CITY COUNCIL AGENDA

Brainerd, Minnesota
July 2, 2018
7:30 P.M.
Brainerd City Hall
Council Chambers

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

2. **Roll Call**
   ___ S. Hilgart ___ J. Lambert ___ K. Stunek ___ K. Bevans

   ___ D. Badeaux ___ G. Johnson ___ 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. Special Meeting Held on June 11, 2018
      2. Regular Meeting Held on June 18, 2018

Documents:

20180611_CC draft.pdf
20180618_CC draft.pdf

   B. **Approval Of Licenses**
      1. Contractor Licenses - 2 - New; 2 - Renewals

Documents:

2018-07-02 License RPT.pdf

   C. **Department Activity Reports**

      1. Mayor's Report
      2. Fire Chief

3. Parks Director

Documents:

Mayors Report.pdf
Fire Dept Report.pdf
Parks Report.pdf

D. **Extension Of Premises - Submitted By Brainerd Eagles 287 For An Event To Be Held July 4th, 2018 At 124 Front Street, Brainerd**

E. **Accept City Planner Mark Ostgarden's Retirement With Regret Effective January 4, 2019 And Authorize Severance Payment Per City Policy**

Documents:

Accept City Planner Ostgardens Retirement with Regret and Authorize Severance Payment.pdf

6. **Presentations**

A. **(Added Item) River To Rail Initiative Update - Mr. Bruce Buxton**

Documents:

Council Update 7-2-2018-v.1.pdf

7. **Council Committee Reports**

A. **Safety And Public Works Committee**

Documents:

20180702_SPW.pdf

1. ASH Properties Inc. Fence Easement

Documents:

Fence Easement.pdf

2. Large Patch Quotes

Documents:

Imp 18-04 Large Patch Authorization to Quote.pdf

3. First Reading - Proposed Ordinance No. 1485 - Amending City Code Section 900 Animals And 1010 Licensing Fees To Permit Miniature

Pigs Within The City Of Brainerd

Documents:

1st Ordinance Reading - Amend City Code 900 - Animals to Permit Small Pigs with the City of Brainerd..pdf

B. **Personnel And Finance Committee**

Documents:

20180702_PF.pdf

1. Approval Of Bills

2. 2017 Year-End Transfers Between Funds

Documents:

2017 Transfers.pdf

3. League Of Minnesota Cities Membership Dues Follow Up

Documents:

LMC Dues .pdf

8. **Unfinished Business**

A. **Committee Dismissal Recommendation**

Documents:

Brady Dismissal.pdf

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

Documents:

Larson Resignation.pdf

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

Mayor Recommended: (all terms expire on 12/31 of said year)
Charter Commission - 1 term (Expire 2020) - 1 term (Expire 2021)
Transportation Advisory Committee - 1 term (Expire 2018) - 1 term (Expire 2019)

9. **New Business**

   A. **Condition Of Brainerd Streets - 2018 Pavement Management**

      Documents:

      Pavement Management 2018.pdf

   B. **2018 Minnesota Small Cities Development Program (SCDP) Grant Award Letter**

      Documents:

      SCDP Grant Ltr.pdf

   C. **(Added Item) Resolution - Canceling Contract For Animal Control Services**

      Documents:

      RES 40_18 - Canceling Animal Control Contract.pdf

10. **Planning Commission**

   A. **First Reading - Proposed Ordinance No. 1484 - Amending Brainerd Zoning Ordinance Sections 515-63-2 (B-4 District) And 515-65-2 (B-6 District) To Add Funeral Homes/Mortuaries And Crematoriums As Permitted Uses**

      Documents:

      1st Ordinance Reading Ord No. 1484 - Funeral Homes-Mortuaries and Crematoriums in the B-4 and B-6.pdf

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

12. **Staff Reports**

    (Verbal: Any Updates since Packet)

13. **Council Member Reports**

14. **Adjourn**

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

ANY INDIVIDUAL NEEDING SPECIAL ACCOMMODATIONS,

PLEASE CALL 828-2307
Visit the City's Website (ci.brainerd.mn.us)

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

Brainerd, MN
June 11, 2018

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

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

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

City Code Section 1200 – Liquor Ordinance Review

City Administrator Torstenson informed the council that City Attorney Langel is unable to attend the meeting tonight and sends his regrets. City Planner Ostgarden, Finance Director Hillman and City Administrator Torstenson will be leading the discussion and will refer all legal questions to City Attorney Langel for input.

City Planner Ostgarden indicated there are three topics for discussion: 1) Liquor Zones 2) Number of Liquor Licenses 3) Definition of a Restaurant. The Planning Department has gathered information on several other cities definition of a restaurant, which is included in the packet. Several cities follow state statutes while others have their own city ordinance. The current liquor zone map is provided as well as some options and ideas for reducing or enlarging the zone. City Planner Ostgarden explained the perimeters of the possible options for changing the zone and included a blank map for additional input and ideas from council.

Finance Director Hillman stated according to City Attorney Langel's memo, state law definition of a restaurant allows the city to determine the seating capacity in their ordinance. The current City Code states several requirements as the seating capacity must seat at least 75 persons, less than half the dining area is to be a bar and an off-street parking space is required for every three units of seating in the dining area.

City Administrator Torstenson indicated a chart has been provided showing the seating capacity within the dining areas of the businesses with on-sale liquor licenses. The Minnesota Department of Health Licensing Definitions have also been provided which show three categories of establishments for food, pools and lodging services. City Administrator Torstenson stated the establishments that are listed on the spreadsheet as a restaurant meet category three definition.

Council Member Pritschet asked if Sunday liquor on-sale licenses are held by the establishments that currently meet category three requirements. Finance Director Hillman confirmed all of the on-sale liquor license recipients have been issued a Sunday license.

Council Member Johnson indicated he is in favor of the restaurant definition that the City of Duluth uses as it is to the point and simple. He stated it seemed extreme to ask for a percentage of food sales and to have the business submit tax records for proof.

Council Member Badeaux and Council Member Stunek are in favor of following the state statute, as the seating requirement of 30 seats along with the Sunday requirement is reasonable and fit the needs of our city.

Mayor Menk offered to hear public input by anyone present.

Mr. Steven Zelinske, owner of Yesterday's Gone, 219 S. 9th Street asked if he recently installed a kitchen does the business need to be defined as a restaurant. He may want to serve food now but may not in the future. He indicated he would not want to lose the license if there is a limited amount available.

Council Member Johnson responded there should be the three definitions for licenses. The appropriate definition would be assigned when it is a new application and for renewal each year. In this case, Yesterday's Gone would be a Category Two.

Council Member Pritschet indicated discussion is needed regarding the grandfather clause that was put in place in 2001. Council Member Badeaux stated the clause should not be enforced going forward as without it, businesses would be easily trackable, and the application would be clear.

City Administrator Torstenson stated she discussed this topic with City Attorney Langel and he indicated if the definition of restaurants is determined, the City has six current licenses for bars. All of the other establishments are categorized as restaurants. The City was unaware that Yesterday's Gone would like the definition of their business to be a bar and not a restaurant. That would then put us over by one bar license, based on the current ordinance with the downtown zone having a maximum of six on-sale licenses.

Council Member Johnson stated that Yesterday's Gone has been doing the same business for 15 years and it is not an error on their part – this is simply a staff overissuing problem.

Mayor Menk questioned if the fee will be changed for each of the different categories. Council Member Johnson stated that is a future topic of discussion when and if the licenses are amended. Mayor Menk mentioned they could probably stay as a restaurant license and serve "bar food" rather than a full menu.

Council Member Johnson indicated that to be concerned about the six or seven number is not the point of this meeting. The current city code has requirements for a restaurant that no business meets right now.

Council Member Badeaux stated he suggests enlarging the downtown liquor zone and adding one more license to the number available.

Mayor Menk suggested changing the area of the liquor zone to exclude Yesterday's Gone from the zone which allows for the six-license requirement.

Mr. Ed Mattson, owner of The Last Turn Saloon, 214 S 8th Street stated the business owners would like to be involved in any decisions that are made. Mr. Mattson indicated the City does not need any more licenses and would not like to be categorized as a restaurant, bar or other. This would limit the possibilities that the business would have in the future and the decision that is made today will affect the decisions made by others tomorrow. Mr. Mattson suggests eliminating the liquor zones completely, not having different categories of licenses and just follow the restaurant seating requirements per state statute.

Council Member Hilgart stated she agrees with Mr. Mattson and his suggestion of eliminating the liquor zone. The process of issuing future licenses should be based on the zoning

district for the type of establishment as how it pertains to the rest of the City. The restaurant definition should be established by state statute. The City is bound to a total number of licenses that can be issued whether they serve food or not and that number cannot be exceeded. The zoning ordinances should be able to dictate very clearly where future establishments can be located.

Mayor Menk indicated if we do not make any changes, this would eliminate the possibility of any new business locating in Brainerd which is something we do not want to happen.

City Administrator Torstenson clarified that there must be a definition for a restaurant as part of the license because a restaurant does not count against the twelve available licenses. The City does not want to preclude additional establishments from locating in the City. Using the business category listing for an example, if the businesses' shown in white and yellow on the spreadsheet provided wanted to be classified as just a bar and not a restaurant, the City would not be able to allow any more bars in the entire city.

City Planner Ostgarden stated all sorts of scenarios can be discussed but there are three situations to keep in mind. 1) The hotel at the south end of 6th Street will be redeveloped and may possibly desire to add a bar in the future. 2) There are areas of land for sale along Highway 210 towards the airport that could be further developed into accommodations for travelers which may include a bar or eating establishment. 3) The River Front may be developed to include a bar.

Council Member Badeaux stated the intention of the liquor zone was to limit the number of bars located in the downtown area and feels there still should be a liquor zone defined.

Council Member Johnson suggested staff reach out to each establishment and ask whether they want to be classified as a bar or a restaurant. The classification is necessary to limit the number of liquor licenses issued and compensate for those that are restaurants that do not count against the limit.

Mr. Ed Mattson stated he understands there is a situation that needs to be resolved but do not punish the businesses that have been here for years just to help the ones that might be coming in the future. He stated his friend lost his license in Alexandria.

Council Member Pritschet indicated he is not comfortable with having the current definition of a restaurant and allowing establishments to define themselves. Their response could effectively eliminate any competition. He suggested if the establishment has a liquor license under a restaurant and they lose the restaurant part, insert verbiage in the grandfather clause to say they wouldn't automatically lose their liquor license.

Mayor Menk suggested to change the definition of restaurant and modify the liquor zone to exclude Yesterday's Gone.

Mr. Steven Zelinske stated when his business moved to the Moose building, he attended many city council meetings to obtain a variance to extend the zone. At that time the council told him the business could not be a bar outside the zone.

Council Member Badeaux explained the council is looking at options to possibly remove the other zones in the City. Currently, there are specific zones where bars can locate, and the downtown zone is one of them; outside of that area you cannot be exclusively a bar.

Mr. Ed Mattson questioned if changes are made in the future, if it is possible to get a document in writing that would protect the current establishments that are considered a restaurant. There is already a grandfather clause that council is possibly voiding; he suggested creating a new one.

City Administrator Torstenson suggested taking one item at a time and voting on each topic. The information will be sent to City Attorney Langel to draft the ordinance in the correct legal terms which will be brought back to City Council as an ordinance.

Council Member Badeaux proposes to have only one liquor zone in Brainerd as the downtown zone but to expand it to allow for growth in additional areas and spacing in between establishments.

MOVED AND SECONDED BY ALDERMEN HILGART AND JOHNSON, DULY CARRIED, TO ADOPT THE DEFINITION OF A RESTAURANT TO ALIGN WITH MINNESOTA SUNDAY ON-SALE STATUTE AND THE HOLDER OF THE ON-SALE LICENSE MUST HAVE FACILITIES FOR SERVING NOT LESS THAN 30 GUESTS AT ONE TIME AND MUST MAINTAIN A CATEGORY 3 FOOD LICENSE.

Council Member Johnson suggested to expand the downtown liquor zone and to create the remainder of the city into a separate liquor zone to allow the option of having a bar in other areas of town. The businesses currently downtown have spoken and indicated they do not want any more bars in that area. If we are to allow bars outside of that area we need to expand the zone in order to make certain there are no more in that area. Essentially creating a buffer zone which allows development to expand

City Planner Ostgarden asked council to look at what they want to accomplish and what is the goal.

Mayor Menk stated he believe the goal is to create a larger district to get less concentration in a certain area. Mayor Menk suggests a Conditional Use Permit for a bar application within the zone. City Planner Ostgarden asked what conditions could be put on a bar in order to approve or deny the CUP. He does not think the City Attorney would suggest a CUP be considered.

Mr. Steven Shepherd, owner of Shep's on 6th stated there are twelve establishments in the current downtown liquor zone and agreed that the number and zone should remain the same.

City Administrator Torstenson clarified in order to add a new establishment, that applicant would have to follow our city zoning codes and go through the process of the Planning Commission to be allowed in that area. The council is proposing to change the boundaries of the liquor zone and by making it larger it could encompass more of the area that fits the category appropriate for a bar.

Mr. Rob Lewis, owner of 9th Street Social Club, 212 S. 9th Street stated he does not understand the changes in the number of licenses that are being proposed. The liquor zone as it stands works so why change it. Council Member Johnson stated it does not work as the City is currently over the limit.

Finance Director Hillman is concerned regarding a grandfather clause and who determines if the establishment is a bar or a restaurant.

MOVED AND SECONDED BY ALDERMEN JOHNSON AND LAMBERT TO ELIMINATE THE LIQUOR LICENSE ZONES, CREATE THREE CATEGORIES OF LIQUOR LICENSES IN THE CITY AS FOLLOWS: 1) BARS, PUBS, TAVERNS 2) RESTAURANTS 3) OTHER (CLUBS, BOWLING ALLEYS, HOTELS) AND THE CAP TO THE NUMBER OF CATEGORY ONE LICENSES TO BE DETERMINED.

Council Member Pritschet suggests obtaining fees for the different classes from the other cities. He also asked staff to research if there are any areas in the City that would be problematic if the liquor zones were eliminated and a bar desired to open in an allowed zone.

City Planner Ostgarden indicated that certain questions regarding bars with restaurants need to be referred to City Attorney Langel for clarification prior to any decision making.

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

Council Member Pritschet suggested discussion take place regarding the grandfather clause. Council Member Hilgart stated possibly sunset the existing clause and create a new one. The verbiage in the clause will have to define whether it follows the establishment or the licensee.

Adjourn

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

Cassandra Torstenson
City Administrator

Brainerd, MN
June 18, 2018

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

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

Council Vice-President Hilgart opened the meeting with the Pledge of Allegiance to the Flag.

MOVED AND SECONDED BY ALDERMEN BEVANS AND JOHNSON, DULY CARRIED, TO AMEND THE AGENDA BY ADDING TWO ADDITIONAL ITEMS TO THE SAFETY AND PUBLIC WORKS COMMITTEE AGENDA.

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

MOVED AND SECONDED BY ALDERMEN BEVANS AND JOHNSON, DULY CARRIED, TO AMEND THE CONSENT CALENDAR BY ADDING; A MINNESOTA LAWFUL GAMBLING APPLICATION SUBMITTED BY THE AMERICAN LEGION POST 255 TO CONDUCT OFF-SITE GAMBLING ON JULY 4, 2018 AT DON ADAMSON FIELD; A MINNESOTA LAWFUL GAMBLING APPLICATION SUBMITTED BY THE AMERICAN LEGION POST 255 TO CONDUCT OFF-SITE GAMBLING ON JULY 13 & 14, 2018 AT MEMORIAL PARK; AND TO AMEND THE BRAINERD JAYCEES LICENSE APPLICATION FOR AN EVENT TO BE HELD JULY 13-15, 2018 AT MEMORIAL PARK FROM A TEMPORARY ON-SALE LIQUOR LICENSE TO A TEMPORARY BEER LICENSE.

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

A. Approval of the Minutes of the Regular Meeting held on June 4, 2018 - Approved

B. Approval of Licenses - Approved

Contractor Licenses – 1 – New; 2 – Renewals

C. Department Activity Reports - Approved

1. Police Chief
2. Finance Director

D. Adopt Resolution Accepting Donations & Contributions For The 1st Quarter 2018 – Adopted by Resolution No. 37:18

E. **Temporary On-Sale Liquor License Application – Submitted by The Brainerd Jaycees for an Event to be Held July 27th & 28th, 2018 in Downtown Brainerd on Front Street - Approved**

F. ***(Amended Item)*** **Temporary BEER License Application - Submitted by The Brainerd Jaycees for an Event to be Held July 13-15, 2018 at Memorial Park Near the Softball Fields - Approved**

G. ***(Added Item)*** **Minnesota Lawful Gambling – Adopt Resolution Authorizing the American Legion Post 255 to Conduct Off-Site Gambling on July 4, 2018 at Don Adamson Field, 702 S. 5th Street, Brainerd – Adopted by Resolution No. 38:18**

H. ***(Added Item)*** **Minnesota Lawful Gambling – Adopt Resolution Authorizing the American Legion Post 255 to Conduct Off-Site Gambling on July 13 & 14, 2018 at Memorial Park, 1700 Mill Ave., Brainerd – Adopted by Resolution No. 39:18**

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

Presentations

Airport Annual Report – Mr. Steve Wright

The Chair welcomed Mr. Steve Wright, Airport Director who thanked the council for the opportunity to present the 2017 Annual Report. Mr. Wright explained strategic, financial and operating highlights as well as enplanement information and the monthly fuel reports. The 20-year Airport Master Plan focuses on developments along the corridor along Highway 210 out to the newer Runway 16/34 and the construction of a new General Aviation Arrival/Departure Facility. Mr. Wright invited the Council to visit the airport for a tour of the facility.

Council Committee Reports

Personnel and Finance Committee Report

Approval of Bills & Transfer of Funds - Approved

Fire Capital to Equipment Capital per Budget	$75,000
Park Dedication to Equipment Capital per Budget	$3,400
State MIF Funds to City Economic Development Fund	$173,572

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

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

League of Minnesota Cities Membership Dues for Fiscal Year 2019 - Informational

Committee Chair Johnson explained the membership dues for fiscal year 2019 will have a zero percent increase for the second year in a row. The estimated dues will be approximately $12,313 but may change due to an increase in population.

Monthly Financial Report Discussion - Informational

Committee Chair Johnson indicated Finance Director Hillman asked for feedback from the committee and council on the current layout. Any desired changes or additions to the report should be forwarded to Finance Director Hillman.

Safety and Public Works Committee Report

Event/Street Closure Application – Brainerd 4th of July Celebration - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND BADEAUX, DULY CARRIED, TO ACCEPT STAFF'S RECOMMENDATION AND APPROVE THE EVENT/STREET CLOSURE APPLICATION FOR THE BRAINERD 4TH OF JULY CELEBRATION WITH TRAFFIC CONTROL REQUESTED AND COORDINATED AND THE POLICE TO SCHEDULE OFFICERS FOR THE EVENT.

Event/Street Closure Application – Brainerd Eagles 287 Street Dance - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT, DULY CARRIED, TO ACCEPT STAFF'S RECOMMENDATION AND APPROVE THE EVENT/STREET CLOSURE APPLICATION FOR THE BRAINERD EAGLES 287 STREET DANCE WITH THE CONDITIONS THAT THE SPEAKER ORIENTATION BE DIRECTED AWAY FROM RESIDENTIAL PROPERTIES AND THEY COORDINATE ANY NECESSARY EXTRA ENFORCEMENT WITH THE POLICE DEPARTMENT. TRAFFIC CONTROL NEEDS SHOULD BE COORDINATED WITH THE ENGINEERING DEPARTMENT STAFF.

Transit Operating Services Proposals - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND BADEAUX, DULY CARRIED, TO APPROVE THE RECOMMENDATION BY THE TRANSPORTATION ADVISORY COMMITTEE (TAC) AND ACCEPT THE PROPOSAL FROM PRODUCTIVE ALTERNATIVES.

Council Member Hilgart asked if this was a change in vendor. Committee Chair Bevans confirmed it is a change of vendor.

Committee Chair Bevans indicated the proposal from Productive Alternatives consists of 256 pages. The highlights of the proposal are a change in vendor which will hopefully give us a lower cost; roughly $200,000 less over the course of three years with a higher potential for future growth to the service.

Alley Maintenance Discussion - Approved

Committee Chair Bevans stated this is a continuation of a past council meeting of discussing the alley maintenance on two un-platted alleys in south and southeast Brainerd.

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT, DULY CARRIED, TO ACCEPT STAFF'S RECOMMENDATION TO DIRECT STAFF TO FORMULATE COST ESTIMATES WITH A PLAN TO DO A SMALL AMOUNT OF REPAIR WORK AND SEND THE ESTIMATES TO THE AFFECTED PROPERTY OWNERS FOR REVIEW AND MORE DISCUSSION ABOUT THE REPAIRS, POSSIBLE VACATION AND FINANCIAL PARTICIPATION.

City Engineer Sandy responded there are other alleys in the City that are not platted. The alleys being discussed tonight are two identified as receiving complaints regarding the condition and the need for improvements past our standard practices. There are approximately 40-50 other alleys in the City which would be affected.

Council Member Johnson suggests staff identify all alleyways in the City and develop a policy to treat all alleys in the same manner.

***(Added Item)* South 6th Street Amended Construction Agreement – Testing Services - Approved**

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT, DULY CARRIED, TO ACCEPT STAFF'S RECOMMENDATION AUTHORIZING THE PROPER SIGNATURES ON THE AMENDED CONSTRUCTION AGREEMENT WITH MNDOT AS A TOTAL REVISED COST OF $1,868,203 WHICH IS AN ADDITIONAL $13,872 THAN WHAT HAS ALREADY BEEN PAID TO MNDOT, OR $7,867 OVER WHAT WAS AUTHORIZED IN THE ORIGINAL AGREEMENT.

Committee Chair Bevans indicated the original contract did not include testing services of the water main and sewer main. Typically, the City hires Braun Intertec to perform these services, but it was found to be more beneficial to have MnDOT perform these tests which would assist with scheduling from both perspectives and would also allow for consistency in the testing results.

***(Added Item)* Stone Arch Repair – Gregory Park - Approved**

Committee Chair Bevans explained the stone arch located on the north side of Gregory Park is deteriorating with large chunks of concrete falling out. It was decided out of committee to seek direction from council.

MOVED AND SECONDED BY ALDERMEN BEVANS AND BADEAUX, DULY CARRIED, TO DIRECT STAFF TO OBTAIN BIDS TO REPAIR THE ARCH AND CONSULT WITH THE PARK BOARD.

Unfinished Business

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

Mayor Recommended: (all terms expire on 12/31 of said year)
Charter Commission – 1 term (Expire 2020) – 1 term (Expire 2021)

Public Hearing – 5-Year Street and Sewer Capital Improvements – Approved

City Engineer Sandy made a presentation explaining the purpose of the 5-year Capital Improvement Plan as well as the importance of adopting the plan. The plan serves as a road map for future improvements, includes cost estimates for budgeting purposes and identifies revenue sources for project costs. The plan was posted on the city website in May for the public to view.

The Chair opened the Public Hearing at 8:20 p.m.

No one came forward.

The Chair closed the Public Hearing at 8:21 p.m.

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT, DULY CARRIED, TO ADOPT THE PLAN AS PROVIDED IN FINAL DRAFT FORM WITH THE PACKET.

