

CITY COUNCIL AGENDA

Brainerd, Minnesota

TUESDAY, September 4, 2018

7:30 P.M.

Brainerd City Hall

Council Chambers

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

2. **Roll Call**

___ J. Lambert ___ K. Stunek ___ K. Bevans ___ D. Badeaux

___ G. Johnson ___ S. Hilgart ___ D. Pritschet ___ Mayor Menk

3. **Pledge Of Allegiance**

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

5. **Consent Calendar**

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

A. **Approval Of Minutes**

1. Regular Meeting Held on August 20, 2018

Documents:

20180820_CC draft.pdf

B. **Approval Of Licenses**

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

Documents:

2018-09-04 License RPT.pdf

C. **Department Activity Reports**

1. Fire Chief
2. Parks Director

Documents:

Fire Chief Report.pdf
Parks Report.pdf

- D. Temporary On-Sale Liquor License Application - Submitted By The Crossing Arts Alliance, 711 Laurel Street, Brainerd For An Event To Be Held October 4, 2018
- E. Extension Of Premises - Submitted By Roundhouse Brewery, 1551 Northern Pacific Rd., Brainerd For An Event To Be Held On September 20-22, 2018 In The NP Center Parking Lot

6. **Presentations**

- A. Riverfront Update Presentation - Ashley Kaisershot

Documents:

Agenda Item_Update on BRC Initiatives and Priorities.pdf

- 1. Presentation Information

Documents:

Presentation.pdf

7. **Council Committee Reports**

- A. Personnel And Finance Committee

Documents:

20180904_PF.pdf

- 1. Approval Of Bills
- 2. Police Request To Use Drug Forfeiture Funds

Documents:

Request Drug Funds.pdf

- 3. Rotary Park Land Donation

Documents:

Land Donation.pdf

- 4. 2019 Budget - Informational

Documents:

2019 Budget - Informational.pdf

B. Safety And Public Works Committee

Documents:

20180904_SPW.pdf

1. Res - Declaring The Sufficiency Of Petition And Setting A Public Hearing To Consider Vacation Of A Portion Of Williams Street And NW 3rd Street In West Brainerd - Independent School District #181

Documents:

Res - Declaring Sufficiency of Petition and Setting a Public Hearing.pdf

2. Improvement 16-09 Buffalo Hills Lane Assessment Methodology

Documents:

Buffalo Hills Lane Assessment Methodology.pdf

3. Tax Forfeit Non-Conservation Parcels

Documents:

Tax Forfeit Non-Conservation Parcels.pdf

8. Unfinished Business

- A. 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 2021)
Library Board - 1 term (Expire 2021)

B. Appointment Of Historical Water Tower Citizen Committee

Documents:

Water Tower Committee.pdf

1. Committee Applicants

Documents:

Committee Applicants.pdf

9. **New Business**

10. **Planning Commission**

- A. **Final Reading Of Proposed Ordinance No. 1489 - An Ordinance To Rezone Property At 15770 Dellwood Drive From A B-1 (Residential Office) District To An I-1 (Light Industrial) District**
- a. Hold Final Reading of Ordinance (Voice Vote)
 - b. Adopt Ordinance (Roll Call)

Documents:

Final Reading Ord. No. 1489 - Rezone 15770 Dellwood Dr.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 6:45 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](http://ci.brainerd.mn.us) (ci.brainerd.mn.us)

MISSION

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

**Brainerd, MN
August 20, 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 President Pritschet.

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

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

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

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

A. Approval of the Minutes of the Joint Meeting with BPU and the Regular Meeting held on August 6, 2018 - Approved

B. Approval of Licenses -Approved

Contractor Licenses – 11 – New; 5 – Renewals

C. Department Activity Reports - Approved

1. Police Chief
2. Finance Director

D. Accept Performance Review Summary for City Administrator Cassandra Torstenson – Successful Completion of Six-Month Probationary Period & Proceed to Step C (95%) of Salary Administration Plan or \$9,488.14 per Month Retroactive to July 1, 2018 - Approved

E. Agreement for Election Equipment Utilization and Storage with Crow Wing County - Approved

F. Resolution Approving the Issuance of Health Care Facilities Revenue Bonds by the Duluth Economic Development Authority to Refinance Projects Located in the City – Adopted by Resolution No. 44:18

