

CITY COUNCIL AGENDA

Brainerd, Minnesota

April 16, 2018

7:30 P.M.

Brainerd City Hall

Council Chambers

7:00 p.m.

Joint Closed Session Pursuant to MN Statutes, 13D.05, Subd. 3(b) with BPU Commissioners under the Attorney-Client Privilege to discuss the lawsuit by the City of Baxter concerning franchise fees.

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 April 2, 2018

Documents:

[20180402_CC draft.pdf](#)

B. **Approval Of Licenses**

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

Documents:

[2018-04-16 License RPT.pdf](#)

C. Department Activity Reports

1. Police Chief
2. Finance Director

Documents:

Police Chief Report.pdf

- D. Temporary On-Sale Liquor License Application - Submitted By The Brainerd Jaycees For An Event To Be Held May 5th, 2018 At The Essentia Health Sports Center, 502 Jackson St., Brainerd**

- E. Additional Consent Calendar Items**

Documents:

Addtl Consent items.pdf

6. Presentations

- A. Facility Study Update**

Documents:

Facility Plan Update.pdf

7. Council Committee Reports

- A. Safety And Public Works Committee**

Documents:

20180416_SPW.pdf

1. Downtown Landscaping And Maintenance Quote Approval

Documents:

2018 Downtown Landscaping and Maintenance Quote Approval.pdf

2. Event/Street Closure Application - Lowell School Walk-A-Thon

Documents:

Event and Street Closure Application - Lowell School Walk-a-Thon.pdf

3. Event/Street Closure Application - Brainerd High School Triathlon

Documents:

Event and Street Closure - BHS Triathlon.pdf

4. Laurel Street Historic Bridge Railing Placement

Documents:

Laurel Street Historic Bridge Railing Placement.pdf

5. Request For Consideration - Beaver Dam Road Assessment

Documents:

Beaver Dam Road Assessment.pdf

6. College Drive Pavement Discussion

Documents:

College Drive Pavement Discussion.pdf

7. (Added Item) Improvement 14-15 - Brainerd Airport Utility Extension
Final Payment

Documents:

Added SPW item.pdf

B. Personnel And Finance Committee

Documents:

2018-04-16_PF.pdf

1. Approval Of Bills
2. Administration And Use Of Small Cities Revolving Loan Funds

Documents:

Small Cities RLF.pdf

3. League Of MN Cities Insurance Trust Liability Coverage Waiver Form

Documents:

LMCIT Waiver Form.pdf

4. Resolution Establishing Polling Locations For Primary And General
Elections

Documents:

RES Establishing Polling Locations .pdf

5. Resolution Setting Pay For Election Judges

Documents:

RES Wages for Election Judges.pdf

8. **Unfinished Business**

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

1. Rebekah Kent, Housing & Redevelopment Authority (HRA)

a. HRA Applicant - Rebekah Kent

Documents:

Rebekah Kent.pdf

B. **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)

9. **New Business**

A. **Legislative Items**

Documents:

Legislative Update.pdf

B. **Comprehensive Plan Steering Committee Appointment - Hara
Charlier, Central Lakes College President**

Documents:

Hara Charlier Comp Plan Steering Committee.pdf

10. **Public Forum**

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

11. **Staff Reports**

(Verbal: Any Updates since Packet)

12. **Council Member Reports**

13. **Adjourn**

NOTE: Safety and Public Works Committee will meet at 6:15 P.M.
Personnel and Finance Committee will meet at 6:30 P.M.

ANY INDIVIDUAL NEEDING SPECIAL ACCOMMODATIONS,
PLEASE CALL 828-2307
Visit the [City's Website](http://ci.brainerd.mn.us) (ci.brainerd.mn.us)

MISSION

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

Brainerd, MN
April 2, 2018

Pursuant to due call and notice thereof, the regular meeting of the Brainerd City Council was called to order at 7:35 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 BEVANS AND LAMBERT, DULY CARRIED, TO APPROVE THE AGENDA AS AMENDED BY ADDING SENATOR CARRIE RUUD TO THE PRESENTATIONS.

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 19, 2018- Approved

B. Approval of Licenses – Approved

Contractor Licenses – 1 - New

C. Department Activity Reports - Approved

1. Fire Chief
2. Parks Director

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 – Adopted by Resolution No. 18:18

E. Temporary 3.2 Percent Malt Beverage (Beer) On-Sale License – Submitted by Brainerd Eagles #287 for an Event to be Held April 21, 2018 at Memorial Park, 1700 Mill Avenue, Brainerd - Approved

F. Resolution for Prosecutor Attorney for MN Court Data Services – Adopted by Resolution No. 19:18

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

Presentations

Representative Josh Heintzeman and Senator Carrie Ruud

The Chair welcomed Representative Josh Heintzeman who thanked the council for the opportunity tonight. City Administrator Torstenson had visited him recently and invited him to speak at tonight’s council meeting. Representative Heintzeman gave a brief review of his time in

office and some of the things Brainerd has been working on that may be relevant to different interactions at the legislative level. He has had more opportunities lately to interact with people, projects and ideas such as bonding. He appreciates having the relationship and conversations early on in a project. Representative Heintzeman indicated the River to Rail Initiative was a great idea and is willing to guide certain steps of the process as it may relate to Legislative-Citizen Commission on Minnesota Resources (LCCMR), bonding or Legacy Dollars. The Chair thanked him for the presentation.

The Chair welcomed Senator Carrie Ruud who thanked the council for inviting her tonight. Senator Ruud indicated the City made a great decision in hiring City Administrator Torstenson, who she recently met over coffee. They discussed priorities, the vision of Brainerd going forward and how to communicate more efficiently. Senator Ruud discussed the deadlines for committee action on bills for 2018. She stated some of the topics being discussed are the constitutional amendment for transportation, tax conformity and the bonding bill. The Chair thanked her for the presentation.

Council Committee Reports

Safety and Public Works Committee Report

2018 Bridge Safety Inspections Request for Proposals - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND BADEAUX, DULY CARRIED, TO APPROVE THE REQUEST FOR PROPOSALS FOR THE 2018 BI-ANNUAL BRIDGE SAFETY INSPECTIONS WITH A RETURN DATE OF APRIL 27, 2018 AT 2:00 P.M.

Contract Towing Request for Proposals - Approved

City Engineer Sandy stated the contract with West Brainerd Auto expires on April 14, 2018. The contract was reviewed with Police Chief McQuiston and Deputy Police Chief Bestul and the suggested changes are: 1) Omit Miscellaneous Towing Charges 2) Omit No Keys 3) Identified After Hours Pickup Times 4) Changed "Impound per day" to "Impound per 24-hours".

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT, DULY CARRIED, TO APPROVE THE REQUEST FOR PROPOSALS LANGUAGE AND AUTHORIZE STAFF TO SOLICIT BIDS FOR 2018-2020 CONTRACT TOWING WITH BIDS TO BE RECEIVED BY APRIL 27, 2018 BY 10:00 A.M.

Improvement 12-14 – S 6th Street Change Order Authorization Procedures - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND BADEAUX, DULY CARRIED, TO AUTHORIZE THE CITY ENGINEER TO APPROVE OR DENY CHANGE ORDERS ON THE SOUTH 6TH STREET PROJECT (IMPROVEMENT 12-14) UP TO \$30,000 CUMMULATIVE OVER THE COURSE OF THE PROJECT 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 AS WELL AS NOTIFYING COUNCIL OF THE CHANGE ORDERS.

Event/Street Closure Application – Corpus Christi Procession - Approved

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

Alley Spring Maintenance Discussion - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND BADEAUX, DULY CARRIED, TO DIRECT STAFF TO CONTINUE WITH THE GENERAL MAINTENANCE PRACTICES THAT ARE OUTLINED AS WELL AS WORK WITH THE CITY ATTORNEY AND NOTIFY PROPERTY OWNERS OF THE CITY'S DESIRE TO POTENTIALLY VACATE ALLEYS THAT ARE NOT TECHNICALLY DEFINED AS ALLEYS BUT ARE CURRENTLY BEING MAINTAINED.

Administrative Citation Process - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT, DULY CARRIED, TO ACCEPT STAFF'S RECOMMENDED CHANGES TO THE ADMINISTRATIVE CITATION AND VIOLATION LETTERS AS PRESENTED WITH THE FOLLOWING INCLUSIONS: 1) PLANNING DEPARTMENT CITATIONS WILL CHANGE FROM DAILY TO WEEKLY 2) THE FAILURE TO COMPLY SENTENCE IN THE SECOND LETTER SENT TO THE PROPERTY OWNER WILL BE UPDATED TO SHOW POTENTIAL FINES COULD BE UP TO \$2,000 3) CITY CONTACT INFORMATION IN BOLD PRINT.

Committee Chair Bevans stated some of the Planning Department citations with safety concerns will be a three-day citation and some may be addressed with the assistance of Law Enforcement if necessary.

City Engineer Sandy indicated long grass and garbage citations are also a three-day citation due to the cleanliness and safety concerns. The nuisance will be abated by City Staff after that time period.

Council Member Hilgart questioned the label on the outside of the envelope stating "Code Violation Enclosed" whether this is a privacy issue. City Attorney Langel indicated there isn't anything being violated by doing so.

Personnel and Finance Committee Report

Approval of Bills - Approved

MOVED AND SECONDED BY ALDERMEN JOHNSON AND STUNEK 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.

ClearGov Civic Insights Presentation – Direction Provided

MOVED AND SECONDED BY ALDERMEN JOHNSON AND HILGART, DULY CARRIED, TO DIRECT STAFF TO PREPARE AN ANNUAL REPORT TO POST ON THE CITY WEBSITE AND CONTINUE TO INVESTIGATE OTHER OPTIONS FOR PROVIDING INFORMATION TO THE PUBLIC.

Committee Chair Johnson indicated the ClearGov Civic Insights presented the software at committee level. The ClearGov program is a way to present information to the public, however, no action was taken to proceed with the program.

Police Officer Conditional Job Offer - Approved

MOVED AND SECONDED BY ALDERMEN JOHNSON AND STUNEK, DULY CARRIED, TO AUTHORIZE MAKING A CONDITIONAL JOB OFFER TO POLICE OFFICER CANDIDATE SHANE HOLTZ CONTINGENT UPON SUCCESSFUL COMPLETION OF THE PRE-EMPLOYMENT SCREENING PROCESS WITH A STARTING DATE OF APRIL 30, 2018 OR SHORTLY THEREAFTER.

Police Request for Out-Of-State Travel and Training - Approved

MOVED AND SECONDED BY ALDERMEN JOHNSON AND HILGART, DULY CARRIED, TO 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.

Resignation of Paid On-Call Firefighter Martin - Approved

MOVED AND SECONDED BY ALDERMEN JOHNSON AND STUNEK, DULY CARRIED, TO APPROVE WITH REGRET THE RESIGNATION OF PAID ON-CALL FIREFIGHTER MARTIN EFFECTIVE MAY 1, 2018.

Updated Legislative Agenda for Police, Fire and Airport - Approved

MOVED AND SECONDED BY ALDERMEN JOHNSON AND HILGART TO APPROVE THE LEGISLATIVE AGENDA FOR POLICE, FIRE AND AIRPORT WITH THE FOLLOWING AMENDMENTS: 1) REMOVE #1 AND #5 UNDER POLICE 2) REMOVE #3 AND #4 UNDER FIRE.

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

Unfinished Business

None

New Business

On-Sale/Sunday Liquor License -Submitted by Sage on Laurel, 606 Laurel Street, Brainerd – Contingent Upon Fire Chief's Approval - Approved

MOVED AND SECONDED BY ALDERMEN JOHNSON AND BEVANS, DULY CARRIED, TO APPROVE THE ON-SALE/SUNDAY LIQUOR LICENSE FOR SAGE ON LAUREL, LLC AT 606 LAUREL STREET, BRAINERD CONTINGENT UPON FIRE CHIEF'S APPROVAL.

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 - Approved

MOVED AND SECONDED BY ALDERMEN LAMBERT AND HILGART, DULY CARRIED, TO HOLD THE FIRST READING OF 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.

Resolution Supporting Preservation of Local Decision-Making Authority – Adopted by Resolution No. 20:18

City Engineer Sandy stated there is a trend at the legislature of bills being written that try to regulate local government from making decisions in their communities. This resolution would uphold the support of the council to make decisions based upon the best interests of the constituents of Brainerd.

MOVED AND SECONDED BY ALDERMEN JOHNSON AND STUNEK TO ADOPT RESOLUTION NO. 20:18 TO SUPPORT PRESERVATION OF LOCAL DECISION-MAKING AUTHORITY.

RESOLUTION NO. 20:18

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

Sanitary and Storm Sewer Rate Analysis, Discussion and Recommendation – Adopted by Resolution No. 21:18 and 22:18

City Engineer Sandy reviewed the information regarding the rate study along with staff recommendations for the rates for 2018-2019 for sanitary sewer and 2019 for the storm sewer. City Engineer Sandy included in the packet information on alternative billing options as previously discussed. Staff recommended the resolutions included with the packet.

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT TO ADOPT RESOLUTION NO. 21:18 ESTABLISHING SANITARY SEWER COLLECTION SYSTEM CHARGES.

RESOLUTION NO. 21:18

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

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT TO ADOPT RESOLUTION NO. 22:18 ESTABLISHING STORM SEWER COLLECTION SYSTEM CHARGES.

RESOLUTION NO. 22:18

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

Comprehensive Plan Steering Committee – Change in Members - Approved

MOVED AND SECONDED BY ALDERMEN JOHNSON AND LAMBERT, DULY CARRIED, TO APPROVE WITH REGRET THE RESIGNATION OF MR. AARON SINCLAIR FROM THE COMPREHENSIVE PLAN STEERING COMMITTEE.

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT, DULY CARRIED, TO APPOINT MS. LAINE LARSON OF ISD 181 TO THE COMPREHENSIVE PLAN STEERING COMMITTEE.

Mayor Menk announced there is a person representing Central Lakes College that desires to be a part of the steering committee. Staff will obtain more details and present the name at the next council meeting for consideration.

City Planner Ostgarden suggested residents who express interest in the committee should follow the regular application process for appointment.

Council Member Hilgart indicated since it is a citizen driven committee by ward, equal representation should be considered when appointing additional members.

Council Member Lambert suggested a limit to the number of members on the committee.

Council discussion took place.

MOVED AND SECONDED BY ALDERMEN JOHNSON AND HILGART TO LIMIT THE NUMBER OF MEMBERS ON THE COMPREHENSIVE PLAN STEERING COMMITTEE TO 14.

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

Planning Commission

Conditional Use Permit Request – St. Francis Catholic Church – 404 North 9th Street – To Construct a 10,800 Sq. Ft. Addition and Parking Lot Expansion - Approved

City Planner Ostgarden explained the church would be completing the project in two phases. The Church is requesting an extension of the Conditional Use Permit for up to 5 years in order to complete both phases. The first phase would be the 10,800 square foot addition and

phase two would be the parking lot expansion. City Planner Ostgarden briefly reviewed the property site plans and details.

The Chair welcomed Ms. Erica Marcussen, architect with Widseth Smith Nolting (WSN). Ms. Marcussen summarized the site plans for the addition along with the parking lot expansion.

Council discussion took place.

MOVED AND SECONDED BY ALDERMEN LAMBERT AND HILGART, DULY CARRIED, TO APPROVE THE CONDITIONAL USE PERMIT FOR ST. FRANCIS CATHOLIC CHURCH, 404 NORTH 9TH STREET FOR PHASE ONE BUILDING EXPANSION AND PHASE TWO PARKING LOT EXPANSION BASED ON THE PLANNING COMMISSIONS 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 APPROVAL.

The Chair welcomed Reverend Anthony Wroblewski, 416 North 9th Street who is the pastor at St. Francis Church. Council Member Badeaux asked what the response has been since the stop sign was installed at the corner of Juniper and North 9th Street. Reverend Wroblewski stated the stop sign has been a blessing to everyone and received very well by parents and church goers.

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 - Approved

MOVED AND SECONDED BY ALDERMEN HILGART AND STUNEK, DULY CARRIED, TO APPROVE THE CONDITIONAL USE PERMIT FOR THE CITY OF BRAINERD TO CONSTRUCT A 37' TALL SALT STORAGE BUILDING AT 724 THIESSE DRIVE.

Public Forum

The Chair opened the Public Forum at 8:35 p.m.

No one came forward.

The Chair closed the Public Forum at 8:35 p.m.

Staff Reports

City Engineer Sandy announced the public informational meeting last week regarding the South 6th Street reconstruction went very well. There were approximately 30 attendees that came for the presentation and questions were answered. The pre-construction meeting today at MnDOT resulted in a delayed start date due to weather.

City Planner Ostgarden stated two Comprehensive Plan Neighborhood Ward meetings have been held with approximately 15 attending each meeting. There are two more this week; April 3rd at Bethlehem Lutheran Church and April 5th at Trinity Lutheran Church.

Fire Chief Holmes stated the fire department is taking applications for Paid On-Call Firefighters. The application is on the website along with an informational meeting scheduled for April 17th at the Fire Station.

City Administrator Torstenson announced the first half of our legislative agenda has been sent to the legislators with the second half being sent this week. There have not yet been any letters sent in support of or in opposition to, however, the resolution in support of preserving local decision-making authority will be the first action item sent.

City Administrator Torstenson indicated a website calendar page will be created for public awareness to inform them of potential events regarding the Downtown Placemaking Initiative and Events.

City Administrator Torstenson is one of four alumni that has been invited to speak on April 17th at the University of North Dakota as a part of the Hultberg Lectureship Series titled "Women Who Are Changing the World".

Mayor Menk stated Sears has relocated from Baxter to the old County Market building in northeast Brainerd. Mayor Menk indicated he was one of the first customers to dine at Senor Petron's, which is the new Mexican restaurant in the old Log Cabin location and the Purple Fern is scheduled to open downtown on May 1st.

Council Member Reports

Council Member Badeaux announced he participated in the annual BHS Alumni Basketball Tournament and thanks the Brainerd Sports Boosters for arranging the event.

Council Member Lambert attended and participated in the Comprehensive Plan Neighborhood Meeting and stated it was very informational with good ideas discussed.

Council Member Bevans stated the "Brainerd Bucks" portion of the Comprehensive Plan Neighborhood Meeting was a great exercise for residents to discuss their ideas of what tax money should be spent on in the community using a limited budget.

Council Member Pritschet regretfully will not be able to attend his ward meeting due to speech class subsections taking place. However, Council Member Hilgart has offered to attend in his place.

Council Member Stunek attended the ward meeting and found it interesting where the residents put their "money" in the exercise. Member Stunek thanked City Engineer Sandy and the plowing crew for the good job they did with Saturday's snowstorm.

Council Member Hilgart is looking forward to attending the neighborhood meeting and also thanks the snowplowing crew for the prompt removal of the snow in the middle of Laurel Street.

Council Member Johnson attended the Ward 4 meeting last week and found it interesting to listen to the comments of the residents as they were deciding where to spend their "money". The additional exercise involved placing stickers on maps in areas of the City that residents value and areas to improve or change. The residents in Ward 4 had several places of value marked with very few placed in areas needing change.

Committee Resignations – Accept with Regret

MOVED AND SECONDED BY ALDERMEN JOHNSON AND BEVANS, DULY CARRIED, TO ACCEPT WITH REGRET THE RESIGNATION OF MR. RICK FARGO FROM THE HOUSING AND REDEVELOPMENT AUTHORITY (HRA) EFFECTIVE APRIL 2, 2018.

Council Member Johnson indicated while updating policies at the HRA, it was discovered that persons working in the business of managing properties are prohibited from serving on a public housing committee.

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 2018)

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 – 8:45 p.m.

The Chair reconvened into open session at 9:00 p.m.

The Chair adjourned the meeting at 9:00 p.m.

Cassandra Torstenson
City Administrator

CITY OF BRAINERD
LICENSED CONTRACTORS
CITY COUNCIL MEETING
April 16, 2018
(1 New, 4 Renewals)

CONTRACTOR	TELEPHONE	TYPE	INSURANCE	BOND	STATE NO.
ELITE UNDERGROUND, INC. 9351 OAK BLUFF ROAD BRAINERD, MN 56401 18-0155	(218) 829-1553	EXCA	3/5/2019	12/31/2018	
H&S HEATING & AC RESIDENTIAL & SERV 3995 COUNTY ROAD 74 ST. CLOUD, MN 56301 18-0156 (new)	(320) 654-1522	MECH	1/1/2019	5/26/2018	MB005230
AIR CONCEPTS, INC. 20753 COUNTY ROAD 3 MERRIFIELD, MN 56465 18-0157	(218) 821-7593	MECH	6/19/2018	7/14/2018	MB005525
SAC WIRELESS LLC 540 W MADISON STREET 16TH FLOOR NEW BRIGHTON, MN 55112 18-0158	(312) 809-8013	TELE	5/1/2018	12/31/2018	
LOST LAKE PLUMBING LLC 3880 COUNTY 1 SW PINE RIVER, MN 56474 18-0159	(218) 820-0951	MECH	4/14/2019	10/1/2019	MB732783 PC695521

**BRainerd POLICE DEPARTMENT
MEMORANDUM**

TO: Brainerd City Council
FROM: Police Chief Corky McQuiston
DATE: 04-11-18
RE: Monthly Report



TRAINING



On March 28th, Sergeant John Davis attend the Threat Liaison Officer Training, at Grandview Lodge in Nisswa. This training will make Sergeant Davis the official point of contact for our agency with the Minnesota BCA Fusion Center.

The Minnesota Fusion Center is a section of the Minnesota Bureau of Criminal Apprehension (BCA). The Minnesota Fusion Center's purpose is to allow participating agencies to share information about suspected criminal activity. The U.S. Department of Homeland Security has supported the establishment of centers (called fusion centers) in every state to coordinate the information-sharing functions between federal, state, local and tribal law enforcement agencies, as well as other public safety agencies and the private sector. Fusion centers provide an environment where the stakeholders collaboratively work together gathering information, analyzing data and sharing information to improve the ability to fight crime and terrorism locally, regionally and nationally.



On March 26th and 27th, Officer Rachel Boggs participated in ACE Interface training with other community members held in Park Rapids. The costs associated with this training were covered by the local ACEs Resiliency Coalition (ARC). It was a necessary component for the team to have a law enforcement member receive the training and be part of the team so they can build the Self Healing Community Model that has been successful in other areas of the country.

For more information on ACEs and this training please visit this link:

<http://www.aceinterface.com/>



On March 29th, we went live with the Vitals. Hopefully you saw the posting on our Facebook about this. Here is a link to the story that was ran by Lakeland News:

<https://lptv.org/new-service-hopes-to-improve-communication-between-police-and-people-with-disabilities/>

POLAR PLUNGE

PRESENTED BY LAW ENFORCEMENT

Sergeant Paul Dooley has become a consistent participant representing our department annually at the Special Olympics Polar Plunge. The 2018 Brainerd Plunge had 327 “plungers” and raised \$78,800 for Special Olympics. The event was held on March 10th, on Pelican Lake and hosted by the Breezy Point Resort.



Body Worn Camera Data Report



Month	Number of Videos	Hours of Videos	GB of Videos	Average MB per Video	Average Time Length of Videos	Average Number of Videos Per Day
February	1263	265 Hours	503 GB	398 MB	12.58 Minutes	45
March	1350	92 Hours	515 GB	381 MB	4.07 Minutes	44

Conduct on Premises Activity Report for March

ICR	Date Reported	Title	Address	Summary
18002886	03/02/18	Conduct on Premises	524 West Campus Drive	Conduct on Premises.
18003187	03/08/18	Conduct on Premises	315 4 th Avenue NE	Conduct on Premises—Written Management Plan Requested.
18003374	03/12/18	Conduct on Premises	511 South 9 th Street	Conduct on Premises.
18003756	03/21/18	Conduct on Premises	418 North 7 th Street	Conduct on Premises—Written Management Plan Requested.
18003968	03/25/18	Conduct on Premises	1401 Norwood Street	Conduct on Premises.
18004019	03/26/18	Conduct on Premises	220 North 4 th Street	Conduct on Premises—Written Management Plan Requested.
18004259	03/31/18	Conduct on Premises	215 SW 4 th Street	Conduct on Premises.