Consider City Code Amendment to Permit Miniature Pigs – Direction Provided

City Planner Ostgarden indicated a resident came forward with the request to allow miniature pigs in the City. The current City Code does not allow this type of animal as a pet in city limits. Council has directed City Planner Ostgarden to proceed with a draft ordinance and information about policies in other Minnesota cities to present to Council at the next meeting.

Facility Study Presentation – Mr. Mike Angland, Architect & VP Widseth Smith Nolting

The Chair welcomed Mr. Mike Angland, Architect/VP and Eric Jendro, Mechanical Engineer from Widseth Smith Nolting and Pete Filippi from the Contegrity Group to present the results of the facility study. Mr. Angland explained the process they have went through in inspecting, taking photos and estimating all the building projects in detail from low to high priority. The facility evaluations are a project review of site evaluations that are itemized reports by discipline; civil, architectural, mechanical, electrical and structural. The study also includes a facility operations analysis that includes input from staff regarding the layout of departments, staff levels and customer interactions which will provide suggested updates or changes to the existing functionality.

Mr. Eric Jendro indicated a high priority issue at City Hall is the HVAC System and building pressurization and humidity. The current heating and cooling system is 26 years old and has outlived its life expectancy. The suggested replacement is a VRF System, which integrates a fan coil system and a Dedicated Outdoor System to handle ventilation. Mr. Jendro presented photos of the buildings' current system to show the deterioration of the equipment.

Mr. Angland went over the spreadsheet that is compiled into groups by priority with totals and subtotals of each area of concern. In addition to the disciplines shown above, the report includes security for certain buildings proposed by Bayco Security. The report is structured with subtotals, a contingency, general contractors or construction managers and an architectural engineering firm to obtain drawings for bids. It is important that all the items in the report are reviewed holistically. Mr. Angland stressed the importance of having a Facilities Management Program to track work orders, maintenance on the equipment and asset management.

Council discussion took place and questions answered.

Public Forum

The Chair opened the Public Forum at 9:08 p.m.

No one came forward.

The Chair closed the Public Forum at 9:08 p.m.

Staff Reports

City Engineer Sandy announced south 6th Street survived the 4 ½" of rain that fell over the weekend. The construction progress has reached Rosewood Street with sanitary sewer and expected to be up to Quince Street by Friday.

Council Member Johnson asked for an estimated date of the intersection opening at south 6th Street and Willow Street to 4th Street. City Engineer Sandy indicated the tentative date is July 15th.

City Administrator Torstenson stated today was the first day of Customer Service Training held for city staff. The second day of training is taking place at 8:30 a.m. on Tuesday, June 19th and she invited council to attend if they would like.

City Administrator Torstenson reminded council of the Council Retreat to be held Monday, June 25th at 5:30 p.m. with the primary topic being the Facility Study.

Council Member Reports

No reports.

Adjourn To City Council Retreat June 25, 2018 at 5:30 p.m.

The Chair adjourned the meeting at 9:11 p.m.

Cassandra Torstenson
City Administrator

CITY OF BRAINERD
LICENSED CONTRACTORS

CITY COUNCIL MEETING
July 2, 2018

(2 New, 2 Renewals)

CONTRACTOR	TELEPHONE	TYPE	INSURANCE	BOND	STATE NO.
CENTRAL MN DOOR SERVICE LLC 1712 MARY ANN AVE LITTLE FALLS, MN 56345 18-0175 (new)	(320) 632-4880	OVRD	12/5/2018	12/31/2018	
HERGET BUILDING, INC. 10064 LEISURE LANE BRAINERD, MN 56401 18-0176	(218) 764-3554	GENL	8/18/2018	12/31/2018	BC238723
AL'S A/C AND HEATING LLC 2709 CO RD 1 SW PINE RIVER, MN 56474 18-0177 (new)	(218) 587-3086	MECH	4/27/2019	10/31/2019	MB735089
COLLETTE-PARKS CONSTRUCTION LLC 1126 POPLAR DRIVE EAST GULL LAKE, MN 56401 18-0178	(218) 821-1483	GENL	10/23/2018	12/31/2018	BC366294

June 28, 2018

www.ci.brainerd.mn.us

As I write this, it is amazing that it will be the Fourth of July on Wednesday. Community Action has put together an amazing schedule of events. Some of the highlights will include Arts in the Park on Sunday and the parade at 4 P.M. on the Fourth following the customary route with abundant free parking available. After the parade there will be events at Don Adamson Field along with live music. The evening will not be complete without the fireworks orchestrated to music. This fireworks display is world class and is lit electronically utilizing a computer system that helps coordinate the timing of the shells bursting in sync with the music.

I set up and oversaw over 100 fireworks shows as a licensed pyrotechnic and have seen the strength of the explosives and the fire-starting ability of the materials used in fireworks, so I would like to issue a word of caution about fireworks and the consequences of their use. The materials that make the explosions and color effects can have devastating effects on your body and others and can start fires. Not only can you be hurt, but there may be financial consequences. Please use caution if you choose to set off these devices. Also remember only consumer class fireworks are permitted in Minnesota and if you are using professional grade fireworks, you need to obtain a state license that is issued to you.

You may have noticed that there are a lot of road construction sites throughout our community. I urge you to use caution and demonstrate "Minnesota Nice" as you go about your daily activities. And because we will have a large influx of people, there may be medical emergencies, accidents or fires. Please show respect and try to avoid slowing them down. Remember, someday you or a loved one may need a fast response from the emergency responders.

Changing the subject slightly, have you noticed in the last several years that we as a community have seen great changes in housing, retail and industry? This has been brought about with the help of individuals, the HRA, the Chamber of Commerce, BLADEC and our local governing bodies all working together. Some of the highlights include new housing being constructed in the Brainerd Oaks, Serene Pines, and Dalmar Estates areas. The last I heard over thirty lots had been sold, and approximately twenty new homes have been sold in our city because of the HRA and Brainerd's City Council working together. In the Downtown area, the HRA worked at obtaining a large grant to help with apartment renovations and store front remodeling. Over 40 apartments have been refurbished and a number of store fronts seeing improvements. In our industrial areas, we have seen new jobs being created. In addition, there are possibilities that other individuals may be seeking to expand their businesses or develop new areas within our city.

I am happy to see our city truly becoming a place to "Live, Work, Play and Stay".

Edwin L. Menk

Mayor , City of Brainerd

Brainerd Fire Department

To: Mayor and City Council

From: Tim Holmes, Brainerd Fire Chief

Date: June 28, 2018

Re: June 2018 Activity Report

Firefighters responded to a variety of emergency calls in June, including structure fires, vehicle fires and crashes. We have been working with Brainerd and Baxter Building Officials on several projects, along with conducting our fire safety inspections throughout our coverage area.

Firefighters presented fire safety education at the Walmart Safety event, the National Active and Retired Federal Employees Association meeting and to an adult day care.

Training in June consisted of multi-department training with Airport firefighters in the event of an aviation emergency. Firefighters also conducted high angle rope rescue training from the Laurel Street bridge. Deputy Chief/Fire Marshal Cox attended Fire Inspector training conducted at Fort Ripley. Administrative Specialist Kraemer attended a grant writing workshop held at Sourcewell.





Several firefighters are participating in the PAMFF Project, organized through the University of Minnesota and the Minnesota Firefighter Initiative. This project consists of personal interviews aimed to assess Post Traumatic Stress Disorder risk to firefighters in Minnesota. PTSD is most often associated with soldiers returning home from war zones, however firefighters also face similar traumatic events during emergency situations. PTSD and other mental health concerns may not be visible until serious symptoms are shown.

The Million Meter Row at Crossfit Grow was held in June and several firefighters and their families participated to help bring awareness to mental health concerns. The event also raised money for Northern Pines “Zero Suicide” Initiative. We challenged our public safety partners to participate with us. USA Today reports that 103 firefighters and 140 police officers died by suicide in 2017, compared to 93 firefighters and 129 officer line-of-duty deaths, according to the Ruderman Family Foundation.



Firefighters and their families held a “Family Fun Night” with games, face painting and a potluck meal.



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

Structure Fire	6
Camper Fire	1
Vehicle Fire	1
Grass/Tree Fire	2
Equipment Fire	3
Emergency Medical Service	1
Extrication	1
Gas Leak/Spill	2
Smoke Scare	4
Assist Other Governmental Agency	4
Unauthorized Burning	2
Authorized Controlled Burning	2
Good Intent Call	1
Canceled Enroute	8
Alarm System Activation	10
Carbon Monoxide Detector Activation	2
Total	**50**

City of Brainerd Incident Report

Structure Fire	5
Grass/Tree Fire	1
Extrication	1
Gas Leak/Spill	2
Assist Other Governmental Agency	3
Unauthorized Burning	2
Authorized Burning	2
Smoke Scare	2
Canceled Enroute	4
Alarm System Activation	5
Total	**27**



Parks and Recreation Report

July 2018

Submitted by Tony Sailer, Director

- Staff met with the splash pad organizers and other individuals on June 8 to discuss fund raising. It was recommended that a Board of Directors be organized to form a non-profit organization for grant writing purposes. To date $74,500 has been raised.

- The Park Board approved use of the Memorial Park parking lot for the Pistons and Pork car show on Sunday, July 29. There is no admission charge, however, food will be served at $5 per plate.

- Parks staff assisted the Street Department to remove plants and weeds in sections of the College Drive roundabouts and installed mulch. It is hoped this will reduce maintenance on the roundabouts.

- New alumi-core signs have been purchased for Bane, Kiwanis, Jaycees and Mill Avenue parks and will soon be installed.

- The youth softball Mid-Summer Slam for Petite, Junior and Senior leagues will take place July 6 at the Brainerd High School softball field.

- The 63rd annual Bronco League Mid-Summer Classic, and the 19th annual Pony League Mid-Summer Classic, will take place July 9 at Bane Park. In the Bronco League game, the Brainerd all-stars will play the Crosby all-stars.

- The Wounded Warriors will participate with Miracle League players at 1 p.m. on July 13 at Bane Park. Later that day the Wounded Warriors will play local softball players at Mills Field. A home run exhibition will start at 6 p.m. followed by the game at 7:30 p.m. There is no admission charge, but free-will offerings will be accepted. Last year more than 2,000 people attended the event.

- On Saturday, July 14, the Wyld Rice Band and Def Leggend will play at Mills Field. The concert begins at 7 p.m. and will conclude by 10 p.m.

- The Gopher State 15 & Under state baseball tournament will take place July 20-22 at Mills, Adamson, CLC and Forestview fields.

Brainerd City Council
Agenda Request

Requested Meeting Date: July 2, 2018

Title of Item: City Planner Ostgarden's Retirement

☐ INFORMATION ONLY ☑ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☐ MAIN AGENDA	**Action Requested:** ☑ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1st Reading **provide copy of published hearing notice*
Submitted by: HR Coordinator Kris Schubert	**Department:** Administration
Presenter (Name & Title): HR Coordinator Kris Schubert	**Estimated Time Needed:** n/a - consent calendar item

Summary of Issue:

City Planner Mark Ostgarden has submitted a letter of resignation. His last day at work will be January 3, 2019.

Alternatives, Options, Effects on Others/Comments:

Staff would like an opportunity to review recruitment options and organizational structure; therefore, we are not ready to make a recommendation regarding backfilling the position at this time. We appreciate that City Planner Ostgarden has given us six month's notice so we can review properly and present a recommendation in the near future.

Recommended Action/Motion:

To accept City Planner Mark Ostgarden's retirement with regret effective January 4, 2019; further, to authorize his severance payment per City Policy.

Financial Impact:

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

What is the total cost, with tax and shipping $ depends on accruals

Is this budgeted? ☐ Yes ☑ No

Please Explain: Fund balance reserves are used for severance payments.

June 20, 2019

RECEIVED
JUN 20 2018
CITY OF BRAINERD
ADMINISTRATION

Mayor and City Council
501 Laurel Street
Brainerd, MN 56401

Honorable Mayor and City Council:

I am submitting this letter as my official retirement notification. In order to fulfill the City Administrator's stated request for a six-month notice, it is my intent to retire from the City of Brainerd in January 4, 2019.

Mark Ostgarden

Mark Ostgarden, AICP
City Planner

Cc: Cassandra Torstenson, City Administrator
Kristy Shubert, PHR, CLRP Human Resources Coordinator

River TO Rail

Our community. Our commitment.

Council Update



A collaborative and joint effort of

The City of Brainerd

HRA

Brainerd Lakes Area Economic Development Corporation

Brainerd Lakes Area Chambers of Commerce

Numerous interested individuals/groups/agencies

Revitalization Projects in Brainerd, MN

visit GrowBrainerdLakes.org/R2R for more information

Map updated on May 10, 2018



River TO Rail

Our community. Our commitment.

1. Franklin Arts Center
2. Crossing Arts Alliance, Lakes Area Music Festival, Purple Fern
3. Sage Restaurant
4. Rumbly Hall & Apartments
5. Last Turn Saloon Event Space & Brewery
6. Brainerd High School (Performing Arts Center, Gym, Pool, Commons, and Classrooms)
7. Harrison Elementary Addition
8. Riverside Elementary Addition
9. Washington Education Services Building Improvements
10. Senor Patron's Restaurant
11. Hotel
12. Parking Ramp (Two Locations)
13. Office Building (Two Locations)
14. EL Menk Upper Floors
15. Apartment Block
16. Park
17. Children's Museum (Two Locations)
18. Pedestrian Bridge
19. Pedestrian Trail
20. New Roads Connecting NP to Downtown & SE
21. River Plaza and Boardwalk
22. Pueringer Investments
23. NP Event Space
24. Roundhouse Brewery
25. Luminary Fern Event Space
26. YMCA
27. Brainerd Eyecare Center

Council Update

- Council Presentation – August 28, 2017
- Numerous public presentations
- Communitywide presentation – February 26, 2018
  - More than 200 people attended
- Formation of Steering Committee – Approx. 27 people
  - Identified Stakeholders & Interested Persons
  - Outlined Roles & Responsibilities

Council Update

- **Formation of 6 subcommittees – "Engines"**
  - Arts & Culture – Leader – Mike Angland
  - Trails, Parks & Community Space – Leader – Rod Osterloh
  - Marketing, Events & Special Projects – Leader – Matt Killian
  - Comp Plan & Infrastructure – Leader – Cassandra Torstenston
  - Existing Business & Housing – Leader – Jennifer Bergman
  - New Development & Redevelopment – Leader – Sheila Haverkamp/Bruce Buxton
- **Outlined Roles & Responsibilities**

Council Update

- **Engines**
  - **Recruited additional interested team members**
  - **Held meetings**
    - **Outlining potential projects**
    - **Setting project priorities**
    - **Estimating project costs**
    - **Assisting in seeking funding**

Council Update

- **Arts & Culture**
  - First Mural - Legion – to be completed by the end of summer
  - Crowdfunding effort – in cooperation with Region V
  - DeTour Effort – 4 events coming in July
- **Parks, Trails & Community Spaces**
  - Application for funding
  - Collaborating with Cuyuna Lakes Trail
  - Trailhead, parking, connections are being prepared
- **Comprehensive Plan & Infrastructure**
  - Ward meetings
  - Community Surveys

Council Update

- **Marketing, Events**
  - 2nd Destination Downtown Contest
  - Developing Communication Plan
- **Existing Business & Housing**
  - Continue the improvements downtown w/SCDP
  - Looking at ways for businesses to collaborate
  - Tour/meeting of other HRA reps
- **New Development**
  - Proactively seeking developers for R to R area
  - Exploring incentive options for Council consideration
  - Looking at potential development friendly policies

Council Update

- **Additional Items**
  - **BNSF meeting**
    - **BNSF approved trail – 13th to Mall on RR R/W**
    - **New application for trail/road on Laurel St. extension**
    - **Potential use of building along Front St.**
    - **Valuing RR R/W for potential purchase**
  - **Developing data to track results**
  - **Created video**



We’re all working together for a better Brainerd Community

Thank you for your help & Support

CITY OF BRAINERD
SAFETY AND PUBLIC WORKS COMMITTEE
AGENDA

July 2, 2018
City Council Chambers
7:00 PM

1. ASH Properties Inc. Fence Easement

2. Improvement 18-04 - Large Patch Quotes Authorization to Bid

3. Planning Department - First Reading – Proposed Ordinance No. 1485 – Amending City Code Section 900 Animals and 1010 Licensing Fees to Permit Miniature Pigs Within the City of Brainerd

Brainerd City Council
Agenda Request

Requested Meeting Date: July 2, 2018

Title of Item: ASH Properties, Inc. Fence Easement

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☑ SPW COMMITTEE ☐ MAIN AGENDA	**Action Requested:** ☑ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1st Reading **provide copy of published hearing notice*
Submitted by: City Engineer Sandy	**Department:** Engineering
Presenter (Name & Title): City Engineer Sandy	**Estimated Time Needed:** 5 Minutes

Summary of Issue:

Attached to this request is a fence easement, as previously discussed at the June 4th city council meeting for the Sage on Laurel parking area located at 612 Laurel Street.

Alternatives, Options, Effects on Others/Comments:

The easement specifically lays out ownership of the parcels and the fence adjacent to the parcels, maintenance responsibilities, replacement or removal, modifications to the fence or the present opening, and costs associated with any work. In short, the document grants easement for construction and maintenance of the fence to the City of Brainerd and outlines any future modifications or replacement/removal thereof.

Recommended Action/Motion:

Staff recommends approval of the attached easement and authorizing proper signatures on the document as presented.

Financial Impact:

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

What is the total cost, with tax and shipping $ $1.00

Is this budgeted? ☐ Yes ☑ No

Please Explain:

[Reserved for Recording Data]

FENCE EASEMENT

This Fence Easement, with an effective date of the last date set forth adjacent to the signatures below, in entered into by and between **ASH Properties Inc.**, a Minnesota corporation (Grantor), and the **City of Brainerd**, a Minnesota municipal corporation (Grantee).

Recitals

1. Grantor owns a parcel in downtown Brainerd (the Property) that is presently used as a parking lot and is legally described as follows:

   The East 50 feet of Lots 13 through 17, inclusive, Block 69, Town of Brainerd and First Addition to Brainerd.

   [PID 09196069013W889]

2. Grantee owns the two adjacent parcels to the east, which are used for public parking (Grantee's Parcels).

3. Grantee constructed a decorative fence that runs east-west along the northern edge of the Property and Grantee's Parcels as part of a downtown improvement project prior to Grantor's acquisition of the Property.

4. Grantee desires to have the fence remain in its current location on the Property, and Grantor desires to allow the fence to remain, subject to the terms and conditions set forth below.

Easement

1. In exchange for payment of $1.00 and other valuable consideration, Grantor grants to Grantee a perpetual easement for the purpose of constructing and maintaining a fence in the location shown in the attached Exhibit A (Sheet L14 of Record Drawings dated March 11, 2010.
2. Grantee owns the fence and is responsible for its maintenance. The means and methods of such maintenance shall be in Grantee's sole discretion.
3. Grantee reserves the right to remove the fence at any time. In the event Grantee permanently removes the fence, Grantee shall issue to Grantor a quit claim deed or similar instrument relinquishing all right, title and interest in this Fence Easement.
4. The existing opening in the fence, which allows access to the Property from the City sidewalk on the south side of Laurel Street, may be moved by Grantor under the following conditions:
    a. Grantor shall submit to Grantee written plans illustrating the proposed changes. Grantor shall review and approve, modify or disapprove the proposal within a reasonable period. Said approval shall be in its sole discretion.
    b. If the fence opening is relocated, the new opening shall be the same width as the original opening, a new sidewalk from the Laurel Street sidewalk to the Property shall be constructed, and the original sidewalk demolished. The new fence sections and sidewalk shall match the design of the original fence and sidewalk.
    c. Grantor's modifications to the fence and sidewalk shall be at its sole cost.
5. Except as otherwise provided above with respect to the fence opening, Grantor shall not modify, move or replace the fence without Grantee's written permission.
6. Notwithstanding any other term of this Fence Easement, Grantor is responsible for damage to the fence caused by Grantor, its agents, employees or invitees.

7. This Fence Easement shall not be modified except in a writing signed by both parties, shall be construed pursuant to Minnesota law, and supersedes any and all prior communications between the parties concerning the fence.
8. The undersigned warrant they have the requisite authority to execute this instrument on behalf of their respective parties and bind those parties to the terms set forth above.

ASH PROPERTIES, INC.

By: _____

Its: _____

STATE OF MINNESOTA)
) ss.
COUNTY OF CROW WING)

This instrument was acknowledged before me on _____ by _____ as _____ of ASH Properties Inc.

_____
Notary Public

CITY OF BRAINERD

By: _____
Edwin L. Menk, Mayor

By: _____
Cassandra Torstenson,
City Administrator

STATE OF MINNESOTA)
) ss.
COUNTY OF CROW WING)

This instrument was acknowledged before me on _____ by Edwin L. Menk and Cassandra Torstenson as Mayor and City Administrator, respectively, of the City of Brainerd.

_____
Notary Public

This instrument drafted by:

Ratwik, Roszak & Maloney, P.A.
730 Second Ave. S., Suite 300
Minneapolis, MN 55402
(612) 339-0060
(JJL)

NOTE: PLANTER SIZE REDUCED TO PROVIDE CLEARANCE AROUND MNDOT SIGNAL CABINET. BENCH MOVED AT REQUEST OF COCOA MOON.

