stores locate downtown, the parking that we do have is going to disappear. Mr. Gorham gave the example of a wedding reception held at the Legion, the parking is full. Or when the Crossing Arts Alliance has events and open houses, the parking lots are filled. The residents that live in apartments downtown stay away during the day because of the limitations and park there on nights and weekends.

Commissioner Marohn stated we are not unique in going through a transition between being less desirable and having an abundance of parking to being more desirable with parking shortages. We need to look at what other cities have done to alleviate the issues as they have not torn down buildings to create parking lots. Mr. Marohn offered to compile data and present it for discussion at the April meeting.

#8 City Planner's Report

City Planner Ostgarden stated the postcards should have been received by everyone regarding the Comprehensive Plan Neighborhood Meetings. The first meeting being held is Ward 2 on March 27th at the First Congregational Church.

#9 Adjourn

The Chair adjourned at 7:46 p.m.

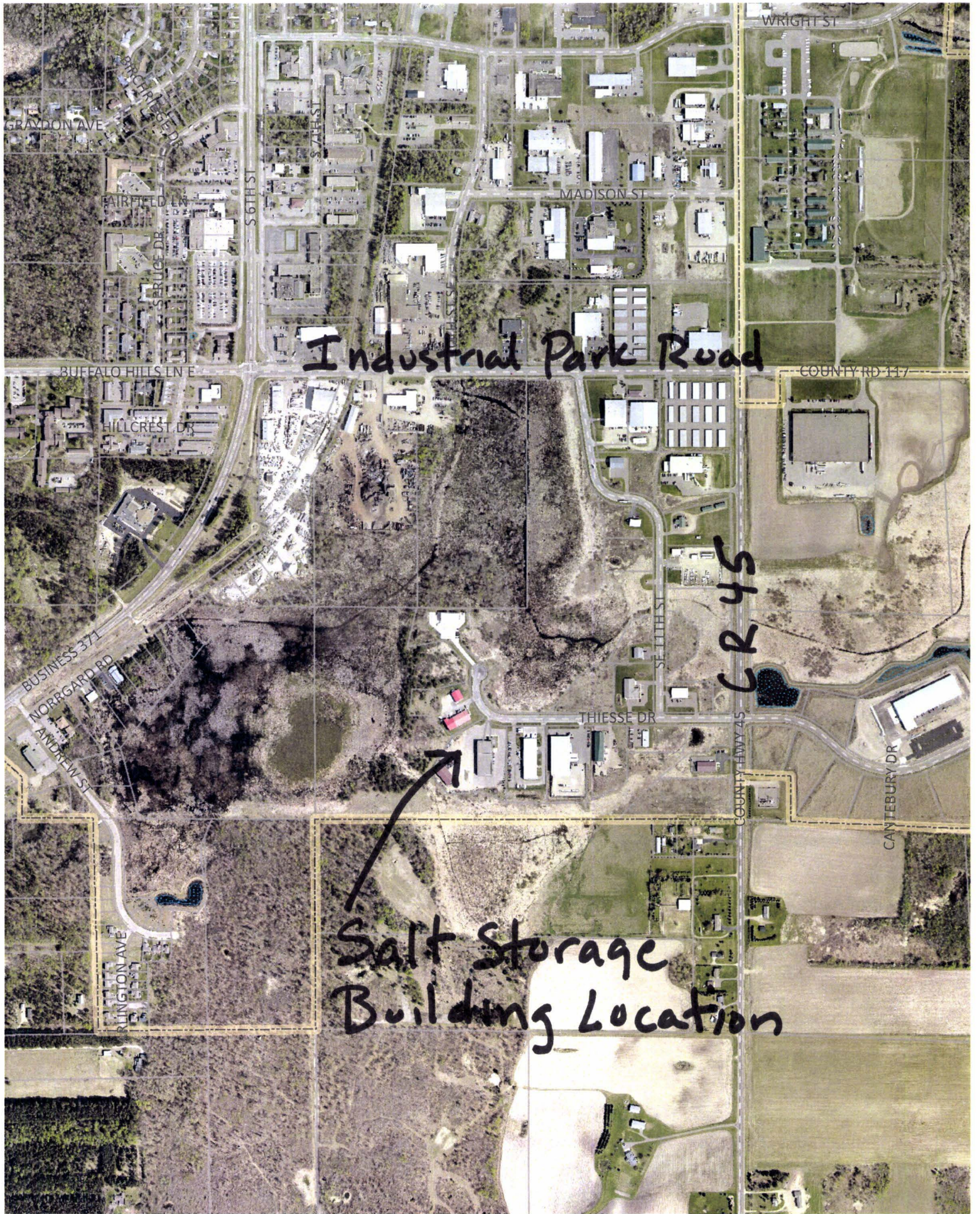
Respectfully submitted,

City Planner Mark Ostgarden AICP

Findings of Fact

City of Brainerd
CUP- Accessory Building Height
724 Thiesse Road

1. A 37' tall – 65' x 80' engineered HDPE salt storage building is proposed at the city Public Works facility.
2. The property is in an I-1 (Light Industrial) District which permits building height more than the 30' maximum height limit by Conditional Use Permit.
3. The side yard setback is 10' and the building will be setback 25' to comply with required addition setback for a 37' tall building.
4. The storage building will be 7' taller than 25' tall garage.
5. The building will be located on the west side of the garage building on the site. The location minimizes its visibility in the area and from CR 45 to the east.
6. There is wetland to the north which will not permit development between the site and Industrial Park Road and there is wetland to the south that will also prohibit development.
7. The building will be setback approximately 2,200' from Industrial Park Road and 1,600' from CR 45 the 2 major roads in the vicinity diminishing the visibility of the building.
8. The site is used for salt storage and the salt has never been covered to protect it from the elements.
9. The salt storage facility preserves the objectives of the Zoning Ordinance by protecting and preserving the natural environment of the City.
10. The following Comprehensive Plan Goals and Strategies support the proposal:
 - LAND USE GOAL #2: Plan for the orderly, efficient and fiscally responsible growth of commercial and industrial development in Brainerd.*
 - Strategy*
 - Buffer commercial and industrial developments from environmentally sensitive areas, residential neighborhoods and other incompatible land uses within the community.*