Monthly Police Activity

March	2018	2017
Calls	1500	1613
Citations (Inc. Parking)	370	283
Part I and Part II Crimes Reported	**	

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

215 parking tickets were issued in the month of March with the following dispositions:

23	Dismissed
3	Business Validations
87	Paid in Full
2	Partial Payments Received
100	No Payment Received

Revenue Recapture Receipts:

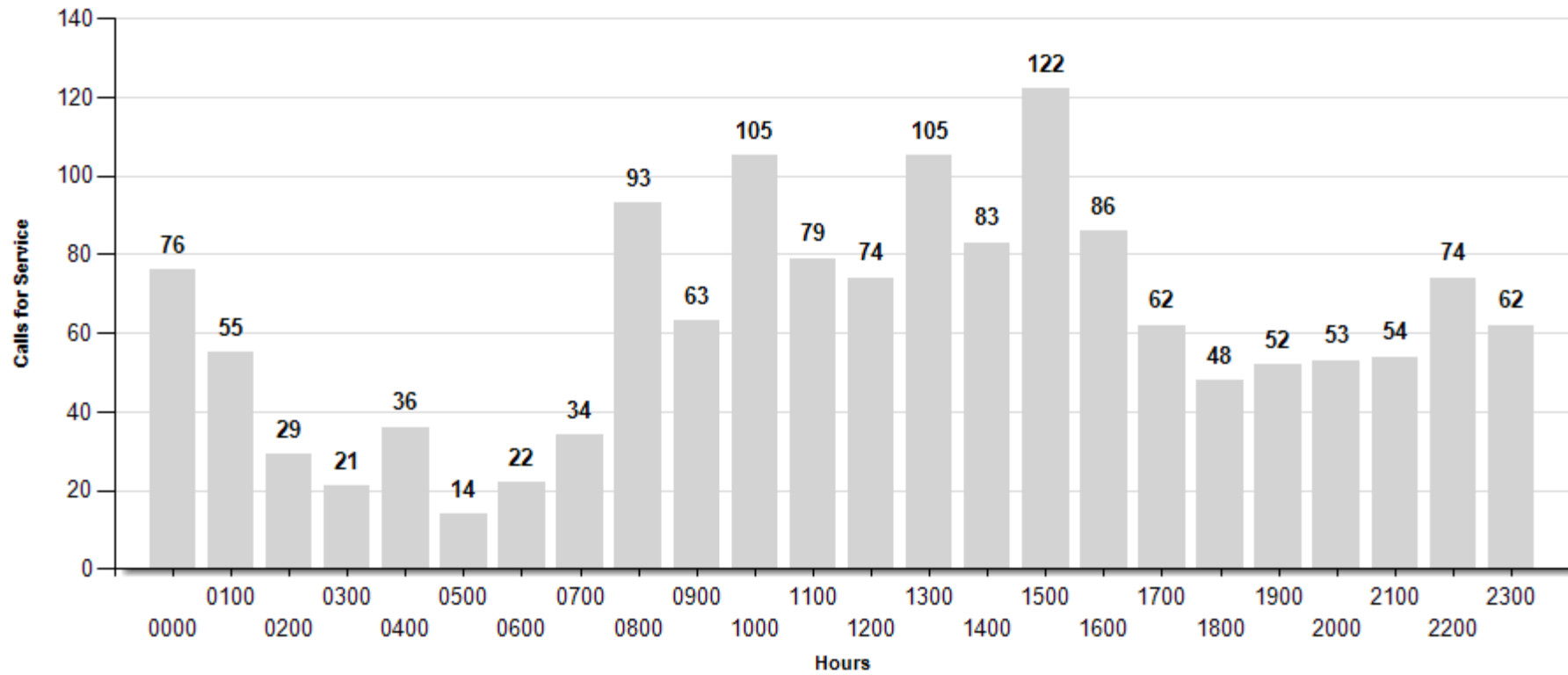
To Date: \$ 37,280.69
In 2018: \$ 3,492.00



Calls for Service Hourly

3/1/2018 to 3/31/2018

Total Calls: 1531



MEMO

TO: City Council

DATE: April 12, 2018

SUBJECT: Suggested Additions to the April 16, 2018 Agenda

Additional Consent Calendar Items:

The following license applications came in after the packet was assembled. The applicants would appreciate having the items added to tonight's Consent Calendar for approval as follows:

Temporary 1 – 4 Day On-Sale Liquor License – Submitted by The Crossing Arts Alliance, 711 Laurel St., Brainerd for an Event to be Held May 15, 2018 at 711 Laurel St., Brainerd

Minnesota Lawful Gambling – Adopt Resolution Authorizing the Brainerd Elks Lodge #615 to Conduct Off-Site Gambling on May 9, 2018 at the Brainerd National Guard Armory, 1115 Wright Street, Brainerd



Brainerd City Council Agenda Request

Requested Meeting Date: April 16, 2018

Title of Item: Facility Plan Update

☐ 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): Mike Angland, WSN	Estimated Time Needed: 10 Minutes
Summary of Issue: Mr. Mike Angland, Architect, VP from Widseth Smith Noting (WSN) will be at the council meeting to present an update on the facility study.	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion: Informational	
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>	

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

April 16, 2018
City Council Chambers
6:15 PM

1. Consider Quotes for Downtown Streetscape Plantings
2. Event/Street Closure Application – Lowell School Walk-a-Thon
3. Event/Street Closure Application – Brainerd High School Triathlon
4. Laurel Street Historic Bridge Railing Placement
5. Request for Consideration – Beaver Dam Road Assessment
6. College Drive Pavement Discussion



Brainerd City Council Agenda Request

Requested Meeting Date: April 16, 2018

Title of Item: Downtown Landscaping and Maintenance Quote Approval

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☒ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) *provide copy of published hearing notice ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading
Submitted by: Mark Ostgarden	Department: Planning
Presenter (Name & Title): Same	Estimated Time Needed: 5 minutes
Summary of Issue: Approval request of the \$12,175 Northwoods Landscaping quote for Downtown landscaping and maintenance. A quote breakdown is attached. The 2017 quote from Northwoods Landscaping was also \$12,175. Twenty five invitations to quote were mailed and Northwoods Landscaping was the only quote received.	
Alternatives, Options, Effects on Others/Comments: Approve the quote Reject the quote and direct staff to re-advertise Reject the quote and not hire a contractor which will place the landscaping and maintenance on Downtown property owners and tenants.	
Recommended Action/Motion: Motion by _____, 2nd by _____ to accept the \$12,175 Downtown Streetscape and Maintenance quote from Northwoods Landscaping for 2018.	
Final Impact: Is there a cost associated with this request: ☒ Yes ☐ No What is the total cost, with tax and shipping \$ _____ Is this budgeted? ☐ Yes ☒ No Please Explain: The cost is assessed to the Downtown property owners.	

Northwoods Landscaping

Keystone
Paving Stone
Bobcat Work
Planting & Design
Sod

Al Praska
13348 3 Mile Rd.
Brainerd, MN, 56401
218-829-6551

Date: 4/9/2018

To: Brainerd Planning Department
Att.: Mark Ostgarden
501 Laurel Street
Brainerd MN. 56401
Fax 218-828-2316

We are pleased to submit the following Bid: Construction of Brainerd Street Scape

Description Landscape Maintenance of Brainerd Downtown Area

- 1 Street Scape
- 2 Landscape Urns
- 3 Weeding
- 4 Irrigation System
- 5 Pruning and Trimming
- 6 Paver Surfaces
- 7 Weed Control
- 8 Replacement Planting
- 9 Spring Cleanup
- 10 Spring Fall Inspection

Total: 12,175.00

We propose to hereby furnish material and labor, complete in accordance with the above specifications for the sum of: Twelve Thousand One Hundred Seventy Five Dollars

Payment to be made as follows:

Monthly Payment. 10% Interest after 15 days.

Acceptance of Proposal: The above price, specifications and conditions are accepted. You are authorizing us to do the work specified. Payment will be made as conditioned above.

Date of acceptance _____

Signature _____

Al Praska D.B.A.: Northwoods Landscaping

Quote Breakdown

Business Name: Northwoods Landscaping

Date: 4-10-18

Landscape Urns

Use new annual soil. Yes - Spring

Brand and number of times using slow release fertilizer Mirical Grow. 5.

Brand and number of times using weed preventive granules Round Up. Every two weeks

Spring Clean Up/Pruning/Trimming/Fertilizing

Trees - Number of times per year pruning/trimming 2. Fertilizing 2.

Shrubs - Number of times per year pruning/trimming 2. Fertilizing 2.

Planting Beds/Streetscape

Number of times per month doing weed control/deadheading:

May , June - August , September/October . (Every other Day)

Number of times fertilizing perennials per year 3.

Paver Surfaces/General Clean Up

Number of times per month checking for garbage, accumulation of cigarette butts, etc.

Every Other Day

Parking Lots

Brand and number of times fertilizing shrubs per year 3 10x10x10.

Weed Control/Parking Lots, Tree Grates, Sidewalk and Curb Cracks

Brand and number of times using planter bed weed preventative Round up. Every 3 weeks

Brand and number of times using herbicide Round up 3
we dont use on parking lots we Hand Pick weeds

Other

Number of times sidewalks are blown clean Once a week



Brainerd City Council Agenda Request

Requested Meeting Date: April 16, 2018

Title of Item: Event/Street Closure Application - Lowell School Walk-a-Thon

☐ 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 and street closure application for the yearly Lowell School Walk-a-Thon.	
Alternatives, Options, Effects on Others/Comments: The event consists of a 30 minute walking session for each of the grades K-4 on the streets around Lowell School. They have conducted this event numerous times and typically inform the residents notifying them before the event. The event utilizes 3rd Ave NE, 4th Ave NE, G Street. H Street will be left open to traffic during the event, with the sidewalk being utilized.	
Recommended Action/Motion: Staff recommends approval of the application with the condition that the applicant work with the Engineering/Street Department staff on traffic control for the street closure.	
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>	

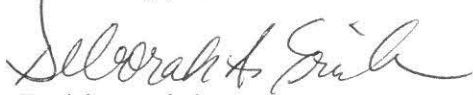
Brainerd City Hall
501 Laurel Street
Brainerd, MN 56401

Lowell Elementary School
704 3rd Ave NE
Brainerd, MN 56401

To Whom it May Concern:

On May 22nd, 2018 Lowell Elementary has planned a Walk-A-Thon event for our students and their families. This event is scheduled to take place during the school day. The hours of operation will be from 9:30 to 1:30 with the actual walk-a-thon event starting at 10am and ending at 1pm. I have enclosed an aerial photograph of our school. This map shows the streets we need to host this event and the east side of the school will be used for activities during the event. The activities area is a fenced in area. If any further information is needed please feel free to contact me.

Sincerely,

A handwritten signature in cursive script, appearing to read "Debby Erickson".

Debby Erickson
Lowell PTA
218-831-4037 cell



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: Lowell School Walk-a-Thon
Date(s) of the event: May 22, 2018 (bad weather date May 23rd)
Time of event (setup to breakdown): 9:30 am - 1:30 pm
Location: Lowell School 704 3rd Ave NE
Estimated number of attendees: 550

Organizer Information

Organizer's name (Please print): Lowell PTA
Organizer's address: 704 3rd Ave NE
Event contact person: Debby Erickson
Event contact daytime phone number: (h) _____ (w) _____ (c) 2188314037
Event contact persons e-mail address: debbyerickson72@gmail.com
Contact name and phone number to be used on the day of the event:
(h) Sam Marohn (w) _____ (c) 2183309322
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: Walk-a-thon around the school.
30 minute walking sessions for each of grades K-4.

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

Site Information

Electrical usage?

Yes ☐ No ☒

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

Amplified sound?

Yes ☐ No ☒

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

Radio for music

Restrooms provided?

Yes ☒ No ☐ How many? 6

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

Company contracted for restrooms: Building use

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: _____

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.

We send letters to all neighboring houses prior to the event. We have conducted this event the past two years and have sent notices to all neighboring houses and it has gone very well.

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").

3rd Ave - G Street corner; 4th Ave - G Street corner, 4th Ave - H Street

Leaving H Street open for traffic flow. We use the sidewalk on H Street side.

Time and date for beginning of street closures: 9:30 am on May 22, 2018

Time and date for reopening of streets: 1:30 pm on May 22, 2018

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.

Sending letters to residents. No businesses are impacted by the closures.

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.

Traffic the past two years have used the alley for horn access.

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

Contact Information:

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

PART IV: HOLD HARMLESS AGREEMENT AND INSURANCE INFORMATION

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

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

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

PART V: SIGNATURE OF EVENT APPLICANT

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

Signature of the Event Applicant

Date submitted to the City

PRINT NAME

Event Applicant Title

PART VI: FOR OFFICIAL USE ONLY

*Lowell
Walk-a-Thon*

Departmental Sign-Offs Required

	Approval Date/Initials	Comments
Brainerd Public Utilities	<u>OK</u>	<u>via email</u>
City Administration	<u>OK</u>	<u>via email</u>
Engineering Depart.	<u>OK</u>	
Fire Department	<u>OK</u>	<u>via email</u>
Fire Support/EMS	<u>OK</u>	<u>via email</u>
Parks and Recreation	<u>OK</u>	<u>via email</u>
Planning Department	<u>OK</u>	
Police Department	<u>OK</u>	<u>via email</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:

Traffic Control for closures to be coordinated
w/ Street Department - 218-484-3411
Paul Sandy

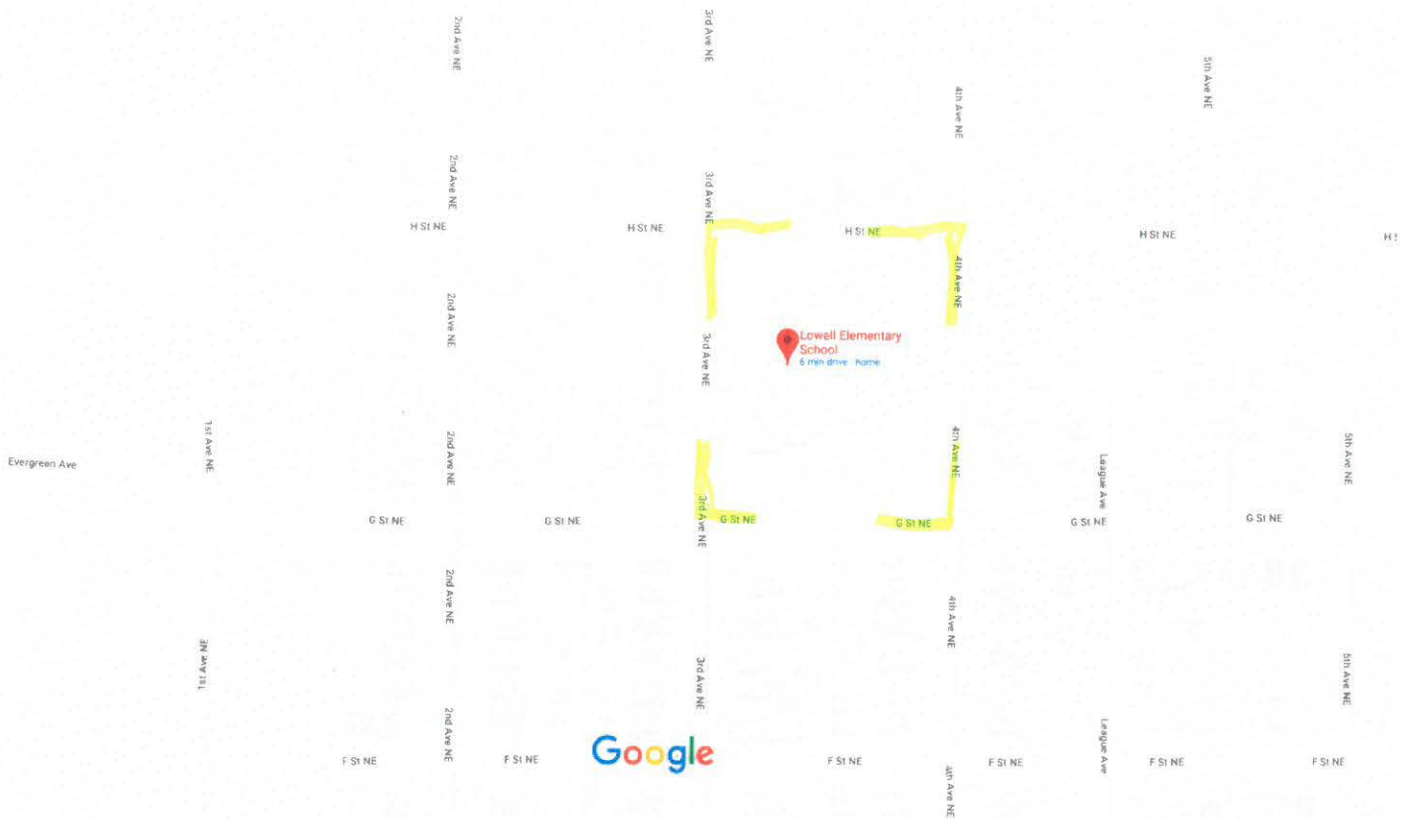
Special Event/Festival Application and Permit Approval

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

City Administrator

Date

Google Maps Lowell Elementary School



Waldo ©DreamWorks Distribution Limited. All rights reserved. Map data ©2018 Google

100 ft



Lowell Elementary School

5.0 ★★★★★ · 5 reviews

Elementary School



You visited 3 years ago



704 3rd Ave NE, Brainerd, MN 56401



ss12.sharpschool.com



(218) 454-6550



Brainerd City Council Agenda Request

Requested Meeting Date: April 16, 2018

Title of Item: Event/Street Closure Application - Brainerd High School Triathlon

☐ 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 a event and street closure application for the 2018 Brainerd High School Triathlon.	
Alternatives, Options, Effects on Others/Comments: The event consists of a Triathlon with staging in the lower BHS parking lots and the use of East River Road and sidewalks/trails on Laurel and SW 4th up to the Paul Bunyan Trail. All residents will still maintain access throughout the event. The High School personnel typically coordinate with Officer Schreifels for the event.	
Recommended Action/Motion: Staff recommends approval of the event application under the conditions that the applicant continues the coordination of the event through Officer Schreifels and that the applicant coordinate need for traffic control devices with Engineering/Street Department staff (if necessary).	
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 High School
Brainerd Public Schools

702 South 5th Street
Brainerd, MN 56401

Phone: (218) 454-6200

Fax: (218) 454-6325

www.isd181.org

FAX COVER LETTER

FAX TO: _____

CITY OF BRAINERD

FAX #: 218 -828-2316 (the number being faxed to)

City: BRAINERD State: MN

=====

Notes:

Total # of pages (including cover letter): 11

This FAX is from: MICHAEL BORAN

**Brainerd Senior High
702 South 5th St.
Brainerd, MN 56401**

(218) 454-6200



Street Closure, Special Event And Festival Application

Brainerd, Minnesota

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

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

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

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

Application for a Street Closure, Special Event and Festival Permit

PART I: GENERAL INFORMATION

Name of the event: Brainerd High School Triathlon
Date(s) of the event: May 19, 2018
Time of event (setup to breakdown): 9:00a.m. - 4:00p.m.
Location: BHS, Brainerd, Baxter, Crow Wing County
Estimated number of attendees: ~~200~~ 50

Organizer Information

Organizer's name (Please print): Brainerd High School
Organizer's address: 702 South 5th Street, Brainerd MN
Event contact person: Mike Boran
Event contact daytime phone number: (h) _____ (w) _____ (c) 218-851-2780
Event contact persons e-mail address: michael.boran@isd181.org
Contact name and phone number to be used on the day of the event:
(h) _____ (w) _____ (c) 218-851-2780
For Profit/Nonprofit status (type): ~~For Profit~~ N/A

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: Annual Brainerd High School Triathlon

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

Site Information

Electrical usage?

Yes ☐ No ☒

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

Amplified sound?

Yes ☐ No ☒

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

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: _____

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.
Working with officer Troy Schriefels

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").
East River Road from BHS Parking lot to Loral Street

Time and date for beginning of street closures: 10:00a.m. 5/19/2018

Time and date for reopening of streets: 2:00p.m. 5/19/2018

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.
Residents will have access. Troy Schriefels will coordinate

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.
Residents will have access

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	X			May be required before issuing a permit.
Sign/banner permits			X	Contact the Planning Department for information.
Parade permit			X	Issued by the Police Department after complete submission of application.
Street closure				Must be approved by City Council after submission of the special events application. Contact the City Engineering Department for information/procedure. Closure of a State highway must be approved by MNDOT prior to City Council review.
Alcohol Use Permit			X	Must be approved by City Council after submission of the special events application. Contact the City Administrator's Office for information/procedure.

Contact Information:

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

PART IV: HOLD HARMLESS AGREEMENT AND INSURANCE INFORMATION

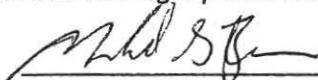
The applicant covenants to save, defend, hold harmless, and indemnify the City of Brainerd and all of its officers, departments, agencies, agents, and employees (collectively the "City") from and against any and all claims, losses, damages, injuries, fines, penalties, costs (including court costs and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

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

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

PART V: SIGNATURE OF EVENT APPLICANT

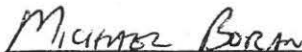
I attest that the above information is true and accurate and I have signed this application on behalf of the Applicant. I certify under penalties of perjury that I am authorized to execute contracts and other instruments and legally bind the Applicant.



Signature of the Event Applicant

4/9/2018

Date submitted to the City



PRINT NAME

Michael G. Boran

Event Applicant Title

PART VI: FOR OFFICIAL USE ONLY

Brainerd Triathlon

Departmental Sign-Offs Required

	Approval Date/Initials	Comments
Brainerd Public Utilities	OK	
City Administration	-	
Engineering Depart.	OK	Coordinate Traffic Control for closure
Fire Department	OK	-
Fire Support/EMS	OK	
Parks and Recreation	OK	
Planning Department	OK	
Police Department	OK	Coordinating w/ Schrieffels for event.

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:

Continue coordination w/ officer Schrieffels for event.

Street Department traffic control (if necessary) is available for closure of East River Road - Paul E 218-454-3411.