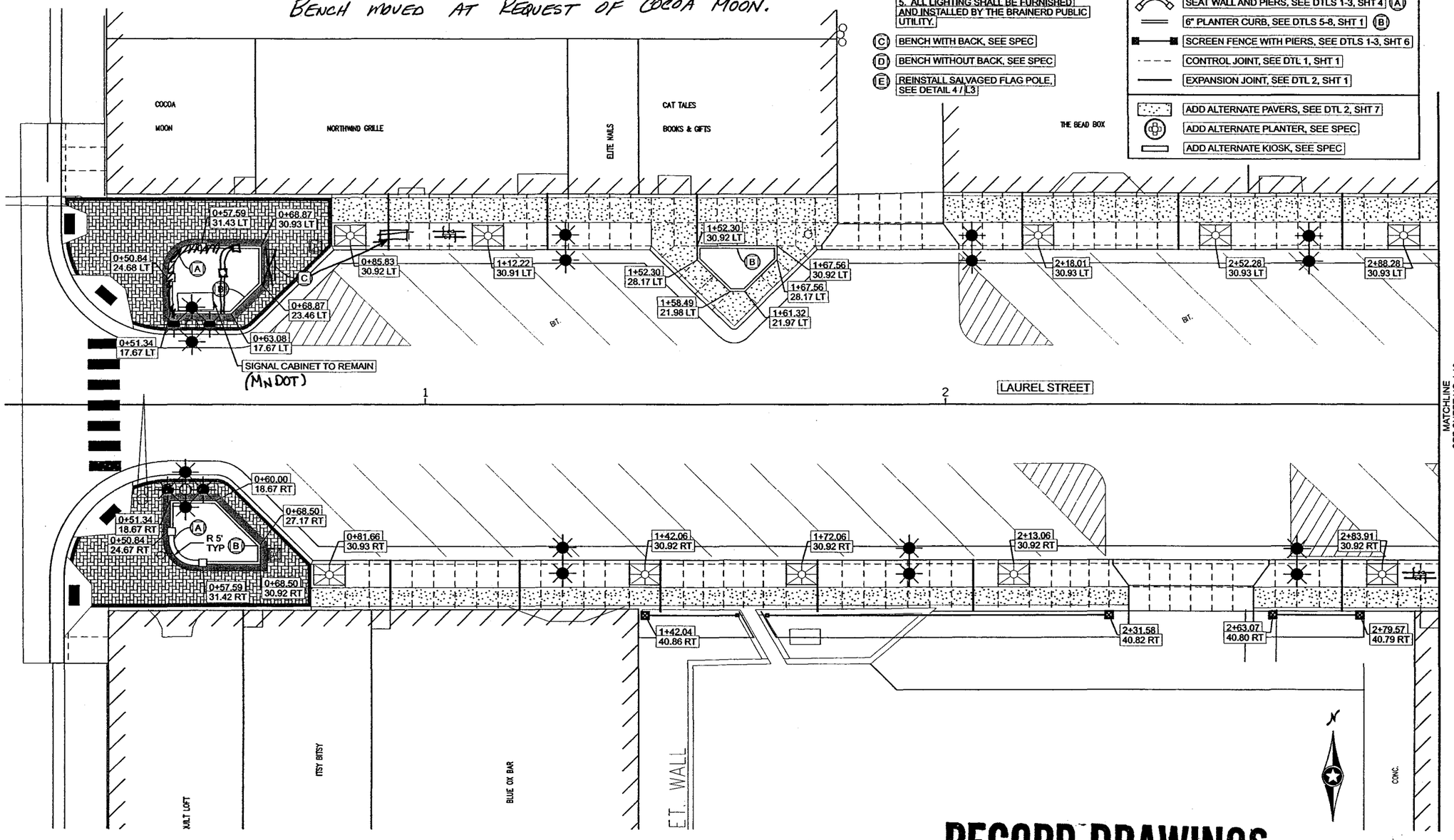
NOTES:

1. REPORT ALL LAYOUT DISCREPANCIES IMMEDIATELY TO THE LANDSCAPE ARCHITECT FOR DIRECTION PRIOR TO PROCEEDING.
2. WRITTEN DIMENSIONS SHALL PREVAIL OVER DRAWING.
3. ALL DIMENSIONS GIVEN ARE MEASURED HORIZONTALLY.
4. ALL DIMENSIONS TO CURB ARE MEASURED FROM BACK OF CURB.
5. ALL LIGHTING SHALL BE FURNISHED AND INSTALLED BY THE BRAINERD PUBLIC UTILITY.

(C) BENCH WITH BACK, SEE SPEC
(D) BENCH WITHOUT BACK, SEE SPEC
(E) REINSTALL SALVAGED FLAG POLE, SEE DETAIL 4 / L3

LEGEND

- BASE BID PAVERS, SEE DTL 1, SHT 7
- BENCH, SEE DTLS 1 OR 2, SHT 3
- TRASH RECEPTACLE, SEE DTL 5, SHT 3
- TREE GRATE AND STRUCTURAL SOIL, SEE DTLS 1 & 2, SHT 2
- BIKE RACK, SEE DTL 3, SHT 3
- FLAG POLE, SEE DTL 4, SHT 3
- SEAT WALL AND PIERS, SEE DTLS 1-3, SHT 4 (A)
- 6" PLANTER CURB, SEE DTLS 5-8, SHT 1 (B)
- SCREEN FENCE WITH PIERS, SEE DTLS 1-3, SHT 6
- CONTROL JOINT, SEE DTL 1, SHT 1
- EXPANSION JOINT, SEE DTL 2, SHT 1
- ADD ALTERNATE PAVERS, SEE DTL 2, SHT 7
- ADD ALTERNATE PLANTER, SEE SPEC
- ADD ALTERNATE KIOSK, SEE SPEC



RECORD DRAWINGS

© 2008 WIDSETH SMITH NOLTING

SRF CONSULTING GROUP, INC.

I HEREBY CERTIFY THAT THIS PLAN, SPECIFICATION, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LANDSCAPE ARCHITECT UNDER THE LAWS OF THE STATE OF MINNESOTA.
TIMOTHY B. WOLD — DATE: 12/7/2009 — LIC. NO. 42184

BY	REVISIONS DESCRIPTION	REV#	DATE

DATE: JANUARY 15, 2008
SCALE: AS SHOWN
DRAWN BY: BH
CHECKED BY: TW
JOB NUMBER: 010180039

DOWNTOWN RECONSTRUCTION
CITY IMPROVEMENT NOS. 05-28 & 08-09
BRAINERD, MINNESOTA
CONSTRUCTION PLAN

SHEET NO. L14
SHEET L14 OF 37

K:\projects\brainerd\plan\sheets\L14.dgn

Brainerd City Council
Agenda Request

Requested Meeting Date: July 2, 2018

Title of Item: Improvement 18-04 - Large Patch Improvement Authorization to Quote

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☑ SPW COMMITTEE ☐ MAIN AGENDA	**Action Requested:** ☑ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1st Reading **provide copy of published hearing notice*
Submitted by: City Engineer Sandy	**Department:** Engineering
Presenter (Name & Title): City Engineer Sandy	**Estimated Time Needed:** 5 Minutes

Summary of Issue:

Staff has compiled a list of areas that should be included as part of annual large patch improvement project.

Alternatives, Options, Effects on Others/Comments:

Staff typically quotes a large patch project annually. This consists of patches that annually require a large amount of our cold patch material and would be better suited by removing the existing pavement, replenishing gravel, and re-paving with fresh hot mix. These areas identified are on streets that are not in the City's 5-year street and sewer capital plan. By performing more long term patches in these areas, staff can effectively extend the life of the street segment until an improvement project can be scheduled in the 5-year plan.

Recommended Action/Motion:

Staff recommends authorization to quote the large patch improvement project and will return qutoes once they are received to the council for review.

Financial Impact:

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

What is the total cost, with tax and shipping $ Estimated $10,500

Is this budgeted? ☑ Yes ☐ No

Please Explain: We typically budget $10,000 for this improvement to come from construction fund 401.

2018 Patching

Street Segments	Work Required	Size (Sq Ft)	Size (Sq Yd)
818 11th Ave NE	2"-Class 5, Bituminous	484	54
Maple St between SE 15th St & SE 16th St	2"-Class 5, Bituminous	364	40
Maple St between SE 16th St & SE 17th St	2"-Class 5, Bituminous	544	60
(2 Patches)		512	57
Maple St & SE 16th St Intersection	2"-Class 5, Bituminous	528	59
S 10th St - North of CR117	2"-Class 5, Bituminous	210	23
Alley behind SA - West of NE 5th Ave	2"-Class 5, Bituminous	1472	164
E St - West of NE 2nd Ave	2"-Class 5, Bituminous	78	9
South of Pine St/Walnut St Intersection	2"-Class 5, Bituminous	247	27
(2 Patches)		231	26
423 D St - Low Point	2"-Class 5, Bituminous	273	30
Greenwood St - Good Samaritan Employee Entr	2"-Class 5, Bituminous	224	25
Pine St & SE 16th St Intersection	2"-Class 5, Bituminous	378	42
Thiesse Dr - In Front of FedEx	2"-Class 5, Bituminous	1386	154
K St & NE 3rd Ave Intersection	2"-Class 5, Bituminous	704	78
West of J St & NE 7th Ave Intersection	2"-Class 5, Bituminous	781	87

Total Estimated Quantites
Bituminous Removal: 935 Square Yards
Aggregate Base, Class 5: 98 Tons
SPWEB240B: 108 Tons

Brainerd City Council
Agenda Request

Requested Meeting Date: July 2, 2018

Title of Item: 1st Ord. Reading - Proposed Ordinance No. 1485 - Amend City Codes Sects. 900 & 1010 - Permit Miniature Pigs & Require a License Fee

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☑ SPW COMMITTEE ☐ MAIN AGENDA	**Action Requested:** ☑ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☑ Discussion Item ☐ Hold Public Hearing* ☑ Ordinance 1st Reading **provide copy of published hearing notice*
Submitted by: Mark Ostgarden	**Department:** Planning
Presenter (Name & Title): Same	**Estimated Time Needed:** 10 minutes

Summary of Issue:

See attached memo. Attached is additional information related to domesticated pig breeds.

Alternatives, Options, Effects on Others/Comments:

Should the City Council amend Section 900 - Animals to permit miniature pigs, City Code Section 1010 - Licensing Fees should also be amended to require a Miniature Pig license fee.

Recommended Action/Motion:

A motion by _____ and seconded by _____ to approve/deny the first reading of proposed Ordinance No. 1485 amending City Code 900 - Animals to permit Miniature Pigs within the City of Brainerd and to amend City Code Section 1010 Licensing Fees to establish a $__ Miniature Pig license fee.

Financial Impact:

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

What is the total cost, with tax and shipping $ 0

Is this budgeted? ☐ Yes ☐ No

Please Explain:

MEMO

TO: Mayor and City Council

CC: Cassandra Torstenson, City Administrator

FROM: Mark Ostgarden, City Planner

DATE: June 27, 2018

RE: First Ordinance Reading – Amend City Code 900 Animals to Permit Miniature Pigs and to Amend City Code 1010 Licensing Fees

Attached are ordinance amendments to City Code Section 900 Animals that if approved, will allow small or miniature pigs in the community. The amendments are submitted for First ordinance reading consideration. Following is additional information about small pigs.

Other Cities

The following table lists eight Minnesota cities that permit small pigs as of January 2018.

City	Pigs allowed on residential property?	Permit Required	Permit Fee	Number of Pigs allowed	Notes
Bloomington	Yes	No	N/A	1 per acre	Not allowed in dwellings or garages; owner occupied properties only; no breeding allowed
Maple Grove	Yes – R-1 and R-A Districts only	No	N/A	1.5 acres minimum; 4 pigs per acre	
Minnetonka	Yes – 1 acre minimum if over 100 pounds; 0.5 acre minimum if under 100 pounds	No	N/A	1 per acre if over 100 pounds; 5 per acre if under 100 pounds	Must be contained by a fence; acreage calculation does not include wetlands and land not suitable for pasture; animals kept outside must have a structure; structure setback is at least 10 feet; raising for a commercial activity is prohibited
New Hope	Yes	No	N/A	1 per property; additional require public hearing and council approval	
Shoreview	Yes	Yes	$10	3 per property	Two-year license; males must be neutered; may not weigh more than 100 pounds; must be less than 22 inches; requires blood test
St. Paul	Yes	Yes	$72	Number deemed acceptable by environmental health authority	Required by written consent of 75% of nearby property owners; conditions for each permit are issued by the environmental health authority
West St. Paul	Yes	Yes	$200	Number deemed appropriate by City Council	Council sets all requirements for permit approval; annual permit; inspection every odd-numbered year

The Planning Department contacted the highlighted communities and learned there have been no issues reported about miniature pigs.

Additional Policy Considerations for Miniature Pigs

Pigs are intelligent and social animals. Some pig experts strongly discourage owning only one pig, as it can become bored and lonely. Because of their intelligence, pigs are notorious for escaping from their enclosures if they become bored or hungry.

Urban pigs kept as pets can live between 12 and 15 years. Pigs can be litterbox trained and can live inside a house but should have outdoor access for exercise and stimulation. Like dogs, a pig should receive regular walks on a leash.

Pigs can be kept outside in shelters called arks. Proper fencing is important as pigs are inquisitive animals. Pigs are generally clean. In warmer weather, they must be supplied with a way to cool themselves as pigs do not sweat. Pigs on a farm use mud wallows to keep cool. A small wading pool can be used to keep a pig cool in an urban area.

While miniature pigs and dogs can be kept in similar manners, there are differences between the two species that could require additional regulations for miniature pigs. The City Council may want to consider the following additional regulations for keeping miniature pigs:

1. **Should the City require spaying/neutering of miniature pigs?**
   Unneutered male pigs are aggressive and give off a strong odor. Intact female pigs go into estrus every 21 days, during which time they also become more aggressive and moody. The American Mini Pig Association and the Pig Placement Network (a rescue organization) both recommend neutering/spaying pigs kept for noncommercial purposes.

2. **Should the City prohibit slaughter on residential properties?**
   Some residents may choose to raise miniature pigs as a source of fresh pork. The City Council may want to prohibit the slaughter of pigs on residential properties.

3. **Should the City require a fenced area for miniature pigs?**
   Experts agree that pigs are inquisitive creatures with a tendency to roam. Fencing is the preferred method for securing pigs. It is not recommended to tether miniature pigs in a yard unattended. Electric fencing does not appear to be an option for miniature pigs. If left outside without a fenced yard, a miniature pig is likely to roam into neighboring property. At this time, it is unknown whether the city animal control officer is trained in equipped for capturing at-

large miniature pigs. H.A.R.T has been contacted at it said should it be required, it is capable of impounding a pig.

4. **Should the City limit miniature pig licenses to single-family residential properties?**
   Miniature pigs need outdoor space, which may not be available within multifamily homes. Additionally, miniature pigs living within multifamily housing complexes will be in closer proximity to neighbors, potentially becoming a nuisance. Beekeeping and chickens are limited to single-family residential properties for these reasons.

5. **Minimum Requirements for keeping pigs:**
   a. A pig shall not exceed 200 pounds.
   b. The property at which the pig will be kept is a parcel or lot zoned for single family detached dwellings.
   c. An application shall include the approval signatures of all abutting property owners.
   d. Two pigs are permitted on a parcel or lot and counted with the number of cats and dogs allowed per parcel or lot.
   e. A license and fee will be required.
   f. An application for license shall be made on a city supplied form.
   g. A pig shall be spayed, neutered and have been rabies vaccinated with verification provided by a duly licensed veterinarian at the time of an application.
   h. The property has and will maintain a fence no less than 4 feet in height with an enclosed area of 250 square feet in a rear yard only, within proximity to a water source constructed and located in accord with all zoning regulations. When not attended outdoors, the pig shall be kept in the enclosed area.
   i. Slaughtering is not permitted on a property zoned residential.

6. **Fee**
   A fee amount has not been included in the draft. A suggested amount is the same as the $15 dog spayed or neutered dog license.

Other Information

Attached is some public input communication from Eagan, MN during the time it was considering miniature pig approval.

The City Attorney has not reviewed the ordinance draft; however, it will be reviewed should there be a 2nd reading.

The Planning Department thanks the City of Eagan for sharing information it had for the review and consideration of allowing miniature pigs.

O R D I N A N C E
NO. 1485

AN ORDINANCE AMENDING CITY CODE PUBLIC SAFETY SECTION 900 ANIMALS AND SECTION 1010 LICENSING FEES TO PERMIT MINIATURE PIGS IN THE CITY OF BRAINERD

THE CITY COUNCIL OF THE CITY OF BRAINERD DOES ORDAIN:

SECTION ONE: That Section 900.01 Subd. 1 Animals shall be amended as follows:

A) Domestic. "Domestic animals" shall mean those animals commonly accepted as domesticated household pets. Unless otherwise defined, such animals shall include dogs, cats, caged birds, gerbils, hamsters, guinea pigs, MINIATURE PIGS, ferrets (if vaccinated against rabies), domesticated rabbits, domesticated rats, fish and non-venomous reptiles or amphibians and other similar animals.

C) Farm. "Farm animals" shall mean those animals commonly associated with a farm or performing work in an agricultural setting. Unless otherwise defined, such animals shall include members of the equestrian family (horses, mules), bovine family (cows, bulls), sheep, poultry (chickens, roosters, turkeys), fowl (ducks, geese), ~~swine (including Vietnamese pot-bellied pigs),~~ NONDOMESTICATED pigs, goats, bees, and other animals associated with a farm, ranch, or stable.

SECTION TWO: That Section 900.01 Subd. 4, 5, 6 and 7 shall be amended as follows:

SUBD. 4. MINIATURE PIG. MINIATURE PIG SHALL BE INTENDED TO BE DEFINED AS A DOMESTICATED PIG THAT AT MATURITY WEIGHS LESS THAN 200 POUNDS.

Subd. ~~4.~~5. Owner. "Owner" shall be intended to mean any person or persons, firm, association or corporation owning, keeping, or harboring an animal.

Subd. ~~5.~~6. At Large. "At Large" shall be intended to mean off the premises of the owner and not under the custody and control of the owner or other person, either by leash, cord, or chain.

Subd. ~~6.~~7. Enforcement Officer. "Enforcement Officer" or "Officer" shall mean the Animal Control Officer and/or members of the Brainerd Police Department for the City of Brainerd who shall enforce the provisions of this Section. The duties of the Enforcement Officer are as follows:

A) Capture, seize and deliver to any designated pound any animal running at large within the City.
B) Investigate all reported incidents wherein a dog has bitten a person and confirm that said animal is quarantined as required herein.
C) Provide a written monthly report to the City as to the activities of the Animal Control Officer.
D) Such other matters as may be prescribed by the City Administrator, Police Chief or designee.

SECTION THREE: That Section 900.03 Dogs and Cats shall be amended as follows:

Dogs, ~~and~~ Cats AND MINIATURE PIGS.

Subd. 1. Running at Large Prohibited. It shall be unlawful for any person, or the parents or the guardians of any such person under 18 years of age, who owns, harbors, or keeps a dog, ~~or~~ cat OR MINIATURE PIG, to

allow the dog, ~~or~~ cat OR MINIATURE PIG to run at large. Dogs, ~~or~~ cats OR MINIATURE PIGS on a leash and accompanied by a responsible person shall be permitted on streets, sidewalks, trails or on other public land unless the City has posted an area with signs reading "Dogs, ~~or~~ cats OR MINIATURE PIGS Prohibited". A leash used to control an animal under this Section shall not exceed six (6) feet in length.

Subd. 2. License Required. – DOGS.

SUBD.3. LICENSE REQUIRED - MINIATURE PIGS.

A) ALL MINIATURE PIGS KEPT, HARBORED, OR MAINTAINED BY THEIR OWNERS IN THE CITY, SHALL BE LICENSED AND REGISTERED WITH THE CITY. MINIATURE PIG LICENSES SHALL BE ISSUED BY THE CITY UPON PAYMENT OF THE ANNUAL LICENSE FEE ON OR BEFORE THE FIRST DAY OF JANUARY OF EACH YEAR, OR WITHIN THIRTY (30) DAYS OF ACQUIRING OWNERSHIP OR POSSESSION OF ANY UNLICENSED PIG. THE ANNUAL LICENSE FEE SHALL BE SET BY CHAPTER X OF THE BRAINERD CITY CODE. THE OWNER SHALL STATE, AT THE TIME APPLICATION IS MADE FOR THE LICENSE AND UPON FORMS PROVIDED FOR SUCH PURPOSE, HIS OR HER NAME AND ADDRESS AND THE NAME, BREED, COLOR, AND SEX OF EACH PIG OWNED OR KEPT BY HIM OR HER. NO LICENSE SHALL BE GRANTED FOR A PIG WHICH HAS NOT BEEN VACCINATED AGAINST RABIES AND SPAYED OR NEUTERED, AS PROVIDED IN THIS SECTION. VACCINATION SHALL BE PERFORMED ONLY BY A DOCTOR QUALIFIED TO PRACTICE VETERINARY MEDICINE IN THE STATE IN WHICH THE PIG IS VACCINATED AND SPAYED OR NEUTERED.

B) IT SHALL BE THE DUTY OF EACH OWNER OF A PIG SUBJECT TO THIS SECTION TO PAY TO THE CITY OF BRAINERD THE LICENSE FEE AS IMPOSED BY CITY CODE.

C) A VETERINARIAN WHO VACCINATES AND SPAYS OR NEUTERS A PIG TO BE LICENSED IN THE CITY, SHALL COMPLETE A CERTIFICATE OF VACCINATION AND SPAYED OR NEUTERED. ONE COPY SHALL BE ISSUED TO THE PIG OWNER FOR AFFIXING TO THE LICENSE APPLICATION.

D) THE OWNER SHALL PROVIDE VERIFICATION FROM A LICENSED VETERINARIAN THE STATUS OF THE MINIATURE PIG'S RABIES INOCULATION AND BEING SPAYED OR NEUTERED.

E) UPON PAYMENT OF THE LICENSE FEE, THE CITY SHALL ISSUE TO THE OWNER A LICENSE CERTIFICATE AND METALLIC TAG FOR EACH PIG LICENSED. THE TAG SHALL HAVE STAMPED ON IT THE YEAR FOR WHICH IT IS ISSUED AND THE NUMBER CORRESPONDING WITH THE NUMBER ON THE CERTIFICATE. EVERY OWNER SHALL BE REQUIRED TO PROVIDE EACH PIG WITH A COLLAR TO WHICH THE LICENSE TAG MUST BE AFFIXED AND SHALL SEE THAT THE COLLAR AND TAG ARE CONSTANTLY WORN. IN CASE A PIG TAG IS LOST OR DESTROYED, A DUPLICATE SHALL BE ISSUED BY THE CITY UPON THE PRESENTATION OF A RECEIPT SHOWING THE PAYMENT OF THE LICENSE FEE FOR THE CURRENT LICENSE YEAR AND AFTER PAYMENT BY THE APPLICANT OF THE FEE FIXED BY CHAPTER X OF THE BRAINERD CITY CODE FOR ISSUANCE OF THE DUPLICATE LICENSE. PIG TAGS SHALL NOT BE TRANSFERABLE FROM ONE PIG TO ANOTHER AND NO REFUNDS SHALL BE

MADE ON ANY PIG LICENSE FEE OR TAG BECAUSE OF DEATH OF A PIG OR THE OWNER'S LEAVING THE CITY BEFORE THE EXPIRATION OF THE LICENSE PERIOD. IT IS UNLAWFUL TO COUNTERFEIT OR ATTEMPT TO COUNTERFEIT TAGS PROVIDED FOR HEREIN, OR TO TAKE FROM ANY PIG A TAG LEGALLY PLACED UPON ANOTHER PIG BY ITS OWNER WITH THE INTENTION OF PLACING IT UPON ANOTHER PIG.

F) THE LICENSING PROVISIONS OF THIS SUBDIVISION SHALL NOT APPLY TO PIGS WHOSE OWNERS ARE NON-RESIDENTS TEMPORARILY WITHIN THE CITY (NOT MORE THAN (30) DAYS), NOR TO PIGS BROUGHT INTO THE CITY FOR THE PURPOSE OF PARTICIPATING IN ANY SHOW.

G) THE FUNDS RECEIVED BY THE CITY FROM ALL PIG LICENSES AND METALLIC TAGS SHALL FIRST BE USED TO DEFRAY ANY COSTS INCIDENTAL TO THE ENFORCEMENT OF THIS SECTION; INCLUDING, BUT NOT RESTRICTED TO, THE COSTS OF LICENSES, METALLIC TAGS, AND IMPOUNDING AND MAINTENANCE OF THE PIGS.

H) ANY PIG BROUGHT INTO THE CITY OF BRAINERD MUST BE PROPERLY LICENSED WITHIN THIRTY (30) DAYS OF HAVING BEEN MOVED INTO THE CITY.