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

Council Committee Reports

Safety and Public Works Committee Report

Overview of 2018 Street and Sewer Capital Improvement Projects and Anticipated Public Informational Meetings - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND BADEAUX, DULY CARRIED, TO ACCEPT STAFF'S RECOMMENDATION TO APPROVE THE DATES OF TUESDAY, OCTOBER 16, 2018 AND TUESDAY, JANUARY 8, 2019 AT 6:00 P.M. TO HOLD THE PUBLIC INFORMATIONAL MEETINGS FOR THE BUFFALO HILLS LANE RECONSTRUCTION PROJECT WITH THE LOCATION YET TO BE DETERMINED; AND TUESDAY, SEPTEMBER 25, 2018 AT 6:00 P.M. AT THE NORTHEAST FIRE STATION FOR A SECOND PUBLIC OPEN HOUSE FOR THE GARFIELD SAFE ROUTES TO SCHOOL PROJECT.

Personnel and Finance Committee Report

Approval of Bills – Approved

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

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

Resignation of Accounts Payable/Administrative Specialist Darla Johnson Effective August 20, 2018 - Approved

MOVED AND SECONDED BY ALDERMEN JOHNSON AND HILGART, DULY CARRIED, TO ACCEPT THE RESIGNATION OF ACCOUNTS PAYABLE/ADMINISTRATIVE SPECIALIST DARLA JOHNSON EFFECTIVE AUGUST 20, 2018 AND AUTHORIZE STAFF TO BACKFILL THE POSITION.

Unfinished Business

Committee Recommendations – Recommended by Mayor Menk - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT, DULY CARRIED, TO APPOINT THE FOLLOWING MEMBERS TO THE COMMITTEES AS PRESENTED:

- A. Charter Commission - Richard Fargo – Term to Expire 12/31/2020
- B. Transportation Advisory Committee – Rachel Zetah – Term to Expire 12/31/2018
- C. Transportation Advisory Committee – Melanie Ellstrom – Term to Expire 12/31/2019

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 2021)
Library Board – 1 term (Expire 2021)

Mayor Menk announced a committee is being assembled to organize fundraising efforts for the Water Tower. There is a committee application available for anyone interested in the group that will be formed on September 4, 2018. The expectations of the committee will be to fundraise for the Water Tower and to make recommendations to the Council on what would happen with the funds if enough funding is not raised. Additionally, the committee would create a formal set of by-laws outlining committee members responsibilities, and methods to finance fund raising costs

that will arise along with a formal mission statement. Council Member Badeaux has volunteered to be the committee representative. Any interested persons should contact City Hall for the application or visit the City website.

New Business

Downtown Parking - Approved

City Administrator Torstenson has received a few requests to extend the downtown parking from a two-hour limit to three hours. Currently, the City Hall parking lot is a three-hour lot, but it is not centrally located to the downtown businesses. The proposal is to move the three-hour parking limit from the City Hall lot to the Front and 7th Street parking lot. The Laurel Street lot and on-street parking would remain at two-hours.

Council discussion took place.

The Chair recognized Mr. Jerry Steinke, Crossings Arts Alliance board member, along with fellow board member, Ms. Jill Neumann. Mr. Steinke indicated the Crossing Arts Alliance initiated the request as they would like to have events and art classes that last longer than the two hours allowed for parking.

MOVED AND SECONDED BY ALDERMEN JOHNSON AND STUNEK, DULY CARRIED, TO APPROVE THE CITY HALL PARKING LOT AS TWO HOUR PARKING AND THE FRONT STREET PARKING LOT AS THREE HOUR PARKING.