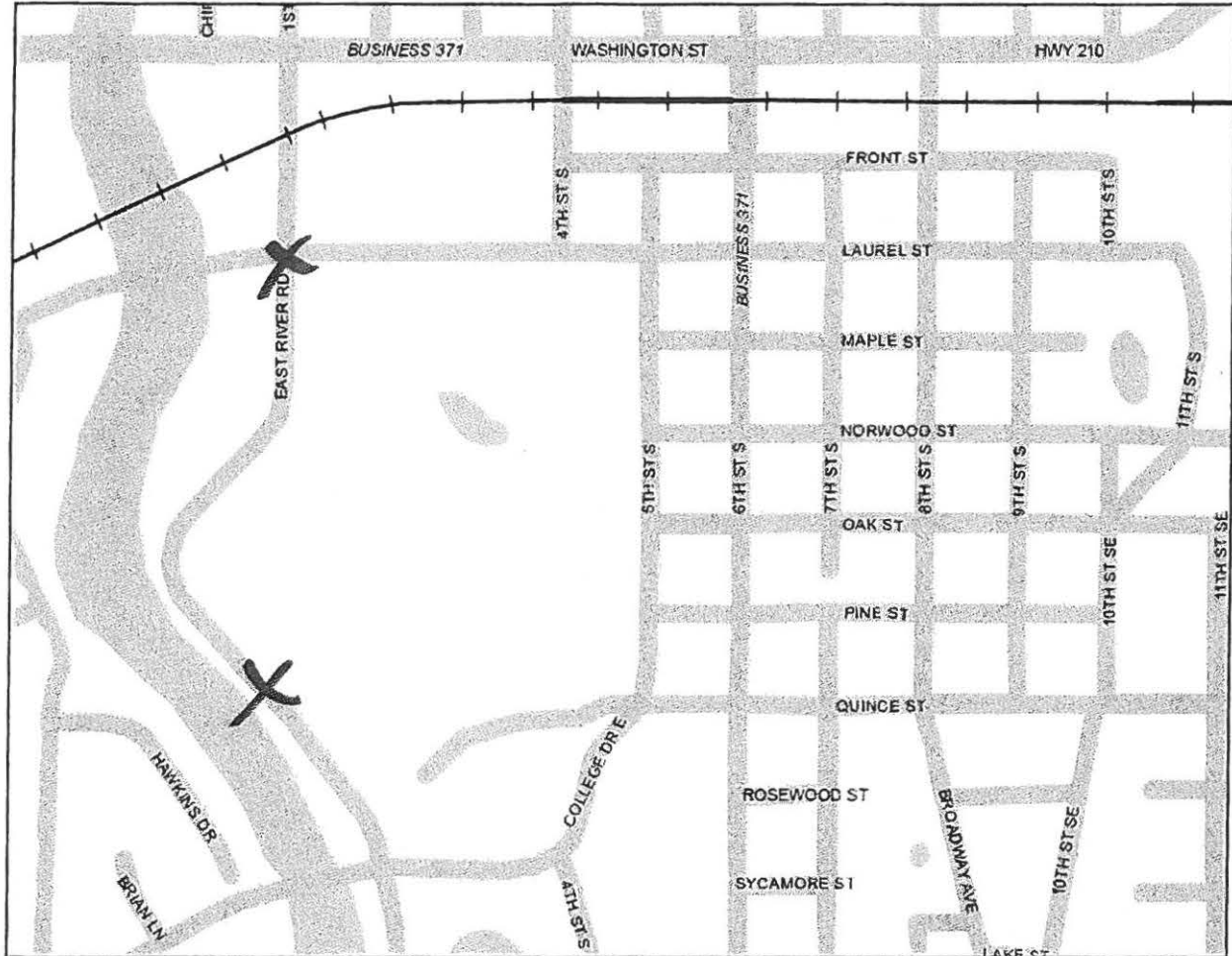
Special Event/Festival Application and Permit Approval

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





CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

4/4/2018

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Weizenegger-Engel Insurance 301 NW 6th Street Brainerd MN 56401 INSURED Independent School Dist. #181 DBA: Brainerd Public Schools 804 Oak Street Brainerd MN 56401	CONTACT NAME: Renee Appel PHONE (A/C, No, Ext): (218) 829-4721 FAX (A/C, No): (877) 829-0594 E-MAIL ADDRESS: RLAppel@we-ins.com <table style="width: 100%;"> <tr> <td style="width: 80%;">INSURER(S) AFFORDING COVERAGE</td> <td style="width: 20%;">NAIC #</td> </tr> <tr> <td>INSURER A: Hanover Insurance Group</td> <td></td> </tr> <tr> <td>INSURER B: SFM Mutual</td> <td>11347</td> </tr> <tr> <td>INSURER C:</td> <td></td> </tr> <tr> <td>INSURER D:</td> <td></td> </tr> <tr> <td>INSURER E:</td> <td></td> </tr> <tr> <td>INSURER F:</td> <td></td> </tr> </table>	INSURER(S) AFFORDING COVERAGE	NAIC #	INSURER A: Hanover Insurance Group		INSURER B: SFM Mutual	11347	INSURER C:		INSURER D:		INSURER E:		INSURER F:	
INSURER(S) AFFORDING COVERAGE	NAIC #														
INSURER A: Hanover Insurance Group															
INSURER B: SFM Mutual	11347														
INSURER C:															
INSURER D:															
INSURER E:															
INSURER F:															

COVERAGES
CERTIFICATE NUMBER: 17-18 GL/Auto/WC/Umb/Prop

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY						EACH OCCURRENCE \$ 1,500,000
	☐ CLAIMS-MADE ☒ OCCUR			ZDH-D291016	7/1/2017	7/1/2018	DAMAGE TO RENTED PREMISES (Ea occurrence) \$
							MED EXP (Any one person) \$ 5,000
							PERSONAL & ADV INJURY \$ 1,500,000
	GEN'L AGGREGATE LIMIT APPLIES PER:						GENERAL AGGREGATE \$ 3,000,000
	☒ POLICY ☐ PRO-JECT ☐ LOC						PRODUCTS - COMPI/OP AGG \$ 3,000,000
	OTHER:						Dmg to Premises Rented to \$ 100,000
A	AUTOMOBILE LIABILITY						COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000
	☒ ANY AUTO			AWX-D291292	7/1/2017	7/1/2018	BODILY INJURY (Per person) \$
	☐ ALL OWNED AUTOS ☐ SCHEDULED AUTOS						BODILY INJURY (Per accident) \$
	☐ HIRED AUTOS ☐ NON-OWNED AUTOS						PROPERTY DAMAGE (Per accident) \$
							Uninsured motorist BI-single \$ 1,000,000
A	UMBRELLA LIAB						EACH OCCURRENCE \$ 1,000,000
	☒ EXCESS LIAB			URX-D291017	7/1/2017	7/1/2018	AGGREGATE \$ 1,000,000
	☐ DED ☐ RETENTION \$						\$
B	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY						☒ PER STATUTE ☐ OTH-ER
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH)	Y/N	N/A	76153.202	7/1/2017	7/1/2018	E.L. EACH ACCIDENT \$ 500,000
	If yes, describe under DESCRIPTION OF OPERATIONS below						E.L. DISEASE - EA EMPLOYEE \$ 500,000
							E.L. DISEASE - POLICY LIMIT \$ 500,000
A	Property Building & Contents			ZDH-D291016	7/1/2017	7/1/2018	Blanket Limit \$262,109,831 \$25,000 Deductible

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)

Re: 2018 Triathlon

CERTIFICATE HOLDER**CANCELLATION**
 City of Baxter
 13190 Memorywood Drive
 PO Box 2626
 Baxter, MN 56425-2626

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

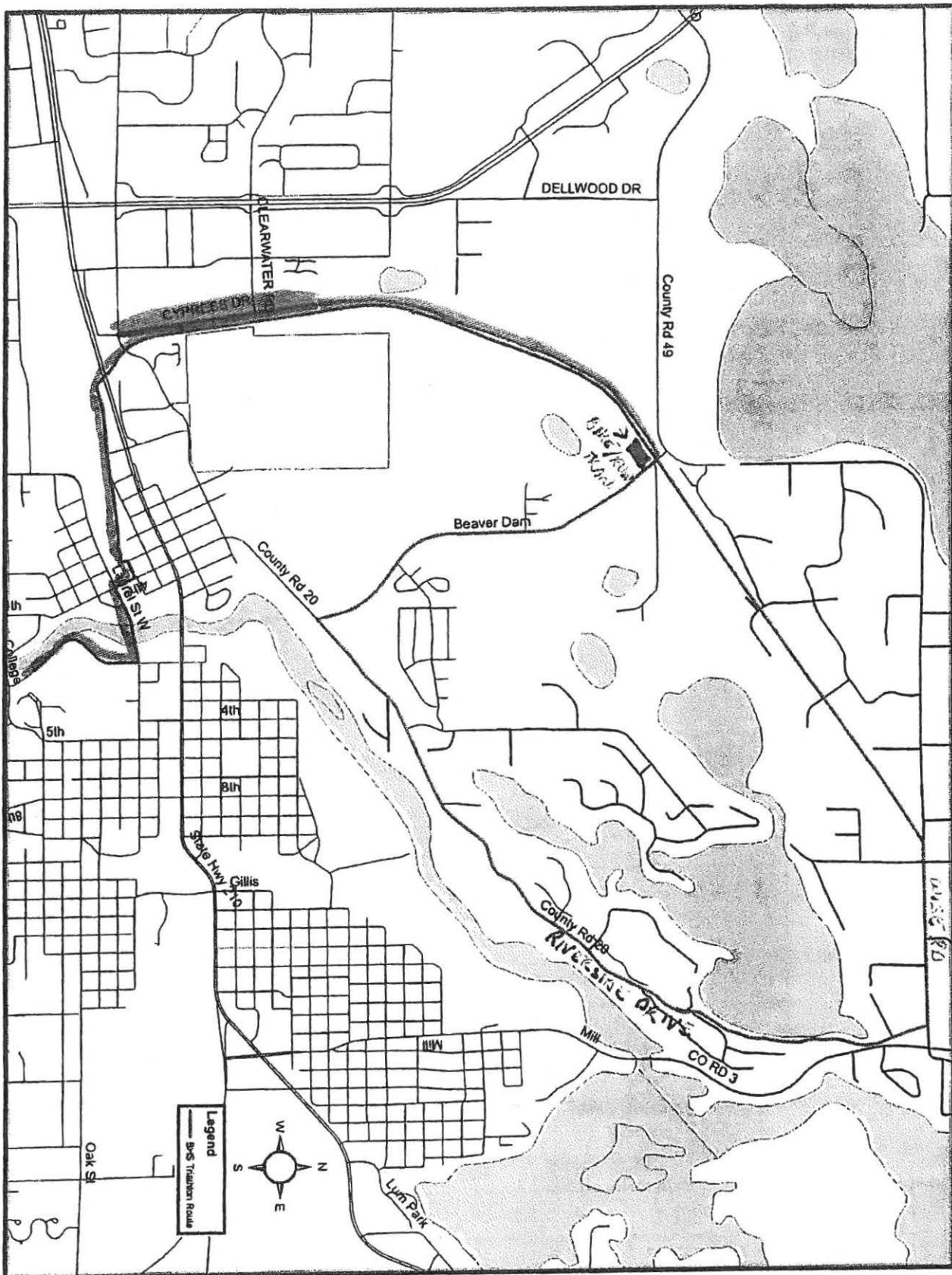
AUTHORIZED REPRESENTATIVE

Renee Appel/TRISTA

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From:

BHS Triathlon Route





Brainerd City Council Agenda Request

Requested Meeting Date: April 16, 2018

Title of Item: Laurel Street Historic Bridge Railing Placement

☐ 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: There has been a request for the Crow Wing County Historical Society to place a history monument consisting of the historic bridge railings and plaque that were found last year and have been stored at the street department.	
Alternatives, Options, Effects on Others/Comments: Crow Wing County Historical Society has come up with funding for sandblasting and powder coating the bridge railings. CWCHS has approached the City about possibly placing the monument at the bridge in front of the Fire Hall on Laurel Street. CWCHS wanted to ensure they had the location for the installation secured before they committed to getting the railings and plaque ready for installation. They have asked if the City could install the monument. Staff does not see any issue with this, as the installation should be very simple and require minimal staff time (2-4 hours). Attached is a map of the proposed location.	
Recommended Action/Motion: Staff recommends approving the installation of the historic monument on the Fire Department property consisting of the historic bridge railings and plaque by the Crow Wing County Historical Society with City staff assistance in the installation.	
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 16, 2018

Title of Item: Request for Consideration - Beaver Dam Road Assessment

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☒ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☒ Direction Requested ☒ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: City Engineer Sandy	Department: Engineering
Presenter (Name & Title): City Engineer Sandy	Estimated Time Needed: 10 Minutes
Summary of Issue: Attached is a letter from Eli Mackereth requesting some relief from the Beaver Dam Road assessments. Also attached is the location of the property and the current assessments on the property that have been deferred since the assessments that were adopted in 2007.	
Alternatives, Options, Effects on Others/Comments: This is a discussion item. Mr. Mackereth will be in attendance to speak with the committee about the property and plans he may have or other options he may consider.	
Recommended Action/Motion: Staff does not have a recommended action. Discussion and direction is requested.	
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>	

April 9, 2018

Mayor and City Council

Brainerd, Minnesota

Re: Assessments on my Property Located at 15262 Beaver Dam Road

Parcel ID: 080333400B00009

Dear Mayor and Council,

My Name is Eli Mackereth and I am the owner of Elite Property Concepts, LLC. I am the owner of the lot described above, which lies directly west of the Northtown Development. I bought the property back in early 2015 and have been looking to develop the property at this location.

When speaking with the staff at City Hall about potential opportunities, the deferred assessments on this property were discussed. The total assessment on the property in 2007 was \$25,472.75. Through the 10 years of being deferred, it has accrued interest on the entire principal amount in the amount of \$14,812.37 for a total assessment of \$40,812.37.

I am looking at possibly doing some development on this parcel, however, this large assessment puts me in a hard position. I will be attending the meeting to discuss this with both the Safety and Public Works Committee and the Council. I am looking to see if we can come to any type of relief on the assessments, or if there is an opportunity to discuss other options on this property with the City Council in regard to the accrued interest or other options such as longer payment periods.

Regards,

A handwritten signature in black ink, appearing to read 'Eli Mackereth', with a stylized flourish at the end.

Eli Mackereth

Elite Property Concepts, LLC



Paul Sandy

From: Darla Johnson
Sent: Tuesday, April 3, 2018 9:18 AM
To: Paul Sandy
Subject: 15262 Beaver Dam Rd

PID 080333400B00009

PROJECT NUMBER	NAME	UNPAID PRINCIPAL	TAX YEAR DEFERRED	DOCUMENT NUMBER	DATE RECORDED	RECORDED DEFERMENT	INTEREST RATE	PRINCIPAL DEFERRED	INTEREST DEFERRED	TOTAL DEFERRED	TOTAL DUE CITY
05-18	ELITE PROPERTY CONCEPTS LLC		\$25,472.75	2007			5.75%	\$2,547.28	\$1,630.25	\$4,177.52	
	15262 BEAVER DAM RD		\$25,472.75	2008			5.75%	\$2,547.28	\$1,464.68	\$4,011.96	
	BRAINERD MN 56401		\$25,472.75	2009			5.75%	\$2,547.28	\$1,464.68	\$4,011.96	
	(2007-2016)		\$25,472.75	2010			5.75%	\$2,547.28	\$1,464.68	\$4,011.96	
	PID 080333400B00009		\$25,472.75	2011			5.75%	\$2,547.28	\$1,464.68	\$4,011.96	
			\$25,472.75	2012			5.75%	\$2,547.28	\$1,464.68	\$4,011.96	
			\$25,472.75	2013			5.75%	\$2,547.28	\$1,464.68	\$4,011.96	
			\$25,472.75	2014			5.75%	\$2,547.28	\$1,464.68	\$4,011.96	
			\$25,472.75	2015			5.75%	\$2,547.28	\$1,464.68	\$4,011.96	
			\$25,472.75	2016			5.75%	\$2,547.28	\$1,464.68	\$4,011.96	
											\$40,285.15
											(19,237.12)
											\$21,048.03

Darla Johnson, Accounts Payable/Administrative Specialist
City of Brainerd
501 Laurel Street
Brainerd, MN 56401
P: 218-828-2307
F: 218-828-2316

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



Brainerd City Council Agenda Request

Requested Meeting Date: April 16, 2018

Title of Item: College Drive Pavement 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: Attached is a memo and other information on the condition of the pavement on College Drive.	
Alternatives, Options, Effects on Others/Comments: Staff would like to have some discussion with the committee on options for preservation of the pavement surface on College Drive, as we have seen a loss of surface and localized potholing occur over the past 2 years.	
Recommended Action/Motion: This is a discussion item. Direction is requested on where the committee and council would like to go with a project, anticipated for 2019 construction.	
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>	



MEMO

TO: Safety and Public Works Committee

FROM: City Engineer Sandy

DATE: April 9, 2018

SUBJECT: College Drive Pavement Discussion and Options

Staff wanted to take some time and have some discussion about the condition of the pavement on College Drive and the options/research staff has been doing for rehabilitation of the pavement or other cost-effective pavement preservation option.

As many of you know, College Drive was reconstructed in 2012. The original construction included 5 ½ inches of SP 12.5 Bituminous Wearing and Non-Wearing Courses with two different types of oil (Type B and Type C).

This type of mixture used on College Drive was used extensively across the state in these years. This is what we considered the larger aggregate mix. The 12.5 means the largest rock in the mixture. The 12.5 in this circumstance equates to a rock that is ¾ inch in size. The larger the rocks in the mix, the less oil the mix needs due to the amount of surface area the oil needs to cover (larger rocks means less surface area that the oil needs to cover).

Staff has been monitoring an issue that seems to be getting a little worse each year that the reconstructed College Drive has been in service. There are some pictures attached that show the issues that staff has been monitoring. From the attached pictures, from staff's perspective, you can see a few different issues happening. The first of the issues is the loss of a smooth surface texture. This was one of the first things that was noted through the years, both with myself and my predecessor Jeff. This loss of surface can be attributed not only to the high amount of traffic seen on this road (around 13,000 vehicles/day), but other factors that may have a role in this are the less oil in the mixture as spoken about above. One of the other issues that seems to be getting a little worse every year is the formation of localized potholes. From staff's judgement, these localized potholes are occurring in areas of localized segregation in the final lift of the mat when it was placed. This issue really surfaces when there is light moisture on the pavement. These localized areas of segregation, along with the loss of the smooth surface profile and exposed aggregate, allows for moisture to enter the pavement. Moisture in the pavement section is the biggest thing engineers are trying to avoid throughout construction of any roadway. I have attached some pictures of both these distresses.

This moisture within the pavement and the occurrence of freeze and thaw during these times of year makes for localized potholing, which has been occurring on College Drive for about 2 years now.

There are a couple of ways staff has looking into resolution of this localized potholing issue. Staff has also consulted with the MnDOT State Aid Pavement Engineer, Joel Ulring, to get his perspective of options or solutions to this issue before it is past a point that pavement resurfacing, or larger scale projects may be necessary to fix this issue. Staff has also reached out to other local agencies to get other methods of pavement preservation or rehabilitation that would suit College Drive. Staff has put together preliminary costs for each of the separate options that will be explained in more detail below. Please note that none of these projects consider re-striping the newly finished surfaces, as this quantity was not calculated prior to the meeting.

Option 1 would be to perform a chip seal. Through our conversations with Mr. Ulring, this would be the short term, 4-5-year fix before the City should either reconsider chip sealing it again or moving to a more permanent solution. Staff anticipates a full chip seal and fog seal on the project was cost approximately \$75,000.

Option 2 would be to perform a microsurfacing. This is something the City has not put into practice yet on any of the pavements in Brainerd. A microsurfacing is a protective seal coat which extends the life of a pavement. This is a tough, thin layer of emulsion (water and oil) asphalt blended with finely crushed stone for traction. While a microsurfacing is a longer-term fix compared to a chip seal (8-12years), staff is a little weary about both the long-term performance of a microsurfacing on such a high-volume street and trying something new like this without any experience in best practices for application. This coupled with a small sample size of other agencies performing microsurfacing makes it difficult for staff to propose this type of fix as a solution on such a high-volume street.

Option 3 would be to perform a thin mill and overlay. This overlay would be using the smallest aggregate used in superpave mix designs, that be the 3/8-inch mix. This mix, because of the smaller aggregate and higher surface area, has more oil in it and thus, has a tighter mat finish. This will resolve both the issues of the surface and localized potholing on the street. This coupled with our standard crack sealing and chip sealing should extend the life of this pavement out past it's anticipated life, which with traffic volumes anticipated, should be considered another 20 years before another mill and overlay or other treatment is performed. Anticipated costs of this type of project is around \$260,000.

As you can see, we have options to consider. Staff's perspective after much consultation with both other municipalities and counties along with State Aid would be to go for the long-term fix and get the surface of the mat sealed up. All three of these options get the mat sealed again, there are just other life-span items for the committee and council to consider.

College Drive Mill/Overlay Costs

*Assumes 1 Inch Mill and an 1 1/4 Inch Overlay (20 yr Life)

<u>DESCRIPTION</u>	<u>UNIT</u>	<u>QUANTITY</u>	<u>UNIT PRICE</u>	<u>COST</u>
Mobilization	LUMP SUM	1	\$ 10,000.00	\$ 10,000.00
Bituminous Milling (1 Inch)	SQUARE YARD	35200	\$ 2.00	\$ 70,400.00
SPWED340C Wearing Course Mixture	TON	2600	\$ 55.00	\$ 143,000.00
Traffic Control	LUMP SUM	1	\$ 10,000.00	\$ 10,000.00
			Contingency (10%)	\$ 23,340.00
			Total Cost	\$ 256,740.00

College Drive Microsurfacing Costs

Assumes a Microsurfacing on all Existing Pavement (8-12 yr Life)

<u>DESCRIPTION</u>	<u>UNIT</u>	<u>QUANTITY</u>	<u>UNIT PRICE</u>	<u>COST</u>
Mobilization	LUMP SUM	1	\$ 30,000.00	\$ 30,000.00
Micro-Surfacing Surface-Course	TON	220	\$ 100.00	\$ 22,000.00
Micro-Surfacing Scratch Course	TON	290	\$ 100.00	\$ 29,000.00
Bituminous Material for Micro-Surfacing	GAL	13700	\$ 3.00	\$ 41,100.00
Fog Seal	GAL	3600	\$ 3.00	\$ 10,800.00
Traffic Control	LUMP SUM	1	\$ 15,000.00	\$ 15,000.00
			Contingency (10%)	\$ 13,290.00
			Total Cost	\$ 161,190.00

College Drive Chip Seal

Assumes Chip Sealing on all Existing Pavement (4-5 yr Life)

<u>DESCRIPTION</u>	<u>UNIT</u>	<u>QUANTITY</u>	<u>UNIT PRICE</u>	<u>COST</u>
Mobilization	LUMP SUM	1	\$ 10,000.00	\$ 10,000.00
Bituminous Material for Chip Seal	TON	12500	\$ 0.75	\$ 9,375.00
Bituminous Material for Fog Seal	TON	4500	\$ 2.00	\$ 9,000.00
Bituminous Chip Seal	GAL	35200	\$ 0.75	\$ 26,400.00
Traffic Control	LUMP SUM	1	\$ 15,000.00	\$ 15,000.00
			Contingency (10%)	\$ 5,477.50
			Total Cost	\$ 75,252.50

What is Micro Surfacing?

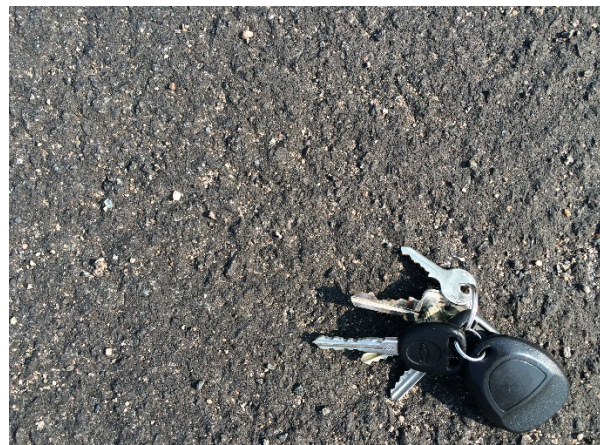
Micro Surfacing is a mixture of polymer modified asphalt emulsion, crushed dense graded aggregate, mineral filler, additives and water. This treatment provides resurfacing from 3/8" to 3/4" thick and returns traffic use in one hour under average conditions. This can be applied in multiple applications and provide minor reprofiling. This treatment can also fill wheel ruts up to 1 1/2" in depth in one pass and produces high surface friction. Micro Surfacing is suitable for use on airport runways, interstate highways, as well as residential streets.

Benefits

- Seals aged and raveled pavement
- Macro texture for improved safety (improves friction)
- Corrects wheel rutting (1 1/2")
- Maintains ride quality
- Corrects minor cracks
- Restore aesthetics appeal
- Eliminates dust and loose aggregate (vs. chip seal)
- Provides superior skid resistance

Construction

Application:	Day or Night
Thickness:	3/8" to 3/4"
Set Time:	1 to 2 minutes
Handwork:	Allows no handwork
Aggregates:	Able to lay thicker than largest aggregates
Rut Filling:	More durable aggregates – can be used for rut filling









Brainerd City Council Agenda Request

(added item)

Requested Meeting Date: April 16, 2018

Title of Item: Improvement 14-15 - Brainerd Airport Utility Extension Final Payment

☐ 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 *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 to this request is the Pay Application #16 - FINAL, which is the final pay estimate for the 2016 Brainerd Airport Utility Extension Project.	
Alternatives, Options, Effects on Others/Comments: The original contract amount for the project was \$8,591,721.58 and the revised contract amount after the 8 change orders was \$8,505,176.58. The final contract cost based upon final quantities is \$8,164,205.96. The final contract cost on the project is \$8,164,205.96, which is approximate 4.00% under the bid amount. The final payment is the 3% retainage that was left plus any final quantities and minus the liquidated damages and MPCA administrative penalty for a total payment of \$125,083.41.	
Recommended Action/Motion: Staff recommends approving the attached final pay estimate for Improvement 14-15 in the amount of \$125,083.41 contingent upon the contractor submitting all of the final documentation including the consent to final payment, release of liens, and IC-134's for the project.	
Financial Impact: <i>Is there a cost associated with this request:</i> ☐ Yes ☐ No <i>What is the total cost, with tax and shipping</i> \$ _____ <i>Is this budgeted?</i> ☐ Yes ☐ No <i>Please Explain:</i>	



April 11, 2018

RE: City of Brainerd, Minnesota
2016 Brainerd Airport Utility Extension
City No. 14-15
SEH No. BRDMN 131759 14.00
WSN No. 0101B0042.002

Mr. Tom Thompson
Tom's Backhoe Service
323 Woodland Hills Lane
Brainerd, MN 56401

Dear Mr. Thompson:

The following documents are needed to final out the above referenced project:

- Sign Application for Payment No. 16 (FINAL)
- Lien Waivers (all suppliers and subcontractors)
- Contractor's Affidavit of Release of Liens
- Consent of Surety Company to Final Payment
- IC-134 State Withholding Form (all subcontractors)

Please do not hesitate to call if you have any questions.