I) CONDITIONS OF LICENSE. NO PERSON MAY KEEP OR HARBOR A MINIATURE PIG WITHIN THE CITY AND NO LICENSE WILL BE ISSUED OR RENEWED UNLESS THE FOLLOWING REQUIREMENTS ARE MET:
   1) THE PROPERTY AT WHICH THE MINIATURE PIG WILL BE KEPT, MAINTAINED AND HARBORED IS A PARCEL OR LOT ZONED FOR SINGLE-FAMILY DETACHED DWELLING. MINIATURE PIGS MAY NOT BE KEPT, MAINTAINED OR HARBORED WITHIN ANY OTHER ZONING DISTRICT EXCEPT AGRICULTURE.
   2) THE PROPERTY HAS AND WILL MAINTAIN A FENCE NO LESS THAN 4 FEET IN HEIGHT, WITH THE ENCLOSED AREA OF NO LESS THAN 250 SQUARE FEET LOCATED IN A REAR YARD ONLY AND WITHIN PROXIMITY TO A WATER SOURCE, AND IN ACCORDANCE WITH ALL ZONING REGULATIONS FOR FENCES SET FORTH ELSEWHERE IN THIS CODE. THE FENCE SHALL BE OF A TYPE THAT WILL FULLY ENCLOSE AND KEEP THE MINIATURE PIG WITHIN THE OWNER'S PROPERTY. WHEN NOT ATTENDED OUTDOORS, THE PIG SHALL BE KEPT IN THE ENCLOSED AREA.
   3) AN APPLICATION SHALL INCLUDE THE APPROVAL SIGNATURES OF ALL ABUTTING PROPERTY OWNERS.
   4) SLAUGHTERING OF A MINIATURE PIG ON ANY PROPERTY ZONED FOR RESIDENTIAL USE IS PROHIBITED.

Subd. 4. Vaccination.

A) All dogs, ~~and~~ cats OR MINIATURE PIGS kept harbored, maintained, or transported within the City shall be properly immunized by a licensed veterinarian for:

SECTION FOUR: That Section 900.08 Chickens shall be amended as follows:

900.08 Chickens. Subdivision 1. Chickens Limited. It is unlawful for any person to own, control, keep, maintain or harbor hen chickens in any residential district and/or residential use in non-residential districts in the City unless issued a permit to do so as provided herein. In the case of rental residential property, including multi-family residential property, written permission must be given by the property owner for a tenant to keep or harbor chickens on said residential premises. No permit shall be issued for the keeping or harboring of more than four (4) hen chickens on any premises unless the property is located in an agricultural or rural zoning district. The keeping of roosters is prohibited. It shall be unlawful to keep or harbor hen chickens ~~in addition to the limitations set~~ AS SET forth in Section 900.13, Subd. 1. ~~(For example, the limitation is further clarified as follows: 4 dogs, or 4 cats, or 4 chickens, or 3 dogs and 1 cat, or 3 chickens and 1 dog, or 2 cats and 2 chickens, etc.)~~

SECTION FIVE: That Section 900.09 Impounding shall be amended as follows:

900.09 Impounding. Subdivision 1. Running at Large. Any animal running at large is hereby declared a public nuisance. The Enforcement Officer may impound any dog, MINIATURE PIG or other animal found running at large and shall give notice of the impounding within twenty-four (24) hours to the owner of such dog, MINIATURE PIG or other animal, if known. Except as otherwise provided in this Section, it shall be unlawful to kill, destroy, or otherwise cause injury to any animal, including dogs, ~~and~~ cats AND MINIATURE PIGS running at large, with the exception of animals being hunted during a lawful hunting season.

Subd. 3. Reclaiming. All animals conveyed to the impoundment location shall be kept with the humane treatment and sufficient food and water for their comfort for the minimum period of time required by state law. In the event the owners or keepers desire to reclaim the animal from impoundment, the following is required:

C) If a dog OR PIG is unlicensed, payment of a regular license fee and valid certification of vaccination for rabies AND BEING SPAYED OR NEUTERED is required.

SECTION SIX: That Section 900.13 Ownership Limits shall be amended as follows:

900.13 Ownership Limits. Subdivision 1. Household Limitation DOGS, CATS, CHICKENS AND PIGS. No person shall keep, maintain, or otherwise house more than TWO MINIATURE PIGS. A total of four cats, ~~or~~ dogs, CHICKENS OR MINIATURE PIGS over the age of four months within any household in the City of Brainerd unless authorized elsewhere in this Section. (For example, the limitation is further clarified as follows: 4 dogs, or 4 cats, or 3 dogs and 1 cat, or 2 dogs and 2 cats, 2 DOGS, 1 CAT AND 1 PIG, OR 1 DOG, 2 CATS AND 1 PIG. OR 1 DOG, 1 CAT AND 2 PIGS, 1 DOG, 1 CAT, 1 CHICKEN AND 1 PIG, OR 1 DOG, 2 CHICKENS, 1 PIG, OR 2 CATS, 1 CHICKEN, 1 PIG, etc.)

Subd. 3. Limitation Upon Annexation. Any person who owns cats, ~~or~~ dogs OR PIGS and who becomes a resident of the City by annexation shall be permitted to keep those animals, provided that the dogs OR PIGS are properly licensed within thirty (30) days following approval of the annexation. No person affected by this Subdivision who owns more than a total of four cats, ~~or~~ dogs shall be permitted to acquire any additional cats or dogs to replace any cats or dogs in excess of three, except as specifically authorized by the City Council.

SECTION SEVEN: That Section 900.15 Nuisances shall be amended as follows:

900.15 Nuisances. Subdivision 1. Habitual Barking/Noise. It shall be unlawful for any person to keep or harbor a dog OR PIG that habitually barks, yelps, howls, SQUEALS, cries or whimpers so as to unreasonably disturb the peace and quiet of any person in the vicinity. The phrase “unreasonably disturb the peace and quiet” shall include but is not limited to the creation of any noise by a dog OR PIG that can be heard

by any person, including the Enforcement Officer for repeated intervals of at least three minutes with less than one minute of interruption. Such noise must also be audible off of the owner's or caretaker's premises.

Subd. 2. Damage to Property. It shall be unlawful for any person's dog, PIG or other animal to damage any lawn, garden, or other property, whether or not the owner has knowledge of the damage. Any animal covered by this Subdivision may be impounded as provided in this Section or a complaint may be issued by anyone aggrieved by an animal under this Subdivision, against the owner of the animal for prosecution under this Section.

SECTION EIGHT: That Section 900.25 Regulations of Dangerous Dogs shall be amended as follows:

Subd. 2. Proper DOG Enclosure. Proper enclosure means securely confined indoors or in a securely locked outdoor pen or structure suitable to prevent the dog from escaping and to provide protection for the animal from the elements. A proper enclosure does not include a porch, patio, or any part of a house, garage, or other structure that would allow the animal to exit of its own volition, or any house or structure in which windows are open or in which door or window screens are the only barriers which prevent the animal from exiting. The enclosure shall not allow the egress of the animal in any manner without human assistance. A pen or kennel shall meet all of the following minimum specifications:

SECTION NINE: That Section 900.27 Dangerous Animal Requirements shall be amended as follows:

> D) If the animal is a dog OR PIG and is outside the proper enclosure, the dog must be muzzled and restrained by a substantial chain or leash (not to exceed six feet in length) and under the physical restraint of a person sixteen years of age or older. The muzzle must be of such design as to prevent the dog from biting any person or animal, but will not cause injury to the dog OR PIG or interfere with its vision or respiration; and,

SECTION TEN: That Section 900.33 Interference With Officers shall be amended as follows:

900.33 Interference with Officers. No person shall in any manner molest, hinder, or interfere with any person authorized by the Council to capture dogs, cats, PIGS or other animals and convey them to the pound while engaged in such operation. Nor shall any unauthorized person break open the pound, or attempt to do so, or take or attempt to take from any agent any animal taken up by him or her in compliance with this Section, or in any other manner to interfere with or hinder such officer in the discharge of his or her duties under this Section.

SECTION ELEVEN: That Section 1010.01 Subd 7. Miscellaneous shall be amended by adding the following:

Type of License	Section Requiring License	Fee Schedule
MINIATURE PIGS	Section 900	$XX.00

SECTION TWELVE: All other provisions of Section 900 and Section 1010 shall remain in full force and effect.

SECTION THIRTEEN: This ordinance shall take effect and be in full force one week from and after its publication.

Adopted this ___ day of ____, 2018

_____
DAVID J. PRITSCHET
President of the Council

Approved this ____ day of ___, 2018

_____
EDWIN L. MENK
Mayor

ATTEST: _____
CASSANDRA TORSTENSON
City Administrator

Published: One Time - ____, 2018

PATRICK
Eagan, MN 55123

Mayor and City Council Members
Eagan Municipal Center
3830 Pilot Knob Road
Eagan, MN 55122

SUBJECT: Ordinance Proposal to Allow Backyard Miniature Pigs

Dear Mayor and Council Members:

I recently read in the local free newspaper that a citizen had made a request to raise a miniature pig in the city limits of Eagan. Had I not saw and read that article I would be unaware of this proposal. You've read the memorandum by Christina M. Scipioni to Dianne Miller of 5 February 2016 entitled "Research on Backyard Miniature Pigs".

Frankly I'm against this for several reasons.

1. Eagan is a city in a metropolitan area. It has many people living within its city limits and those that purchased their home, townhome or condominium and I do not believe they ever envisioned that they might have a neighbor or neighbors who has a "pet" a miniature pig in their backyard. Won't they be in for a surprise to learn that the City changed the ordinance to allow pigs!

2. I have neighbors on one side who are Jewish and on the other side Muslim. You probably know that both of these religious groups believe that pigs are "unclean". This will not be pleased!

3. Other cities that have approved miniature pigs have a land requirement of 1-acre. This land size requirement would mitigate some of the issues of odor, noise, and religious beliefs.

4. I've been in real estate for 44-years and I can from my experience building, owning, renting and selling properties that having unique land uses will cause the value of the real estate owned by those in nearby proximity to suffer a decline in the value of their property. Is that what you would want for the citizens of Eagan?

Lastly it is my opinion that the early real estate developers in Eagan inserted land covenants that detail what the owners may or may not do with the land that their home, townhome or condominium are erected on. Sadly most people do not know what a land covenant is or if they have covenants that restrict the uses of their real property.

I strongly request that you do not allow this proposed ordinance change to take place. It may benefit a select few but cause harm to the majority of the residents in this fine City. I believe that you should act for the majority of the residents and not for a few.

Sincerely,
Patrick D. Grinder

From: Mike
Sent: Friday, December 25, 2015 7:21 PM
To: Christina
Subject: RE: Listening session

This is what I would like to submit as my material for the pot-bellied pig exemption:

What are some of the pros and cons about having a pet pig? Potbellied pigs make good companions, but only for the right caregiver. On the plus side, pigs are smart, clean, generally non-allergenic, odor-free, flea-free, charming and inexpensive to feed. Pigs are social, bonding easily with humans. They'll readily roll over for a tummy rub, as well as snuggle with you. They don't bark, prowl the streets or spread rabies. Compared with dog droppings, mild smelling "pig berries" are a breeze to clean up. While pigs are highly trainable and can learn at a faster rate than dogs, pig behavior is vastly different from dog behavior. As eager as a dog can be to please his master, a pig's respect, trust and cooperation must be earned. If the pig had it his way, you would be pleasing him.

In nature, pigs are regarded as prey, and are therefore naturally suspicious, cautious creatures. They have to be coaxed and rewarded. You cannot force a pig to do anything he doesn't want to do; it has to be his idea. Don't expect your pig to eagerly greet you at the door and fetch your slippers. Having a pet pig is kind of like having a perpetual two-year old child.

For the purposes of this code, the words "pot-bellied pig" shall mean a domesticated miniature Vietnamese, Chinese or Asian pot-bellied or pot-belly pig not exceeding one hundred twenty-five pounds in weight and eighteen inches in height measured at the shoulder.

a. The animals are regularly housed indoors, and when outdoors, are restrained by leash or within a durable fenced enclosure area, and
b. Pot-bellied pigs over the age of four (4) months shall be neutered or spayed.

c. The owner has obtained a license issued by the City of Eagan for the pot-bellied pig, which shall be issued only after proof of neutering or spaying had been provided. The licensure fee shall be equivalent to the dog licensure fee; and
d. Tusks shall be regularly trimmed so as not to exceed one inch in length outside the outer lip.

Christina S

From: Cheryl S on behalf of City Council
Sent: Monday, February 29, 2016 8:49 AM
To:
Cc:
Subject: FW: City of Eagan: Pigs in Eagan, MN.

-----Original Message-----
From: Rick [mailto:]
Sent: Monday, February 29, 2016 1:11 AM
To: City Council
Subject: Re: City of Eagan: Pigs in Eagan, MN.

More food for though on the pig in the city thoughts. Did anyone bother to actually do any research other than me?

https://www.thedodo.com/whats-misleading-about-the-tea-843842300.html
https://www.ncsu.edu/project/swine_extension/healthyhogs/book1999/morrow.htm
http://www.cdc.gov/flu/swineflu/people-raise-pigs-flu.htm
https://www.newscientist.com/article/dn7773-pig-disease-may-be-spreading-between-humans/
http://www.kingcounty.gov/healthservices/health/ehs/zoonotics/pigs.aspx
http://www.petpigeducation.com/major-pig-diseases.html
http://www.ncbi.nlm.nih.gov/pmc/articles/PMC2937722/
https://veterinaryresearch.biomedcentral.com/articles/10.1186/1297-9716-44-41
http://www.minipiginfo.com/zoonotic-diseases.html
http://www.ehow.com/info_8561371_diseases-do-potbellied-pigs-carry.html
http://www.gspca.org.gg/blog/'micro'-or-'mini'-pigs---their-suitability-pets
http://bestfriends.org/stories-blog-videos/latest-news/truth-about-teacup-pigs
http://animals.mom.me/health-problems-teacup-potbellied-pigs-4730.html
http://modernfarmer.com/2014/03/never-buy-teacup-pig/
http://www.scampp.com/TeacupPigs.html
http://www.southernfriedscience.com/the-trouble-with-teacup-pigs/
https://farm-animals.knoji.com/the-truth-about-teacup-pigs/
http://mom.me/pets/small-pets/19892-micro-pigs-big-cost-and-other-potential-problems/
http://blogs.telegraph.co.uk/news/peterwedderburn/100016254/micro-pigs-are-maxi-disaster/
http://www.merckvetmanual.com/pethealth/exotic_pets/potbellied_pigs/disorders_and_diseases_of_potbellied_pigs.html

Does the city really want unlimited exposure from lawsuits from bringing diseases not currently in our city but surely to happen with the introduction of Farm Animals into the city.
A pig needs a 16X16 area for running around in minimum. They can and will dig under a fence 10X times faster than any dog. The make 8-10 large piles of feces a day, who's gonna pick that up-diseases galore. They root and that can't be trained out of them, the destroy a yard in no time. They smell and smell bad, not like a dog or cat. Carry a host of diseases that can transmit to humans and other animals. This is why they are considered FARM ANIMALS and not house pets by anyone with common sense.

I will be at the city council meeting to voice my opinion and will be passing this around our great city to 1000's of residents prior to the meeting.

Concerned Citizen!

Sent from my iPad

> On Feb 28, 2016, at 11:06 PM,
>
> I see from the Agenda at the 2/16 City Council meeting that I will need to attend the up coming city council meeting where you intend to allow pigs in eagan. Someone needs to go out to a farm and really check things out, maybe a field trip is in order. I can arrange this if you would be interested. Pigs in the city aren't going to help home values or neighbor hoods. Let's get a grip her, what about alpaca's, llamas, I would like to propose if your planning a petting zoo in our great city that we look at all the options.
>
> Please forward this to the city council:
> http://news.nationalgeographic.com/news/2014/09/140930-animals-culture-science-miniature-pigs-breeders-sanctuaries/
>
> Regards,
>
> Rick
> Sent from my IPad
>
>> On Feb 16, 2016, at 9:17 AM, City Council <CityCouncil@cityofeagan.com> wrote:
>>
>> Thank you for your email. It has been forwarded to the Council. The action to be considered tonight is to direct preparation of an ordinance amendment. Formal consideration of the ordinance amendment will appear on a future City Council agenda.
>>
>> ----Original Message-----
>> From: City of Eagan [mailto:webmaster@cityofeagan.com]
>> Sent: Friday, February 12, 2016 5:57 PM
>> To: City Council
>> Subject: City of Eagan: Pigs in Eagan, MN.
>>
>>
>> This is an enquiry email via http://www.cityofeagan.com/
from:
>>>Richard <R
>> Hello Ms. Fields,
>>
>> I wanted to voice my opinion regarding allowing ANY type of Pigs on Residentail Property in Eagan, MN. We are not a farm community. I objected to the Chickens on Residentail Property and raised many concerns to the issue. If I wanted to live in a farming community and smell Pigs and Chickens feces I would have purchased a house in Farmington or another agriculture community. It's completely ridlcoulas for residents to want Pigs and Chickens in our community. Pigs and their feces are extremely smelly and I am not interested in smelling waste from pigs and pig pens. Who's going to clean up the Feces, where is it going to be disposed of, who will enforce the ordinance on picking up Pig Feces when people aren't even forced to pick up their dog poop, who will compensate the neighbors when they want to sell their homes and property values have declined because anyone in their right minds would not want to live next to a Pig Pen. Drive down to southwestern MN in the heat of the summer if your not aware of what I'm talking about with regard to the obnoxious odors caused by even 1 Pig Pen. This is going to lead to an over all decline in property values for any homes near or around Pig Pens and odors caused by such. It gives grounds to sue the city for any declines in a property's value. What if my kids or I have an allergy to the noxious odors caused by the Pig Pens. This opens the city up to

unlimited lawsuits from many angles. If people want to have pigs they should move to a farm, not attempt to turn our great community into a Pig Pen of stench! I will attend the 2/16/16 meeting to voice my opinion if necessary.
>>
>> Best Regards,
>>
>> Rick
>>
>>

PET PIG EDUCATION (/)

Search

PIG BREEDS...

Smaller Pig Variations-'Mini Pigs'

Micro/Teacup/Pocket Pigs do NOT exist. Mini Pigs are NOT a breed, it is a classification and they are mini in comparison to their cousins the Farm Hog who can grow to be 600-1200lbs. Please also understand that although these breeds use to be very specific, in our current times and situation almost all breeding is mixture of one or even a few of these breeds. It is very rare to find a purebred individual these days except in Potbellies and Kune Kune. Use these breeds as a guide and educational tool, not a definitive answer for determining what you may have gotten as a pet.

Vietnamese Pot Belly: Pot belly pigs have a short to medium snout that is wrinkled. They have small erect ears and large jowls in proportion to the head. They have a short neck, pronounced potbelly, sway back and straight tail, with a switch at the end. They are typically less than 18 inches in height and weigh 60 pounds and up. They originally came in colors of black or white or a black/white combination. The pot belly has been a long time favorite because of its appearance and easy disposition.

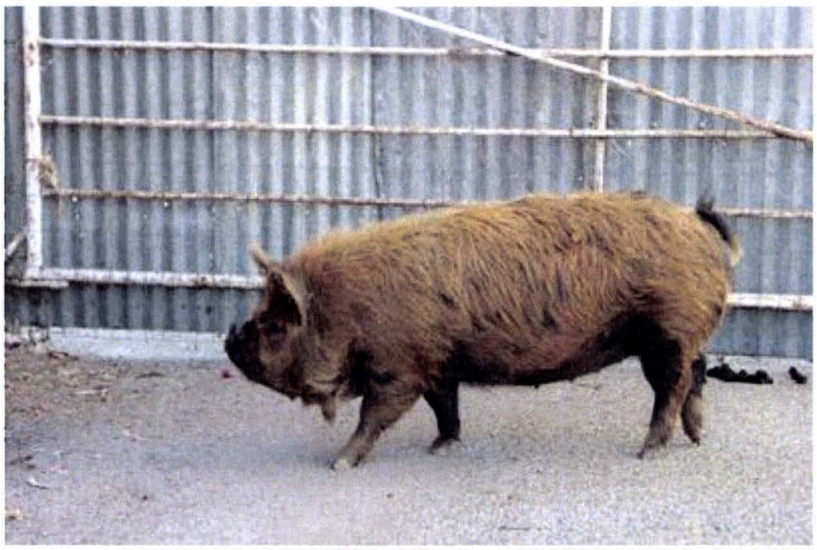
Please See:
http://www.merckmanuals.com/vet/exotic_and_laboratory_animals/potbellied_pigs/overview_of_potbellied_pigs.html



Vietnamese Pot Belly

Kune Kune: These pigs have not been in the US long. There are only two reported imports that came from New Zealand in 1995. One of the most distinctive features of the Kune Kune are their tassels or wattles hanging from their lower jaw; they are approximately 4 cm long. They have a short and turned up snout. Their ears are pricked or semi lopped. Their legs are short and their bodies are short and round. They have a very pleasant and placid personality. Their weight is typically up to 300 pounds, females are up to 250. Their color range includes: black, black/white, white, gold, tan and brown. They can also have patches or spots.

Please see: http://www.americankunekunepigregistry.com/breed-standard (http://www.americankunekunepigregistry.com/breed-standard)



Kune Kune

Juliana or "Painted Mini" (Mixed Breed): This "breed" is a debatable one. Some say there are no purebred Juliana pigs left, some say it is not a breed to begin with. There is a registry for these pigs, but that doesn't mean that you're getting a better pig. These variants of miniature pigs trace their ancestry back to Europe and was developed through a selective breeding program to enhance it's smaller size, temperament and intelligence. They are reported to be the cross of several different breeds. They were imported to the US. They have small to medium ears, a slight pot belly, short hair, sway back and short straight tail. They have a very gentle disposition and love to play. Their height is between 13-18 inches and they typically weigh 50 pounds and up. They are only very slightly smaller than a potbelly. **NOTE:** The Juliana registry lists a weight for this breed that we do not agree with. Although this mixed breed does tend to remain small, they should not be any where near 30 pounds full grown. * Photo credit Franklin of www.petpigspa.com

Please see: http://www.julianapig.com/BreedStandard.html (http://www.julianapig.com/BreedStandard.html)



Juliana

Pygmy Hog (*Porcula salvania*): There seems to be a lot of confusion surrounding this breed of pigs. We believe this is due to the term "Guinea" being thrown around a lot and it also being part of different breed titles. This breed is almost all but extinct. Please do not confuse it with the more current American Guinea Hog, which is a larger hog originally designed for meat production but fell out of favor with breeders because it was too small for production purposes. You can find more info on American Guinea Hogs here. (http://guineahogs.org/history/)

These pigs are on the critically endangered list which originated from Nepal, India and Bhutam but now only found in Assam. The current population is fewer than 150 individuals worldwide. There are recent conservation efforts going on but they still remain on the endangered list. They are anywhere from 15-30 pounds and only live about 8 years. Their skin is dark brown/black and the hair is typically dark. The piglets are born greyish/pink but becoming brown with yellowish stripes. Their gestation period is 100 days. New analysis of a large section of mitochondrial DNA supports the original classification of the pygmy hog as a unique genus. They are named after the forest in which they were found.