Planning Commission

Final Reading – Proposed Ordinance No. 1486 – Rezone 1110 Pine Street and All Other Properties on Block 9, 2nd Addition to Brainerd as Listed Below from an R-1 (Single Family Residential) District to an R-2 (Medium Density Residential) District – Adopted by Ordinance No. 1486

- John Groenwold – 1110 Pine Street, applicant
- Donna Pearson – 1106 Pine Street
- Dianna Lorimor – 1114 Pine Street; 1107 and 1109 Quince Street
- B.A. Doer – 1120 Pine Street
- Jeffrey Kollars – 1124 Pine Street
- Jan Walters – 1103 Quince Street
- HRA – 1113 and 1115 Quince Street; 714 and 716 – 12th Street SE

MOVED AND SECONDED BY ALDERMEN JOHNSON AND HILGART, DULY CARRIED, TO HOLD THE FINAL READING OF PROPOSED ORDINANCE NO. 1486 TO REZONE 1110 PINE STREET AND ALL OTHER PROPERTIES ON BLOCK 9, 2ND ADDITION TO BRAINERD AS LISTED FROM AN R-1 (SINGLE FAMILY RESIDENTIAL) DISTRICT TO AN R-2 (MEDIUM DENSITY RESIDENTIAL) DISTRICT.

MOVED AND SECONDED BY ALDERMEN JOHNSON AND LAMBERT TO ADOPT ORDINANCE NO. 1486 TO REZONE 1110 PINE STREET AND ALL OTHER PROPERTIES ON BLOCK 9, 2ND ADDITION TO BRAINERD AS LISTED FROM AN R-1 (SINGLE FAMILY RESIDENTIAL) DISTRICT TO AN R-2 (MEDIUM DENSITY RESIDENTIAL) DISTRICT.

ORDINANCE NO. 1486

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

Final Reading – Proposed Ordinance No. 1487 – Rezone 1202 and 1210 – 13th Street SE from an R-3 (High Density Residential) District to an R-2 (Medium Density Residential) District – Adopted by Ordinance No. 1487

MOVED AND SECONDED BY ALDERMEN HILGART AND JOHNSON, DULY CARRIED, TO HOLD THE FINAL READING OF PROPOSED ORDINANCE NO. 1487 TO REZONE 1202 AND 1210 13TH AVE SE FROM AN R-3 (HIGH DENSITY RESIDENTIAL) DISTRICT TO AN R-2 (MEDIUM DENSITY RESIDENTIAL) DISTRICT.

MOVED AND SECONDED BY ALDERMEN HILGART AND JOHNSON TO ADOPT ORDINANCE NO. 1487 TO REZONE 1202 AND 1210 13TH AVE SE FROM AN R-3 (HIGH DENSITY RESIDENTIAL) DISTRICT TO AN R-2 (MEDIUM DENSITY RESIDENTIAL) DISTRICT.

ORDINANCE NO. 1487

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

Final Reading – Proposed Ordinance No. 1488 – Rezone 1015 Walnut Street and Three Other Properties on Walnut Street as Listed Below from an R-3 (High Density Residential) District to an R-1 (Single Family Residential) District – Adopted by Ordinance No. 1488

- Bruce Isebrand – 1015 Walnut Street, applicant
- Annamarie Denti – 1014 Walnut Street
- Michael and Lynn Jannetta – 1016 Walnut Street
- Cyris and Kathleen Poorwell – 1018 Walnut Street

MOVED AND SECONDED BY ALDERMEN LAMBERT AND JOHNSON, DULY CARRIED, TO HOLD THE FINAL READING OF PROPOSED ORDINANCE NO. 1488 TO REZONE 1015 WALNUT STREET AND THREE OTHER PROPERTIES ON WALNUT STREET LISTED FROM AN R-3 (HIGH DENSITY RESIDENTIAL) DISTRICT TO AN R-1 (SINGLE FAMILY RESIDENTIAL) DISTRICT.

MOVED AND SECONDED BY ALDERMEN LAMBERT AND JOHNSON TO ADOPT ORDINANCE NO. 1488 TO REZONE 1015 WALNUT STREET AND THREE OTHER PROPERTIES ON WALNUT STREET LISTED FROM AN R-3 (HIGH DENSITY RESIDENTIAL) DISTRICT TO AN R-1 (SINGLE FAMILY RESIDENTIAL) DISTRICT.

ORDINANCE NO. 1488

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

First Reading – Proposed Ordinance No. 1489 – An Ordinance to Rezone Property at 15770 Dellwood Drive from a B-1 (Residential Office) District to an I-1 (Light Industrial) District - Approved

City Planner Ostgarden indicated the applicant desires to construct a self-storage building on the property. The property is located on Dellwood Drive, which is a unique area of the city as it is part of the joint city limits of Brainerd and Baxter for approximately ½ mile south of Wise Road. In 2015, it was rezoned to a B-1 district as the previous owner had plans for development. It is also an area where there is currently no city sewer or water, which makes it an ideal location for this type of business. If the rezoning is granted, there will be the potential for other possible businesses such as warehouses, light office use, auto shops, bulk liquid storage or an outdoor sales lot by Conditional Use Permit.