Sincerely,

Scott D. Hedlund, PE
Project Manager

mrh

Enclosures

c: Dave Reese, WSN

p:\ael\b\brdmn\131759\7-const-svcs\73-contr-app-pay\ contractor project closeout - 041118.docx

Engineers | Architects | Planners | Scientists

Short Elliott Hendrickson Inc., 416 South 6th Street, Suite 200, Brainerd, MN 56401-3540

SEH is 100% employee-owned | sehinc.com | 218.855.1700 | 866.852.8880 | 888.908.8166 fax

APPLICATION FOR PAYMENT NO. 16 (FINAL)

CITY NO. 14-15
 SEH NO. BRDMN 131759
 WSN NO. 0101B0042.002
 OWNER CITY OF BRAINERD, MN
 CONTRACTOR TOM'S BACKHOE SERVICE, INC.

CONTRACTOR FOR: 2016 BRAINERD AIRPORT UTILITY EXTENSION

AGREEMENT DATE: 2/22/2016

FOR WORK ACCOMPLISHED THROUGH: 4/1/2018

ITEM	DESCRIPTION	UNIT	UNIT COST	CONTRACT		THIS PAYMENT		WORK TO DATE	
				QUANTITY	AMOUNT	QUANTITY	AMOUNT	QUANTITY	AMOUNT
PROJECT AREA 1 - TH 210 - LUM PARK TO AIRPORT									
1	MOBILIZATION PROJECT AREA "01"	LUMP SUM	\$250,000.00	1.00	\$250,000.00		\$0.00	1.00	\$250,000.00
2	TRAFFIC CONTROL PROJECT AREA "01"	LUMP SUM	\$31,000.00	1.00	\$31,000.00		\$0.00	1.00	\$31,000.00
3	DEWATERING PROJECT AREA "01"	LUMP SUM	\$350,000.00	1.00	\$350,000.00		\$0.00	1.00	\$350,000.00
4	MAINTAIN SEWER SERVICE AREA "01"	LUMP SUM	\$2,000.00	1.00	\$2,000.00		\$0.00	1.00	\$2,000.00
5	MAINTAIN WATER SERVICE AREA "01"	LUMP SUM	\$2,000.00	1.00	\$2,000.00		\$0.00	1.00	\$2,000.00
6	GROUND SUPPORT SYSTEM AREA "01"	LUMP SUM	\$250,000.00	1.00	\$250,000.00		\$0.00	1.00	\$250,000.00
7	STREET SWEEPER (WET PICKUP) AREA "01"	HOURS	\$150.00	25.00	\$3,750.00		\$0.00	25.00	\$3,750.00
8	CLEARING	ACRE	\$1,750.00	2.54	\$4,445.00		\$0.00	2.42	\$4,235.00
9	CLEARING	TREE	\$250.00	24.00	\$6,000.00		\$0.00	42.00	\$10,500.00
10	GRUBBING	ACRE	\$1,750.00	2.54	\$4,445.00		\$0.00	2.42	\$4,235.00
11	GRUBBING	TREE	\$250.00	24.00	\$6,000.00		\$0.00	36.00	\$9,000.00
12	REMOVE CURB AND GUTTER	LIN FT	\$10.00	300.00	\$3,000.00		\$0.00	0.00	\$0.00
13	REMOVE PIPE CULVERT	LIN FT	\$10.00	61.00	\$610.00		\$0.00	46.00	\$460.00
14	REMOVE WATER MAIN	LIN FT	\$10.00	370.00	\$3,700.00		\$0.00	271.00	\$2,710.00
15	REMOVE BITUMINOUS SURFACING	SQ YD	\$5.00	506.00	\$2,530.00		\$0.00	620.00	\$3,100.00
16	REMOVE BITUMINOUS PAVEMENT	SQ YD	\$3.00	2,084.00	\$6,252.00	917.00	\$2,751.00	2,029.00	\$6,087.00
17	REMOVE CASTING	EACH	\$100.00	2.00	\$200.00		\$0.00	0.00	\$0.00
18	REMOVE HYDRANT ASSEMBLY	EACH	\$500.00	2.00	\$1,000.00		\$0.00	2.00	\$1,000.00
19	REMOVE GATE VALVE	EACH	\$250.00	2.00	\$500.00		\$0.00	3.00	\$750.00
20	REMOVE DISC GOLF BASKET POLE	EACH	\$100.00	3.00	\$300.00		\$0.00	2.00	\$200.00
21	REMOVE DISC GOLF CONCRETE POLE BASE	EACH	\$50.00	3.00	\$150.00		\$0.00	2.00	\$100.00
22	SAWING BITUMINOUS PAVEMENT (FULL DEPTH)	LIN FT	\$4.00	764.00	\$3,056.00		\$0.00	403.00	\$1,612.00
23	SALVAGE FENCE	LIN FT	\$10.00	140.00	\$1,400.00		\$0.00	0.00	\$0.00
24	SALVAGE PIPE CULVERT	LIN FT	\$10.00	45.00	\$450.00		\$0.00	18.00	\$180.00
25	SALVAGE SIGN	EACH	\$50.00	3.00	\$150.00		\$0.00	0.00	\$0.00
26	SALVAGE MAILBOX	EACH	\$50.00	1.00	\$50.00		\$0.00	0.00	\$0.00
27	SALVAGE DISC GOLF BASKET	EACH	\$25.00	3.00	\$75.00		\$0.00	0.00	\$0.00
28	SALVAGE LIGHT POLE	EACH	\$400.00	3.00	\$1,200.00		\$0.00	3.00	\$1,200.00
29	COMMON EXCAVATION	CU YD	\$18.00	726.00	\$13,068.00		\$0.00	0.00	\$0.00
30	AGGREGATE SURFACING, CL .5	TON	\$23.00	521.00	\$11,983.00		\$0.00	395.79	\$9,103.17
31	AGGREGATE SURFACING, SPECIAL	CU YD	\$75.00	2.00	\$150.00		\$0.00	0.00	\$0.00
32	AGGREGATE BASE (CV) CLASS 5	TON	\$25.00	927.00	\$23,175.00		\$0.00	1,065.80	\$26,645.00
33	BITUMINOUS MATERIAL FOR TACK COAT	GAL	\$3.00	62.00	\$186.00	15.00	\$45.00	85.00	\$255.00
34	BITUMINOUS WEARING COURSE	TON	\$75.00	726.00	\$54,450.00	56.73	\$4,254.75	1,031.87	\$77,390.25
35	12" RC APRON	EACH	\$650.00	1.00	\$650.00		\$0.00	1.00	\$650.00
36	INSTALL PIPE CULVERT	LIN FT	\$25.00	45.00	\$1,125.00		\$0.00	18.00	\$450.00
37	12" RCP SEWER DES 3006 CL V	LIN FT	\$50.00	62.00	\$3,100.00		\$0.00	27.00	\$1,350.00
38	CONSTRUCT DRAINAGE STRUCTURE DES 48-4020	EACH	\$2,000.00	1.00	\$2,000.00		\$0.00	0.00	\$0.00
39	CONSTRUCT DRAINAGE STRUCTURE DES SPECIAL	EACH	\$4,000.00	1.00	\$4,000.00		\$0.00	1.00	\$4,000.00
40	CONNECT TO EXISTING STORM SEWER	EACH	\$400.00	1.00	\$400.00		\$0.00	1.00	\$400.00
41	CASTING ASSEMBLY	EACH	\$650.00	1.00	\$650.00		\$0.00	0.00	\$0.00
42	CONCRETE CURB AND GUTTER DESIGN B618	LIN FT	\$22.00	300.00	\$6,600.00		\$0.00	184.15	\$4,051.30
43	TEMPORARY POSTAL SERVICE	EACH	\$15.00	10.00	\$150.00		\$0.00	0.00	\$0.00
44	BOLLARD	EACH	\$400.00	10.00	\$4,000.00		\$0.00	12.00	\$4,800.00
45	INSTALL FENCE	LIN FT	\$10.00	140.00	\$1,400.00		\$0.00	0.00	\$0.00
46	INSTALL SIGN	EACH	\$50.00	5.00	\$250.00		\$0.00	0.00	\$0.00
47	INSTALL MAILBOX	EACH	\$275.00	1.00	\$275.00		\$0.00	0.00	\$0.00
48	CONSTRUCTION SIGN SPECIAL	SQ FT	\$20.00	75.00	\$1,500.00		\$0.00	80.00	\$1,600.00
49	CONCRETE POLE BASE (FOR GOLF BASKET) AND POLE	EACH	\$150.00	2.00	\$300.00		\$0.00	0.00	\$0.00
50	CONCRETE LIGHT POLE BASE	EACH	\$900.00	3.00	\$2,700.00		\$0.00	2.00	\$1,800.00
51	INSTALL LIGHT POLE	EACH	\$300.00	3.00	\$900.00		\$0.00	2.00	\$600.00
52	INSTALL DISC GOLF BASKET	EACH	\$50.00	2.00	\$100.00		\$0.00	0.00	\$0.00

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 CONTRACTOR TOM'S BACKHOE SERVICE, INC.

CONTRACTOR FOR: 2016 BRAINERD AIRPORT UTILITY EXTENSION

AGREEMENT DATE: 2/22/2016

FOR WORK ACCOMPLISHED THROUGH: 4/1/2018

ITEM	DESCRIPTION	UNIT	UNIT COST	CONTRACT		THIS PAYMENT		WORK TO DATE	
				QUANTITY	AMOUNT	QUANTITY	AMOUNT	QUANTITY	AMOUNT
53	SILT FENCE, TYPE HI	LIN FT	\$2.00	1,058.00	\$2,116.00		\$0.00	392.00	\$784.00
54	SILT FENCE, TYPE MS	LIN FT	\$2.00	2,565.00	\$5,130.00		\$0.00	3,214.00	\$6,428.00
55	FLOTATION SILT CURTAIN	LIN FT	\$19.95	30.00	\$598.50		\$0.00	205.00	\$4,089.75
	TYPE MOVING WATER								
56	INLET PROTECTION	EACH	\$200.00	16.00	\$3,200.00		\$0.00	10.00	\$2,000.00
57	SEDIMENT CONTROL LOG	LIN FT	\$3.50	2,135.00	\$7,472.50		\$0.00	712.86	\$2,495.01
	TYPE STRAW								
58	STABILIZED CONSTRUCTION EXIT	LUMP SUM	\$1,000.00	1.00	\$1,000.00		\$0.00	0.00	\$0.00
59	EROSION CONTROL SUPERVISOR	LUMP SUM	\$2,000.00	1.00	\$2,000.00		\$0.00	1.00	\$2,000.00
60	CULVERT END CONTROLS	EACH	\$150.00	2.00	\$300.00		\$0.00	8.00	\$1,200.00
61	FERTILIZER TYPE 1	POUND	\$0.59	3,095.00	\$1,826.05		\$0.00	4,392.83	\$2,591.77
62	COMMON TOPSOIL BORROW	CU YD	\$18.00	4,938.00	\$88,884.00		\$0.00	4,851.40	\$87,325.20
63	SEEDING (TEMPORARY)	ACRE	\$100.00	0.50	\$50.00		\$0.00	0.00	\$0.00
64	SEEDING (PERMANENT)	ACRE	\$350.00	9.65	\$3,377.50		\$0.00	9.96	\$3,486.00
65	SEED MIXTURE 22-111	POUND	\$3.25	800.00	\$2,600.00		\$0.00	901.00	\$2,928.25
66	SEED MIXTURE 25-131	POUND	\$2.67	225.00	\$600.75		\$0.00	479.00	\$1,278.93
67	SEED MIXTURE 25-141	POUND	\$4.25	770.00	\$3,272.50		\$0.00	823.00	\$3,497.75
68	SEED MIXTURE 25-151	POUND	\$3.50	120.00	\$420.00		\$0.00	463.00	\$1,620.50
69	SEED MIXTURE 33-262	POUND	\$43.35	2.00	\$86.70		\$0.00	0.00	\$0.00
70	EROSION CONTROL BLANKETS CATEGORY 3	SQ YD	\$1.15	13,491.00	\$15,514.65		\$0.00	12,635.39	\$14,530.70
71	EROSION CONTROL BLANKETS CATEGORY 4	SQ YD	\$1.95	349.00	\$680.55		\$0.00	1,050.00	\$2,047.50
72	HYDRAULIC MATRIX TYPE MULCH	POUND	\$0.65	13,538.00	\$8,799.70		\$0.00	21,450.00	\$13,942.50
73	RAPID STABILIZATION METHOD 4	SQ YD	\$2.50	537.00	\$1,342.50		\$0.00	1,146.20	\$2,865.50
74	4" INSULATION	SQ YD	\$30.00	125.00	\$3,750.00		\$0.00	24.90	\$747.00
75	WATERMAIN CROSSING - SHT 01C1	LUMP SUM	\$120,000.00	1.00	\$120,000.00		\$0.00	1.00	\$120,000.00
76	WATERMAIN CROSSING - SHT 01C17	LUMP SUM	\$110,000.00	1.00	\$110,000.00		\$0.00	1.00	\$110,000.00
77	WATERMAIN CROSSING - SHT 01C18-A	LUMP SUM	\$105,000.00	1.00	\$105,000.00		\$0.00	1.00	\$105,000.00
78	WATERMAIN CROSSING - SHT 01C18-B	LUMP SUM	\$117,000.00	1.00	\$117,000.00		\$0.00	1.00	\$117,000.00
79	WATERMAIN CROSSING - SHT 01C19-A	LUMP SUM	\$103,000.00	1.00	\$103,000.00		\$0.00	1.00	\$103,000.00
80	WATERMAIN CROSSING - SHT 01C19-B	LUMP SUM	\$78,000.00	1.00	\$78,000.00		\$0.00	1.00	\$78,000.00
81	WATERMAIN CROSSING - SHT 01C14	LUMP SUM	\$76,000.00	1.00	\$76,000.00		\$0.00	1.00	\$76,000.00
82	6" DIP WATERMAIN PIPE - OPEN CUT	LIN FT	\$60.00	154.00	\$9,240.00		\$0.00	176.00	\$10,560.00
83	8" DIP WATERMAIN PIPE - OPEN CUT	LIN FT	\$78.00	114.00	\$8,892.00		\$0.00	203.00	\$15,834.00
84	12" DIP WATERMAIN PIPE - OPEN CUT	LIN FT	\$80.00	939.00	\$75,120.00		\$0.00	917.00	\$73,360.00
85	16" DIP WATERMAIN PIPE - OPEN CUT	LIN FT	\$95.00	3,386.00	\$321,670.00		\$0.00	3,659.00	\$347,605.00
86	12" DIP WATERMAIN PIPE - DIRECTIONAL DRILLED	LIN FT	\$125.00	2,684.00	\$335,500.00		\$0.00	2,744.00	\$343,000.00
87	16" DIP WATERMAIN PIPE - DIRECTIONAL DRILLED	LIN FT	\$190.00	5,599.00	\$1,063,810.00		\$0.00	5,315.00	\$1,009,850.00
88	6" GATE VALVE & BOX w/ ADAPTOR	EACH	\$2,200.00	15.00	\$33,000.00		\$0.00	16.00	\$35,200.00
89	8" GATE VALVE & BOX w/ ADAPTOR	EACH	\$2,900.00	9.00	\$26,100.00		\$0.00	4.00	\$11,600.00
90	12" GATE VALVE AND BOX w/ADAPTOR	EACH	\$5,000.00	7.00	\$35,000.00		\$0.00	7.00	\$35,000.00
91	16" BUTTERFLY VALVE AND BOX	EACH	\$6,500.00	12.00	\$78,000.00		\$0.00	12.00	\$78,000.00
92	HYDRANT	EACH	\$4,000.00	13.00	\$52,000.00		\$0.00	12.00	\$48,000.00
93	DUCTILE IRON WATERMAIN FITTINGS	POUND	\$4.00	15,475.00	\$61,900.00		\$0.00	12,406.50	\$49,626.00
94	CONNECT TO EXISTING WATER MAIN	EACH	\$2,500.00	5.00	\$12,500.00		\$0.00	5.00	\$12,500.00
95	CONSTRUCT BOOSTER STATION AND HOUSING	LUMP SUM	\$715,000.00	1.00	\$715,000.00		\$0.00	0.95	\$679,250.00
96	SANITARY SEWER CROSSING - SHT 01C1	LUMP SUM	\$120,000.00	1.00	\$120,000.00		\$0.00	1.00	\$120,000.00
97	SANITARY SEWER CROSSING - SHT 01C18-B (SEE CO #5)	LUMP SUM	\$124,000.00	1.00	\$124,000.00		\$0.00	0.00	\$0.00
98	SANITARY SEWER CROSSING - SHT 01C19-A	LUMP SUM	\$105,000.00	1.00	\$105,000.00		\$0.00	1.00	\$105,000.00

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CONTRACTOR FOR: 2016 BRAINERD AIRPORT UTILITY EXTENSION

AGREEMENT DATE: 2/22/2016

FOR WORK ACCOMPLISHED THROUGH: 4/1/2018

ITEM	DESCRIPTION	UNIT	UNIT COST	CONTRACT		THIS PAYMENT		WORK TO DATE	
				QUANTITY	AMOUNT	QUANTITY	AMOUNT	QUANTITY	AMOUNT
99	SANITARY SEWER CROSSING - SHT 01C19-B	LUMP SUM	\$78,000.00	1.00	\$78,000.00		\$0.00	1.00	\$78,000.00
100	SANITARY SEWER CROSSING - SHT 01C14	LUMP SUM	\$76,000.00	1.00	\$76,000.00		\$0.00	1.00	\$76,000.00
101	6" PVC PIPE FORCEMAIN - OPEN CUT	LIN FT	\$50.00	1,078.00	\$53,900.00		\$0.00	1,127.00	\$56,350.00
102	4" PVC PIPE SEWER - OPEN CUT	LIN FT	\$50.00	24.00	\$1,200.00		\$0.00	5.00	\$250.00
103	8" PVC PIPE SEWER - OPEN CUT	LIN FT	\$50.00	1,178.00	\$58,900.00		\$0.00	1,134.00	\$56,700.00
104	10" PVC PIPE SEWER - OPEN CUT	LIN FT	\$100.00	844.00	\$84,400.00		\$0.00	846.00	\$84,600.00
105	12" PVC PIPE SEWER - OPEN CUT	LIN FT	\$125.00	983.00	\$122,875.00		\$0.00	344.00	\$43,000.00
106	6" HDPE PIPE FORCEMAIN - DIRECTIONALLY DRILLED (SEE CO #5)	LIN FT	\$50.00	1,886.00	\$94,300.00		\$0.00	1,886.00	\$94,300.00
107	10" HDPE SEWER PIPE - DIRECTIONAL DRILLED	LIN FT	\$175.00	2,436.00	\$426,300.00		\$0.00	2,497.00	\$436,975.00
108	12" HDPE SEWER PIPE - DIRECTIONAL DRILLED (SEE CO #5)	LIN FT	\$215.00	4,263.00	\$916,545.00		\$0.00	2,574.00	\$553,410.00
109	CONNECT TO EXISTING SANITARY SEWER	EACH	\$600.00	2.00	\$1,200.00		\$0.00	2.00	\$1,200.00
110	CONNECT TO EXISTING SANITARY SEWER MANHOLE	EACH	\$1,000.00	1.00	\$1,000.00		\$0.00	1.00	\$1,000.00
111	CLEAN AND VIDEO TAPE PIPE SEWER - MAINLINE (SEE CO #5)	LIN FT	\$3.00	9,704.00	\$29,112.00		\$0.00	3,674.00	\$11,022.00
112	8" X 4" PVC WYE & BEND, SDR 26	EACH	\$300.00	1.00	\$300.00		\$0.00	1.00	\$300.00
113	SANITARY SEWER MANHOLE, MnDOT DESIGN 4007C (SEE CO #5)	EACH	\$3,000.00	27.00	\$81,000.00		\$0.00	20.00	\$60,000.00
114	MANHOLE EXCESS DEPTH (OVER 8") (SEE CO #5)	LIN FT	\$125.00	324.92	\$40,615.00		\$0.00	315.70	\$39,462.50
115	CONVERT LIFT STATION INTO MANHOLE (LUM PARK)	LUMP SUM	\$3,000.00	1.00	\$3,000.00		\$0.00	0.95	\$2,850.00
116	CONSTRUCT LIFT STATION (INCL VALVE MH) - LUM PARK	EACH	\$243,000.00	1.00	\$243,000.00		\$0.00	0.95	\$230,850.00
117	CONSTRUCT LIFT STATION (INCL VALVE MH) - JORDAN ROAD	EACH	\$215,000.00	1.00	\$215,000.00		\$0.00	0.95	\$204,250.00
118	INSTRUMENTATION AND CONTROL FOR PROCESS SYSTEMS	LUMP SUM	\$125,000.00	1.00	\$125,000.00		\$0.00	1.00	\$125,000.00
119	CONSTRUCT ALTERNATE MANHOLE LAYOUT ALT-01 (GD6)	LUMP SUM	\$20,000.00	1.00	\$20,000.00		\$0.00	0.00	\$0.00
TOTAL PROJECT AREA 1					\$7,777,775.90		\$7,050.75		\$7,061,976.58
PROJECT AREA 2 - FORCEMAIN E-STREET TO LUM PARK									
120	MOBILIZATION PROJECT AREA "02"	LUMP SUM	\$14,000.00	1.00	\$14,000.00		\$0.00	1.00	\$14,000.00
121	TRAFFIC CONTROL PROJECT AREA "02"	LUMP SUM	\$8,500.00	1.00	\$8,500.00		\$0.00	1.00	\$8,500.00
122	DEWATERING PROJECT AREA "02"	LUMP SUM	\$28,000.00	1.00	\$28,000.00		\$0.00	1.00	\$28,000.00
123	MAINTAIN SEWER SERVICE AREA "02"	LUMP SUM	\$500.00	1.00	\$500.00		\$0.00	0.00	\$0.00
124	GROUND SUPPORT SYSTEM AREA "02"	LUMP SUM	\$10,000.00	1.00	\$10,000.00		\$0.00	1.00	\$10,000.00
125	STREET SWEEPER (WET PICKUP) AREA "02"	HOURS	\$150.00	5.00	\$750.00		\$0.00	5.50	\$825.00
126	REMOVE CURB AND GUTTER	LIN FT	\$10.00	40.00	\$400.00		\$0.00	99.00	\$990.00
127	REMOVE BITUMINOUS SURFACING	SQ YD	\$8.00	62.00	\$496.00		\$0.00	410.00	\$3,280.00
128	COMMON EXCAVATION	CU YD	\$25.00	15.00	\$375.00		\$0.00	15.00	\$375.00
129	AGGREGATE BASE (CV) CLASS 5	TON	\$20.00	10.00	\$200.00		\$0.00	120.00	\$2,400.00
130	BITUMINOUS MATERIAL FOR TACK COAT	GAL	\$3.00	5.00	\$15.00		\$0.00	0.00	\$0.00
131	BITUMINOUS WEARING COURSE	TON	\$115.00	20.00	\$2,300.00		\$0.00	96.00	\$11,040.00
132	CONCRETE CURB AND GUTTER DESIGN B618	LIN FT	\$25.00	40.00	\$1,000.00		\$0.00	99.00	\$2,475.00
133	CONSTRUCTION SIGN SPECIAL	SQ FT	\$20.00	50.00	\$1,000.00		\$0.00	24.00	\$480.00
134	SILT FENCE, TYPE MS	LIN FT	\$2.00	100.00	\$200.00		\$0.00	0.00	\$0.00
135	INLET PROTECTION	EACH	\$200.00	7.00	\$1,400.00		\$0.00	7.00	\$1,400.00