* Photo credit Jean-Paul Ferrero of Auscape International

Please See: http://www.arkive.org/pygmy-hog/porcula-salvania/ (http://www.arkive.org/pygmy-hog/porcula-salvania/)

http://www.rosamondgiffordzoo.org/assets/uploads/animals/pdf/WestAfricanGuineaHog.pdf (http://www.rosamondgiffordzoo.org/assets/uploads/animals/pdf/WestAfricanGuineaHog.pdf)

http://en.wikipedia.org/wiki/Pygmy_hog (http://en.wikipedia.org/wiki/Pygmy_hog)



African Pygmy

Ossabaw Pig: These are classified as feral pigs. a feral pig is defined as stock that is wild and untamed, uncultivated and born in the wild and/or in a wild state after escaping from captivity. They are known to have been running wild for nearly 500 years with no introduction of domestic or other outside blood. They were brought for food by the colonists who settled in Georgia, possibly by the Spanish. There is however, thought to be origins from the Canary Islands. The original breed is on the critical conservatory list. On the mainland of the US they have since been crossed with many domestic breeds. However the strain is thought to have remained pure off the Georgia coast on Ossabaw Island. Ossabaw pigs have long snouts, heavy coats and pricked ears. They have excellent temperaments, are lively and extremely intelligent due to their wild heritage. They are very friendly and easy to train and usually bond well with all members of the family including other pets. It is reported that they will live 15 years or more. Although insular dwarfism allows the hogs to stay small on the island from 40-90 pounds, we are told that in captivity on the mainland they will easily reach 200 pounds. Their height is between 14-20 inches and their typical weight is between 200-300 pounds. Their colors are solids, including grey, blue and red. Spotted include black/white. Stripped includes red/black and calico, black/white/red. A solid white is rare.

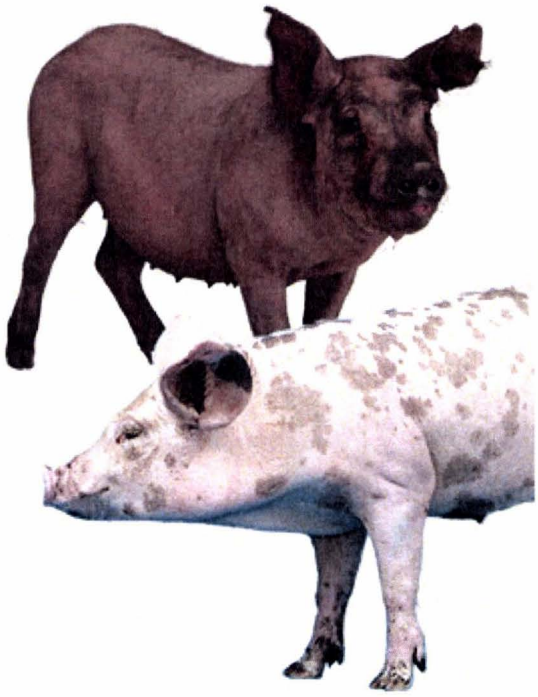
Please See: http://www.livestockconservancy.org/index.php/heritage/internal/Ossabaw (http://www.livestockconservancy.org/index.php/heritage/internal/Ossabaw)



Ossabaw

Yucatan Pig: These pigs originated in Mexico and Central America. They have straight backs and no pot belly, short snouts, sparse coats and medium sized ears. They are slate grey to black in color and are usually very gentle. They are often used in laboratories since their skin, cardiac and other systems very closely resemble those of humans. The larger types, have males weighing up to 210 pounds and females up to 180. The laboratories have bred for the smaller type and have produced the miniatures which weigh approximately 100 pounds, with heights of 16-24 inches.

Please See: http://www.sinclairbioresources.com/Products/Yucatan.aspx (http://www.sinclairbioresources.com/Products/Yucatan.aspx)



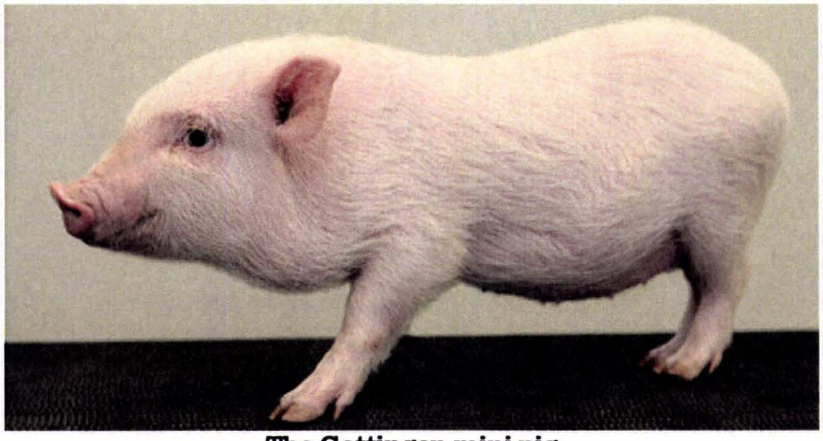
Yucutan

Laboratory Bred Miniature Pigs

There are many breeds that have been created for laboratory use only. As cruel as this may sound, it is a very real reality. There is a lot of misconceptions out there that a few of these miniature pig variations have made it in to the public's hands. There is no evidence of that at this time! These animals are bred under very controlled conditions are are raised specifically to be laboratory animals ONLY. Laboratories breed these pigs under lock and key, they tend to give the breed the name of the laboratory in which they were created, or were originally derived from. There are numerous different laboratory breeds that were developed for very specific studies in the biomedical field, the amount of different breeds created is actually staggering; we will only list the most prominent few here in the US. The reason that pigs are developed and tested in laboratories, although we may never agree with it, is because the anatomical and systemic properties of the pig are very closely related to that of humans; especially that of the cardiovascular system. We have relied on pigs for artificial heart valves, artificial kidney, liver, pancreas and intestines, dental enhancements and other major medical treatments for years now. Some of the breeds that play major roles in the biomedical research field, within the US only, are as follows: Hanford, Yucatan Micro, Sinclair and Gottingen (those are listed from largest to smallest in size). There is a lot of information out there on these specific breeds and what each is specifically used for, in different studies. However, we will not go in to major detail about them in this article, in an attempt to not confuse the general public. Again, as of current (2015) there is no evidence that these pig breeds, specifically bred for the laboratory, have made it in to the

mainstream mixes of mini pig strains. If you are interested in these variations, please visit the website listed below as a launching point.

Please see: http://vet.sagepub.com/content/49/2/344.full (http://vet.sagepub.com/content/49/2/344.full)



The Gottingen mini pig

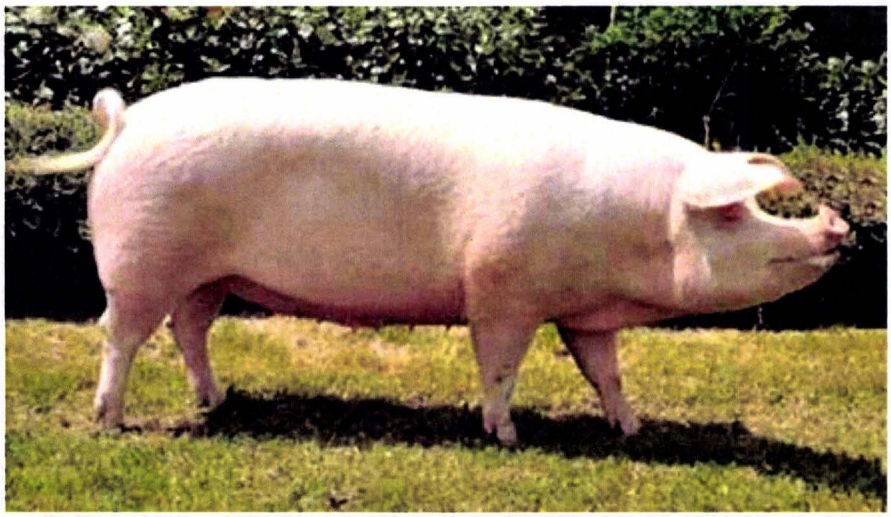
Commercial Swine Breeds

There are about 70 breeds of commercial swine all over the US and worldwide. Each is produced for a very specific production need. Some are better breeders, have better meat, are easier to keep, have better personalities, are great in the show pen and some fit even more specific niches in the farming community.

It is very important to understand that all our mini pig varieties came from these larger counterparts at one point. They have been crossed and bred down for years to produce some of the miniature and docile breeds we now recognize. Although important and a good basic understanding of the commercial pig breeds should be obtained, it is too much for us to explore almost 70 breeds of swine on a dedicated miniature pet pig website. We encourage you to visit the site referenced below to further your understanding and explore all these larger breeds. They are very interesting and I am sure you will find the site very useful! When you have the time to sit down and explore, please visit this website!

Please see: www.ansi.okstate.edu/breeds/swine/ (http://www.ansi.okstate.edu/breeds/swine/)

http://www.thepigsite.com/info/swinebreeds.php (http://www.thepigsite.com/info/swinebreeds.php)



American Landrace

Written/compiled by Jodi Register (2015)

^ TOP

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CITY OF BRAINERD
PERSONNEL AND FINANCE COMMITTEE
AGENDA

July 2, 2018
City Hall Conference Room
7:15 PM

1. Approval of Bills

2. 2017 Year-End Transfers Between Funds

3. League of Minnesota Cities Membership Dues Follow Up

Brainerd City Council
Agenda Request

Requested Meeting Date: July 2, 2018

Title of Item: 2017 Year-end Transfers Between 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 1st Reading **provide copy of published hearing notice*
Submitted by: Connie Hillman	**Department:** Finance
Presenter (Name & Title): Finance Director Hillman	**Estimated Time Needed:** 10 Minutes

Summary of Issue:

The 2017 audit has been completed, and CliftonLarsonAllen will be at the July 16, 2018 council meeting to present the results. There were transfers between funds that needed to be made based on final operating results. Please see the attached memo for further information. An error was made on the transfer from the general fund to the capital equipment fund. If council wishes, they can authorize $80,600 to be transferred from the Capital Equipment Fund (400) back to the General Fund (101). The transfer will not be reflected until the 2018 audit.

Alternatives, Options, Effects on Others/Comments:

Transfer $42,800 from the Public Safety Fund (225) to Fire Capital Fund (404)
Transfer $3,314,000 from the General Fund (101) to Public Safety Fund (225)
Transfer $730,600 from the General Fund (101) to Parks Fund (230)
Transfer $576,400 from the General Fund (101) to Street Fund (235)
Transfer $329,000 from the General Fund (101) to Capital Equipment Fund (400).

Recommended Action/Motion:

The suggested action is to approve the transfers as outlined above and 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

Please Explain:

M E M O

TO: Mayor & Council

FROM: Finance Director Connie Hillman

DATE: June 27, 2018

RE: 2017 Audit Transfers Between Funds

This memo is to explain the 2017 transfers made in more detail.

Transfer from Public Safety Fund (225) to Fire Capital Fund (404):

To calculate the amount due from the fire contracted areas for 2018, we used the 2017 budget. As shown on Attachment A, the actual operating results were less than the amount used for the billing. Attachment B is a page from the Fire Protection Agreement which states that any operating budget surplus in any given year shall be transferred to the Fire Capital Equipment Fund.

The contract also addresses if there is an operating budget deficit in any given year. This was the case for 2015, in which a proportional amount was billed to each service area.

Transfer from General Fund (101) to Public Safety (225), Parks (230), and Streets (235):

2017 was the first year that we did not transfer funds on a monthly basis between the working funds. Rather, per council's direction at the January 17, 2017 meeting, we were going to make transfers at the end of the year via a journal entry. Below is a table showing the amount we budgeted for operations for a transfer versus the actual transfer done for 2017:

Fund	Budgeted Amount	Actual Amount	Over / (Under) Budget
Public Safety (225)	$3,478,863	$3,314,000	$164,863
Parks (230)	708,835	$730,600	(21,765)
Streets (235)	653,705	576,400	77,305
Total	**$4,841,403**	**$4,621,000**	**$220,403**

Public Safety – The City budgeted for 24 sworn officers and 6 clerical in the Police Department. We were not at full complement for the entire year. We also spent less on repairs and maintenance for vehicles and equipment than budgeted. The Fire Department was underbudget in the Paid-On-Call personnel services and received more funds from the state in reimbursements.

Parks – We budgeted for one full-time employee to work six months in the Streets Department. For the 2017 winter months, the Parks Department employees assisted the Streets Department when needed. Since the amount of assistance needed was not equal to the equivalent of a full-time staff, Parks was over budget in personnel services.

Streets – See explanation for Parks. The City was under budget for snow removal and spent less on repairs and maintenance than budgeted.

Transfer from General Fund (101) to Capital Equipment Fund (400):

Attachment C is pages from the City's Fund balance policy that was amended at the October 17, 2016 council meeting. It was determined that if revenues exceed expenditures in excess of budget in the Working Funds (General, Public Safety, Parks and Street & Sewer), all funds in excess of 1% of operating expenditures should be transferred to the general Capital Account.

Our fund balance policy states that the unassigned portion of the fund balance should be maintained at a range of 35-50% of the Working Funds current year operating expenditures. After the transfer, the unassigned fund balance is 39% of the 2017 expenditures at 12/31/17, the same percentage as it was at 12/31/16.

The budget that was adopted for 2017 for the Working Funds had revenues exceeding expenditures and transfers by $15,000 (half of the estimated amount for the 2018 election). Actual for 2017 was that revenues for the working funds exceeded expenditures and transfers by $412,533 (excludes the $15,000 budgeted amount). After we replenish the assigned fund balance for severance payment of $75,097, the net amount of actual revenue over expenditures is $337,436. The calculated total operating expenditures for the working funds per the audit is $8,904,561, of which 1% is $89,046, the excess is $248,390 (rounded to $248,400) that should have been transferred to fund 400 to comply with the policy.

The actual amount transferred was $329,000, which is $80,600 too much, and as a result we stayed at 39% of fund balance as of 12/31/17 rather than being at 40% as anticipated.

The amount transferred to the airport is reclassified from transfers to operating expense for reporting. This was not taken into account when the transfer was made, thus the operating expenditures were understated by $155,500. The City does not budget for severance payout because: (1) often retirements are not known when preparing the budget; and (2) it would result in peaks and valleys in the operating expense and thus the levy. Therefore, the City "assigns" fund balance which needs to be replenished when severance is paid out. This also was not taken into account when the transfer was made, thus the unassigned fund balance was overstated by $75,000. Net is a difference of $80,500 and the rest is from rounding.

2017 YTD Actual Versus Budget

As of 12/31/17

	2017 Adopted Budget	Actual Through 12/31/17	% of Budget
Personnel Services			
Salary	377,749	360,343	
OT	1,000	1,007	
Uniforms	5,800	8,180	
PERA/Pension	93,857	86,200	
FICA	14,569	12,796	
Medicare	5,492	4,802	
CAFÉ/Sick	-	-	
Health Ins	50,059	52,309	
Life Ins	328	343	
LTD	365	363	
Unemployment	-	-	
Workers Comp	55,466	61,732	
Total Personnel Services	**604,685**	**588,077**	**97%**
Supplies			
Office Supplies	1,600	1,573	
Operating Supplies	19,000	20,654	
Motor Fuels	13,000	10,237	
R&M Supplies	40,000	37,595	
Personal Protective Gear	25,000	24,712	
Total Supplies	**98,600**	**94,771**	**96%**
Services			
Professional Service	20,000	20,165	
Computer Support	2,600	2,922	
Telephone	3,800	3,628	
Postage	200	187	
Legal Publications	1,000	-	
Professional Development	17,000	30,523	
Lease Payments	7,500	6,950	
Insurance	20,648	13,725	
Utilities	41,400	37,833	
Misc.	1,300	1,820	
Dues & Subscription	1,800	1,447	
Books & Pamphlet	500	263	
Total Services	**117,748**	**119,463**	**101%**
Grants/Revenue	**(14,800)**	**(38,911)**	**263%**
Capital	**77,000**	**77,000**	**100%**
TOTAL	**883,233**	**840,400**	**95%**
		42,833	
		42,800	**Transferred to Fire Capital**

ev = The specific governmental unit's total market value of tax exempt property as determined by the Crow Wing County Assessor.

U = The average number of calls for service for the City and all Contractees for the last five calendar years. This calculation carries a 30% weight.

Q = The total population of the City and all Contractees provided by the State Demographer's Office. This calculation carries a 30% weight.

V = The total market value, excluding tax exempt property of the City and all Contractees. This calculation carries a 30% weight.

EV = The total market value of tax exempt property of the City and all Contractees. This calculation carries a 10% weight.

City budget for fire protection shall be calculated according to the following formula:

C + E + D + R = Total Fire Protection Budget

C = The amount budgeted for fire department operations, including all personnel costs, supplies and services.

E = An amount budgeted for equipment replacement, capital expenditures and major equipment repair, to be kept in a separate Fire Capital Equipment Fund. As part of its annual budget, the City shall maintain a Fire Capital Equipment Fund for capital expenditures, replacement of equipment and major repairs to equipment.

D = Depreciation of Buildings. This represents the cost of using the building for the year to house the equipment and staff. Any upgrades to the building shall not be included in the operating budget ("C" above) nor paid from the equipment replacement fund ("E") Rather the upgrades or improvements will be paid for by the City and passed onto the service areas as an increase in the amount of this factor.

R = Contributions to the relief association

All figures shall be carried out to two decimal places in calculating the formula. Each Contractee's share of the total budget contribution shall be determined by multiplying the percentage assigned to that Contractee by the annual City Fire Protection budget. Each Contractee's contribution shall be recalculated annually.

Annually, at the end of each fiscal year, the City shall report to the Contractees the variance between actual and budgeted expense. In the event that there is an operating budget surplus in any given year, it shall be transferred to the Fire Capital Equipment Fund. In the event that there is an operating budget deficit in any given year, the Fire Advisory Board will meet to discuss the remedy of the deficit.

City shall provide Contractee with a written claim for the Payment Amount. Payment shall be due as follows: One-half paid by April 1st and the remaining half paid by August 1st of each year.

the Working Funds current year operating expenditures(as amended by Council Action 10/17/16). In addition to cash flow needs this accommodates emergency contingency concerns.

In the event that amounts designated for cash flow fall above or below the desired range, the City Administrator shall report such amounts to the City Council as soon as practical after the end of the fiscal year. Should the actual amount designated for Cash Flow fall below the desired range, the City shall create a plan to restore the appropriate levels. Should the actual amount designated for cash flow rise above the desired range, any excess funds will remain undesignated pending the Council's final decision concerning transfer to another fund. It is the policy of the City that such excess funds will be, by council action, to be reported in the spendable limited category of this policy.

If revenues exceed expenditures in excess of budget in the Working Funds for any given year, all funds in excess of 1% of operating expenditures should be transferred to the general Capital Fund (400) until we get to 50% of unreserved funds balance (as amended by Council Action 10/17/16).

Adopted by the Brainerd City Council on this 18th day of May, 2009.

Amended by the Brainerd City Council on this 19th day of December, 2011
Amended by the Brainerd City Council on this 17th day of October, 2016

James M. Thoreen
City Administrator

Brainerd City Council
Agenda Request

Requested Meeting Date: July 2, 2018

Title of Item: League of MN Cities Membership Dues Follow Up

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☑ P&F COMMITTEE ☐ SPW COMMITTEE ☐ MAIN AGENDA	**Action Requested:** ☐ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☑ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1st Reading **provide copy of published hearing notice*
Submitted by: Connie Hillman	**Department:** Finance/Administration
Presenter (Name & Title): Torstenson/Hillman	**Estimated Time Needed:** 5 Minutes

Summary of Issue:

At the last council meeting, it was shared that the 2019 League of MN Cities membership dues for the League's 2019 fiscal year were set at a zero percent increase. The City's dues are estimated to be around $12,300. Council members inquired the cost versus benefits of the membership. Attached is a letter from the League detailing our partnerships over the last few years.

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

Please Explain:

LEAGUE OF MINNESOTA CITIES

CONNECTING & INNOVATING
SINCE 1913

June 28, 2018

Dear Ms. Tortenson,

Greetings from the League of Minnesota Cities and the Insurance Trust. I appreciate the opportunity that we had to meet in March in Nisswa. Following our conversation, we did some review of the many ways the League and City of Brainerd have partnered and worked together in the past few years – and I think you'll find the list to be quite impressive.

As you may recall, the League of Minnesota Cities and the Insurance Trust are legally distinct – but for all practical purposes one organization. It is worth noting that League membership provides access to the Trust. Here's a summary of some of our work together:

League of Minnesota Cities

- Annual Dues. In 2018, the City of Brainerd paid $12,313 in dues to the League of Minnesota Cities.
- Collaborate Software Purchasing. In October 2017, the City of Brainerd purchased thirty (30) licenses via the League's Adobe collaborate purchasing program offered exclusively to our members. The cost savings for Brainerd is more than $10,000 over the 3-year life of the agreement. The City's participation in this program allowed for significantly deeper discounts than it could negotiate on its own or by using the Minnesota State collaborative contracting. We will continue to explore similar savings opportunities for our members.
- Access and Connections to Other Members. The League hosts a number of listservs (email networks) for members to connect with one another to support local research efforts, provide guidance, and share best practices. The listservs are grouped by occupational area (for example, clerks, mayors, communicators, etc.). In the last three years, Brainerd staff members have utilized these listservs 59 times.
- Tailored Research and Consulting. In the past two years, League research attorneys and human resource specialists responded to 27 human resources-related inquiries and 9 general research inquiries from Brainerd staff.
- Training. Since 2014, Brainerd elected officials and staff have attended 35 regional meetings, legislative updates, annual conferences, and newly elected trainings that have offered valuable learning and networking opportunities.
- Input on Policy. City of Brainerd officials have played an important role in representing the interests of your city by helping to shape the League's legislative policies. For instance, former Councilmember Mary Koep served for many years on the League's policy committees, former Administrator Jim Thoreen served on the League's Improving Service Delivery Policy committee (2016 and 2017), City Engineer Jeff Hulsether served on the Improving Fiscal Futures Policy Committee (2008-2017), and Paul Sandy is signed up to serve on the Fiscal Futures Committee this summer. We're grateful for this leadership over the years.

145 UNIVERSITY AVE. WEST
ST. PAUL, MN 55103-2044

PHONE: (651) 281-1200 FAX: (651) 281-1299
TOLL FREE: (800) 925-1122 WEB: WWW.LMC.ORG

- Legislative Collaboration. In the prior three years, the League's Intergovernmental Relations staff have provided Brainerd-specific legislative consultation around fire relief associations, a proposed reduction to LGA related to local sales tax, email retention, business notification requirements, Veterans Preference employment issues, and body camera regulations.

Insurance Trust

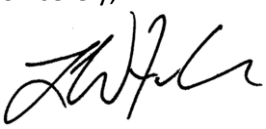
- Loss Control Expertise. In the past two years, Trust loss control specialists have responded to 16 inquiries and have made field visits with Brainerd staff four times.
- Defending Litigation. The Trust is handling contentious litigation on behalf of the City in the Firefighters Union Local 4725 v. Brainerd matter. This is a challenge to the city council's budgetary decision to restructure the fire department and eliminate the 5 full-time employees within the department.
- Training. Since 2014, Brainerd staff have attended 36 trainings related to safety and loss control, potentially keeping city employees safe and avoiding premium increases. Topics have ranged from police report writing to data practice compliance, and other department-specific topics. Additionally, the City participates in a Regional Safety Group (Lakes Area Regional Safety Group) and Peace Officer Accredited Training Online (PATROL).

I'm sharing this information with you as background as you acclimate to your new role. As you can see, in just the past few years the City and League have had a strong relationship. We are proud to have supported your Council and staff over the years and are grateful for the City's leadership to our organization in policy committees, through conversations with our staff, and in many other ways.

It is interesting to note that the League responds to about 4,000 research inquires, 2,000 human resources inquires, reviews about 1,000 contracts on behalf of our members each year, and the Trust handles close to 8,000 claims every year. Our Intergovernmental Relations team is largely viewed as the local government industry experts and they work tirelessly to advocate on behalf of all cities in St. Paul. All our members benefit from our publications, trainings and conferences, free parking when you visit St. Paul, meeting space near the Capitol, and many other smaller services to support the City. Please see this as an invitation. If the City of Brainerd has a need from the League, just let us know.