Industrial Park Road

CR 45

Salt Storage
Building Location

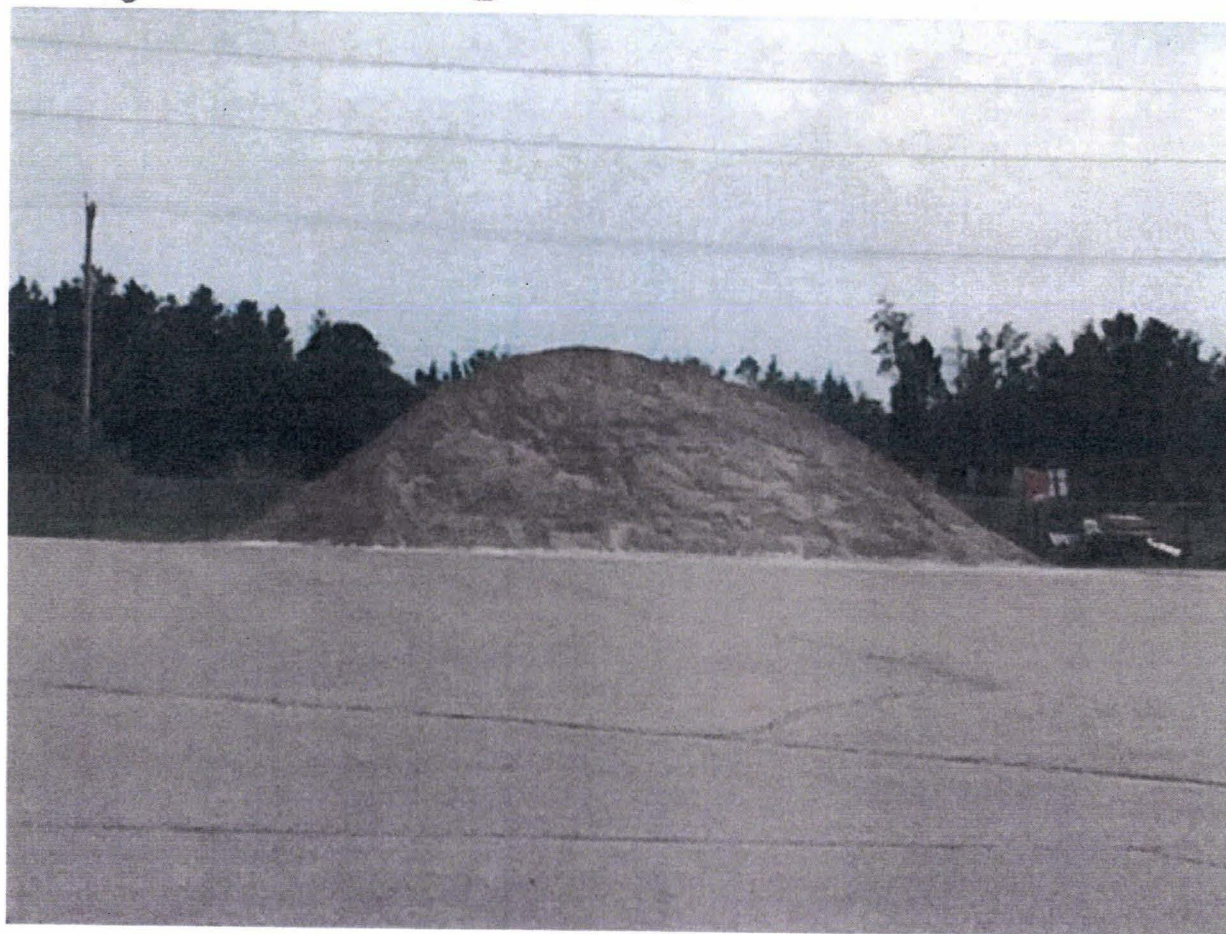
Wetland Map

The map displays various wetland areas defined by purple and blue lines. Numerous codes are labeled throughout the map, including PSS1C, PEMC, PFO1C, PSS1Cd, PEMCd, PSS1Ccd, PSS3B, PEM/SS1C, PUBG, and PUBF. A road labeled 'U' runs diagonally across the middle-left section. A black arrow points from the text 'Building Location' at the bottom to a specific area within the wetland map.