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				QUANTITY	AMOUNT	QUANTITY	AMOUNT	QUANTITY	AMOUNT
136	SEDIMENT CONTROL LOG TYPE STRAW	LIN FT	\$3.50	50.00	\$175.00		\$0.00	23.00	\$80.50
137	FERTILIZER TYPE 1	POUND	\$0.59	140.00	\$82.60		\$0.00	335.00	\$197.65
138	COMMON TOPSOIL BORROW	CU YD	\$18.00	275.00	\$4,950.00		\$0.00	200.00	\$3,600.00
139	SEEDING (TEMPORARY)	ACRE	\$100.00	0.34	\$34.00		\$0.00	0.00	\$0.00
140	SEEDING (PERMANENT)	ACRE	\$350.00	0.34	\$119.00		\$0.00	0.96	\$336.00
141	SEED MIXTURE 22-111	POUND	\$3.25	24.00	\$78.00		\$0.00	0.00	\$0.00
142	SEED MIXTURE 25-151	POUND	\$3.50	83.00	\$290.50		\$0.00	243.00	\$850.50
143	EROSION CONTROL BLANKETS CATEGORY 3	SQ YD	\$1.15	1,625.00	\$1,868.75		\$0.00	3,295.00	\$3,789.25
144	HYDRAULIC MATRIX TYPE MULCH	POUND	\$0.65	860.00	\$559.00		\$0.00	700.00	\$455.00
145	4" INSULATION	SQ YD	\$35.00	26.00	\$910.00		\$0.00	3.60	\$126.00
146	6" HDPE PIPE FORCEMAIN - OPEN CUT	LIN FT	\$70.00	125.00	\$8,750.00		\$0.00	125.00	\$8,750.00
147	6" HDPE PIPE FORCEMAIN - DIRECTIONALLY DRILLED	LIN FT	\$25.00	3,010.00	\$75,250.00		\$0.00	3,022.00	\$75,550.00
148	FORCEMAIN FITTINGS	POUND	\$35.00	350.00	\$12,250.00		\$0.00	319.00	\$11,165.00
149	CONNECT TO EXISTING SANITARY SEWER	EACH	\$1,000.00	1.00	\$1,000.00		\$0.00	0.00	\$0.00
150	CONNECT TO EXISTING SANITARY SEWER MANHOLE	EACH	\$250.00	1.00	\$250.00		\$0.00	1.00	\$250.00
TOTAL PROJECT AREA 2					\$175,702.85		\$0.00		\$188,914.90
PROJECT AREA 3 - E-STREET GRAVITY RECONSTRUCT									
151	MOBILIZATION PROJECT AREA "03"	LUMP SUM	\$20,000.00	1.00	\$20,000.00		\$0.00	1.00	\$20,000.00
152	TRAFFIC CONTROL PROJECT AREA "03"	LUMP SUM	\$9,000.00	1.00	\$9,000.00		\$0.00	1.00	\$9,000.00
153	DEWATERING PROJECT AREA "03"	LUMP SUM	\$0.00	1.00	\$0.00		\$0.00	0.00	\$0.00
154	MAINTAIN SEWER SERVICE AREA "03"	LUMP SUM	\$1,000.00	1.00	\$1,000.00		\$0.00	1.00	\$1,000.00
155	GROUND SUPPORT SYSTEM AREA "03"	LUMP SUM	\$2,000.00	1.00	\$2,000.00		\$0.00	1.00	\$2,000.00
156	STREET SWEEPER (WET PICKUP) AREA "03"	HOURS	\$150.00	10.00	\$1,500.00		\$0.00	11.50	\$1,725.00
157	REMOVE CURB AND GUTTER	LIN FT	\$3.00	700.00	\$2,100.00		\$0.00	27.00	\$81.00
158	REMOVE PIPE CULVERT	LIN FT	\$10.00	255.00	\$2,550.00		\$0.00	0.00	\$0.00
159	REMOVE PIPE SEWER	LIN FT	\$5.00	1,650.00	\$8,250.00		\$0.00	1,637.00	\$8,185.00
160	REMOVE BITUMINOUS SURFACING	SQ YD	\$2.00	7,322.00	\$14,644.00		\$0.00	8,138.00	\$16,276.00
161	REMOVE CONCRETE WALK	SQ FT	\$5.00	15.00	\$75.00		\$0.00	0.00	\$0.00
162	REMOVE MANHOLE	EACH	\$250.00	6.00	\$1,500.00		\$0.00	6.00	\$1,500.00
163	SAWING BITUMINOUS PAVEMENT (FULL DEPTH)	LIN FT	\$4.00	800.00	\$3,200.00		\$0.00	554.00	\$2,216.00
164	SALVAGE SIGN	EACH	\$50.00	1.00	\$50.00		\$0.00	0.00	\$0.00
165	COMMON EXCAVATION	CU YD	\$12.00	1,235.00	\$14,820.00		\$0.00	1,235.00	\$14,820.00
166	SUBGRADE EXCAVATION	CU YD	\$15.00	200.00	\$3,000.00		\$0.00	50.00	\$750.00
167	SELECT GRANULAR BORROW (LV)	CU YD	\$15.00	270.00	\$4,050.00		\$0.00	0.00	\$0.00
168	AGGREGATE BASE (CV) CLASS 5	TON	\$20.00	1,030.00	\$20,600.00		\$0.00	1,950.00	\$39,000.00
169	BITUMINOUS MATERIAL FOR TACK COAT	GAL	\$3.00	370.00	\$1,110.00		\$0.00	380.00	\$1,140.00
170	BITUMINOUS WEARING COURSE	TON	\$65.00	1,645.00	\$106,925.00		\$0.00	1,751.72	\$113,861.80
171	12" RCP SEWER DES 3006 CL V	LIN FT	\$50.00	126.00	\$6,300.00		\$0.00	0.00	\$0.00
172	15" RCP SEWER DES 3006 CL V	LIN FT	\$60.00	128.00	\$7,680.00		\$0.00	0.00	\$0.00
173	CONNECT TO EXISTING STORM SEWER	EACH	\$500.00	6.00	\$3,000.00		\$0.00	0.00	\$0.00
174	ADJUST FRAME & RING CASTING	EACH	\$200.00	6.00	\$1,200.00		\$0.00	5.00	\$1,000.00
175	4" CONCRETE WALK W/SAND BEDDING	SQ FT	\$15.00	15.00	\$225.00		\$0.00	0.00	\$0.00
176	CONCRETE CURB AND GUTTER DESIGN B612	LIN FT	\$25.00	174.00	\$4,350.00		\$0.00	0.00	\$0.00
177	CONCRETE CURB AND GUTTER DESIGN B618	LIN FT	\$22.00	525.00	\$11,550.00		\$0.00	29.00	\$638.00
178	INSTALL SIGN	EACH	\$75.00	1.00	\$75.00		\$0.00	0.00	\$0.00
179	CONSTRUCTION SIGN SPECIAL	SQ FT	\$20.00	75.00	\$1,500.00		\$0.00	75.00	\$1,500.00
180	INLET PROTECTION	EACH	\$150.00	16.00	\$2,400.00		\$0.00	16.00	\$2,400.00
181	SEDIMENT CONTROL LOG TYPE STRAW	LIN FT	\$3.50	320.00	\$1,120.00		\$0.00	0.00	\$0.00
182	STABILIZED CONSTRUCTION EXIT	LUMP SUM	\$1,000.00	3.00	\$3,000.00		\$0.00	0.00	\$0.00

APPLICATION FOR PAYMENT NO. 16 (FINAL)

CITY NO. 14-15
 SEH NO. BRDMN 131759
 WSN NO. 0101B0042.002
 OWNER CITY OF BRAINERD, MN
 CONTRACTOR TOM'S BACKHOE SERVICE, INC.

CONTRACTOR FOR: 2016 BRAINERD AIRPORT UTILITY EXTENSION

AGREEMENT DATE: 2/22/2016

FOR WORK ACCOMPLISHED THROUGH: 4/1/2018

ITEM	DESCRIPTION	UNIT	UNIT COST	CONTRACT		THIS PAYMENT		WORK TO DATE	
				QUANTITY	AMOUNT	QUANTITY	AMOUNT	QUANTITY	AMOUNT
183	EROSION CONTROL SUPERVISOR	LUMP SUM	\$1,000.00	1.00	\$1,000.00		\$0.00	0.85	\$850.00
184	FERTILIZER TYPE 1	POUND	\$0.59	12.00	\$7.08		\$0.00	12.00	\$7.08
185	COMMON TOPSOIL BORROW	CU YD	\$25.00	30.00	\$750.00		\$0.00	30.00	\$750.00
186	SEEDING (TEMPORARY)	ACRE	\$100.00	0.03	\$3.00		\$0.00	0.00	\$0.00
187	SEEDING (PERMANENT)	ACRE	\$350.00	0.03	\$10.50		\$0.00	0.03	\$10.50
188	SEED MIXTURE 22-111	POUND	\$3.25	3.00	\$9.75		\$0.00	0.00	\$0.00
189	SEED MIXTURE 25-151	POUND	\$3.50	10.00	\$35.00		\$0.00	10.00	\$35.00
190	EROSION CONTROL BLANKETS CATEGORY 3	SQ YD	\$1.15	161.00	\$185.15		\$0.00	0.00	\$0.00
191	HYDRAULIC MATRIX TYPE MULCH	POUND	\$0.65	75.00	\$48.75		\$0.00	75.00	\$48.75
192	4" INSULATION	SQ YD	\$30.00	225.00	\$6,750.00		\$0.00	338.20	\$10,146.00
193	ADJUST VALVE BOX	EACH	\$150.00	10.00	\$1,500.00		\$0.00	8.00	\$1,200.00
194	6" PVC PIPE SEWER - OPEN CUT	LIN FT	\$30.00	18.00	\$540.00		\$0.00	65.00	\$1,950.00
195	8" PVC PIPE SEWER - OPEN CUT	LIN FT	\$50.00	34.00	\$1,700.00		\$0.00	24.00	\$1,200.00
196	10" PVC PIPE SEWER - OPEN CUT	LIN FT	\$60.00	20.00	\$1,200.00		\$0.00	9.00	\$540.00
197	12" PVC PIPE SEWER - OPEN CUT	LIN FT	\$62.00	290.00	\$17,980.00		\$0.00	306.00	\$18,972.00
198	15" PVC PIPE SEWER - OPEN CUT	LIN FT	\$70.00	1,292.00	\$90,440.00		\$0.00	1,291.00	\$90,370.00
199	18" PVC PIPE SEWER - OPEN CUT	LIN FT	\$100.00	9.00	\$900.00		\$0.00	7.00	\$700.00
200	CONNECT TO EXISTING SANITARY SEWER	EACH	\$300.00	9.00	\$2,700.00		\$0.00	9.00	\$2,700.00
201	CONNECT TO EXISTING SANITARY SEWER SERVICE	EACH	\$250.00	18.00	\$4,500.00		\$0.00	11.00	\$2,750.00
202	CLEAN AND VIDEO TAPE PIPE SEWER - MAINLINE	LIN FT	\$3.00	1,645.00	\$4,935.00		\$0.00	1,589.00	\$4,767.00
203	CLEAN AND VIDEO TAPE PIPE SEWER - SERVICE	LIN FT	\$150.00	18.00	\$2,700.00		\$0.00	0.00	\$0.00
204	12" X 6" PVC WYE & BEND, SDR 26	EACH	\$300.00	3.00	\$900.00		\$0.00	3.00	\$900.00
205	15" X 6" PVC WYE & BEND, SDR 26	EACH	\$450.00	12.00	\$5,400.00		\$0.00	8.00	\$3,600.00
206	SANITARY SEWER MANHOLE, MnDOT DESIGN 4007C	EACH	\$3,000.00	6.00	\$18,000.00		\$0.00	7.00	\$21,000.00
207	MANHOLE EXCESS DEPTH (OVER 8')	LIN FT	\$150.00	18.64	\$2,796.00		\$0.00	21.98	\$3,297.00
208	CONSTRUCT MANHOLE DROP	LIN FT	\$800.00	2.83	\$2,264.00		\$0.00	8.71	\$6,968.00
TOTAL PROJECT AREA 3					\$426,028.23		\$0.00		\$409,854.13
PROJECT AREA 4 - CIPP FROM LEAGUE AVENUE TO THE EVERGREEN INTERCEPTOR									
209	MOBILIZATION PROJECT AREA "04"	LUMP SUM	\$15,000.00	1.00	\$15,000.00		\$0.00	1.00	\$15,000.00
210	TRAFFIC CONTROL PROJECT AREA "04"	LUMP SUM	\$1,800.00	1.00	\$1,800.00		\$0.00	1.00	\$1,800.00
211	MAINTAIN SEWER SERVICE AREA "04"	LUMP SUM	\$500.00	1.00	\$500.00		\$0.00	1.00	\$500.00
212	GROUND SUPPORT SYSTEM AREA "04"	LUMP SUM	\$500.00	1.00	\$500.00		\$0.00	0.00	\$0.00
213	STREET SWEEPER (WET PICKUP) AREA "04"	HOURS	\$150.00	5.00	\$750.00		\$0.00	0.00	\$0.00
214	REMOVE CASTING	EACH	\$100.00	7.00	\$700.00		\$0.00	7.00	\$700.00
215	CASTING ASSEMBLY	EACH	\$550.00	7.00	\$3,850.00		\$0.00	7.00	\$3,850.00
216	CONSTRUCTION SIGN SPECIAL	SQ FT	\$20.00	25.00	\$500.00		\$0.00	0.00	\$0.00
217	CHEMICAL GROUT EXISTING MANHOLE JOINT	EACH	\$400.00	5.00	\$2,000.00		\$0.00	5.00	\$2,000.00
218	CHEMICAL GROUT EXISTING PIPE TO MANHOLE CONNECTION	EACH	\$185.10	28.00	\$5,182.80		\$0.00	24.00	\$4,442.40
219	LINING SEWER PIPE 18"	LIN FT	\$54.30	2,275.00	\$123,532.50		\$0.00	2,228.00	\$120,980.40
220	CLEAN AND VIDEO TAPE PIPE SEWER - MAINLINE	LIN FT	\$3.40	2,275.00	\$7,735.00		\$0.00	2,228.00	\$7,575.20
221	RECONSTRUCT MANHOLE INVERT	EACH	\$528.90	3.00	\$1,586.70		\$0.00	2.00	\$1,057.80
222	PRECONSTRUCTION SERVICE LATERAL INVESTIGATION	EACH	\$125.90	11.00	\$1,384.90		\$0.00	8.00	\$1,007.20
223	SERVICE LATERAL LINING (6")	EACH	\$3,835.70	11.00	\$42,192.70		\$0.00	10.71	\$41,080.35
224	INTERNAL CHIMNEY SEAL	EACH	\$500.00	3.00	\$1,500.00		\$0.00	1.00	\$500.00
225	EXTERNAL CHIMNEY SEAL	EACH	\$250.00	6.00	\$1,500.00		\$0.00	7.00	\$1,750.00
226	REMOVE & REPLACE RINGS PER MANHOLE	EACH	\$400.00	5.00	\$2,000.00		\$0.00	5.00	\$2,000.00
TOTAL PROJECT AREA 4					\$212,214.60		\$0.00		\$204,243.35
CHANGE ORDER NO. 1									

APPLICATION FOR PAYMENT NO. 16 (FINAL)

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 CONTRACTOR TOM'S BACKHOE SERVICE, INC.

CONTRACTOR FOR: 2016 BRAINERD AIRPORT UTILITY EXTENSION

AGREEMENT DATE: 2/22/2016

FOR WORK ACCOMPLISHED THROUGH: 4/1/2018

ITEM	DESCRIPTION	UNIT	UNIT COST	CONTRACT		THIS PAYMENT		WORK TO DATE	
				QUANTITY	AMOUNT	QUANTITY	AMOUNT	QUANTITY	AMOUNT
227	ADD FORCE MAIN AIR RELEASE MANHOLE AT APPROXIMATELY STATION 125+69. TOTAL CHANGE ORDER NO. 1	EACH	\$9,750.00	1.00	\$9,750.00		\$0.00	1.00	\$9,750.00
					\$9,750.00		\$0.00		\$9,750.00
CHANGE ORDER NO. 2									
228	ADDITIONAL JACK BORE STEEL CASING PIPE FOOTAGE (PROJECT AREA 1)	LIN FT	\$275.00	25.00	\$6,875.00		\$0.00	25.00	\$6,875.00
229	VALUE ENGINEERING PROPOSAL CREDIT TO DECREASE JACK BORE STEEL CASING PIPE DIAMETER AT ALL 8-INCH WATER MAIN CARRIER PIPE CROSSINGS TOTAL CHANGE ORDER NO. 2	LUMP SUM	(\$7,650.00)	1.00	(\$7,650.00)		\$0.00	1.00	(\$7,650.00)
					(\$775.00)		\$0.00		(\$775.00)
CHANGE ORDER NO. 3									
230	MOBILIZATION OF PNEUMATIC PIPE HAMMER, 1600 CFM AIR	LUMP SUM	\$4,905.00	1.00	\$4,905.00		\$0.00	1.00	\$4,905.00
231	ADDITIONAL LABOR & EQUIPMENT TO PERFORM PIPE RAMMING OPERATIONS FOR BALANCE OF CROSSING INSTALLATION	LUMP SUM	\$34,170.00	1.00	\$34,170.00		\$0.00	1.00	\$34,170.00
232	RENTAL OF PNEUMATIC PIPE HAMMER & ANCILLARY SUBTOTAL	LUMP SUM	\$16,675.00	1.00	\$16,675.00		\$0.00	1.00	\$16,675.00
					\$55,750.00		\$0.00		\$55,750.00
233	5% OF \$55,750.00 TOM'S BACKHOE (AS ALLOWED BY CONTRACT)	LUMP SUM	\$2,787.50	1.00	\$2,787.50		\$0.00	1.00	\$2,787.50
234	ADDITIONAL DEWATERING	DAY	\$1,000.00	28.00	\$28,000.00		\$0.00	28.00	\$28,000.00
235	ADDITIONAL TOM'S BACKHOE MOBILIZATION TOTAL CHANGE ORDER NO. 3	LUMP SUM	\$1,500.00	1.00	\$1,500.00		\$0.00	1.00	\$1,500.00
					\$88,037.50		\$0.00		\$88,037.50
CHANGE ORDER NO. 4									
236	REMOVE AND DISPOSE OF CONCRETE RUBBLE AND MISCELLANEOUS DEBRIS (LV)	CU YD	\$8.00	2,084.00	\$16,672.00		\$0.00	1,845.00	\$14,760.00
237	GRANULAR REPLACEMENT BACKFILL (LV) TOTAL CHANGE ORDER NO. 4	CU YD	\$6.00	1,803.00	\$10,818.00		\$0.00	1,435.00	\$8,610.00
					\$27,490.00		\$0.00		\$23,370.00
CHANGE ORDER NO. 5									
97A	SANITARY SEWER CROSSING- SHT 01C18-B	LUMP SUM	\$124,000.00	(1.00)	(\$124,000.00)		\$0.00	0.00	\$0.00
97B	RESTOCK CASING AND 8"x16" CASING SPACERS*	LUMP SUM	\$5,379.30	1.00	\$5,379.30		\$0.00	1.00	\$5,379.30
106A	6" HDPE PIPE FORCEMAIN – DIRECTIONALLY DRILLED	LIN FT	\$50.00	1,739.00	\$86,950.00		\$0.00	1,739.00	\$86,950.00
108A	12" HDPE SEWER PIPE – DIRECTIONALLY DRILLED	LIN FT	\$215.00	(1,739.00)	(\$373,885.00)		\$0.00	0.00	\$0.00
108B	12" HDPE SEWER PIPE – PIPE, FUSING LOADER/LABOR,	LIN FT	\$92.00	1,739.00	\$159,988.00		\$0.00	1,739.00	\$159,988.00
111A	CLEAN AND VIDEO TAPE PIPE SEWER – MAINLINE	LIN FT	\$3.00	(1,739.00)	(\$5,217.00)		\$0.00	0.00	\$0.00
113A	SANITARY SEWER MANHOLE, MnDOT DESIGN 4007C	EACH	\$3,000.00	(5.00)	(\$15,000.00)		\$0.00	0.00	\$0.00
114A	MANHOLE EXCESS DEPTH (OVER 8')	LIN FT	\$125.00	(19.04)	(\$2,380.00)		\$0.00	0.00	\$0.00
238	AIR RELEASE MANHOLE	EACH	\$9,750.00	1.00	\$9,750.00		\$0.00	1.00	\$9,750.00
239	RESTOCK 2 PRECAST SANITARY SEWER MANHOLE BASES (SS11 AND SS14)*	LUMP SUM	\$3,666.00	1.00	\$3,666.00		\$0.00	1.00	\$3,666.00
240	COAT INSIDE OF SANITARY MANHOLE SS#10 WITH VINYL	LUMP SUM	\$3,750.00	1.00	\$3,750.00		\$0.00	1.00	\$3,750.00
241	*5% OF \$12,795.30 TOM'S BACKHOE (AS ALLOWED BY CONTRACT)	LUMP SUM	\$639.77	1.00	\$639.77		\$0.00	1.00	\$639.77

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CONTRACTOR FOR: 2016 BRAINERD AIRPORT UTILITY EXTENSION

AGREEMENT DATE: 2/22/2016

FOR WORK ACCOMPLISHED THROUGH: 4/1/2018

ITEM	DESCRIPTION	UNIT	UNIT COST	CONTRACT		THIS PAYMENT		WORK TO DATE	
				QUANTITY	AMOUNT	QUANTITY	AMOUNT	QUANTITY	AMOUNT
	TOTAL CHANGE ORDER NO. 5				(\$250,358.93)		\$0.00		\$270,123.07
CHANGE ORDER NO. 7									
242	BLACK HILLS SPRUCE AND/OR WHITE SPRUCE TREE, 4' TO 5'	EACH	\$581.93	11.00	\$6,401.23		\$0.00	11.00	\$6,401.23
	TOTAL CHANGE ORDER NO. 7				\$6,401.23		\$0.00		\$6,401.23
CHANGE ORDER NO. 8									
243	E STREET SANITARY SEWER MAIN GRADE CORRECTION	LS	\$32,910.20	1.00	\$32,910.20		\$0.00	1.00	\$32,910.20
	TOTAL CHANGE ORDER NO. 8				\$32,910.20		\$0.00		\$32,910.20
BACKSHEET ADJUSTMENT									
	PAY APPLICATION NO. 2	LUMP SUM	(\$164,047.50)				\$0.00	0.00	\$0.00
	PAY APPLICATION NO. 3	LUMP SUM	(\$299,767.50)				\$0.00	0.00	\$0.00
	PAY APPLICATION NO. 4	LUMP SUM	(\$718,447.50)				\$0.00	0.00	\$0.00
	PAY APPLICATION NO. 5	LUMP SUM	(\$1,012,061.00)				\$0.00	0.00	\$0.00
	PAY APPLICATION NO. 6	LUMP SUM	(\$1,252,811.00)				\$0.00	0.00	\$0.00
	PAY APPLICATION NO. 7	LUMP SUM	(\$629,762.50)				\$0.00	0.00	\$0.00
	PAY APPLICATION NO. 8	LUMP SUM	(\$248,063.75)				\$0.00	0.00	\$0.00
	PAY APPLICATION NO. 9	LUMP SUM	(\$85,352.50)				\$0.00	0.00	\$0.00
	TOTAL BACKSHEET ADJUSTMENT						\$0.00		\$0.00
MATERIALS STORED ON SITE									
	SEWER AND WATER PIPE, FITTINGS, AND APPURTENANCES (DSG INVOICE NOS. C076781, C066523, C087835, C063833, C087833, C087834, C064404, C079424, C080325, C087991, C090872, C090843, C091044, C080218, C099556, C081109, C082668, C064168, C105676, C109917, C108681, C090133, C094883, C102746)	LUMP SUM	\$270,088.58	1.00			\$0.00	0.00	\$0.00
	SEWER AND WATER PIPE, FITTINGS, AND APPURTENANCES AND PRECAST STRUCTURES (FORTERRA INVOICE NOS. HA00001887, MN00003852, MN00003892, HA00001941, EL00002901, HA00001966, EL00002973, EL00002979, SH00006692, HA00001987, HA00002120, DSG INVOICE NOS. C158689, C059227, C154749, C149108, C183182, C169065, C186732, C131530, C030946, C194264, C194265, C194266, C194267, C194268)	LUMP SUM	\$429,134.02	1.00			\$0.00	0.00	\$0.00
	TOTAL MATERIALS STORED		\$699,222.60				\$0.00		\$0.00
LIQUIDATED DAMAGES									
	START 06/03/17 THRU 07/07/17	DAY	\$900.00			(35.00)	(\$31,500.00)	(35.00)	(\$31,500.00)
	07/08/17 THRU 08/01/17	DAY	\$900.00			(25.00)	(\$22,500.00)	(25.00)	(\$22,500.00)
	08/02/17 THRU 09/08/17	DAY	\$900.00			(38.00)	(\$34,200.00)	(38.00)	(\$34,200.00)
	09/09/17 THRU 10/20/17	DAY	\$900.00			(42.00)	(\$37,800.00)	(42.00)	(\$37,800.00)
	TOTAL LIQUIDATED DAMAGES						(\$126,000.00)		(\$126,000.00)
MPCA ADMINISTRATIVE PENALTY									
	LETTER TO CITY DATED 08/25/17 MPCA INVOICE #10000037208	LS	\$4,600.00			(1.00)	(\$4,600.00)	(1.00)	(\$4,600.00)
	TOTAL MPCA ADMINISTRATIVE PENALTY						(\$4,600.00)		(\$4,600.00)

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ITEM	DESCRIPTION	UNIT	UNIT COST	CONTRACT		THIS PAYMENT		WORK TO DATE	
				QUANTITY	AMOUNT	QUANTITY	AMOUNT	QUANTITY	AMOUNT
SUMMARY									
TOTAL PROJECT AREA 1					\$7,777,775.90		\$7,050.75		\$7,061,976.58
TOTAL PROJECT AREA 2					\$175,702.85		\$0.00		\$188,914.90
TOTAL PROJECT AREA 3					\$426,028.23		\$0.00		\$409,854.13
TOTAL PROJECT AREA 4					\$212,214.60		\$0.00		\$204,243.35
TOTAL BID					\$8,591,721.58		\$7,050.75		\$7,864,988.96
CHANGE ORDER NO. 1					\$9,750.00		\$0.00		\$9,750.00
CHANGE ORDER NO. 2					(\$775.00)		\$0.00		(\$775.00)
CHANGE ORDER NO. 3					\$88,037.50		\$0.00		\$88,037.50
CHANGE ORDER NO. 4					\$27,490.00		\$0.00		\$23,370.00
CHANGE ORDER NO. 5					(\$250,358.93)		\$0.00		\$270,123.07
CHANGE ORDER NO. 7					\$6,401.23		\$0.00		\$6,401.23
CHANGE ORDER NO. 8					\$32,910.20		\$0.00		\$32,910.20
TOTAL BACKSHEET ADJUSTMENT							\$0.00		\$0.00
MATERIALS STORED ON SITE							\$0.00		\$0.00
TOTAL LIQUIDATED DAMAGES					\$0.00		(\$126,000.00)		(\$126,000.00)
TOTAL MPCA ADMINISTRATIVE PENALTY					\$0.00		(\$4,600.00)		(\$4,600.00)
TOTAL					\$8,505,176.58		(\$123,549.25)		\$8,164,205.96

The undersigned Contractor certifies that all previous payments received from the Owner for work done under this contract have been applied to discharge in full all obligations the Contractor incurred in connection with the work covered by said progress payments. The undersigned Contractor agrees to pay all subcontractors within 10 days of receipt of payment from the municipality for undisputed services provided by the subcontractor. The Contractor agrees to pay interest as described under Minnesota state statute. In accordance with Minnesota Uniform Transaction Act, an electronic signature on this document is binding and afforded the same effect as if the document was signed by hand.