The League has been doing its work since 1913 – and I hope the City of Brainerd knows that it has full access to the most trusted local government resource and partner in the state. I am happy to answer any questions you may have and look forward to our continued partnership. Please know we are always willing to visit with you and the Council on any matter of concern and would appreciate the opportunity to travel to Brainerd and address a future meeting.

Sincerely,



Luke Fischer
Deputy Director

Brainerd City Council
Agenda Request

Requested Meeting Date: July 2, 2018

Title of Item: Dismissal of TAC Member Brady

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☑ MAIN AGENDA	**Action Requested:** ☑ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1st Reading **provide copy of published hearing notice*
Submitted by: City Engineer Sandy	**Department:** Engineering/Transit
Presenter (Name & Title): City Engineer Sandy	**Estimated Time Needed:** 5 Minutes

Summary of Issue:

The Mayor and Transportation Advisory Committee (TAC) are recommending that the Council consider dismissal of Robert Brady from the Transportation Advisory Committee.

Alternatives, Options, Effects on Others/Comments:

The dismissal being considered is due to non-participation in TAC meetings or other discussions since Mr. Brady was appointed to the TAC.

Recommended Action/Motion:

The Mayor and TAC recommend dismissal of Robert Brady from the TAC and to open the vacancy to applicants.

Financial Impact:

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

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

Is this budgeted? ☐ Yes ☐ No

Please Explain:

Brainerd City Council
Agenda Request

Requested Meeting Date: July 2, 2018

Title of Item: Resignation of TAC Member Larson

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☑ MAIN AGENDA	**Action Requested:** ☑ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1st Reading **provide copy of published hearing notice*
Submitted by: City Engineer Sandy	**Department:** Engineering/Transit
Presenter (Name & Title): City Engineer Sandy	**Estimated Time Needed:** 5 Minutes

Summary of Issue:

Kevin Larson has resigned from the Transportation Advisory Committee.

Alternatives, Options, Effects on Others/Comments:

The position is vacant and needs new applicants to fill the vacancy.

Recommended Action/Motion:

Accept with regret the resignation of Kevin Larson from the TAC and open the position to new applicants to fill the vacancy.

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:

Stephanie Bestul

Subject: FW: {external} TAC Membership

From: Kevin Larson [mailto:kevinl@productivemn.org]
Sent: Wednesday, June 27, 2018 8:47 AM
To: Andy Stone <astone@ci.brainerd.mn.us>
Subject: {external} TAC Membership

Good morning Andy. Being as we are taking over the public transit responsibilities this coming week I feel it would be best if I resigned my position with the Transit Advisory Committee to avoid any perceived conflicts of interest. Let me know if you have any questions.
Thanks.

Kevin Larson
Branch Manager
Productive Alternatives, Inc.
213 NW 4th Street
Brainerd, MN 56401
Phone: (218) 825-8148
Fax: (218) 825-8362
KevinL@productivemn.org

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Brainerd City Council
Agenda Request

Requested Meeting Date: July 2, 2018

Title of Item: Condition of Brainerd Streets - Pavement Management 2018

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☑ MAIN AGENDA	**Action Requested:** ☑ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1st Reading **provide copy of published hearing notice*
Submitted by: City Engineer Sandy	**Department:** Engineering
Presenter (Name & Title): City Engineer Sandy	**Estimated Time Needed:** 15 Minutes

Summary of Issue:

I will be providing a presentation to the council regarding the condition of the City's street system via the data we collected in 2018.

Alternatives, Options, Effects on Others/Comments:

This is a presentation. Questions will be taken once the information is provided.

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

Please Explain:

CITY OF BRAINERD

Pavement Management

Streets & Alleys

- 83.06 miles of streets
  - 80.28 miles paved
  - 0.17 Bridge
  - 2.61 miles unpaved
- 16.26 miles of alleys
  - 2.73 miles paved
  - 13.53 miles unpaved





2008-2017 (10 Years)

- Reconstructed or Resurfaced 117,557 LF (22.26 miles) of Street Length
  - 27.73% of the improved street system in Brainerd
  - 2.77% of the street system replaced per year or one time every 36.06 years.
  - Cost of $18,620,017 - $1,860,012 per year (Construction and Engineering)
- Seal coated 92,121 LF (17.45 miles)
  - 21.74% of the improved street system in Brainerd
  - 2.17% of street system preserved per year or one time every 46.08 years
  - Cost of $618,857
- Cumulative Reconstructed, Resurfaced, and Preserved 209,678 LF (39.71 miles of street length)
  - 49.46% of the improved street system in Brainerd
  - 4.95% of street system reconstructed/resurfaced/preserved per year or one time every 20.2 years
  - Cost of $19,238,874 - $1,923,887 per year (Construction and Engineering)

Past Projects

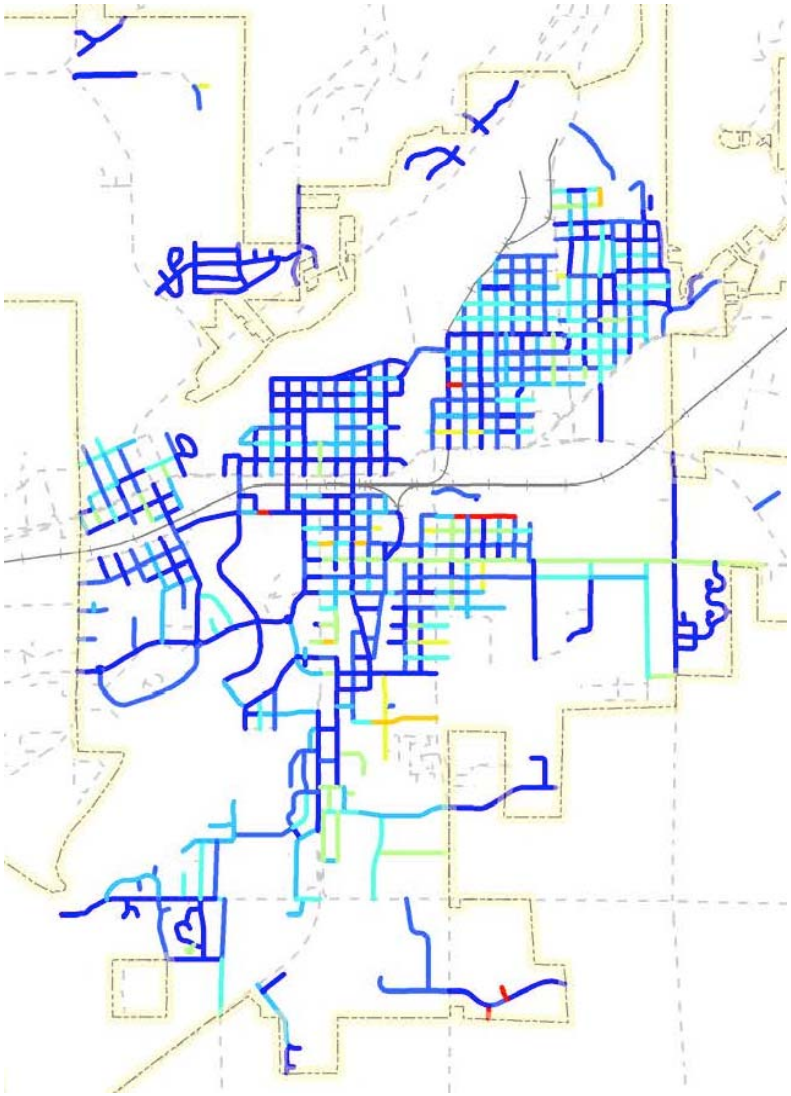
- S 8th St
- Tyrol Hills
- S 6th West Frontage Road
- S 7th St
- College Dr.
- N 10th St
- S 5th St
- SW 4th Street
- East River Road
- N 8th Street
- Willow Street
- 10th Avenue NE
- Garfield Streets (10th, 11th, J, L)
- SE 28th Street
- NW Brainerd Resurfacing (James Street, NW 5th, NW 7th, NW 8th, NW 3rd)
- Jackson Street
- Buffalo Hills Lane
- Oak Street
- S 6th Street East Frontage Road





Bituminous Surface Rating

- The City undertook a Pavement Management Program back in 2005.
- Program rates each segment of street on a scale of 0-4 (0=Poor Condition, 4=Perfect Condition) using equations that measure different deficiencies found in pavements.
- The entire street system in Brainerd was rated in 2005, 2012, 2015, and 2018 (most recent).



4 Data Sets - Surface Rating Comparison Between Years

2005

- 0.0 – 4.0 Poor - Good
- **City – 3.25/4.0**
- North – 2.81
- Northeast – 3.23
- North Annex – 3.96
- Northwest – 2.88
- South – 3.13
- Southeast – 3.32
- Southwest – 3.86

2012

- 0.0 – 4.0 Poor - Good
- **City – 3.27/4.0 (+0.02)**
- North – 3.62 (+0.81)
- Northeast – 3.14 (-0.09)
- North Annex – 3.81 (-0.15)
- Northwest – 3.35 (+0.47)
- South – 3.26 (+0.13)
- Southeast – 3.05 (-0.27)
- Southwest – 3.31 (-0.55)

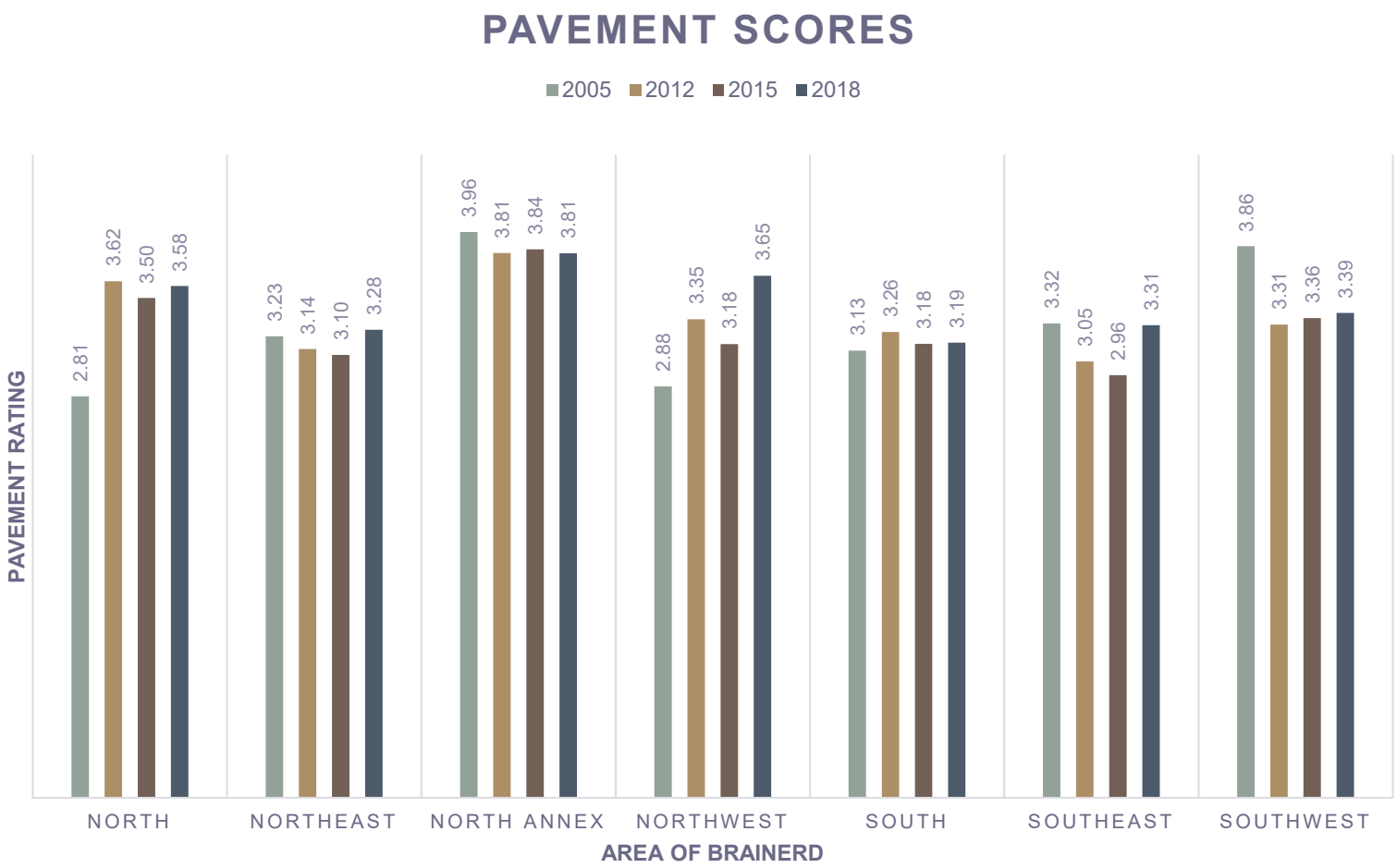
2015

- 0.0 – 4.0 Poor - Good
- **City – 3.22/4.0 (-0.05)**
- North – 3.50 (-0.12)
- Northeast – 3.11 (-0.03)
- North Annex – 3.84 (+0.03)
- Northwest – 3.18 (-0.17)
- South – 3.18 (-0.06)
- Southeast – 2.96 (-0.09)
- Southwest – 3.36 (+0.05)

2018

- 0.0 – 4.0 Poor - Good
- **City – 3.35/4.0 (+0.13)**
- North – 3.58 (+0.08)
- Northeast – 3.28 (+0.17)
- North Annex – 3.81 (-0.03)
- Northwest – 3.65 (+0.47)
- South – 3.19 (+0.01)
- Southeast – 3.31 (+0.35)
- Southwest – 3.39 (+0.03)

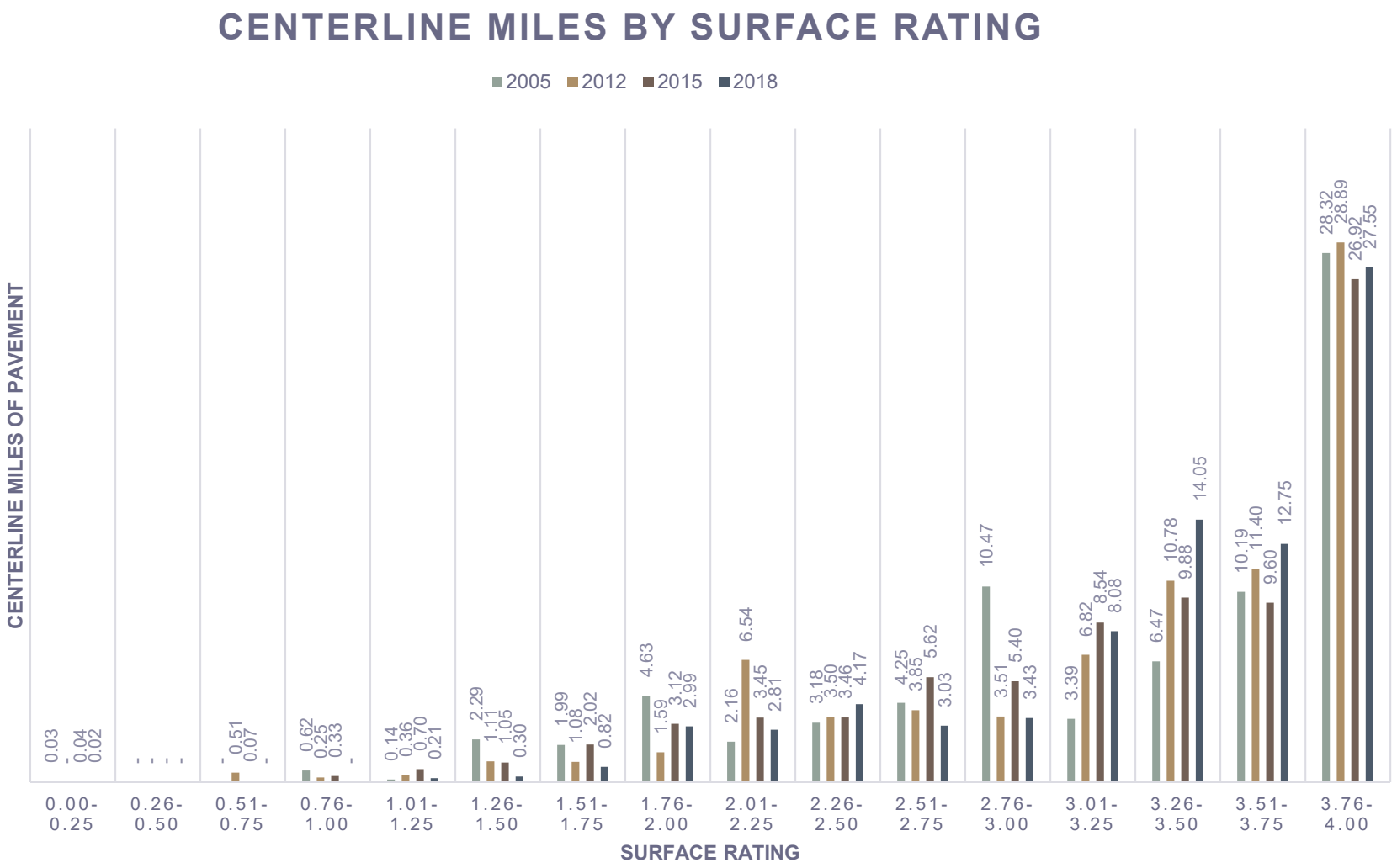
4 Data Sets - Surface Rating Comparison Between Years



Surface Rating Breakdown

Miles of Road by Surface Rating								
Surface	2005		2012		2015		2018	
Rating	Miles	%	Miles	%	Miles	%	Miles	%
0.00-0.25	0.03	0.04%	-	0.00%	0.04	0.05%	0.02	0.03%
0.26-0.50	-	0.00%	-	0.00%	-	0.00%	-	0.00%
0.51-0.75	-	0.00%	0.51	0.63%	0.07	0.09%	-	0.00%
0.76-1.00	0.62	0.80%	0.25	0.31%	0.33	0.41%	-	0.00%
1.01-1.25	0.14	0.18%	0.36	0.44%	0.70	0.87%	0.21	0.27%
1.26-1.50	2.29	2.93%	1.11	1.39%	1.05	1.31%	0.30	0.37%
1.51-1.75	1.99	2.55%	1.08	1.35%	2.02	2.51%	0.82	1.02%
1.76-2.00	4.63	5.92%	1.59	1.99%	3.12	3.89%	2.99	3.72%
2.01-2.25	2.16	2.77%	6.54	8.16%	3.45	4.31%	2.81	3.50%
2.26-2.50	3.18	4.07%	3.50	4.37%	3.46	4.31%	4.17	5.20%
2.51-2.75	4.25	5.44%	3.85	4.80%	5.62	7.00%	3.03	3.77%
2.76-3.00	10.47	13.40%	3.51	4.38%	5.40	6.74%	3.43	4.28%
3.01-3.25	3.39	4.33%	6.82	8.50%	8.54	10.65%	8.08	10.07%
3.26-3.50	6.47	8.27%	10.78	13.44%	9.88	12.32%	14.05	17.52%
3.51-3.75	10.19	13.04%	11.40	14.22%	9.60	11.97%	12.75	15.90%
3.76-4.00	28.32	36.25%	28.89	36.02%	26.92	33.57%	27.55	34.35%
Totals	78.13	100.00%	80.21	100.00%	80.20	100.00%	80.20	100.00%

Surface Rating Breakdown



Age of Streets - Bituminous

2005

- **City – 18.92**
- North – 24.24
- Northeast – 21.74
- North Annex – 6.32
- Northwest – 27.55
- South – 19.17
- Southeast – 15.95
- Southwest – 12.67

2012

- **City – 20.48 (+1.56 years)**
- North – 16.75 (-7.29)
- Northeast – 25.27 (+3.53)
- North Annex – 9.62 (+3.30)
- Northwest – 23.83 (-3.72)
- South – 20.55 (+1.38)
- Southeast – 19.59 (+3.64)
- Southwest – 17.89 (+5.22)

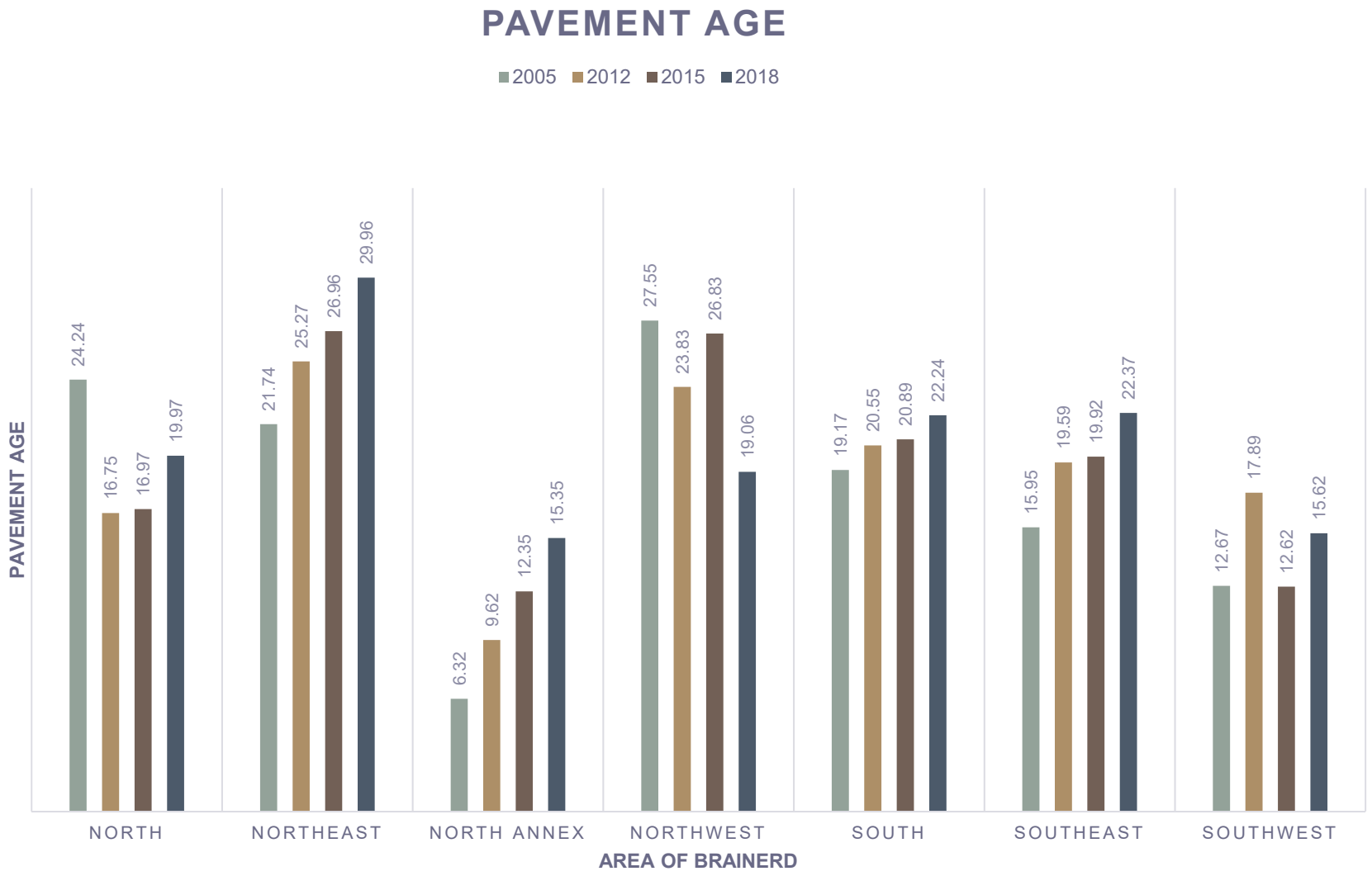
2015

- **City – 21.06 (+0.58 years)**
- North – 16.97 (+0.22)
- Northeast – 26.96 (+1.69)
- North Annex – 12.35 (+2.73)
- Northwest – 26.83 (+3.00)
- South – 20.89 (+0.34)
- Southeast – 19.92 (+0.33)
- Southwest – 12.62 (-5.27)