Building Location

Building Location

Attachment A



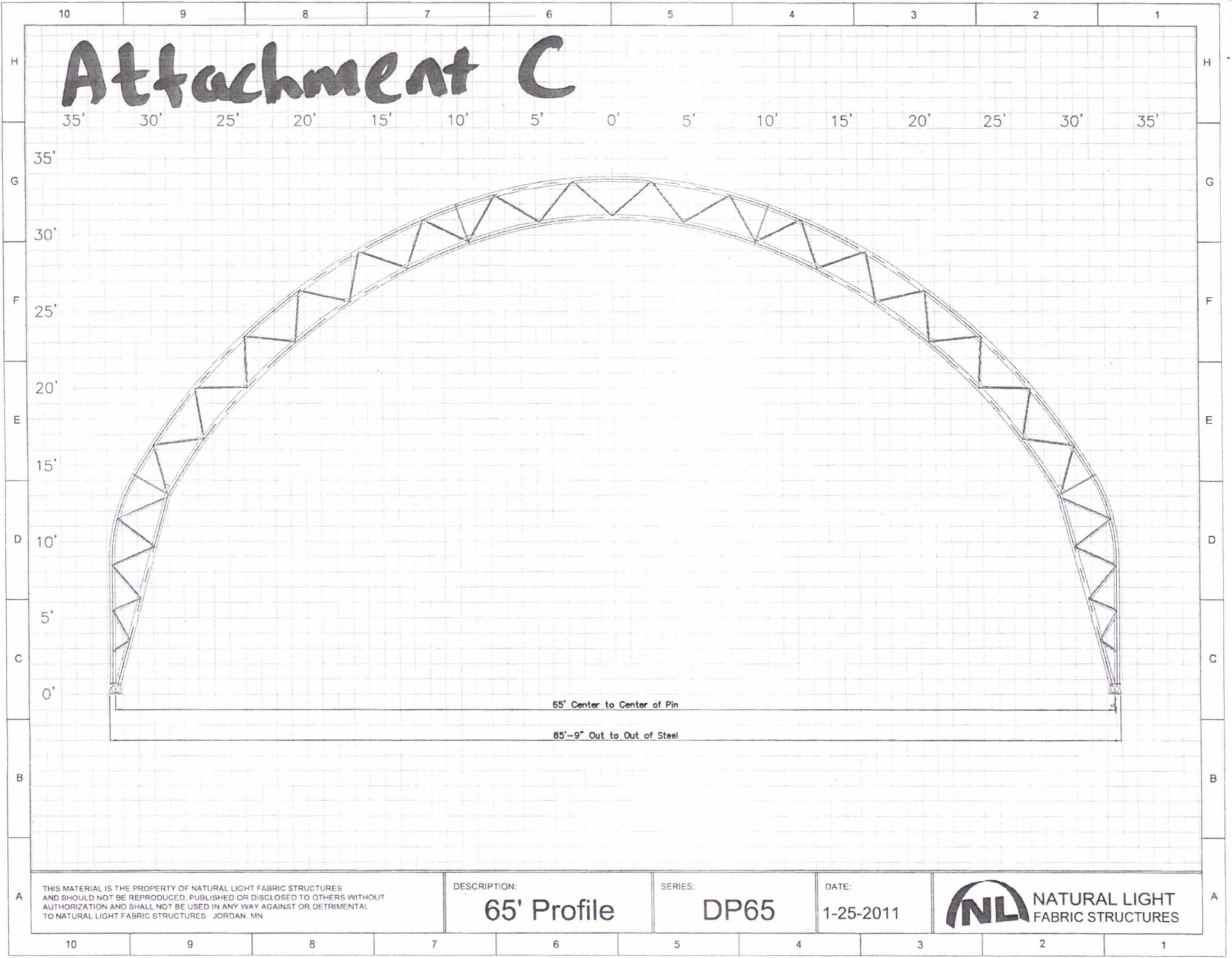
Attachment B



Attachment B



Attachment C



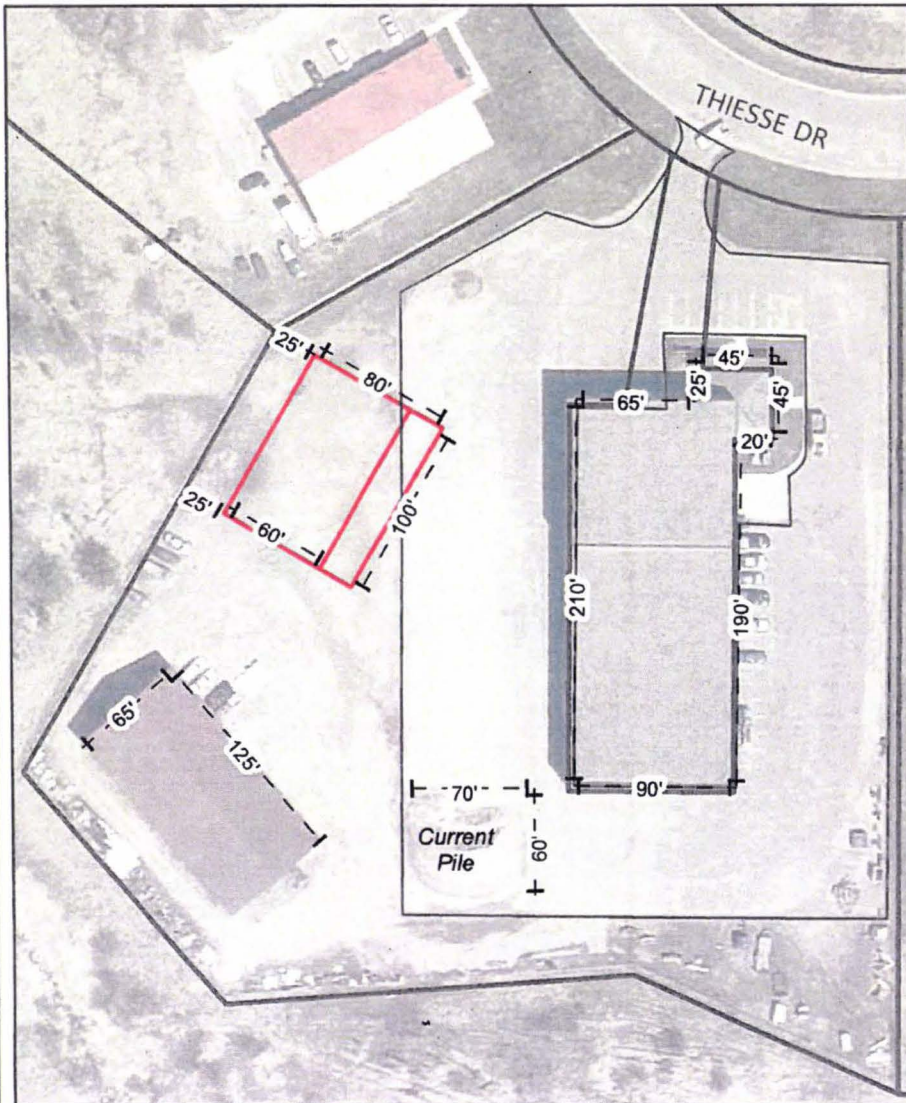
Attachment D



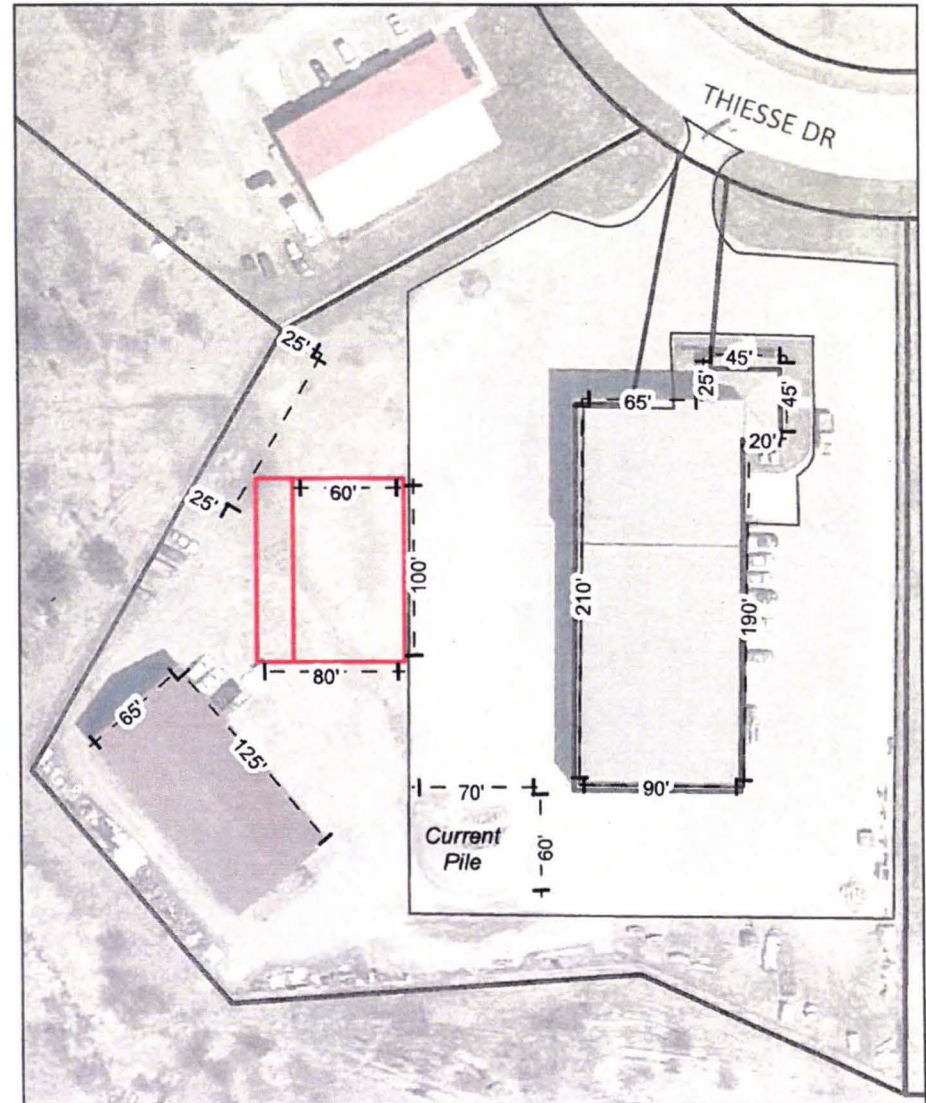
City of Brainerd

Street Department Salt/Sand Storage

Structure 1



Structure 2



New Structure



Property Parcel



Pavement

Date: 6/18/2014

Time: 11:43:30 AM

Salt Storage Building

Looking south from Industrial Park Road

Legend

Building Location



Google Earth

© 2018 Google



8.07 ft

NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that the City of Brainerd, 501 Laurel Street, has applied for a Conditional Use Permit to construct an accessory building 37' in height at its Public Works facility located at 724 Thiesse Drive. The property is in an I-1 (Light Industry) District and Zoning Ordinance Section 71-8 specifies buildings over 30' in height are permitted by Conditional Use Permit. The property is legally described as Lot 2, Block 7, Thiesse Industrial Park Addition.