Gross Amount Due \$8,164,205.96
 Less Retainage (0%) \$0.00

Amount Eligible to Date \$8,164,205.96
 Less Previous Payments \$8,039,122.55

Amount Due This Application \$125,083.41

SUBMITTED TOM'S BACKHOE SERVICE, INC.
 323 WOODLAND HILLS LN SW
 BRAINERD, MN 56401

BY: _____

DATE: _____

RECOMMENDED SEH
 416 S 6TH ST STE 200
 BRAINERD, MN 56401

BY: Scott D. Hedlund

DATE: 4-11-18

RECOMMENDED WSN
 7804 INDUSTRIAL PARK RD
 BAXTER, MN 56425

BY: David S. Dene

DATE: 4-11-18

APPROVED CITY OF BRAINERD
 501 LAUREL ST
 BRAINERD, MN 56401

BY: _____

DATE: _____

AIA® Document G707™ – 1994

Consent Of Surety to Final Payment

PROJECT: <i>(Name and address)</i>	ARCHITECT'S PROJECT NUMBER:	OWNER: ☐
	CONTRACT FOR:	ARCHITECT: ☐
TO OWNER: <i>(Name and address)</i>	CONTRACT DATED:	CONTRACTOR: ☐
		SURETY: ☐
		OTHER: ☐

In accordance with the provisions of the Contract between the Owner and the Contractor as indicated above, the
(Insert name and address of Surety)

on bond of
(Insert name and address of Contractor)

, SURETY,

hereby approves of the final payment to the Contractor, and agrees that final payment to the Contractor shall not relieve the
Surety of any of its obligations to
(Insert name and address of Owner)

, CONTRACTOR,

as set forth in said Surety's bond.

, OWNER,

IN WITNESS WHEREOF, the Surety has hereunto set its hand on this date:
(Insert in writing the month followed by the numeric date and year.)

(Surety)

(Signature of authorized representative)

Attest:
(Seal):

(Printed name and title)

AIA® Document G706A™ – 1994

Contractor's Affidavit of Release of Liens

PROJECT: <i>(Name and address)</i>	ARCHITECT'S PROJECT NUMBER:	OWNER: ☐
	CONTRACT FOR: General Construction	ARCHITECT: ☐
TO OWNER: <i>(Name and address)</i>	CONTRACT DATED:	CONTRACTOR: ☐
		SURETY: ☐
		OTHER: ☐

STATE OF:
COUNTY OF:

The undersigned hereby certifies that to the best of the undersigned's knowledge, information and belief, except as listed below, the Releases or Waivers of Lien attached hereto include the Contractor, all Subcontractors, all suppliers of materials and equipment, and all performers of Work, labor or services who have or may have liens or encumbrances or the right to assert liens or encumbrances against any property of the Owner arising in any manner out of the performance of the Contract referenced above.

EXCEPTIONS:

SUPPORTING DOCUMENTS ATTACHED HERETO:

1. Contractor's Release or Waiver of Liens, conditional upon receipt of final payment.
2. Separate Releases or Waivers of Liens from Subcontractors and material and equipment suppliers, to the extent required by the Owner, accompanied by a list thereof.

CONTRACTOR: *(Name and address)*

BY:

(Signature of authorized representative)

(Printed name and title)

Subscribed and sworn to before me on this date:

Notary Public:
My Commission Expires:

RECEIPT AND WAIVER OF MECHANIC'S LIEN RIGHTS

1. This is a **LEGAL INSTRUMENT** and must be executed accordingly by officers of corporations and by partners in co-partnerships.
2. It is important that **ALL** the blanks be completed and the **AMOUNT PAID BE SHOWN**.
3. A receipt similar to this or legal waiver of lien rights will be required for all plumbing, heating, plastering materials, etc.
4. **NO ERASURES OR ALTERATIONS ARE ALLOWED.**

DATE: _____

The undersigned hereby acknowledges receipt of the sum of \$ _____

CHECK ONLY ONE

- ☐ 1) as partial payment for labor, skill, and material furnished or to be furnished
- ☐ 2) as payment for all labor, skill, and material furnished or to be furnished (except the sum of \$ _____ as retainage or holdback)
- ☐ 3) as full and final payment for all labor, skill, and material furnished or to be furnished

to the following described real property: (legal description, street address, or project name)

and, for value received, hereby waives all rights acquired by the undersigned to file or record mechanic's liens against said real property for labor, skill, or material furnished to said real property (only for the amount paid if box 1 is checked, and except for retainage shown if box 2 is checked); the undersigned affirms that all material furnished by the undersigned has been paid for, and all subcontractors employed by the undersigned have been paid in full, EXCEPT:

Company Name

Signature

Title

Address

Address

Contractor Affidavit

This Contractor Affidavit must be certified by the Minnesota Department of Revenue before the state of Minnesota or any of its subdivisions can make final payment to contractors. For more detailed information, see the instructions on the back of this form.

Please type or print clearly. This information will be used for returning the completed form.

Company name			Daytime phone	Minnesota tax ID number
Address			Total contract amount	Month/year work began
City	State	ZIP code	\$	
			Amount still due	Month/year work ended
			\$	

Project
Information

Project number	Project location			
Project owner	Address	City	State	ZIP code
Did you have employees work on this project? ☐ Yes ☐ No. If no, who did the work?				

Check the box that describes your involvement in the project and fill in all information requested.

☐ **Sole contractor**

☐ **Subcontractor**

Name of contractor who hired you

Address

☐ **Prime contractor**—If you subcontracted out any work on this project, all of your subcontractors must submit their own Contractor Affidavits and have them certified by the Department of Revenue *before* you can submit your Contractor Affidavit. For each subcontractor you had, fill in the information below and attach a copy of each subcontractor's certified Contractor Affidavit. If you need more space, attach a separate sheet.

Business name

Address

Owner/Officer

Contractor Type

Sign Here

I declare that all information I have filled in on this form is true and complete to the best of my knowledge and belief. I authorize the Department of Revenue to disclose pertinent information relating to this project, including sending copies of this form, to the prime contractor if I am a subcontractor, and to any subcontractors if I am a prime contractor, and to the contracting agency.

Contractor's signature

Title

Date

Mail to: Minnesota Revenue, Mail Station 6610, St. Paul, MN 55146-6610
Phone: 651-282-9999 or 1-800-657-3594 (TTY: Call 711 for Minnesota Relay).

Certificate of Compliance

Based on records of the Minnesota Department of Revenue, I certify that the contractor who has signed this Contractor Affidavit has fulfilled all the requirements of Minnesota Statutes 290.92 and 270C.66 concerning the withholding of Minnesota income tax from wages paid to employees relating to contract services with the state of Minnesota and/or its subdivisions.

Department of Revenue approval

Date

Form IC134 Instructions

Contractor Affidavit

No state agency or local unit of government can make final payment to a contractor until the Department of Revenue has certified that the contractor and any subcontractor have fulfilled the requirements of Minnesota withholding tax laws.

If you are a prime contractor, a contractor or a subcontractor who did work on a project for the state of Minnesota or any of its local government subdivisions — such as a county, city or school district — you must submit a Contractor Affidavit to the Department of Revenue to receive a certificate of compliance.

Use of Information

The Department of Revenue needs all the requested information to determine if you have met the state income tax withholding requirements. If all required information is not provided, Form IC134 will be returned to you for completion.

All information on this Contractor Affidavit is private by state law. It cannot be given to others without your permission, except to the Internal Revenue Service, other states that guarantee the same privacy and certain government agencies as provided by law.

Minnesota Tax ID Number

You must have a Minnesota tax ID number if you have employees who work in Minnesota. You must enter your Minnesota tax ID number on Form IC134.

If you don't have a Minnesota tax ID number, apply online at www.revenue.state.mn.us or by calling our Business Registration Office at 651-282-5225 or 1-800-657-3605.

If you have no employees and did all the work yourself, you do not need a Minnesota tax ID number. Instead, enter your Social Security number in the space for Minnesota tax ID number and explain who did the work.

Submit Contractor Affidavit

Form IC134 cannot be processed by the Department of Revenue until you finish the work. If you submit the form before the project is completed, it will be returned to you unprocessed.

If any withholding payments are due to the state, Minnesota law requires certified payments before we approve your Form IC134.

If you are a subcontractor or sole contractor, submit the form when you have completed your part of the project.

If you are a prime contractor, submit the form when the entire project is completed and you have received certified Contractor Affidavits from all of your subcontractors.

If you're a prime contractor and a subcontractor on the same project

If you were hired as a subcontractor to do work on a project, and you subcontracted all or a part of your portion of the project to another contractor, you are a prime contractor as well. Complete both the subcontractor and prime contractor areas on a single Form IC134.

You may submit your Contractor Affidavit either electronically **or** by mail. This affidavit must be certified and returned before the state or any of its subdivisions can make final payment for your work.

For an immediate response: Complete and submit your Contractor Affidavit electronically. Go to www.revenue.state.mn.us and choose Withholding Tax. Under the File and Pay tab, click on Contractor Affidavit Information for Government Projects.

You may complete and mail Form IC134

to: Minnesota Revenue, Mail Station 6610, St. Paul, MN, 55146-6610. If you have fulfilled the requirements of Minnesota withholding tax laws, the department will sign your Form IC134 and return it to you.

To receive your final payment, submit the certified Contractor Affidavit to the government unit for which the work was done. If you are a subcontractor, submit the certified Contractor Affidavit to your prime contractor to receive your final payment.

Information and Assistance

Additional forms and information, including fact sheets and frequently asked questions, are available on our website.

Website: www.revenue.state.mn.us

Email: withholding.tax@state.mn.us

Phone: 651-282 9999 or 1-800-657-3594.

We'll provide information in other formats upon request to persons with disabilities.

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

April 16, 2018
City Hall Conference Room
6:30 PM

1. Approval of Bills & Payments to Contractors
2. Administration and Use of Small Cities Revolving Loan Funds
3. League of MN Cities Insurance Trust Liability Coverage Waiver Form
4. Resolution Establishing Polling Locations for Primary and General Elections
5. Resolution Setting Pay for Election Judges



Brainerd City Council Agenda Request

Requested Meeting Date: April 16, 2018

Title of Item: Administration & Use of Small Cities Revolving Loan Funds

☐ 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): City and HRA Staff	Estimated Time Needed: 5 Minutes
Summary of Issue: At the February 5, 2018 council meeting, staff presented draft guidelines for the City of Brainerd Revolving Loan Program. The program is for the use and administration of local income and some old CDBG funds that currently amount to approximately \$145,000. Actual amount currently to be used for the program is between \$100,000 and \$145,000. Council's direction at that time was to refer the policy and the possible administration of the funds and the policy by the HRA, to the EDA. The EDA met on March 27, 2018. Attached is the memo that was included in the EDA packet. It was a unanimously voted to recommend to the City Council to approve the draft guidelines, enter into an MOA with the Brainerd HRA to administer the applicable loan funds per the guidelines and report activity to both the EDA and City Council on a regular basis.	
Alternatives, Options, Effects on Others/Comments: After review by Attorney Martha Ingram, an updated guidelines are attached as Exhibit A to the MOA. Ms. Ingram's recommendations were minor word changes and clarifications. The eligible uses remained the same (combined Disposition and Clearance to be Clearance/Demolition), as well as the eligibility guidelines - maximum loan amount of \$25,000 and a 1:1 match requirement with the exception for use for code violation citations. The proposed MOA is also attached. The applicable funds would be transferred to the HRA for administration. The administration fee is outlined in Section II of the MOA as well as the term of the agreement in Section III.	
Recommended Action/Motion: 1. Approve or deny the City of Brainerd Revolving Loan Program, if approved 2. Approve and authorize signatures of the MOA. The MOA is subject to City Attorney review. 3. Authorize staff to transfer applicable funds to the HRA.	
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>	

MEMO



TO: EDA Board of Commissioners

FROM: Jennifer Bergman, Brainerd HRA Executive Director
Cassandra Torstenson, City Administrator
Connie Hillman, City of Brainerd Finance Director

DATE: March 23, 2018

RE: Administration and Use of CDBG/SCDP Revolving Loan Funds

Background

The HRA currently assists the City with applying and administering Small City Development Program (SCDP) grants and the City is the fiscal agent. The grants can be structured in many ways. For example, the grant for downtown that was awarded in the late 90's was structured as 1/3 owner's match, 1/3 loan, 1/3 forgivable over time. The most recent grants are forgivable 10% each year.

If the City receives \$35,000 or more of repayments in the federal fiscal year from the SCDP grants, this is considered program income. Department of Employment and Economic Development (DEED) has been very clear that program income from SCDP grants must be used in one of the areas where a previous SCDP grant has been received or leverage for future SCDP grant applications. Program income also needs to be spent before a draw can be made on a new grant.

The City currently has \$68,974 of program income that was generated through the fiscal year ended September 30, 2017 and has been used as leverage with the NE Brainerd grant application.

If the City receives less than \$35,000 in the federal fiscal year, this is considered local income. The revenue that is generated is transferred from the fund that it was generated in (i.e. Fund 298, 215 or 209) to Fund 275.

The City also has approximately \$145,000 (noted as Old Housing on the financial report) from a CDBG grant that was received by the City in the 1980's.

DEED allows much more flexibility with the use of the "old CDBG" and local income dollars. They must be used to meet a National Objective and be an Eligible Activity as dictated by federal law; however, they can be established as a revolving loan. At the January 16, 2018 council meeting, council gave direction to staff to establish options for the use of these funds.

The current practice for the use of the local income, or program income if we do not have a current or active grant is for the EDA to make the recommendation to the Council for approval or denial.

Resolution/Options

HRA and City staff met and developed the attached draft guidelines. The eligible uses are listed in section III of the guidelines. The funds would revolve at a rate of 1% below prime, there is a dollar for dollar match requirement, and a maximum loan amount of \$25,000.

The eligible target area for the commercial properties would be from Kingwood Street to Oak, and from the Mississippi River to 13th Street including the NP Center (Exhibit A). All property in the City would be eligible for owner occupied code enforcement needs.

The guidelines, if adopted, would supersede all previous guidelines involving any of the SCDP/CDBG revolving loan funds.

To be able to administer the revolving loan more efficiently and effectively, the City could enter into a memorandum of agreement (MOA) with the HRA, transfer the applicable funds to the HRA, and have the HRA administer the funds per the guidelines, providing reports to the EDA and/or Council.

The HRA Board has discussed and have approved entering into an MOA with the City of Brainerd.

Recommendation

Staff's recommendation would be for the EDA to recommend to City Council to approve the draft guidelines and to enter into an MOA with the HRA to administer the applicable revolving loan funds per the guidelines reporting activity to the EDA and City Council.

/clh

MEMORANDUM OF AGREEMENT

This Agreement, entered into this ____ day of ____, 2018, between the City of Brainerd, a Minnesota municipal corporation (“City”) and Housing and Redevelopment Authority in and for the City of Brainerd, Minnesota, a public body corporate and politic and political subdivision of the State of Minnesota (“Brainerd HRA”), describes the terms and conditions by which services shall be provided to the City by the Brainerd HRA.

I. Scope of Services:

On behalf of the City, the Brainerd HRA will administer the City of Brainerd Revolving Loan Program (the “Program”) outlined in the Brainerd Revolving Loan Program Guidelines attached hereto as Exhibit A. The Brainerd HRA shall:

- a. Accept and screen applications to determine eligibility for the Program;
- b. Review proposed terms
- c. Present eligible loan applications to the Brainerd HRA Board of Commissioners for formal approval
- d. Prepare and execute loan documentation
- e. Oversee the construction of the project
- f. Disburse funds to the contractor
- g. Obtain necessary documents including lien waivers, completion certificates, etc.
- h. Service outstanding loans
- i. Provide quarterly reports to the City

II. Compensation

In consideration for performance of the Services, the Brainerd HRA shall be entitled to receive compensation as follows: a loan origination fee of \$500 will be charged to the borrower at the time of closing on any loan under the Program (provided that loans to assist property owners in correcting code violations shall not be subject to any origination fee), which shall be retained by the Brainerd HRA.

III. Term

The term of this Agreement is from May 1, 2018 to April 30, 2019. This agreement shall automatically renew for successive one-year terms thereafter unless one of the parties hereto provides at least 60 days’ notice of its intent to terminate this Agreement at the end of the then current term. However, either party may terminate this Agreement for any reason upon sixty (60) days’ written notice. Within thirty (30) days after termination of this Agreement, the Brainerd HRA shall deliver to the City (i) an accounting of all Program funds and outstanding loans and (ii) the entire cash balance of Program funds in the Brainerd HRA’s possession. The Brainerd HRA shall forward to the City all repayments of loans outstanding at the time of termination of this Agreement upon receipt of such repayments.

IV. Data Practices

The parties and their employees, agents, successors and assigns must comply with the Minnesota Government Data Practices Act (Minnesota Statutes, Chapter 13) as it applies to certain data provided to the Brainerd HRA under this Agreement and as it applies to certain data created, collected, received, stored, used, maintained, or disseminated by the Brainerd HRA pursuant to this Agreement. If the Brainerd HRA receives a request to release data pursuant to this Section 4, the Brainerd HRA shall notify City staff immediately and consult as to how the Brainerd HRA should respond to the request. The Brainerd HRA's response shall comply with applicable law.

V. Assignability

This Agreement shall not be assignable by either party without the prior written consent of the non-assigning party. The Brainerd HRA shall not enter into subcontracts for the performance of services described in this Agreement without the prior written approval of the City.

VI. Compliance With Applicable Law

The parties shall comply with applicable federal, state and local laws, and applicable rules, regulations, and standards established by any agency of such governmental units, which are now or hereafter promulgated insofar as they relate to the Brainerd HRA's performance of the provisions of this Agreement.

VII. Governing Law; Jurisdiction; Venue

The Agreement shall be governed by the laws of the State of Minnesota, without regard to its conflict of laws rules. For the purpose of resolving conflicts related to or arising out of this Agreement, the parties expressly agree that venue shall be exclusively in the State of Minnesota, County of Crow Wing. The parties hereby expressly consent to the exclusive personal jurisdiction of the federal and state courts located in the State of Minnesota, regardless of the citizenship or residency of either party at the time of the commencement of any legal proceeding.

VIII. Indemnification

To the fullest extent permitted by law, the parties will indemnify, protect and hold each other harmless from and against any and all liabilities, claims demands, losses, damages, costs and expenses (including attorneys' fees) arising out of or relating to the performance of work under the Agreement; but only to the extent caused in whole or in part by the negligent acts, errors or omissions of the parties' subcontractor(s), or anyone directly or indirectly employed or hired by each party or anyone for whose acts such party may be liable. The parties agree this indemnity obligation shall survive the completion or termination of this Agreement.

IX. Audit

The Brainerd HRA shall maintain complete and accurate records with respect to costs incurred and services performed under this Agreement for a period of at least six (6) years after the termination of this Agreement. Pursuant to Minnesota Statutes, Section 16C.05, subd. 5, the Brainerd HRA shall allow the City or other persons or agencies authorized by the City, including the Legislative or State Auditor, access to such records during reasonable hours, including all books, records, documents, and accounting procedures and practices of the Brainerd HRA relevant to the subject matter of the Agreement, for purposes of audit.

X. Entire Agreement

This Agreement constitutes the entire agreement between the parties. This Agreement may be amended only by written agreement of both the City and the Brainerd HRA.

XI. Survival

The provisions of this Agreement which, by their terms, impose obligations that are continuing in nature and which must survive in order to give effect to their meaning will survive the expiration or termination of this Agreement, including, without limitation, the following clauses: Sections IV (Data Practices); VII (Governing Law; Jurisdiction; Venue); VIII (Indemnification); and IX (Audit).

XII. Nondiscrimination

In connection with the execution of this Agreement, the parties agree that they will comply with Minnesota Statutes, Section 363A.08, to not discriminate against any employee or applicant for employment because of race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, membership or activity in a local commission, disability, sexual orientation, or age. The parties and all of their subcontractors (if any) will take affirmative actions to ensure that applicants are employed, and that employees are treated during employment, without regard to factors stated in Minnesota Statutes, Section 363A.08. Such actions shall include, but not be limited to, the following: hiring, tenure, compensation, terms, upgrading, conditions, facilities, or privileged of employment. For purposes of the Agreement, non-affiliated title companies shall not be considered an agent or a subcontractor of either party.

(The remainder of this page is intentionally left blank.)

In witness whereof, the parties have executed this Agreement on the day of the year first written above.

City of Brainerd

By: _____

Its: _____

Housing and Redevelopment Authority in and for the City of Brainerd

By: _____

Its: _____

EXHIBIT A

City of Brainerd Revolving Loan Program Guidelines

CITY OF BRAINERD REVOLVING LOAN PROGRAM GUIDELINES

I. PURPOSE

The City of Brainerd (City), acting by and through the Housing and Redevelopment Authority in and for the City of Brainerd (hereinafter referred to as HRA) having its principal office located at 324 East River Road, Brainerd, MN 56401, has established a Revolving Loan Program to assist the financing of projects that promote redevelopment within the target area (See Exhibit A) or rehabilitation in the City of Brainerd (the "City"). The Revolving Loan Program is intended to accomplish the following general purposes, as permitted by law:

1. To provide a fund in support of qualifying projects which allows the City flexibility to respond when such projects require financial assistance.
2. To provide a single depository for any debt incurred to assist the City's projects.
3. To centralize financial control of assisted projects.
4. To provide a depository for funds received by the City in the future.