2018

- **City – 22.98 (+1.92 years)**
- North – 19.97 (+3.00)
- Northeast – 29.96 (+3.00)
- North Annex – 15.35 (+3.00)
- Northwest – 19.06 (-7.77)
- South – 22.24 (+1.35)
- Southeast – 22.37 (+2.45)
- Southwest – 15.62 (+3.00)

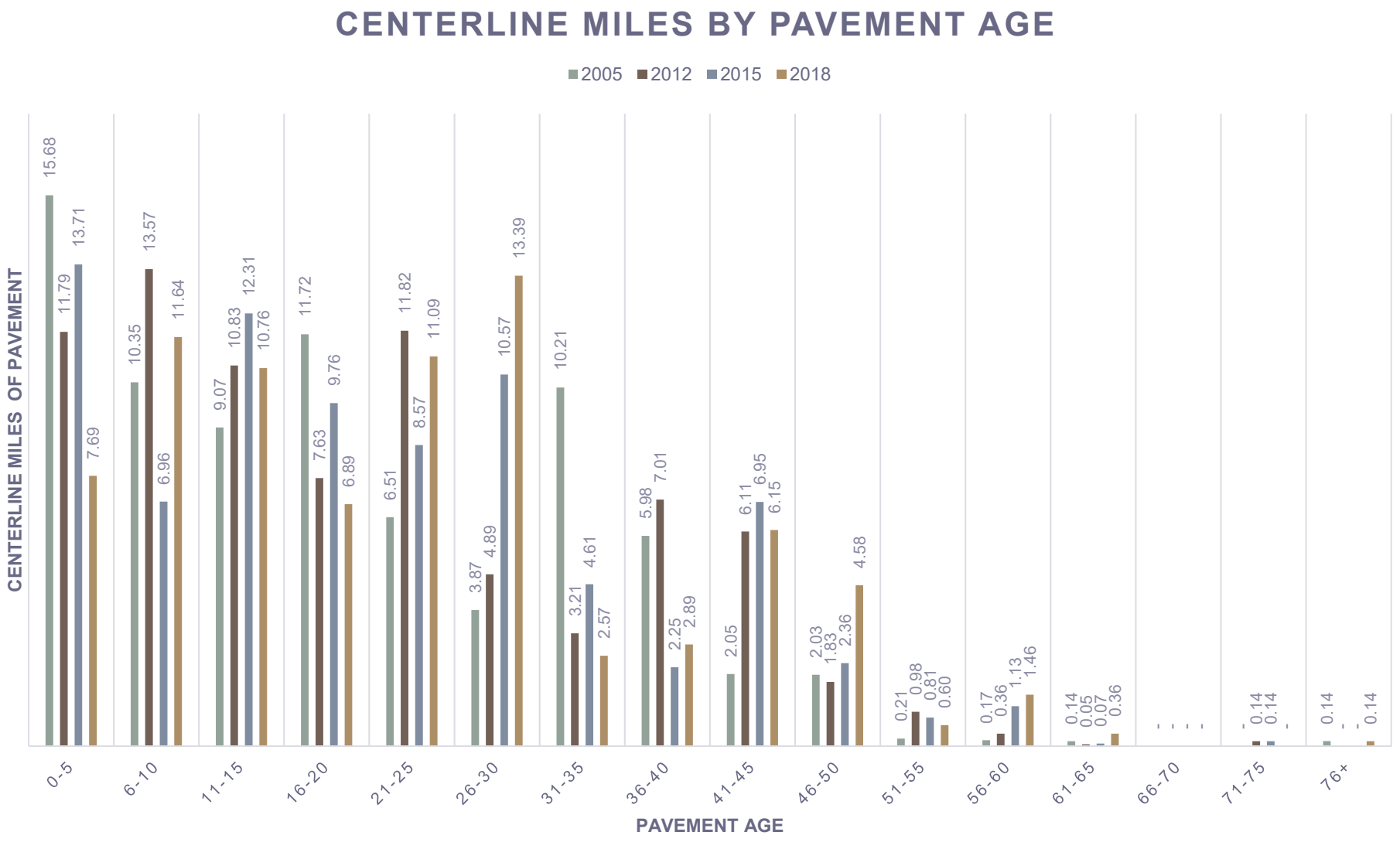
Age of Streets - Bituminous



Age of Streets - Bituminous

Miles of Road by Age								
Pavement	2005		2012		2015		2018	
Age	Miles	%	Miles	%	Miles	%	Miles	%
0-5	15.68	20.07%	11.79	14.70%	13.71	17.09%	7.69	9.59%
6-10	10.35	13.25%	13.57	16.92%	6.96	8.68%	11.64	14.52%
11-15	9.07	11.61%	10.83	13.50%	12.31	15.35%	10.76	13.41%
16-20	11.72	15.00%	7.63	9.51%	9.76	12.17%	6.89	8.59%
21-25	6.51	8.33%	11.82	14.74%	8.57	10.68%	11.09	13.83%
26-30	3.87	4.95%	4.89	6.09%	10.57	13.18%	13.39	16.69%
31-35	10.21	13.06%	3.21	4.00%	4.61	5.74%	2.57	3.21%
36-40	5.98	7.66%	7.01	8.75%	2.25	2.80%	2.89	3.61%
41-45	2.05	2.63%	6.11	7.61%	6.95	8.66%	6.15	7.67%
46-50	2.03	2.60%	1.83	2.28%	2.36	2.95%	4.58	5.71%
51-55	0.21	0.27%	0.98	1.22%	0.81	1.01%	0.60	0.74%
56-60	0.17	0.21%	0.36	0.44%	1.13	1.41%	1.46	1.82%
61-65	0.14	0.18%	0.05	0.06%	0.07	0.09%	0.36	0.44%
66-70	-	0.00%	-	0.00%	-	0.00%	-	0.00%
71-75	-	0.00%	0.14	0.17%	0.14	0.17%	-	0.00%
76+	0.14	0.18%	-	0.00%	-	0.00%	0.14	0.17%
Totals	78.13	100.00%	80.21	100.00%	80.20	100.00%	80.20	100.00%

Age of Streets - Bituminous



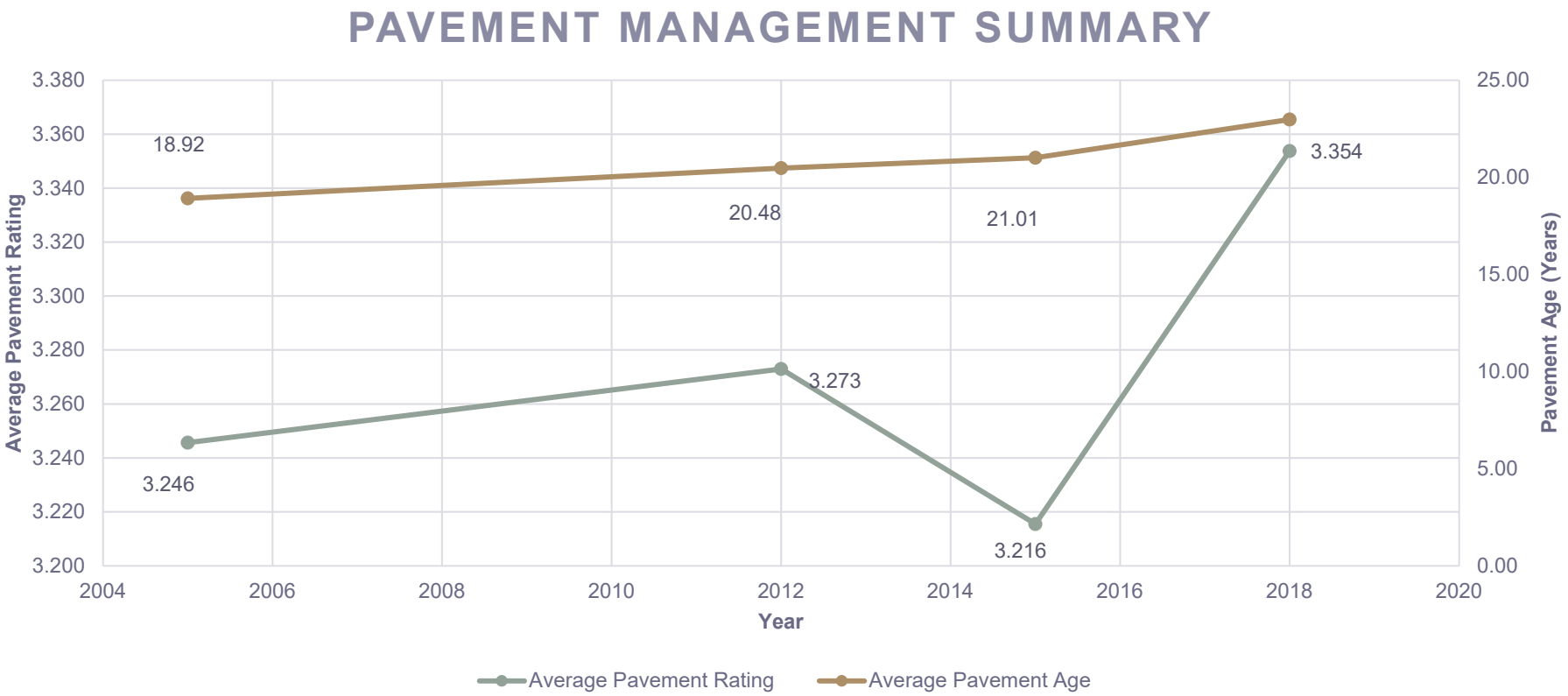
Summary

Miles of Road by Surface Rating								
Surface	2005		2012		2015		2018	
Rating	Miles	%	Miles	%	Miles	%	Miles	%
0.0-2.0	9.70	12.42%	4.90	6.11%	7.32	9.13%	4.34	5.41%
2.01-3.0	20.07	25.68%	17.41	21.71%	17.93	22.36%	13.44	16.75%
3.01-4.0	48.36	61.90%	57.90	72.18%	54.95	68.51%	62.43	77.84%
Totals	78.13	100.00%	80.21	100.00%	80.20	100.00%	80.20	100.00%

Miles of Road by Age								
Pavement	2005		2012		2015		2018	
Age	Miles	%	Miles	%	Miles	%	Miles	%
0-20	46.82	59.92%	43.82	54.64%	42.74	53.29%	36.98	46.10%
21-40	26.57	34.01%	26.93	33.58%	26.00	32.41%	29.95	37.34%
41+	4.74	6.07%	9.45	11.79%	11.47	14.30%	13.28	16.56%
Totals	78.13	100.00%	80.21	100.00%	80.20	100.00%	80.20	100.00%

Summary

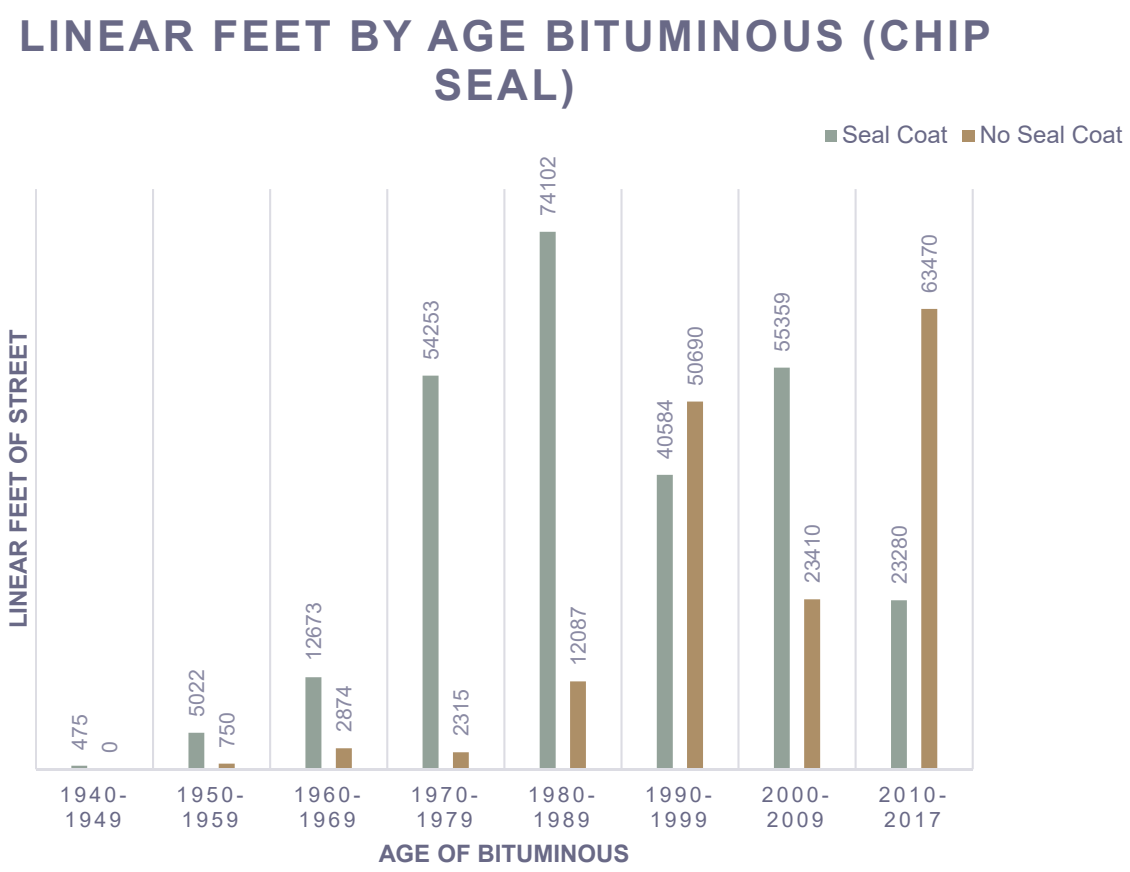
Pavement Management Summary				
	2005	**2012**	**2015**	**2018**
Average Pavement Rating	3.246	3.273	3.216	3.354
Average Pavement Age	18.92	20.48	21.01	22.98



Bituminous Age & Maintenance

- Preventative maintenance extends pavement life
  - Seal Coats
  - Crack Sealing



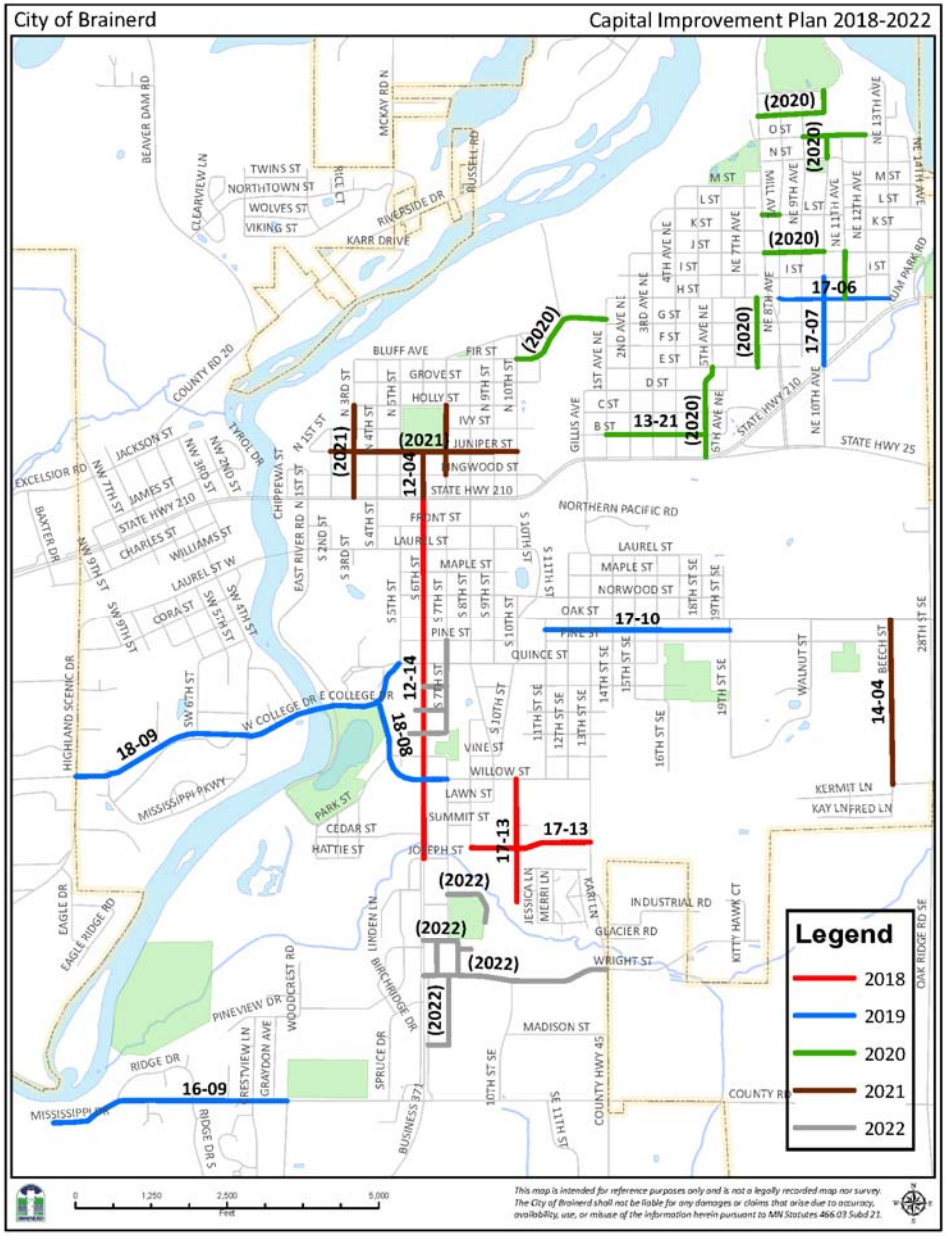


Street Priority List

- Maintenance
  - All newer roads-Surface Rating >3.0
- Resurfacing
  - J, L, O, P Streets
  - Brook Street
  - Beech Street
  - 7th, 10th, and 11thAvenues NE
  - Evergreen Avenue
  - Rosewood, Sycamore, Tamarack, Pine Streets
  - Wright Street
  - S 10th Street
  - S 7th and S 8th Streets
  - Paul Street and Paul Circle
  - Todd Street
  - Madison Street
- Reconstruction
  - H Street (with SRTS projects)
  - N 6th, 7th, 3rd Streets
  - B Street
  - S 7th St
  - Juniper St
  - 5th Avenue NE
  - B Street
  - Buffalo Hills Lane
  - 10th Avenue NE
- Mill and Overlay
  - Willow Street Connection (S 4th)
  - College Drive

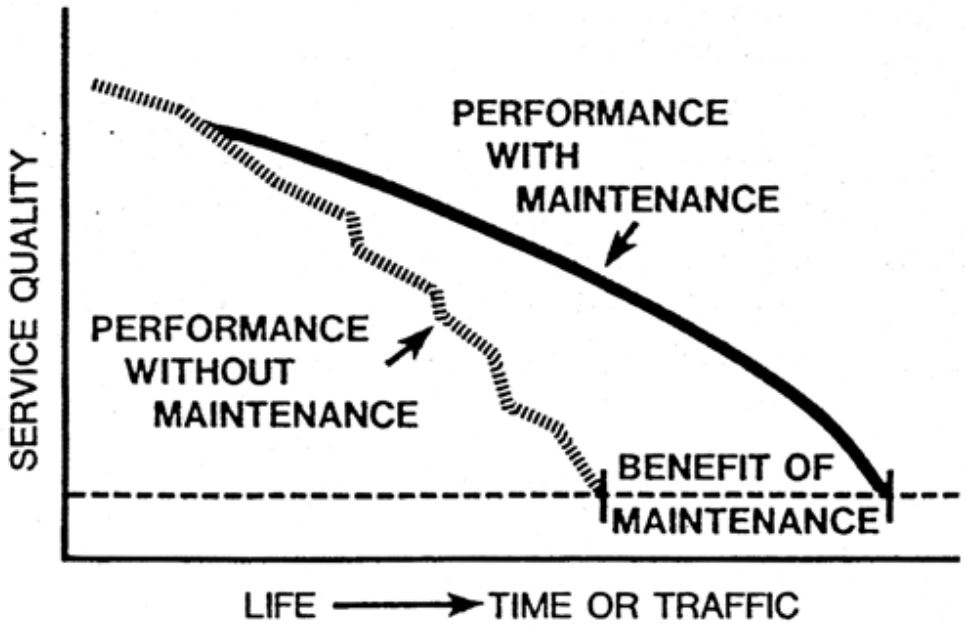


Street Priority List



Pavement Management Cost By Project Type (Maintenance)

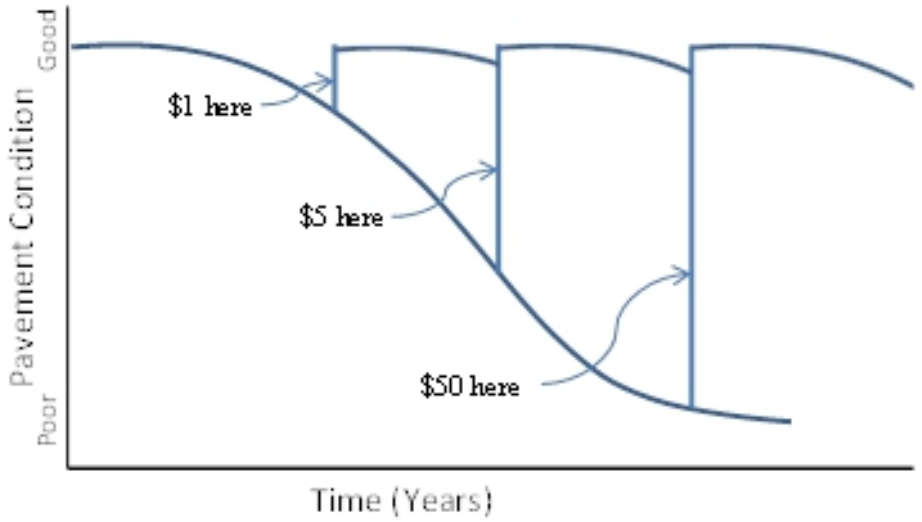
- Preventative
  - Micro Surfacing
    - $15.00/LF
  - Seal Coating (Fog Seal)
    - $7.50/LF
  - Crack Sealing
- Corrective
  - Street Patching
    - $79/LF
- Temporary
  - Pothole Filling



Pavement Management Cost By Project Type (Construction Only)

- Total Reconstruction
  - Curb, Aggregate, Pavement
  - $121/LF
- Bituminous Reconstruct
  - Aggregate, Pavement
  - $76/LF
- Reclaim & Inlay (Mill & Inlay)
  - Aggregate, Pavement
  - $45/LF
- Bituminous Resurfacing
  - Pavement
  - $45/LF
- Overlay
  - Pavement
  - $30/LF

*Note: Costs do not reflect new ADA requirements. Streets may have pedestrial facilities that need upgrading to new ADA standards or projects as part of the WBCC Non-Motorized Transportation Plan. These are street costs only.