MOVED AND SECONDED BY ALDERMEN LAMBERT AND HILGART, DULY CARRIED, TO HOLD THE FIRST READING OF PROPOSED ORDINANCE NO. 1489 TO REZONE 15770 DELLWOOD DRIVE FROM A B-1 (RESIDENTIAL OFFICE) DISTRICT TO AN I-1 (LIGHT OFFICE) DISTRICT.

Public Forum

The Chair opened the Public Forum at 7:56 p.m.

The Chair recognized Mr. Pat Pickar, Baxter resident and candidate for Crow Wing County Sheriff. Mr. Pickar stated he is very proud of the relationships he and the Pickar For Sheriff team have formed during the years as serving the community. Mr. Pickar plans to collaborate with many community resources to achieve the goals he has as Sheriff of Crow Wing County, which include lobbying for more awareness and resources for mental health, sex trafficking, safety measures for our children and increasing policing efforts. The Pickar For Sheriff Team looks forward to continuing to build the relationships with the City of Brainerd and the Brainerd Police Department by working together for the community.

The Chair closed the Public Forum at 7:58 p.m.

Staff Reports

Finance Director Hillman thanked the election judges for all their hard work to serve in the primary election on August 14, 2018.

Council Member Reports

Member Bevans stated he attended the northside neighborhood picnic last week, which had a great turnout this year.

Member Hilgart attended the northside picnic as well. She attended the Fire Advisory Committee meeting and she also had the opportunity to be a part of the Make It Ok ambassador training that was sponsored by Crow Wing Energized. This is an initiative that was adopted to reduce the stigma of mental illness in our community.

Member Stunek stated the northside picnic is always a good opportunity to meet and greet the residents of the City.

Member Pritschet indicated there is interest to revive Showcasing Brainerd at our City Council meetings. This would be an opportunity for area businesses and organizations to bring information about them to the community.

Member Lambert stated the city employee picnic was very nice and thanked everyone involved with the planning of that event.

Mayor Menk announced he distributed years of service awards at the city staff picnic to many employees. He thanked everyone for their dedication.

Adjourn To:

- **Closed Session Pursuant to MN Statutes 13D.05, Subd. 3(B) for Attorney-Client Privilege to Discuss the IAFF v. City of Brainerd lawsuit – 8:04 p.m.**

The Chair reconvened into open session at 8:18 p.m.

- **Budget Workshop on August 27, 2018 at 6:00 p.m.**

The Chair adjourned the meeting at 8:18 p.m.

Cassandra Torstenson
City Administrator

CITY OF BRAINERD
LICENSED CONTRACTORS
CITY COUNCIL MEETING
September 4, 2018
(1 New, 1 Renewal)

CONTRACTOR	TELEPHONE	TYPE	INSURANCE	BOND	STATE NO.
FIRE WORKS FIREPLACE INSTALLATION 3030 4TH STREET S. WAITE PARK, MN 56387 18-0211	(320) 240-9490	MECH	8/18/2019	10/22/2018	MB003629 BC191561
BRYAN'S PLUMBING AND HEATING LLC 8218 COUNTY ROAD 144 BRAINERD, MN 56401 18-0212 (new)	(218) 537-7462	PLUM	6/4/2019	12/31/2018	PC743426

Brainerd Fire Department

To: Mayor and City Council
From: Tim Holmes, Brainerd Fire Chief
Date: August 30, 2018
Re: August 2018 Activity Report

August was a month full of community events. We participated in two National Night Out events in the City of Brainerd and Baxter's Night to Unite. We were honored to participate in the opening ceremonies at Brainerd International Raceway for the 37th Annual Lucas Oil NHRA Nationals again this year, along with other public safety personnel. We also participated in the Edina Realty Family event and presented fire safety education to several family day cares and the Chamber of Commerce Leadership group.



Paid on-Call Firefighters participated in the Crow Wing County Fair with their brat stand, which is a great time for the department to be out in the community. Firefighters also provided standby assistance at several of the grandstand events.