II. PROCESS

No use of or disbursement from the Revolving Loan Program account shall be made without proper procedure. The following guidelines serve to direct the HRA in its consideration of loan applications and do not constitute laws. These guidelines will supersede any and all previous guidelines involving these Revolving Loan Funds. A project may not meet all the criteria listed in these guidelines and yet may serve the redevelopment or rehabilitation needs of the City and therefore be eligible.

Guidelines to Consider for Qualifying Projects

1. The project shall meet a redevelopment or rehabilitation need of the City and shall demonstrate a relative need for financial assistance.
2. The highest priority shall be given to those projects which provide:
 - a. Increased tax base
 - b. Potential for future development
 - c. High quality construction in the facility to be built
 - d. Development which will meet a specific community need of the City
 - e. Redevelopment of an area which is under-developed or blighted
 - f. Significant other development or redevelopment
 - g. Correction for code violations cited to homeowners
3. All projects are subject to the National Environmental Policy Act (NEPA) which seeks to avoid adverse impacts on the environment by mandating careful consideration of the potential impacts on any project assisted with federal funds.
4. All projects must have an appropriate environmental review completed prior to project costs being incurred.
5. Davis Bacon and Related Acts shall apply to redevelopment activities. This includes the Federal Contract Work Hours and Safety Standards Act, and the Copeland "Anti-Kickback" Act.

III. ELIGIBLE USES

All improvements eligible for financial assistance must be physically attached to the property and be permanent in nature. The following types of activities are eligible:

In the target area (See exhibit A):

Acquisition of Real Property
Public Facilities and Improvements
Clearance/Demolition
Redevelopment
Special Economic Development Activities if ineligible for BLADC Unified Funds or other programs
Micro Enterprise Assistance if ineligible for BLADC Unified Funds or other programs

City Wide:

Owner Occupied Residential Code Citation Enforcement

IV. OWNERSHIP REQUIREMENTS

1. The applicant(s) for assistance must possess at least a one-half interest in one of the following types of ownership in the property to be improved:
 - a. Fee title
 - b. Life estate
 - c. Fee title or life estate subject to a mortgage or other lien securing a debt
 - d. Contract for Deed
 - e. Limited Liability Company
 - f. Limited Liability Partnership
 - g. Corporation
2. Ownership includes the titleholders and their spouses.
3. If an applicant is separated, the spouse must also sign all forms necessary for the completion of rehabilitation.
4. If an applicant is divorced, but the spouse still holds title, the spouse must either quit claim his/her interest or a divorce decree must be provided which states sole ownership (not only occupancy) in the applicant's name.
5. Only one loan per property during each 10 year loan term will be allowed.

V. THE APPLICATION PROCESS

The application for use of the Revolving Loan Program shall include the following information:

1. Statement of the public purpose and need
2. Description of the project and the estimated costs
3. Description of the company and a financial statement or a certified letter from a financial institution with knowledge of such financial capacity

4. Amount of assistance being requested and the use to which the assistance will be applied
5. Plans and drawings of the project, including landscaping
6. Letter of feasibility
7. Zoning and planning analysis
8. Description of the financial institutional support for the project

VI. LOANS

The HRA will follow the guidelines below to determine eligibility:

1. There shall be a demonstrated need for financial assistance
2. The application and bids will be reviewed by the HRA to ensure they comply with program requirements.
3. The proposed project shall be analyzed within the context of the Funds overall risk.
4. The applicant must demonstrate the ability to repay the loan provided through the Revolving Loan Program for a proposed project.
5. The applicant must submit a minimum of two (2) bids.
6. The applicant must provide a documented minimum 1:1 match. Owner occupied residential code citation enforcement may be excluded from this match.
7. Applicants for rehabilitation loans must be at or below 80% of Area Median Income.
8. The maximum loan under this program is \$25,000.
9. Revolving Loan Program Funds shall be adequately secured by liens.
10. The Owner must execute all required documents after which a Notice to Proceed will be issued.
11. If possible, the funds should be allocated directly or indirectly to a number of projects. Spreading the funds over several projects will reduce the risk that funds to be repaid will not be available for future use.
12. No loans will be made for work that has already begun.

VII. REPAYMENT

Revolving Loans

Interest rates on loans shall be the current U.S. Federal Prime Rate, minus 1%. The Owner will make direct payments to the HRA of interest and principal, or a lump-sum repayment of interest and principal as may occur through sharing the proceeds from the sale of any assisted project. A Loan Agreement must be executed between the Owner and the HRA which will include terms, interest and payment amounts. A lien will be placed on the property. Any direct costs associated with the loan shall come out of the loan proceeds.

VIII. DISBURSEMENT OF FUNDS

After the loan has been approved, the Rehab Coordinator shall proceed with executing the Agreement. Funds will not be disbursed until the Owner has paid their match portion to be retained by the HRA in escrow.

The following shall guide the disbursement of funds to the Contractor:

1. No pre-payments are allowed for any reason.
2. Partial payments are not allowable for any work not yet completed.

3. Payments will be made only after the work is completed according to the Rehab Coordinator. In order for the contractor to be paid, a signed (by both the applicant(s) and the Rehab Coordinator) Completion Certificate must be presented at the time of payment.
4. Final payment will not be made until all work is satisfactorily completed.
5. Payments will be made only upon presentation of the following documents:
 - a. Billing Statement
 - b. Lien Waiver.
 - c. Completion Certificate
 - d. Payroll Reports if applicable
 - e. Proof of completion of contractors affidavit (final payment only)

No disbursement of Revolving Loan funds shall be authorized until the Rehab Coordinator has approved that the work has been completed and all compliance requirements have been met. Approval shall be evidenced by a Contractor Payment Request signed by the Rehab Coordinator, applicant and contractor.

IX. CHANGE ORDERS

Any alterations, variation, modification or waiver of the provisions of any Loan Agreement shall be valid only after it has been reduced to writing, approved and signed by Owner, Contractor and Rehab Coordinator. No work resulting from a change order may start until after the change order has been executed by the Owner, Contractor and Rehab Coordinator.

X. INTERIM INSPECTIONS

During the course of a rehab, the Rehab Coordinator will inspect ongoing work at least once every two weeks to ensure compliance with scope of work specifications and contract terms and conditions. Inspections will be required before partial disbursement to ensure that the work, which the partial payment covers, is satisfactorily completed.

XII. CONFLICT OF INTEREST

Any potential conflicts of interest under Minnesota Statutes, Section 471.87 shall be evaluated on the basis of a legal opinion to be requested from the City Attorney. No rehab work may begin until such opinion has been made.

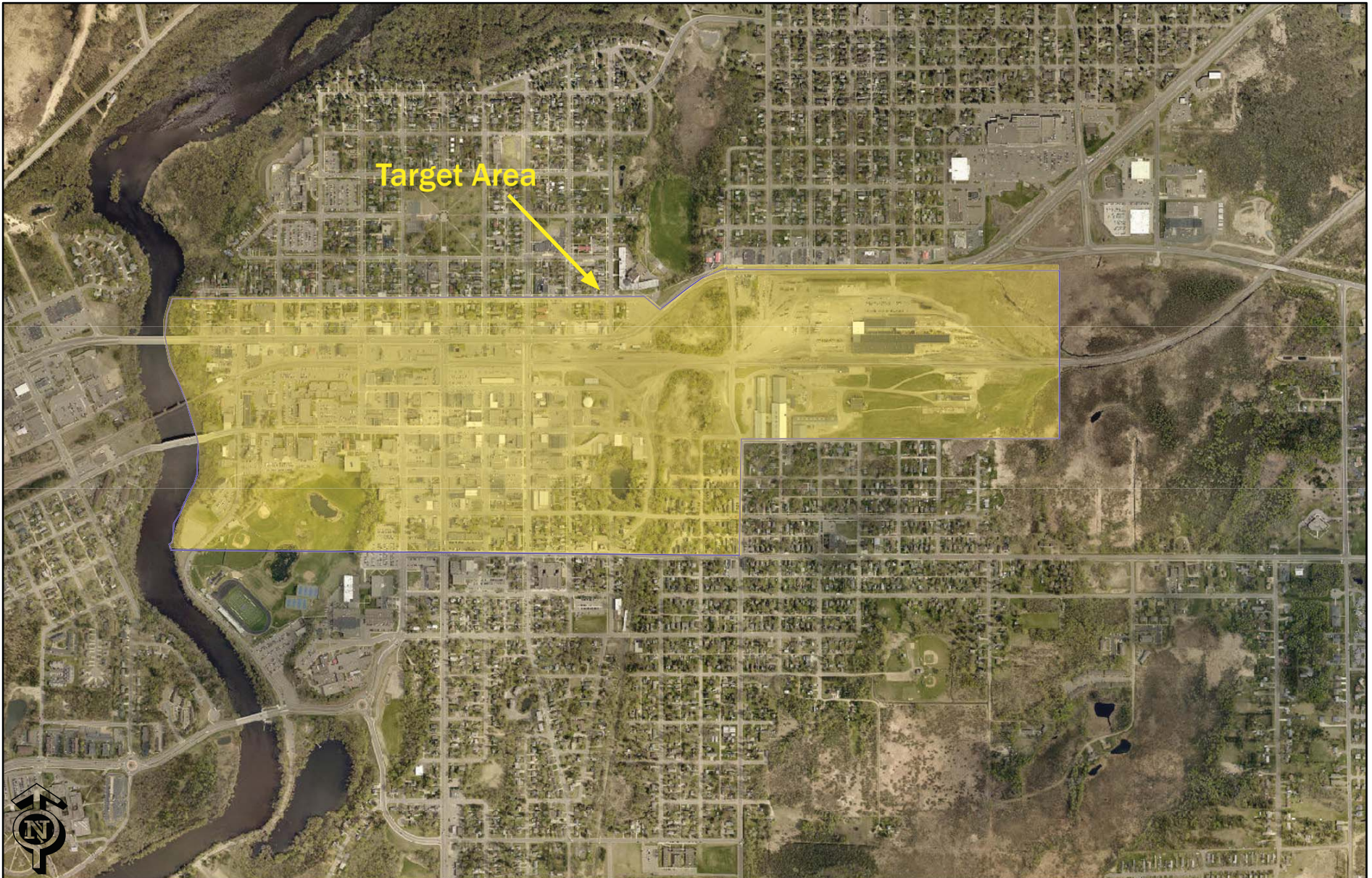
XIII. DATA PRIVACY

The City Council, HRA Board and staff are not authorized to discuss loan applications or other business contacts related to the Revolving Loan Fund with any persons other than loan officers of involved financial institutions and representatives of public business finance programs. Files belonging to the City are not open for public inspection except as regulated by the Minnesota Data Practices Act. The City and HRA may find it appropriate to verify any data contained in the application.

Information on program applicants (including, but not limited to, credit reports, financial statements, income calculations and asset information) is private data, which must be administered in accordance with the Minnesota Government Data Practices Act. Applicants shall be provided with proper written notice as specified under the Act. Solely

for the purpose of administering the Program, information may be made available to the members of the City, HRA Board of Directors, the City and HRA staff, and the staffs of participating agencies, organizations, or financing sources.

Exhibit A



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

River to Rails Target Area

Date: 2/1/2018 Time: 10:38:18 AM





Brainerd City Council Agenda Request

Requested Meeting Date: April 16, 2018

Title of Item: LMCIT Liability Coverage Waiver Form

☐ 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: Annually the City needs to decide whether or not to waive the statutory tort limits. The waiver form is attached for your review. Historically the City has elected not to waive the statutory tort limit. By doing so, the City pays a little extra for the coverage but if we did not, the City could be sued for an undetermined amount of money and it may cost the City more money in the long run. It is also the recommendation of our local insurance agents to not waive the statutory tort limit as well.	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion: The recommended motion would be to approve and submit the liability coverage waiver form with "does not waive" the monetary limits on municipal tort liability established by Minnesota Statutes, Section 466.04 option selected.	
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>Unknown</u> <i>Is this budgeted?</i> ☒ Yes ☐ No <i>Please Explain:</i> The cost of not waiving the tort limit is not know, it is part of the amount the City annually budgets for general liability insurance.	



CONNECTING & INNOVATING
SINCE 1913

LIABILITY COVERAGE – WAIVER FORM

LMCIT members purchasing coverage must complete and return this form to LMCIT before the effective date of the coverage. Please return the completed form to your underwriter or email to psstech@lmc.org

This decision must be made by the member's governing body every year. You may also wish to discuss these issues with your attorney.

League of Minnesota Cities Insurance Trust (LMCIT) members that obtain liability coverage from LMCIT must decide whether to waive the statutory tort liability limits to the extent of the coverage purchased. The decision has the following effects:

- ◻ *If the member does not waive the statutory tort limits*, an individual claimant would be able to recover no more than \$500,000 on any claim to which the statutory tort limits apply. The total all claimants would be able to recover for a single occurrence to which the statutory tort limits apply would be limited to \$1,500,000. These statutory tort limits apply regardless of whether the city purchases the optional excess liability coverage.
- ◻ *If the member waives the statutory tort limits and does not purchase excess liability coverage*, a single claimant could potentially recover up to \$2,000,000 for a single occurrence. (Under this option, the tort cap liability limits are waived to the extent of the member's liability coverage limits, and the LMCIT per occurrence limit is \$2 million.) The total all claimants would be able to recover for a single occurrence to which the statutory tort limits apply would also be limited to \$2,000,000, regardless of the number of claimants.
- ◻ *If the member waives the statutory tort limits and purchases excess liability coverage*, a single claimant could potentially recover an amount up to the limit of the coverage purchased. The total all claimants would be able to recover for a single occurrence to which the statutory tort limits apply would also be limited to the amount of coverage purchased, regardless of the number of claimants.

Claims to which the statutory municipal tort limits do not apply are not affected by this decision.

City of Brainerd

LMCIT Member Name _____

Check one:

- ☐ The member **DOES NOT WAIVE** the monetary limits on municipal tort liability established by Minnesota Statutes, Section 466.04.
- ☐ The member **WAIVES** the monetary limits on municipal tort liability established by Minnesota Statutes, Section 466.04 to the extent of the limits of the liability coverage obtained from LMCIT.

Date of city council/governing body meeting _____

Signature _____ Position City Administrator



Brainerd City Council Agenda Request

Requested Meeting Date: April 16, 2018

Title of Item: Resolution Establishing Polling Locations

☐ 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: As discussed in 2017, the City needed to find 4 new polling locations before the 2018 elections. Staff is recommending the polling locations for 2018 elections and beyond as outlined in the attached resolution. The resolution also authorizes the City Administrator and/or Finance Director to purchase the necessary supplies needed for the elections.	
Alternatives, Options, Effects on Others/Comments: We budgeted \$30,000 to conduct the 2018 elections. We spent \$22,626 and \$26,331 conducting the 2016 and 2014 elections respectively.	
Recommended Action/Motion: Adopt the attached resolution establishing polling locations for the primary and general elections.	
Financial Impact: <i>Is there a cost associated with this request:</i> ☐ Yes ☒ No <i>What is the total cost, with tax and shipping</i> \$ _____ <i>Is this budgeted?</i> ☐ Yes ☐ No <i>Please Explain:</i>	

RESOLUTION NO. __:18

**RESOLUTION ESTABLISHING POLLING LOCATIONS
FOR THE PRIMARY AND GENERAL ELECTIONS**

WHEREAS, per state statute 204B.16 the governing body of each municipality must designate by ordinance or resolution a polling place for each precinct; and

WHEREAS, the designation of a polling place shall remain effective until a different polling place is designated for that precinct.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BRAINERD MINNESOTA: that the polling places in the nine voting precincts in the City of Brainerd shall be as follows:

Ward 1 Precinct 1	Trinity Lutheran Church; 1420 South 6 th Street
Ward 1 Precinct 2	Church of Jesus Christ of Latter-Day Saints; 101 Buffalo Hills Lane W
Ward 2 Precinct 1	Essentia Health Sports Center; 502 Jackson Street
Ward 2 Precinct 2	The Center; 803 Kingwood Street
Ward 3 Precinct 1	North East Brainerd Fire Station; 1301 Mill Ave
Ward 3 Precinct 2	Bethlehem Evangelical Lutheran Church; 418 8 th Ave NE
Ward 3 Precinct 3	Bethlehem Evangelical Lutheran Church; 418 8 th Ave NE
Ward 4 Precinct 1	Carefree Living; 2723 Oak Street
Ward 4 Precinct 2	St. Andrew's Catholic Church; 1108 Willow Street

BE IT FURTHER RESOLVED, that the City Administrator and/or Finance Director be and hereby is directed and authorized to purchase the necessary supplies as needed for elections.

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 16, 2018

Title of Item: Resolution Setting Pay for Election Judges

☐ 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 June 20, 2016 council meeting, pay for election judges was discussed. Please see attached minutes as well as the agenda request for the items discussed. City Council did increase the trainee judge wage at the September 6, 2016 council meeting. Current wages are \$12.00 per hour for Head and Assistant Head Judges; \$10.00 per hour for Election Judges; and \$9.50 per hour for Trainee Judges.	
Alternatives, Options, Effects on Others/Comments: I did contact the county, and they are increasing their pay to \$12 for election and trainee judges and \$15 for head judges for the 2018 election. Judges are reimbursed at the standard IRS mileage rate, no meals provided. The City of Baxter currently pays \$10 per hour for trainee and election judges, and \$12 for head judges and provide snacks. State minimum wage is \$9.65 effective January 1, 2018. Trainee election judges have to be paid at least 2/3 minimum wage or \$6.44 per hour.	
Recommended Action/Motion: Discussion and adoption of the attached resolution setting wages for election judges; or direction to staff as additional information desired by the council to set the wages.	
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 We budgeted \$30,000 to conduct the 2018 elections. <i>Please Explain:</i>	

RESOLUTION NO. ____:18

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

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

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

Precinct Head and Assistant Head Judges - \$____.____ per hour;
Election Judges - \$____.____ per hour;
Trainee Election Judges - \$____.____ per hour.

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

Upon roll call, members Johnson, Borkenhagen, Hilgart, Koep, Pritschet, Bevans and Scheeler voted "aye." No member voted "nay." The Chair declared the motion carried.

Presentation: Nancy Williams, Kids Day Follow-up

The Chair recognized Ms. Nancy Williams, owner of Fancy Pants Chocolates and coordinator of the children's parade which took place during last week's History Week celebration. She showed a video of the 65+ kids that took part in the parade held downtown which featured Brainerd Mayor Ed Menk as Paul Bunyan. The Chair thanked her for her presentation.

Council Committee Reports

Personnel and Finance Committee Report

Approval of Bills, Transfers & Payments to Contractors – Approved

General Fund to Public Safety Fund	\$425,000
General Fund to Park Fund	\$80,000
General Fund to Street & Sewer Fund	\$70,000
General Fund to Airport Fund	<u>\$12,960</u>
	\$587,960

Contractor	IMP #	Project	Amount	Total Retained
Asphalt Preservation Co	16-03	2016 Chip Seal-Final	\$131,270.50	\$0
Braun Intertec	14-08	13 th Street SE	\$2,762.00	\$0
Tom's Backhoe	14-15	Airport Util. Extension	\$842,075.00	\$68,468.35

MOVED AND SECONDED BY ALDERMEN KOEP AND JOHNSON TO APPROVE THE PAYMENT OF BILLS, TRANSFER OF FUNDS AND PAYMENTS TO CONTRACTORS AS RECOMMENDED BY THE PERSONNEL AND FINANCE COMMITTEE.

Upon roll call, members Johnson, Borkenhagen, Hilgart, Koep, Pritschet, Bevans and Scheeler voted "aye." No member voted "nay." The Chair declared the motion carried.

2017 Budget Discussion – No Action Taken

Committee Chair Koep reported that there is no action out of Committee. Council discussion was held.

Election Judge Pay Discussion – Leave Rate of Pay for Election Judges "As Is" for 2016 Election – Approved

MOVED AND SECONDED BY ALDERMEN KOEP AND JOHNSON, DULY CARRIED, TO LEAVE THE RATE OF PAY FOR ELECTION JUDGES "AS IS" FOR THE 2016 ELECTION.

Safety and Public Works Committee Report

Out-of-State Travel Request – Transit Coordinator Stone – Authorize Request with a 15% Local Match of up to \$350 to be paid from the Transit Fund – Approved



Brainerd City Council Agenda Request

P4F
#3
Agenda Item #

Requested Meeting Date: June 20, 2016

Title of Item: Election Judge Compensation

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☒ P&F COMMITTEE ☐ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☐ Adopt Resolution (attach draft) *provide copy of published hearing notice ☐ Direction Requested ☒ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading
Submitted by: Connie Hillman	Department: Administration
Presenter (Name & Title): Finance Director Hillman	Estimated Time Needed: 10 minutes
Summary of Issue: We are in the process of recruiting election judges for the 2016 Election. Historically, we have passed a resolution declaring the polling locations, authorizing the rate of pay for the election judges, and authorizing staff to make the necessary supplies to run the election (see Attachment A). This item is on the agenda to discuss the pay rates for judges and possibly adding a mileage reimbursement component.	
Alternatives, Options, Effects on Others/Comments: The City has 8 polling location. In each location, we have a Head Judge, an Assistant Head Judge and at least 6 Election Judges. Attachment B is the results of a impromptu survey that was done. Most of our judges reside within the city limits, but we do have an assistant head judge that comes from Pequot, and there are other judges that come from a 15-20 mile radius to serve as well. All election judges have a 2 hour minimum training requirement that is done at the Courthouse or online. The head and assistant judges have additional training that is done at the Courthouse, they participate in public testing before each election, and are responsible for picking up supplies from City Hall before the elections.	
Recommended Action/Motion: Items for Discussion: * Should the hourly rates be increased or be maintained? * Should the City reimburse mileage for all election judges, only head or assistant judges, for judges that travel a certain mile radius, or not at all?	
Financial Impact: Is there a cost associated with this request: ☒ Yes ☐ No What is the total cost, with tax and shipping \$ _____ Is this budgeted? ☒ Yes ☐ No Please Explain: We have an estimated \$28,800 in the budget for both the primary and general election.	

Election Judge Compensation Comparison

City	Election Judge	Head Judge	Mileage	Meals	Extra/Misc.
Aitkin	\$10.00	\$10.00		Pizza	
Babbitt	\$10.00	\$12.00	To/From training		
Barnum	\$10.00	\$10.00	Yes	Lunch, dinner, coffee & water	
Bigfork	\$10.00	City Clerk	Yes	Lunch & dinner on election days	
Brainerd	\$10.00	\$12.00	No	Lunch & dinner on election days	Head Judge extra hour for supply pickup
Coleraine	\$10.00	\$11.00	Yes	One meal on election days	
Cook	\$10.00	\$10.00	To/From training		
Crosby	\$10.00	\$10.00	Yes	Donuts	
Crosslake	\$10.00	\$10.00	Yes	Coffee, water, bananas, donuts, lunch & dinner	
Deer River	\$10.00	\$11.00	Yes	\$7.00 for a meal	Judges work half days
Duluth	\$9.00	\$9.00	For judge picking up/dropping off keys & election material		Additional \$15.00 flat for Head Judge
East Gull Lake	\$12.00		Drive time	Lunch or dinner for training day, dinner and snacks on election days	
Ely	\$10.00	\$12.00		Coffee, pop, water, bakery items in AM, lunch and dinner	
Fifty Lakes	\$12.50	Deputy Clerk	For training, unless online training		
Grand Rapids	\$10.00	\$11.00	Yes		
Hermantown	\$10.00	\$10.00			Head Judge extra hour for mileage
Hoyt Lakes	\$9.50	\$10.80	To/From training	Morning goodies, snacks for day, lunch & supper from local restaurant	
Kettle River	\$10.00	\$10.00	Yes		
Littlefork	\$9.00	\$9.00	Yes		
Nisswa	\$9.50	City Clerk	To/From training		
Pequot Lakes	\$10.50	City staff	To and from training and polling place on election days	All meals & snacks throughout the election day.	
Pillager	\$13.00	Deputy Clerk	Yes	One meal per day	
Ranier	\$10.00	City Clerk		Donuts, drinks, evening meal	
Rice Lake	\$9.50	\$11.50	No		
Silver Bay	\$9.00	\$9.00			
Tow Harbors	\$9.50	\$9.50			Lunch compensation of \$16 per judge for absentee nursing home judges.
White, Town of	\$10.00	\$10.50	Yes	Meals	

Attachment B

IN THIRD LIEN POSITION AND TO AUTHORIZE SIGNATURES OF SUBORDINATION AGREEMENT FOLLOWING CITY ATTORNEY REVIEW.