When to Improve the Road?

- Pavement Condition
  - Surface Rating
- Pavement Age
- Maintenance Needs
- Complaints
- Underground Utility Needs
- Traffic
- Project Coordination



How to Improve the Road?

- Improvement Factors
  - Cost Effectiveness
  - Condition of Curb
  - Drainage
  - Grade
  - Subgrade
  - Bituminous Section
  - Surface Condition
    - Surface Rating
  - Utility Replacement Needs
  - Traffic
- 9 Ton Design
  - State Aid Streets
  - Commercial Districts
  - 3.5” Bituminous
  - 5” Aggregate
- Residential St Design
  - 2” Bituminous
  - 4” Aggregate

QUESTIONS

Brainerd City Council
Agenda Request

Requested Meeting Date: July 2, 2018

Title of Item: 2018 MN SCDP Grant Award Letter

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☑ MAIN AGENDA	**Action Requested:** ☐ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☑ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1st Reading **provide copy of published hearing notice*
Submitted by: Mayor Menk	**Department:** Council
Presenter (Name & Title): Mayor Menk	**Estimated Time Needed:** 5 Minutes

Summary of Issue:

Attached is a letter from the Minnesota Department of Employment and Economic Development (DEED), stating that the City of Brainerd's application for the 2018 MN SCDP has been approved in the amount of $638,338, pending DEED's award from HUD. The grant will target owner and rental housing rehab in northeast Brainerd and the Koop Building property in downtown.

Alternatives, Options, Effects on Others/Comments:

This application was submitted by the HRA on Brainerd's behalf. A special thank you to the HRA staff.

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

Please Explain:

EMPLOYMENT AND ECONOMIC DEVELOPMENT

June 27, 2018

The Honorable Ed Menk
Mayor, City of Brainerd
501 Laurel Street
Brainerd, MN 56401

Dear Mayor Menk:

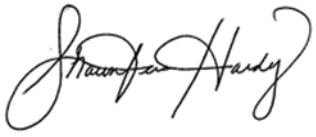
I am pleased to inform you that your application for a 2018 Minnesota Small Cities Development Program Grant (SCDP) has been approved for funding in the amount of $638,338, pending our expected award from the Department of Housing and Urban Development (HUD). Grant Agreements will be issued once DEED receives its award from HUD.

DEED staff provided implementation training in early June which your city attended. We will also be providing topic specific trainings in early September. It is very important that those responsible for the grant administration and reporting attend these training sessions.

Andrew Barbes is the DEED representative assigned to your grant. For additional information, please contact Andrew at Andrew.Barbes@state.mn.us or (651) 259-7460.

Congratulations on this grant award to help enhance your community development efforts.

Regards,



Shawntera Hardy
Commissioner

cc: State Senator Carrie Ruud
State Representative Josh Heintzeman
John Schommer, Rehab Coordinator, Brainerd HRA

Minnesota Department of Employment and Economic Development
Business & Community Development Division
1st National Bank Building, 332 Minnesota Street, Suite E200, Saint Paul, Minnesota 55101-1351
Phone 651-259-7114 or 800-657-3858
mn.gov/deed

R E S O L U T I O N
NO. __:18

A RESOLUTION CANCELING CONTRACT FOR ANIMAL CONTROL SERVICES

WHEREAS, the City of Brainerd entered into a Service Agreement with Animal Control Enforcement in September 2017; and

WHEREAS, the Agreement required the contractor to be on-call 24 hours a day, and be consistently available six days a week; and

WHEREAS, the Agreement required the contractor to inform the City when a vacation is scheduled; and

WHEREAS, the contractor has not been available pursuant to the Agreement, resulting in law enforcement handling many of the animal controls calls; and

WHEREAS, the contractor has not informed the City when he is unavailable to provide animal control services; and

WHEREAS, City personnel has had difficulty getting in touch with the contractor in a timely manner when services are needed; and

WHEREAS, the City needs a contractor who provides consistent, timely, services and who is available as required by the Agreement.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BRAINERD, MINNESOTA that the existing Animal Control Enforcement Service Agreement with Animal Control Enforcement Services is hereby canceled.

Adopted this __ day of July, 2018

_____
DAVID J. PRITSCHET
President of the Council

Approved this __ day of July, 2018

_____
EDWIN L. MENK
Mayor

ATTEST:_____
CASSANDRA TORSTENSON
City Administrator

Brainerd City Council
Agenda Request

Requested Meeting Date: July 2, 2018

Title of Item: 1st Ord. Reading - Proposed Ordinance No. 1484 Funeral Homes/Mortuaries and Crematoriums as Permitted Uses in the B-4 & B-6 Districts

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☑ MAIN AGENDA	**Action Requested:** ☑ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☑ Ordinance 1st Reading **provide copy of published hearing notice*
Submitted by: Mark Ostgarden	**Department:** Planning
Presenter (Name & Title): Same	**Estimated Time Needed:** 10 minutes

Summary of Issue:

See attached memo.

Alternatives, Options, Effects on Others/Comments:

See attached memo and June 20, 2018 Planning Commission Minutes.

Recommended Action/Motion:

The Planning Commission voted 4-0 to recommend approval of the amendment.

A motion by _____ and seconded by _____ to approve/deny the first reading of proposed Ordinance No. 1484 to allow Funeral Homes/Mortuaries and Crematoriums as Permitted Uses in the B-4 (General Commercial) District and B-6 (Washington Street Commercial) District.

Financial Impact:

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

What is the total cost, with tax and shipping $ 0

Is this budgeted? ☐ Yes ☐ No

Please Explain:

O R D I N A N C E
NO. 1484

AN ORDINANCE AMENDING BRAINERD ZONING ORDINANCE SECTIONS 515-63-2 AND 515-65-2: ADDING FUNERAL HOMES, MORTUARIES AND CREMATORIUMS AS PERMITTED USES

THE CITY COUNCIL OF THE CITY OF BRAINERD DOES ORDAIN:

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

BB. Funeral homes, mortuaries and crematoriums

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

U. Funeral homes, mortuaries and crematoriums

SECTION THREE: All other provisions of Section 515-63-2 and 515-65-2 shall remain in full force and effect.

SECTION FOUR: This ordinance shall take effect and be in full force one week from and after its publication.

Adopted this ___ day of ____, 2018

_____
DAVID J. PRITSCHET
President of the Council

Approved this ____ day of ___, 2018

_____
EDWIN L. MENK
Mayor

ATTEST: _____
CASSANDRA TORSTENSON
City Administrator

Published: One Time - ____, 2018

MEMO

TO: Planning Commission

FROM: Mark Ostgarden, City Planner

DATE: June 13, 2018

RE: Zoning Ordinance Text Amendment – Funeral Homes/Mortuaries and Crematoriums

A funeral home located in a B-4 (General Commercial) District is exploring expansion options and it was discovered that the use is not permitted by right or as a conditional use in the district. The two districts where it is permitted are the B-1, (Residential-Office) District and the B-2 (Neighborhood Business District). The funeral home owner is also looking to have a crematorium at the funeral home; a use not listed in any zoning district.

It is the Planning Department's thought that not listing a funeral home with/without a crematorium was an oversight in the Zoning Ordinance Update process in 2008/09. To address the oversight, a Zoning Ordinance text amendment hearing has been scheduled for the June 20, 2018 meeting to consider the amendments. The hearing notice has been written to allow the Planning Commission to determine whether the uses should be permitted by right or as a conditional use.

Is there a difference between a funeral home and mortuary?

Funeral Home

Typically, a funeral home is able to provide a more full-service experience and often in more lavish surroundings centered on the comfort of the surviving family members. Funeral homes employ funeral directors which help to coordinate the various aspects of memorialization a family may choose. Funeral directors are also trained in grief counseling. The services and products offered by many funeral homes can be extensive from grand services for large groups with multi-media capabilities, event coordinators, catering, and music to very intimate private options. They also may offer a vast array of memorialization products such as service booklets, photos, jewelry, art, mementos and unique caskets and urns. They often help to write and/or publish an obituary in a newspaper. It should be noted that often a funeral home will not have a crematory (facility for the process of cremation) on-site. This will mean the funeral home staff will arrange for transportation of the deceased to a secondary facility for the cremation process and then have the cremated remains transported back to the funeral home.

Mortuary

Although the outcome is the same, burial or cremation, a mortuary is often more focused on the mortuary sciences of caring for and preparing the body for burial or cremation. The organization may be more to the point, offering direct services such as a quick viewing for immediate family members and cremation without full-scale memorialization services. This is not always the case, but the consumer should be

aware of this potential difference. The mortuary may offer less services but may also cost significantly less.

One key difference is that only a mortuary offers on-site cremation. The mortuary may or may not involve a funeral director (although in some states a funeral director is required to be involved). The facility may be much more basic and not focused on the comfort of the consumer.

Do crematories create an odor and are they safe?

Following are the concerns that have been raised about crematories:

High Temperatures

High temperatures ensure that a cremation successfully incinerates a human corpse, and most crematoriums burn remains at temperatures of 1,600 to 1,800° Fahrenheit. Coroners and funeral directors who maintain crematoriums must be certain that their facilities meet all the necessary standards. Any oven that can generate such a high level of heat can be dangerous if not operated properly. In the United States, regulations can vary from state to state and become even stricter on a local level.

Exhaust

The most concerns raised is the exhaust odor potential from industrial ovens, but as technology is constantly progressing, engineers have developed methods of burning propane to provide the necessary heat for crematoriums. There have been complaints about odor at crematoriums and there are reports of people living very close to one and never realizing that cremations were being done.

The Planning Department has contacted Grand Rapids, Faribault, Fridley and White Bear Lake which are communities that have a crematorium near residential areas and each city has not received any neighborhood complaints.

The Nelson Doran Funeral Home in Brainerd has had a crematorium for years. Although not near a residential area, there has never been a complaint from a surrounding property.

Mercury

Following is an excerpt form an article North American Cremation Association called *Mercury and Cremation Issues Revisited*:

> One of the most detailed studies of mercury emissions impact was conducted in the United Kingdom where over 70% of dead humans are cremated. The study focused on a crematorium that had been in operation for over 40 years, processing more than 112,000 cremations at the time of the study.
>
> The direction of the prevailing winds of the crematory exhaust was determined to identify the land surrounding the crematory where the highest concentrations of mercury could be found. Five soil samples were taken along this windward axis; three samples were taken on the downwind axis and two additional samples were taken on the upwind axis. All the samples were then analyzed.

As anticipated, the downwind samples contained a higher, though not significant, level of mercury. "Trigger concentrations" had been determined to evaluate level of soil contamination. These "trigger levels" ranged from low levels of 1mg/kg for human food producing soils to 20mg/kg levels that are deemed acceptable for children's playgrounds. The concentration of mercury found in the crematory soil samples averaged less than .15 mg/kg, almost 7 times lower than that allowed for food production and more than 100 times lower than that allowed for children's playgrounds. The soils were deemed uncontaminated even after 112,000 cremations and 40 years of operation.

Consider that typical North American crematories operate at only 20% of these production levels used in the analysis, and it becomes readily apparent the anticipated impact of mercury emissions from those crematories are even further diminished.

Following is an excerpt from an article North American Cremation Association called *EPA Publishes New Mercury Data:*

The US EPA based their recommendations of no regulations for human and animal crematories on actual data collected for a wide variety of pollutants including mercury. The US EPA determined (based on 1999 CANA cremation rates) that all US crematories, together, would have produced a total of 238 lbs. of mercury emissions in 1999. If we update the mercury emissions levels to include both the US and Canada using 2004 cremation rates, the mercury emissions would be approximately 320 lbs. With 2050 crematories operating in the US and Canada, this would average out to about 0.15 lbs. of mercury emissions per crematory per year. If you could capture 100% of the mercury from a crematory processing an average of 400 cremations per year, for one full year, the total mercury captured would be the smaller than a typical household sugar cube.

Is a license required to operate crematorium?

Attached is the license application as stated in Section 149A of Minnesota State Statutes that specifies a license is required.

Use Permitted by Right or as a Conditional Use

Funeral homes without crematoriums are conditional uses in the B-1 (Residential Office) Districts and in the B-2 (Neighborhood Business) Districts. They are permitted in no other zoning districts. Each has the following requirements:

1. Parking and stacking areas are subject to the provisions of Section 22 (Off Street Parking) of this ordinance.
2. The site accesses a collector road.

The hearing notice is worded to allow the Planning Commission to determine whether the use should be permitted by right or as a conditional use in the B-4 (General Commercial) District and the B-6 (Washington Street Commercial) District.

DEPARTMENT OF HEALTH

Mortuary Science

APPLICATION FOR LICENSE TO OPERATE A CREMATORY

MINNESOTA GOVERNMENT DATA PRACTICE ACT NOTICE. This notice is given pursuant to Minnesota Statutes, sections 13.04, subdivision 2, and 13.41, subdivision 2. The Commissioner of the Minnesota Department of Health (Commissioner) will use information you provide in this application to determine if you meet Chapter 149A requirements for licensure. You are not legally required to supply the requested information. However, **FAILURE TO PROVIDE INFORMATION OR THE SUBMISSION OF FALSE OR MISLEADING INFORMATION MAY DELAY THE PROCESSING OF YOUR APPLICATION OR MAY BE GROUNDS FOR DENYING YOUR APPLICATION.** All data, except your name and address, submitted by you or on your behalf are considered private until you are licensed. "Private" data is data that is not public and is accessible to you. *When you become licensed, the application data (except SSN) becomes public.* Information submitted to the Commissioner in this licensing application may, in some circumstances, be disclosed to other persons or entities including the Minnesota Department of Health and its staff, staff of the Attorney General's office, and persons whom they contact including any person to whom the Commissioner must refer the application or parts thereof for verification purposes or determination of your qualifications, and to persons you designate. In addition, if the matter of your license becomes contested and thereby results either in a contested-case hearing or litigation, the data submitted by you or on your behalf may also become accessible to the Minnesota Office of Administrative Hearings, appropriate courts, and those associated with such proceedings, and thereby become public data.

The undersigned hereby submits this application to operate a crematory subject to the provisions of Minnesota Statutes, section 149A. Include an application fee of $425.00 payable to: Commissioner of Finance.

Crematory Information

Name of Crematory

Mailing Address | City | State | Zip

Establishment Address ☐ same as mailing address

Email Address

Phone Number | Fax Number

Type of Business:

☐ Individual or Sole Proprietorship
☐ Partnership
☐ Private or LLC Corporation
☐ Public Corporation
☐ Cooperative

Name of Owner(s) and Percentage of Ownership for each owner

Federal IRS Tax Number | Minnesota Tax I.D Number (or Owners SS Number)

If this crematory is a cooperation answer the following questions.

Place and Date of Incorporation

Name of Corporation | Corporation Address ☐ Same as mailing address

Name of President | City | State | Zip

Name of Licensed Morticians and Mortician's License Number that work at this establishment

Insurance Information

Name of Insurance Provider | Insurance Policy Number

Insurance Agents Name | **Insurance Agent's Phone Number**

I certify that the information provided on this form is true and correct to the best of my knowledge. I understand that misstatement of facts may result in denial of this application.

Printed Name of Applicant

Signature of Applicant | Date

Include copies of the following documents with this application:

- ☐ Liability insurance coverage
- ☐ Filing with the Minnesota Secretary of State
- ☐ Occupancy permit or, if not available, proof of zoning from city ordinance
- ☐ Application fee payable to Commissioner of Finance

This application will be returned to you if all documents are not mailed together.

Minnesota Department of Health
PO Box 64882
St. Paul, MN 55164-0882
651-201-3829
health.mortsci@state.mn.us
www.health.state.mn.us

07/27/2017

To obtain this information in a different format, call: 651-201-3829. Printed on recycled paper.

PLANNING COMMISSION
Wednesday, June 20, 2018

#1 Call to Order

Due to the absence of Planning Commission Chair Headley and Vice-Chair Marohn, City Planner Ostgarden called the meeting of the Brainerd Planning Commission to order at 6:00 p.m. in the City Hall Council Chambers. The Commission moved to elect Commissioner Wussow to serve as temporary Chair.

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

#2 Approval of Agenda

MOTION BY COMMISSIONER WUSSOW, DULY CARRIED, TO APPROVE THE AGENDA.

#3 Approval of Minutes of the Regular Meeting held on May 16, 2018

MOTION AND SECONDED BY COMMISSIONERS LAMBERT AND GORHAM, DULY CARRIED, TO APPROVE THE MINUTES OF THE REGULAR MEETING HELD ON MAY 16, 2018.

#4 New Business

A. Public Hearing – To Consider Amending the City Zoning Ordinance to Permit Funeral Homes/Mortuaries with A Crematorium

As a Permitted Use in:

- 515-63-2: B-4 General Commercial District
- 515-65-2: B-6 Washington Street Commercial District

OR

As a Conditional Use in:

- 515-63-6: B-4 General Commercial District
- 515-65-6: B-6 Washington Street Commercial District

City Planner Ostgarden indicated the owner of a funeral home located in a B-4 (General Commercial) District has interest in expanding the business to include a crematorium. It was discovered that funeral homes are not listed as a use permitted in a B-4 district, which was perhaps an oversight when the zoning ordinance update occurred in 2008/09. The first task is to discuss an amendment to add funeral homes as a use allowed in the B-4 district and whether a crematorium is also added to the amendment. In the B-1 (Residential Office) and B-2 (Neighborhood Business) Districts, funeral homes without crematoriums are defined as conditional uses. The Commission may want to amend the ordinances in these districts to allow crematoriums at the same time if desired.

City Planner Ostgarden reviewed background information regarding funeral homes, mortuaries and crematoriums. A main question would be what the impact a crematorium has on a community and/or a neighborhood. There have typically been three areas of concern raised about crematoriums as follows:

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- High Temperatures – Dangerous if equipment is not operated properly
- Exhaust – Potential odor – unlikely but possible
- Mercury – Studies have shown very minimal traces of mercury are found. If you were to capture 100% of the mercury from a crematory processing an average of 400 cremations per year, for one year, the total mercury would be smaller than a sugar cube.

City Planner Ostgarden reviewed the cremation process and the improvements to the process that have been made over time with technology. The Planning Department has contacted four cities in Minnesota which have a crematorium near residential areas and each one has not received any complaints. The State of Minnesota requires a license to operate a crematorium in which they regulate and inspect the facility. The Nelson Doran Funeral Home has had a crematorium for several years and has not received any complaints from a surrounding property.

Commissioner Lambert asked if there are any local regulations that need to be followed, which was confirmed as only state regulated.

Commissioner Burslie wanted clarification that this will only be allowed in commercial districts, not residential. City Planner Ostgarden confirmed that this is correct, however the B-4 district would be near a residential district.

Commissioner Gorham asked which business is applying for the crematorium. City Planner Ostgarden indicated it is the Halvorson Johnson Funeral Home and the owner is looking at significant changes to the business. The building for the First Presbyterian Church has become too large for the number of members and there is the possibility of relocation to the church building.

Commissioner Wussow asked if there are any special concerns about stovepipe for the exhaust, which City Planner Ostgarden confirmed as negative.

Commissioner Wussow suggested amending the B-1 (Residential Office) and B-2 (Neighborhood Business) Districts to allow crematoriums. City Planner Ostgarden indicated these can be amended and another public hearing can be scheduled.

Commissioner Burslie recommended moving forward as proposed and if an applicant comes forward in a B-1 or B-4 District, the ordinance can be amended at that time.

The Chair opened the public hearing at 6:20 p.m.

No one came forward.

The Chair closed the public hearing at 6:21 p.m.

City Planner Ostgarden made the recommendation of adding the crematoriums as a permitted use in districts B-4 (General Commercial) and B-6 (Washington Street Commercial). If an applicant comes forward to amend the B-1 (Residential Office) or B-2 (Neighborhood Business) districts, the recommendation would be to allow crematoriums as a conditional use.

MOTION AND SECONDED BY COMMISSIONERS LAMBERT AND BURSLIE, DULY CARRIED, TO RECOMMEND APPROVAL TO AMEND THE CITY ZONING ORDINANCE SECTIONS 515-63-2 (B-4 DISTRICT) AND 515-65-2 (B-6 DISTRICT) TO ADD FUNERAL HOMES/MORTUARIES WITH A CREMATORIUM AS A PERMITTED USE.

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Commissioner Gorham asked the Commission if there would be any advantages to allowing this as a conditional use rather than a permitted use.

Commissioner Burslie indicated he sees no advantage as City Planner Ostgarden has explained any potential impacts that it may have, which are few. Commissioner Wussow stated the studies have been done on the mercury and exhaust issues and it appears to be very safe.

#5 Public Forum

The Chair indicated there is no one present from the public for open forum.

#6 Old Business

None

#7 Commissioners' Questions/Comments

Commissioner Gorham stated the subcommittee he is a member of completed a walk-about along Kingwood Street.

Commissioner Burslie asked about the approval of Thrifty White Pharmacy returning to the Planning Commission with a landscape plan and when that will occur. City Planner Ostgarden indicated it will be awhile until they are at that point – it is expected sometime later this summer.

#8 City Planner's Report

City Planner Ostgarden introduced the summer Planning Intern, Jared Boom. Mr. Boom will also be assisting the contracted planning firm for the City of Breezy Point with the help of Commissioner Wussow, who is the City Administrator of Breezy Point.

City Planner Ostgarden updated the commission on the Comprehensive Plan. The Steering Committee is working on hearing, learning, and getting to know the community. An email from Ms. Ashley Kaisershot with a June Project update is provided showing public outreach, gathering data and analysis. There is another community survey being worked on and pop-up engagement sessions with area youth are being planned. The committee will be meeting at the Shop in mid-July in hopes of obtaining more input from young professionals and youth in the community. A Technical Advisory Committee (TAC) will be made up of city staff at the close of the survey to share the responses and all community input received which will be posted to the city website.

Commissioner Lambert asked if a member of the steering committee can be a part of the Technical Advisory Committee. City Planner Ostgarden stated yes; it would be acceptable for any committee member to be a part of it.

Commissioner Gorham asked social media will be used to promote the comprehensive plan. City Planner Ostgarden stated it is a topic that will be discussed further as time goes on with the update. A planning meeting took place for the next steering committee meeting and it was suggested to Ms. Kaisershot and Mr. Tad Erickson for them to attend a future Planning Commission meeting to make a presentation of the updates.

City Planner Ostgarden added a topic of the City Council June 18, 2018 meeting was to consider allowing miniature pigs in the city.

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Commissioner Wussow pointed out the name of National Joint Powers Alliance (NJPA) has changed their name to Sourcewell.

#9 Adjourn to 2nd Floor Conference Room for a Form Based Code Discussion *(Tentative)*

City Planner Ostgarden stated since Commissioner Marohn was unable to attend tonight's meeting, this discussion will take place at a later date.

The Chair adjourned at 6:39 p.m.

Respectfully submitted,

_____Mark Ostgarden AICP
City Planner

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