The Planning Commission of the City of Brainerd will meet in the Brainerd City Hall Council Chambers, 501 Laurel Street, at 6:00 p.m., Wednesday, March 21, 2018 at 6 p.m. to consider the request for the Conditional Use Permit.

A copy of the application is on file for review at the City Planning Department, 501 Laurel Street.

The public is invited to offer public comment by letter, e-mail at mostgarden@ci.brainerd.mn.us or by attending the public hearing regarding the proposed Conditional Use Permit.

Any individual needing special accommodations or if there are any questions please call (218) 828-2309.

Dated this 8th day of March, 2018

Mark Ostgarden AICP
City Planner

Publication date: March 9, 2018



City Planning Department

City Hall – 501 Laurel Street
Brainerd, MN 56401
218-828-2309/Fax 218-828-2316
www.ci.brainerd.mn.us

Receipt # _____

Check # _____

Date Paid: _____

CONDITIONAL USE/REZONING/VARIANCE APPLICATION

CONDITIONAL USE PERMIT
REZONING
VARIANCE

RESIDENTIAL



(\$250.00)

(\$300.00)

(\$250.00)

COMMERCIAL



(\$400.00 + \$500.00 escrow deposit)

(\$500.00)

(\$400.00 + \$500.00 escrow deposit)

PROPERTY ADDRESS: 724 Thiesse Drive

LEGAL DESCRIPTION: Lot(s): 2 Block: 7 Addition: Thiesse Industrial Park Addition
(attach description if lengthy)

Property Owner Name: City of Brainerd

Street Address: 501 Laurel Street City: Brainerd State: MN Zip Code 56401

Phone Number: 218-828-2307 Fax: 218-828-2316 E-mail: psandy@ci.brainerd.mn.us

Applicant Name: (If different than Property Owner) _____

Street Address: _____ City: _____ State: _____ Zip Code: _____

Phone Number: _____ Fax: _____ E-mail: _____

Description of Request: Increase the maximum building height of an HPDE fabric salt and sand storage building from 30 feet to 37 feet to meet the clear height requirements over the bunker panels for heavy equipment such as loaders and tandem axle trucks to access material along the sides of the building. Side yard set-back is easily increased 1 foot for every extra foot of the building setback. Please see the attached drawing for proposed setbacks of the structure and a structure profile view. Currently, side yard setback is proposed at 20 feet.