Trainee Election Judge Wage – Amend Resolution No. 39:14 to Set the Trainee Judge Wage at \$9.50 per Hour – Approved

MOVED AND SECONDED BY ALDERMEN KOEP AND PRITSCHET, DULY CARRIED, TO AMEND RESOLUTION NO. 39:14 TO SET THE TRAINEE ELECTION JUDGE WAGE AT \$9.50 PER HOUR.

Election Emergency Plan – Adopt the Crow Wing County Election Emergency Plan as the City of Brainerd's Election Emergency Plan for the 2016 General Election and Beyond – Approved

MOVED AND SECONDED BY ALDERMEN KOEP AND PRITSCHET, DULY CARRIED, TO ADOPT THE CROW WING COUNTY ELECTION EMERGENCY PLAN AS THE CITY OF BRAINERD'S ELECTION EMERGENCY PLAN FOR THE 2016 GENERAL ELECTION AND BEYOND.

City Administrator Thoreen stated that the plan will be available at the front counter at City Hall and on the City's website: www.ci.brainerd.mn.us

Clarify Date for City Administrator Future General Wage Adjustment – Wage Adjustment to Occur at the Same Time as other Department Head and Supervisor Wage Adjustments – Approved

MOVED AND SECONDED BY ALDERMEN KOEP AND JOHNSON, DULY CARRIED, TO CLARIFY THAT THE EFFECTIVE DATE FOR THE CITY ADMINISTRATOR'S WAGE ADJUSTMENT SHALL OCCUR AT THE SAME TIME AS THE OTHER DEPARTMENT HEAD AND SUPERVISOR WAGE ADJUSTMENTS.

Police Department – Employee Out of State Travel – Authorize Investigator Craig Katzenberger to Travel to Virginia for NDCAC Training – Expenses to be covered by Federal Funding from FBI – Approved

MOVED AND SECONDED BY ALDERMEN KOEP AND PRITSCHET, DULY CARRIED, TO AUTHORIZE BRAINERD POLICE DEPARTMENT INVESTIGATOR CRAIG KATZENBERGER TO TRAVEL OUT OF STATE TO ATTEND THE DEPARTMENT OF JUSTICE "NDCAC" SPONSORED TRAINING IN VIRGINIA FROM SEPTEMBER 13-16, 2016 WITH ALL COSTS TO BE COVERED BY FEDERAL FUNDING FROM THE FBI.

Fire Department – State Turnout Gear Washer Grant Program – Authorize Letter Indicating Intent and Approval to Utilize Grant Funds for Turnout Gear Washer/Extractor Purchase if Funds are Awarded – Approved

MOVED AND SECONDED BY ALDERMEN KOEP AND JOHNSON, DULY CARRIED, TO AUTHORIZE A LETTER FROM THE CITY INDICATING THE INTENT AND APPROVAL TO PURCHASE A TURNOUT GEAR WASHER/EXTRACTOR IF FUNDS ARE AWARDED TO THE BRAINERD FIRE DEPARTMENT THROUGH THE MN FIRE MARSHAL'S GRANT PROGRAM.



Brainerd City Council Agenda Request

P&F
5
Agenda Item #

Requested Meeting Date: September 6, 2016

Title of Item: Trainee Election Judge Wage

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☒ P&F COMMITTEE ☐ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☒ Adopt Resolution (attach draft) *provide copy of published hearing notice ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading
Submitted by: Connie Hillman	Department: Administration/Finance
Presenter (Name & Title): Finance Director Hillman	Estimated Time Needed: 3 minutes
Summary of Issue: Students age 16 and 17 can be election judge trainees. Trainees must be paid at least two-thirds of the minimum wage. The current wage is set at \$5.50 per hour. Effective August 1, 2016, the state minimum wage is \$9.50. Two-thirds would be a minimum of \$6.34 per hour.	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion: Amend Resolution No. 39:14 setting the Trainee Election Judges wage to \$6.34 or higher.	
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> A set amount is budgeted to conduct the primary and general election.	

**RECEIVED**

APR 09 2018

CITY OF BRAINERD
ADMINISTRATION**City of Brainerd
Commission/Committee/Board Application Form**

Any questions contact City Hall at 218-828-2307

Commission/Committee/Board Applying for HRA Board Date: 4/4/2018*This application is public data pursuant to M.S. 13.43***PLEASE NOTE:** Completion and submission of this form grants the City authority to conduct a background check including a complete criminal history and driver's license check.*Name: Last Kent First Rebekah M.I. L**PLEASE NOTE:** To serve on a City Committee or Board, you must either live in or own property within the City Limits of Brainerd.

Why do you want to be on the Commission/Committee/Board you are applying for?

I want to participate in making Brainerd the best community to live.
I support the HRA's goal of strengthening neighborhoods with
affordable housing and redevelopment.

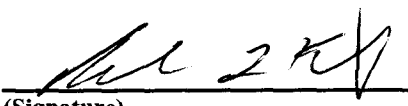
What skills, strengths, or abilities do you believe you will add to the organization?

I am a strategic thinker with 15 years of experience in public
administration, grant management, contract management,
and project management.*Please refer to the "Meeting Dates and Time" for your desired Committee; are you able to commit to this schedule? Yes.

*After Reviewing the City's "Conflict of Interest Policy" Please Explain if you are aware of any situation that might be perceived by others as a "Conflict of Interest" if you are appointed:

Co-Owner of the Tech Physician; Employee at Central Lakes College

Please list any additional comments:

Thank you for the opportunity to serve our community. 4/4/18
(Signature) (Date)***Required Information**

Submit completed application forms via one of the following options:

email: chillman@ci.brainerd.mn.us **fax:** 218-828-2316
Mail: City of Brainerd, 501 Laurel Street, Brainerd MN 56401



Brainerd City Council Agenda Request

Requested Meeting Date: April 16, 2018

Title of Item: Legislative Updates

☐ 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: There have been some bills moving through committees that were not included on the legislative agenda that was approved a few meetings ago.	
Alternatives, Options, Effects on Others/Comments: See the attached memo and recommended actions. There may be other items that I will update the Council upon once my weekly conference call with the City Engineer's Association Legislative Committee is adjourned on Friday, April 13.	
Recommended Action/Motion: Staff recommends the actions as outlined in the memo.	
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: April 12, 2018

SUBJECT: Legislative Actions

A couple of bills have been working their way through committees that were not included on the legislative agenda that was passed a few meetings ago. Detail on these bills is below:

SF2783/HF2912

A bill relating to release of retainage to contractors. Retainage must be released within 30 days from the date of substantial completion. A retainage amount of 150% the value of work to be completed can be withheld past the 30 days.

This bill is dangerous when it comes to having the ability to get contractors back to finish up small work items that may need to be finished the following spring. Sometimes, the value of the work may not be worth them mobilizing back to finish the project, and retainage was and is the only way to get them back. Typically, we withhold 5% of the contract amount until project is complete. We do sometimes reduce the retainage. This puts undue burden on cities to have to possibly finish up contracted work (however small) after the contractor has left because there isn't enough money withheld for the contractor to warrant coming back and finishing their obligations.

I would suggest a council action in the effect of the City of Brainerd opposes legislation in which would reduce the timeframe in which cities would need to pay retainage, therefore putting undue burden upon cities for completing work not completed by contractors, specifically SF2783/HF2912.

HF3841/SF3399

A Bill that increases the competitive bid threshold from \$100,000 to \$175,000.

This has received a lot of support, and it is anticipated to get overwhelming support from the Senate. I feel the City should support this. The \$100,000 number hasn't been changed in

about 15 years? This would not require competitive bidding under \$175,000, just quotations or direct negotiations with preferred contractors. You can't get much done for \$100,000 anymore.

I would suggest a council action in the effect of the City of Brainerd supports legislation in which increases the competitive bidding threshold, specifically HF 3841/SF3399.

SF 3837

This is the constitutional dedication of auto parts dedicated to transportation bill. City Engineer's Association is working to get some of the wording changed a bit so that the extra dedicated funds could be used on non state-aid routes as well. Currently, the wording is such that this new money would go into our State Aid account for use on 20% of our street system designated as State Aid. CEAM is working on how to approach this issue, as the League is staying neutral on this bill. There is a chance that this bill may reduce LGA simply by decreasing revenues in the general fund.

I do not have a suggested motion on this bill. However, I will keep the council informed on its whereabouts.

SENATE
STATE OF MINNESOTA
NINETIETH SESSION

S.F. No. 2783

(SENATE AUTHORS: KORAN, Draheim, Westrom, Utke and Tomassoni)		
DATE	D-PG	OFFICIAL STATUS
03/01/2018	6227	Introduction and first reading
		Referred to State Government Finance and Policy and Elections
03/05/2018	6280	Author added Tomassoni
03/12/2018		Comm report: To pass as amended and re-refer to Local Government

1.1

A bill for an act

1.2

relating to state government; requiring payments within a certain time period and

1.3

release of a retainage within a certain time period; amending Minnesota Statutes

1.4

2016, section 15.72.

1.5

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

1.6

Section 1. Minnesota Statutes 2016, section 15.72, is amended to read:

1.7

15.72 PROGRESS PAYMENTS ON PUBLIC CONTRACTS; RETAINAGE.

1.8

Subdivision 1. **Monthly payments.** Unless the terms of the contract provide otherwise,

1.9

a public contracting agency shall make progress payments on a public contract for a public

1.10

improvement monthly as the work progresses. Payments shall be based upon estimates of

1.11

work completed as approved by the public contracting agency. A progress payment shall

1.12

not be considered acceptance or approval of any work or waiver of any defects therein.

1.13

Subd. 1a. **Prompt payment to subcontractors.** For purposes of subdivisions 1, 2, and

1.14

3, each contract of a public contracting agency must require the prime contractor to pay any

1.15

subcontractor within ten days of the prime contractor's receipt of payment from the public

1.16

contracting agency for undisputed services provided by the subcontractor. The contract

1.17

must require the prime contractor to pay interest of 1-1/2 percent per month or any part of

1.18

a month to the subcontractor on any undisputed amount not paid on time to the subcontractor.

1.19

The minimum monthly interest penalty payment for an unpaid balance of \$100 or more is

1.20

\$10. For an unpaid balance of less than \$100, the prime contractor shall pay the actual

1.21

penalty due to the subcontractor. A subcontractor who prevails in a civil action to collect

1.22

interest penalties from a prime contractor must be awarded its costs and disbursements,

1.23

including attorney fees, incurred in bringing the action.

2.1 Subd. 2. **Retainage.** A public contracting agency may reserve as retainage from any
2.2 progress payment on a public contract for a public improvement an amount not to exceed
2.3 five percent of the payment. A public agency may reduce the amount of the retainage and
2.4 may eliminate retainage on any monthly contract payment if, in the agency's opinion, the
2.5 work is progressing satisfactorily.

2.6 Subd. 3. **Release of retainage.** Upon the issuance of a certificate of occupancy or
2.7 substantial completion of a prime contractor's or subcontractor's scope of work, whichever
2.8 comes first, a public contracting agency must release the retainage withheld from the prime
2.9 contractor or subcontractor to the prime contractor within 30 days.

**SENATE
STATE OF MINNESOTA
NINETIETH SESSION**

S.F. No. 3399

(SENATE AUTHORS: HALL)

DATE	D-PG	OFFICIAL STATUS
03/15/2018	6511	Introduction and first reading
		Referred to Local Government
03/27/2018	7017	Comm report: To pass
	7021	Second reading

1.1 A bill for an act

1.2 relating to local government; increasing the contract ranges in the Uniform

1.3 Municipal Contracting Law; amending Minnesota Statutes 2016, section 471.345,

1.4 subdivisions 3, 4.

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

1.6 Section 1. Minnesota Statutes 2016, section 471.345, subdivision 3, is amended to read:

1.7 Subd. 3. **Contracts over ~~\$100,000~~ \$175,000**. If the amount of the contract is estimated

1.8 to exceed ~~\$100,000~~ \$175,000, sealed bids shall be solicited by public notice in the manner

1.9 and subject to the requirements of the law governing contracts by the particular municipality

1.10 or class thereof. With regard to repairs and maintenance of ditches, the provisions of section

1.11 103E.705, subdivisions 5, 6, and 7, apply.

1.12 Sec. 2. Minnesota Statutes 2016, section 471.345, subdivision 4, is amended to read:

1.13 Subd. 4. **Contracts exceeding \$25,000 but not ~~\$100,000~~ \$175,000**. If the amount of

1.14 the contract is estimated to exceed \$25,000 but not to exceed ~~\$100,000~~ \$175,000, the contract

1.15 may be made either upon sealed bids or by direct negotiation, by obtaining two or more

1.16 quotations for the purchase or sale when possible, and without advertising for bids or

1.17 otherwise complying with the requirements of competitive bidding. All quotations obtained

1.18 shall be kept on file for a period of at least one year after receipt thereof.

1.19 Sec. 3. **EFFECTIVE DATE.**

1.20 Sections 1 and 2 are effective August 1, 2018, and apply to contracts entered into on or

1.21 after that date.

SENATE
STATE OF MINNESOTA
NINETIETH SESSION

S.F. No. 3837

(SENATE AUTHORS: NEWMAN)		
DATE	D-PG	OFFICIAL STATUS
03/26/2018	6988	Introduction and first reading
		Referred to Transportation Finance and Policy
04/09/2018	7130a	Comm report: To pass as amended and re-refer to Rules and Administration
		Joint rule 2.03, referred to Rules and Administration

1.1

A bill for an act

1.2

relating to transportation; governing transportation finance; proposing a

1.3

constitutional amendment to the Minnesota Constitution, article XIV, to allocate

1.4

state general sales tax revenue related to motor vehicle repair and replacement

1.5

parts exclusively to fund roads; amending Minnesota Statutes 2017 Supplement,

1.6

section 297A.94.

1.7

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

1.8

ARTICLE 1

1.9

CONSTITUTIONAL AMENDMENT

1.10

Section 1. CONSTITUTIONAL AMENDMENT PROPOSED.

1.11

An amendment to the Minnesota Constitution is proposed to the people. If the amendment

1.12

is adopted, article XIV, section 5, will read:

1.13

Sec. 5. There is hereby created a highway user tax distribution fund to be used solely

1.14

for highway purposes as specified in this article. The fund consists of the proceeds of any

1.15

taxes authorized by sections 9 and 10 of this article, and the revenue specified under section

1.16

14 of this article. The net proceeds of the taxes shall be apportioned: 62 percent to the trunk

1.17

highway fund; 29 percent to the county state-aid highway fund; nine percent to the municipal

1.18

state-aid street fund. Five percent of the net proceeds of the highway user tax distribution

1.19

fund may be set aside and apportioned by law to one or more of the three foregoing funds.

1.20

The balance of the highway user tax distribution fund shall be transferred to the trunk

1.21

highway fund, the county state-aid highway fund, and the municipal state-aid street fund

1.22

in accordance with the percentages set forth in this section. No change in the apportionment

1.23

of the five percent may be made within six years of the last previous change.

2.1 a section shall be added to article XIV, to read:

2.2 Sec. 14. Beginning July 1, 2020, the revenue from the general state sales and use tax
2.3 law that is attributed by law to the sale and purchase of motor vehicle repair and replacement
2.4 parts must be allocated solely to the highway user tax distribution fund. Revenue under this
2.5 section does not include revenue from the tax under article XI, section 15.

2.6 **Sec. 2. SUBMISSION TO VOTERS.**

2.7 (a) The proposed amendment under section 1 must be submitted to the people at the
2.8 2018 general election. The question submitted must be:

2.9 "Shall the Minnesota Constitution be amended to dedicate current sales tax revenue from
2.10 the sale of motor vehicle repair and replacement parts, so that beginning July 1, 2020, all
2.11 of the revenue is used exclusively for roads, including repair of state and local streets,
2.12 highways, and bridges and to match federal highway dollars? This amendment does not
2.13 increase the rate of the current tax.

2.14 Yes

2.15 No "

2.16 (b) The title required under Minnesota Statutes, section 204D.15, subdivision 1, for the
2.17 question submitted to the people under paragraph (a) is "Dedication of current motor vehicle
2.18 fees to road and bridge repair."

2.19 **ARTICLE 2**

2.20 **CONSTITUTIONAL AMENDMENT IMPLEMENTATION**

2.21 **Section 1. Minnesota Statutes 2017 Supplement, section 297A.94, is amended to read:**

2.22 **297A.94 DEPOSIT OF REVENUES.**

2.23 Subdivision 1. **Deposits.** (a) Except as provided in this section, the commissioner shall
2.24 deposit the revenues, including interest and penalties, derived from the taxes imposed by
2.25 this chapter in the state treasury and credit them to the general fund.

2.26 (b) The commissioner shall deposit taxes in the Minnesota agricultural and economic
2.27 account in the special revenue fund if:

2.28 (1) the taxes are derived from sales and use of property and services purchased for the
2.29 construction and operation of an agricultural resource project; and

(2) the purchase was made on or after the date on which a conditional commitment was made for a loan guaranty for the project under section 41A.04, subdivision 3.

The commissioner of management and budget shall certify to the commissioner the date on which the project received the conditional commitment. The amount deposited in the loan guaranty account must be reduced by any refunds and by the costs incurred by the Department of Revenue to administer and enforce the assessment and collection of the taxes.

(c) The commissioner shall deposit the revenues, including interest and penalties, derived from the taxes imposed on sales and purchases included in section 297A.61, subdivision 3, paragraph (g), clauses (1) and (4), in the state treasury, and credit them as follows:

(1) first to the general obligation special tax bond debt service account in each fiscal year the amount required by section 16A.661, subdivision 3, paragraph (b); and

(2) after the requirements of clause (1) have been met, the balance to the general fund.

(d) Beginning with sales taxes remitted after July 1, 2017, the commissioner shall deposit in the state treasury the revenues collected under section 297A.64, subdivision 1, including interest and penalties and minus refunds, and credit them to the highway user tax distribution fund.

(e) The commissioner shall deposit the revenues, including interest and penalties, collected under section 297A.64, subdivision 5, in the state treasury and credit them to the general fund. By July 15 of each year the commissioner shall transfer to the highway user tax distribution fund an amount equal to the excess fees collected under section 297A.64, subdivision 5, for the previous calendar year.

(f) Beginning with sales taxes remitted after July 1, 2017, in conjunction with the deposit of revenues under paragraph (d), the commissioner shall deposit into the state treasury and credit to the highway user tax distribution fund an amount equal to the estimated revenues derived from the tax rate imposed under section 297A.62, subdivision 1, on the lease or rental for not more than 28 days of rental motor vehicles subject to section 297A.64. The commissioner shall estimate the amount of sales tax revenue deposited under this paragraph based on the amount of revenue deposited under paragraph (d).

(g) ~~Starting after July 1, 2017,~~ The commissioner shall deposit ~~an amount of the remittances~~ monthly into the state treasury and credit ~~them~~ to the highway user tax distribution fund ~~as a portion of the estimated amount of taxes collected from the sale and purchase of motor vehicle repair and replacement parts in that month, in the amounts provided under this paragraph.~~ For the remittances between July 1, 2017, and June 30, 2019, the

monthly deposit amount is \$2,628,000. For the remittances between July 1, 2019, and June 30, 2020, the monthly deposit amount is \$16,688,000. For remittances in each subsequent fiscal year, the monthly deposit amount is ~~\$12,137,000~~ equal to 1/12 of the most recent percentage estimate for the fiscal year under subdivision 2 or Laws 2017, First Special Session chapter 3, article 3, section 123, multiplied by the total sales tax revenues collected in the previous calendar year. For purposes of this paragraph, "motor vehicle" has the meaning given in section 297B.01, subdivision 11,~~and~~ For purposes of this section, "motor vehicle repair and replacement parts" includes (i) all parts, tires, accessories, and equipment incorporated into or affixed to the motor vehicle as part of the motor vehicle maintenance and repair, and (ii) paint, oil, and other fluids that remain on or in the motor vehicle as part of the motor vehicle maintenance or repair. For purposes of this paragraph, "tire" means any tire of the type used on highway vehicles, if wholly or partially made of rubber and if marked according to federal regulations for highway use.

(h) 72.43 percent of the revenues, including interest and penalties, transmitted to the commissioner under section 297A.65, must be deposited by the commissioner in the state treasury as follows:

(1) 50 percent of the receipts must be deposited in the heritage enhancement account in the game and fish fund, and may be spent only on activities that improve, enhance, or protect fish and wildlife resources, including conservation, restoration, and enhancement of land, water, and other natural resources of the state;

(2) 22.5 percent of the receipts must be deposited in the natural resources fund, and may be spent only for state parks and trails;

(3) 22.5 percent of the receipts must be deposited in the natural resources fund, and may be spent only on metropolitan park and trail grants;

(4) three percent of the receipts must be deposited in the natural resources fund, and may be spent only on local trail grants; and

(5) two percent of the receipts must be deposited in the natural resources fund, and may be spent only for the Minnesota Zoological Garden, the Como Park Zoo and Conservatory, and the Duluth Zoo.

(i) The revenue dedicated under paragraph (h) may not be used as a substitute for traditional sources of funding for the purposes specified, but the dedicated revenue shall supplement traditional sources of funding for those purposes. Land acquired with money deposited in the game and fish fund under paragraph (h) must be open to public hunting and fishing during the open season, except that in aquatic management areas or on lands

where angling easements have been acquired, fishing may be prohibited during certain times of the year and hunting may be prohibited. At least 87 percent of the money deposited in the game and fish fund for improvement, enhancement, or protection of fish and wildlife resources under paragraph (h) must be allocated for field operations.

(j) The commissioner must deposit the revenues, including interest and penalties minus any refunds, derived from the sale of items regulated under section 624.20, subdivision 1, that may be sold to persons 18 years old or older and that are not prohibited from use by the general public under section 624.21, in the state treasury and credit:

(1) 25 percent to the volunteer fire assistance grant account established under section 88.068;

(2) 25 percent to the fire safety account established under section 297I.06, subdivision 3; and

(3) the remainder to the general fund.

For purposes of this paragraph, the percentage of total sales and use tax revenue derived from the sale of items regulated under section 624.20, subdivision 1, that are allowed to be sold to persons 18 years old or older and are not prohibited from use by the general public under section 624.21, is a set percentage of the total sales and use tax revenues collected in the state, with the percentage determined under section 39.

(k) The revenues deposited under paragraphs (a) to (j) do not include the revenues, including interest and penalties, generated by the sales tax imposed under section 297A.62, subdivision 1a, which must be deposited as provided under the Minnesota Constitution, article XI, section 15.

Subd. 2. Motor vehicle repair and replacement parts estimation; legislative report.

(a) Beginning June 30, 2023, and by June 30 of every fourth year or more frequently thereafter, the commissioner must estimate the percentage of total sales tax revenues, including interest and penalties, collected in the previous calendar year that is attributable to sales and purchases of motor vehicle repair and replacement parts, based on federal data and department consumption models. Beginning July 1 following a percentage estimate revision, the estimate is effective for deposits under subdivision 1, paragraph (g).

(b) By November 1 in a fiscal year in which a revised estimate becomes effective, the commissioner must submit a report on the estimate and estimation methodology to the chairs, ranking minority members, and staff of the legislative committees with jurisdiction over taxes and transportation policy and finance.

6.1 Sec. 2. **EFFECTIVE DATE.**

6.2 This article is effective June 30, 2019, if the constitutional amendment in article 1 is
6.3 ratified.

APPENDIX
Article locations in SF3837-0

ARTICLE 1 CONSTITUTIONAL AMENDMENT..... Page.Ln 1.8
ARTICLE 2 CONSTITUTIONAL AMENDMENT IMPLEMENTATION..... Page.Ln 2.19



Brainerd City Council Agenda Request

Requested Meeting Date: April 16, 2018

Title of Item: Comprehensive Plan Steering Committee

☐ 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	Department: Planning
Presenter (Name & Title): Same	Estimated Time Needed: 5 minutes
Summary of Issue: Ms. Hara Charlier, president of Central Lakes College is interested in being a member of the Comprehensive Plan Steering Committee.	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion: Approve the appointment of Ms. Hara Charlier to the Comprehensive Plan Steering Committee.	
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>	