Four new firefighters started the first of the month and we are excited to have them all on board. Their firefighter training will start in September. Our new firefighters are Robbie Gawboy, Katie Grimsby, Tyler Vork and Chris Wallace.

Brainerd Fire Department conducted required annual testing, including fire hose, ground ladders, SCBA flow testing, and apparatus fire pumps. No major problems were identified and minor repairs were all completed. We have nearly 14,000 feet of fire hose and 610 feet of ground ladders.



August firefighter training included Oil Containment presented by the MPCA.

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

Structure Fire	1
Cooking Fire	1
Vehicle/Recreational Vehicle Fire	1
Dumpster Fire	1
Motor Vehicle Crash with Injuries	2
Search/Rescue	1
Gas Leak/Spill	1
Assist Other Governmental Agency	4
Unauthorized Burning	2
Good Intent Call	3
Canceled Enroute	3
Smoke Scare	2
Alarm System Activation	16
Carbon Monoxide Alarm Activation	2
Total	40

City of Brainerd Incident Report

Structure Fire	1
Oven Fire	1
Dumpster Fire	1
Motor Vehicle Crash with Injuries	1
Search/Rescue	1
Assist Other Governmental Agency	4
Unauthorized Burning	2
Good Intent Call	2
Canceled Enroute	1
Alarm System Activation	8
Carbon Monoxide Alarm Activation	1
Total	23

Parks and Recreation Report

September 2018

Submitted by Tony Sailer, Director

- The Brainerd Lakes Area Baseball Association has completed its by-laws and handbook and is prepared to apply for non-profit status. The BLABA plans to be fully operational for the 2019 season in order to provide the opportunity for youths to participate in travel baseball leagues. The group is working in conjunction with the Parks and Recreation Department. The Park Board will allow the BLABA to use the Parks office address for mailing, since a permanent address is required and a P.O. box is not permitted. The BLABA will also be allowed to link its Facebook and Twitter accounts to the Parks and Recreation website.
- WSN completed a facilities assessment for the City earlier this year and the report was discussed at the July Park Board meeting. Attached is a list of repairs and associated costs completed this past month.
- Steffen Tree Service was hired to cut down and trim several trees in Buffalo Hills-Lions Park that abuts the townhouse properties. A League of Minnesota Cities representative said that any dead or diseased tree or branch on city property that falls on private property would be the City's responsibility and recommended the trees in question be removed or trimmed of dead branches. Staff worked with townhouse owners adjacent to the park property to identify trees of concern. The tree line is 30 feet from the townhouses.
- Staff began removing dead trees at Gregory, Lum and Bane parks.
- Proceeds from the adult softball banner program will be used to purchase top soil and grass seed to level the Field 1 outfield. Plans are to level outfields on all the fields on a rotating, annual basis. With lights on Field 3, staff can have one field sit idle during the fall adult softball and kickball leagues until all the outfields are leveled.
- Stewart C. Mills Jr. donated \$5,000 for the maintenance of Mills Field.
- Mike and Katie Shetka donated \$200 to purchase baseball hats for the Miracle League players. Their son, Nathan, has participated in the Miracle League since its inception.
- Twelve teams participated in the state Co-Rec softball tournament on Aug. 18.
- The Crow Wing County Soil and Water Conservation District will do a Forest Management Plan at Rotary Park at no cost.

New alumi-core park signs have been installed at Bane and Kiwanis parks. New signs will soon be installed at Jaycees and Memorial parks.



Representatives of the daughters of the American Revolution pose next to the Gregory Park plaque which the group funded to be restored. DAR was part of the Gregory Park re-dedication during Brainerd's History Week.



Staff installs the new flag pole at Bane Park. The flag pole was purchased with funds donated by the Brainerd Eagles Club and Brainerd VFW Post 1647.