Paul Sandy

Digitally signed by Paul Sandy
Date: 2018.02.22 07:24:41 -06'00'

Property Owner Signature

02/22/2018

Date

Paul Sandy

(Please print name)

Paul Sandy

Digitally signed by Paul Sandy
Date: 2018.02.22 07:25:25 -06'00'

Applicant Signature

02/22/2018

Date

Paul Sandy

(Please print name)

(OVER)

AGENCY REVIEW CHECKLIST

Your request may require review by one or more of the agencies listed below. The City of Brainerd will determine which agencies will need to review your application and provide that agency with the notice of public hearing regarding your application:

✓
BRAINERD FIRE DEPARTMENT

Attn: Fire Chief; 23 Laurel St; Brainerd, MN 56401; 218-828-2312; fire@ci.brainerd.mn.us

✓
BRAINERD POLICE DEPARTMENT

Attn: Corky McQuiston, 225 East River Road; Brainerd, MN 56401; 218-829-2805; corky.mcquiston@ci.brainerd.mn.us

✓
BRAINERD PUBLIC UTILITIES

Attn: Scott Magnuson, Supt.; P.O. Box 373; Brainerd, MN 56401; 218-829-8726; smagnuson@bpu.org

✓
BWSR (MN Board of Water and Soil Resources)

Attn: John Overland; 1601 Minnesota Dr; Brainerd, MN 56401; 218-828-2383; john.overland@state.mn.us

CROW WING COUNTY HIGHWAY DEPARTMENT

Attn: Tim Bray, County Engineer; 16589 County Rd 142; Brainerd, MN 56401; 218-824-1110/FAX 218-824-1111 tim.bray@crowwing.us

✓
CROW WING COUNTY SOIL AND WATER CONSERVATION DISTRICT

Attn: Melissa Barrick; 322 Laurel St-Ste. 13; Brainerd, MN 56401; 218-828-6197/FAX 828-6095 melissa.barrick@crowwingswcd.us

CROW WING COUNTY SURVEYOR'S OFFICE

Attn: Mark Liedl; 322 Laurel St Ste 14.; Brainerd, MN 56401; 218-824-1124/FAX 824-1126; mark.liedl@crowwing.us

HRA

Attn: Jennifer Bergman; 324 E. River Rd.; Brainerd, MN 56401; 218-828-3705/FAX 828-8817; jennifer@brainerdhra.org

MISSISSIPPI HEADWATERS BOARD

322 Laurel Street Ste 5; Brainerd, MN 56401; 218-824-1307/FAX 824-1104 mhb@mississippiheadwaters.org

MINNESOTA DEPARTMENT OF TRANSPORTATION

Attn: Mary Safgren; 7694 Industrial Park Rd.; Baxter, MN 56425; 218-828-5700; mary.safgren@state.mn.us

✓
MINNESOTA DEPARTMENT OF NATURAL RESOURCES

Attn: Wade Miller; 1601 Minnesota Dr.; Brainerd, MN 56401; 218-828-2605/FAX 828-6043; wade.miller@state.mn.us

✓
MINNESOTA POLLUTION CONTROL AGENCY

Attn: Reed Larson; 7678 College Rd-Ste. 105; Baxter, MN 56425; 218-828-2492/FAX 828-2594 Reed.Larson@state.mn.us

U.S. ARMY CORPS OF ENGINEERS

Attn: Jeff Koshak; 8896 E. Gull Lake Dr.; Brainerd, MN 56401; 218-829-8402

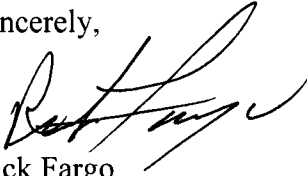
PROGRESSIVE PROPERTY MANAGEMENT, INC
1511 NORTHERN PACIFIC RD SUITE 101
BRainerd, MN 56401
March 28, 2018
(218) 829-0007

Mayor Ed Menk
City of Brainerd
501 Laurel Street
Brainerd, MN 56401

Dear Mayor Menk:

Please consider this my letter of resignation as a member of the Brainerd Housing and
Redevelopment Agency Board of Commissioners.

Sincerely,

A handwritten signature in black ink, appearing to read "Rick Fargo", with a stylized flourish at the end.

Rick Fargo
CC: Brainerd HRA Board of Commissioners