The following repairs have been completed since receiving the Facilities Assessment Study for the Parks and Recreation Department:

Park office:

- Replaced acoustical ceiling tile in hallway, restrooms and breakroom: \$40
- Exposed spray foam insulation in garage was approved by City Building Inspector when installed and complies with fire codes: N/A
- Christmas light timer was removed: No cost

Memorial Park

- Shingles on Mills Field maintenance shed are scheduled to be replaced at same time as Lum Park pavilion work is being done: \$9,881.75 (Capital Improvement funds; cost for both buildings)
- Bronco Field announcer's booth was re-roofed and painted, Electrical conduit on storage shed was repaired, damaged siding replaced and old batting cage building (now a storage shed) was painted: \$832 for materials; \$100 for 4 gallons of paint
- Leaking drinking fountain repaired: No cost

Bane Park

- Drinking fountain mounting was tightened: No cost
- Weatherproof cover on exterior receptacle was repaired: \$20

Buffalo Hills-Lions Park

- Telephone service entrance was repaired: No cost
- Weatherproof cover on exterior receptacle was replaced: \$5
- Damaged scoreboard electrical box was repaired: No cost
- Vandalized mirror replaced: \$121.88

Gregory Park

- Began looking at potential designs for new warming house/shelter
- Tree removal began Aug. 28: Staff and Streets Dept.
- Weatherproof covers on exterior receptacles replaced on bandstand: \$25

Kiwanis Park

- Restroom exhaust hood roof was repaired and inside vents replaced: \$18.69

Lum Park

- Access to fishing pier was realigned with sidewalk (this was done prior to report. The pier had been moved for repairs and moved back into position once work was completed)
- Shingles on Pavilion #2 are scheduled to be replaced once rental season winds down: (See above)
- Irrigation line was replaced and properly installed
- Exterior receptacle on restroom building was replaced: \$5

Buster Park

- Three picnic tables replaced: No cost (Restorative Justice project)

Capital Improvement cost: \$9,881.75 Material cost: \$1,167.57



Brainerd City Council Agenda Request

Requested Meeting Date:

Title of Item:

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by:	Department:
Presenter (Name & Title):	Estimated Time Needed:
Summary of Issue:	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion:	
Financial Impact: <i>Is there a cost associated with this request:</i> ☐ Yes ☐ No <i>What is the total cost, with tax and shipping</i> \$ _____ <i>Is this budgeted?</i> ☐ Yes ☐ No <i>Please Explain:</i>	

MEMO

Date: September 4, 2018
To: Brainerd City Council
From: A. Kaisershot, Brainerd Riverfront Coordinator
Re: Brainerd Riverfront Committee Progress Update

This memo serves as an update on the Brainerd Riverfront Committee (BRC) activities and work plan. At the August BRC meeting, committee members identified the following list of initiatives and projects for the remainder of FY18 and BLACF Difference Maker Grant funding:

Projects through FY18

The following **projects** were identified for the remainder of the grant cycle:

- Complete the ALTA survey at the trailhead/outdoor learning center (formerly known as the Steamboat Plaza)
- Grow the stakeholder list for outreach efforts and share news updates
- Identify funding for trail feasibility study

Initiatives through FY18

The following **initiatives** and efforts were identified as tasks for the remainder of FY18 and BLACF Difference Maker Grant funding:

- Continue to grow the committee
- Have a presence on the walkable-bikeable committee
- Work with the school district to determine ownership of the proposed trailhead/outdoor learning center (formerly known as Steamboat Plaza)
- Define the committee's narrative to support a legislative update in the fall
- Work with the DOT around the idea of recreational corridor and create more of a pedestrian environment on 210
- Nurture the relationship with CLC
- Continue to hold executive committee meetings once a month
- Awareness building and advocacy work will be needed into 2019

In addition to the above list, a series of leadership changes occurred. R. Osterloh has stepped down as chairman, effective July of 2018. **John Forrest volunteered to serve as interim chairman until December**

31. Don Gorham volunteered to serve as interim co-chairman until December 31. A chairman will be sought in December to provide leadership for 2019.

Holly Holm and Erik Roberts volunteered to serve on the Walkable-Bikeable Committee. The purpose of this effort is to have representation from the BRC, expand walkability advocacy across committees, and integrate natural resource/environmental depth to the committee.

It was recommended that the committee add more seats to the committee and expand its membership. A. Kaisershot will coordinate with the city on formalities of committee and work to seek additional members as appropriate.

Respectfully Submitted,

Ashley C. Kaisershot

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

September 4, 2018
City Hall Conference Room
7:15 PM

1. Approval of Bills
2. Police Request to Use Drug Forfeiture Funds
3. Rotary Park Land Donation
4. 2019 Budget – Informational



Brainerd City Council Agenda Request

Requested Meeting Date:

Title of Item:

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by:	Department:
Presenter (Name & Title):	Estimated Time Needed:
Summary of Issue:	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion:	
Financial Impact: <i>Is there a cost associated with this request:</i> ☐ Yes ☐ No <i>What is the total cost, with tax and shipping</i> \$ _____ <i>Is this budgeted?</i> ☐ Yes ☐ No <i>Please Explain:</i>	



Brainerd City Council Agenda Request

Requested Meeting Date:

Title of Item:

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by:	Department:
Presenter (Name & Title):	Estimated Time Needed:
Summary of Issue:	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion:	
Financial Impact: <i>Is there a cost associated with this request:</i> ☐ Yes ☐ No <i>What is the total cost, with tax and shipping</i> \$ _____ <i>Is this budgeted?</i> ☐ Yes ☐ No <i>Please Explain:</i>	



060362300F00889

060362300G00009

Linden Ln

0912400090AA009

060363200BA0009

36

CITY OF BRAINERD

0912400090AB009

Birchridge Dr

060363200A00009

09124004008Z009

09124004006Z009

060363200B00009

060354100CA0009

Belle Rae Cir

Woodcrest Rd

Graydon Ave



Brainerd City Council Agenda Request

Requested Meeting Date:

Title of Item:

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by:	Department:
Presenter (Name & Title):	Estimated Time Needed:
Summary of Issue:	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion:	
Financial Impact: <i>Is there a cost associated with this request:</i> ☐ Yes ☐ No <i>What is the total cost, with tax and shipping</i> \$ _____ <i>Is this budgeted?</i> ☐ Yes ☐ No <i>Please Explain:</i>	

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

September 4, 2018
City Council Chambers
6:45 P.M.

1. Resolution – Declaring the Sufficiency of Petition and Setting a Public Hearing to Consider Vacation of a Portion of Williams Street and Northwest 3rd Street in West Brainerd – Independent School District No. 181
2. Improvement 16-09 Buffalo Hills Lane Assessment Methodology
3. Tax Forfeit Non-Conservation Parcels



Brainerd City Council Agenda Request

Requested Meeting Date:

Title of Item:

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by:	Department:
Presenter (Name & Title):	Estimated Time Needed:
Summary of Issue:	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion:	
Financial Impact: <i>Is there a cost associated with this request:</i> ☐ Yes ☐ No <i>What is the total cost, with tax and shipping</i> \$ _____ <i>Is this budgeted?</i> ☐ Yes ☐ No <i>Please Explain:</i>	

PETITION FOR STREET OR ALLEY VACATION

Date: August 16, 2018

Brainerd, Minnesota

To the City Council of Brainerd, Minnesota:

We, the undersigned, owners of real estate abutting on the following described street or alley hereby petition that such street be vacated as follows:

That portion of Williams Street lying northeasterly of the southeasterly projection of the northeasterly right-of-way line of Northwest 4th Street, according to the recorded plat of West Brainerd, Minnesota and subject to previous vacations of Williams Street on record, and;

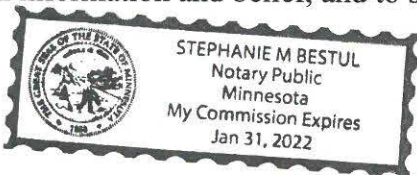
That portion of Northwest 3rd Street lying southeasterly of the of northeasterly projection of the southwesterly right-of-way line of Williams Street and lying northwesterly of a line parallel with and 75.0 feet normally distant and northwesterly from BNSF Railway Company's (formerly Northern Pacific Railway Company) Main Track Centerline.

in accordance with the provisions of Brainerd City Code Section 810.

<u>NAME</u>	<u>ADDRESS</u>	<u>LOT</u>	<u>BLOCK</u>	<u>ADDITION</u>
Independent School District #181	804 Oak Street	1-12	22	West Brainerd
Independent School District #181	804 Oak Street	1-12	20	West Brainerd
Independent School District #181	804 Oak Street	1-12	2	West Brainerd
Independent School District #181	804 Oak Street	1-12	4	West Brainerd

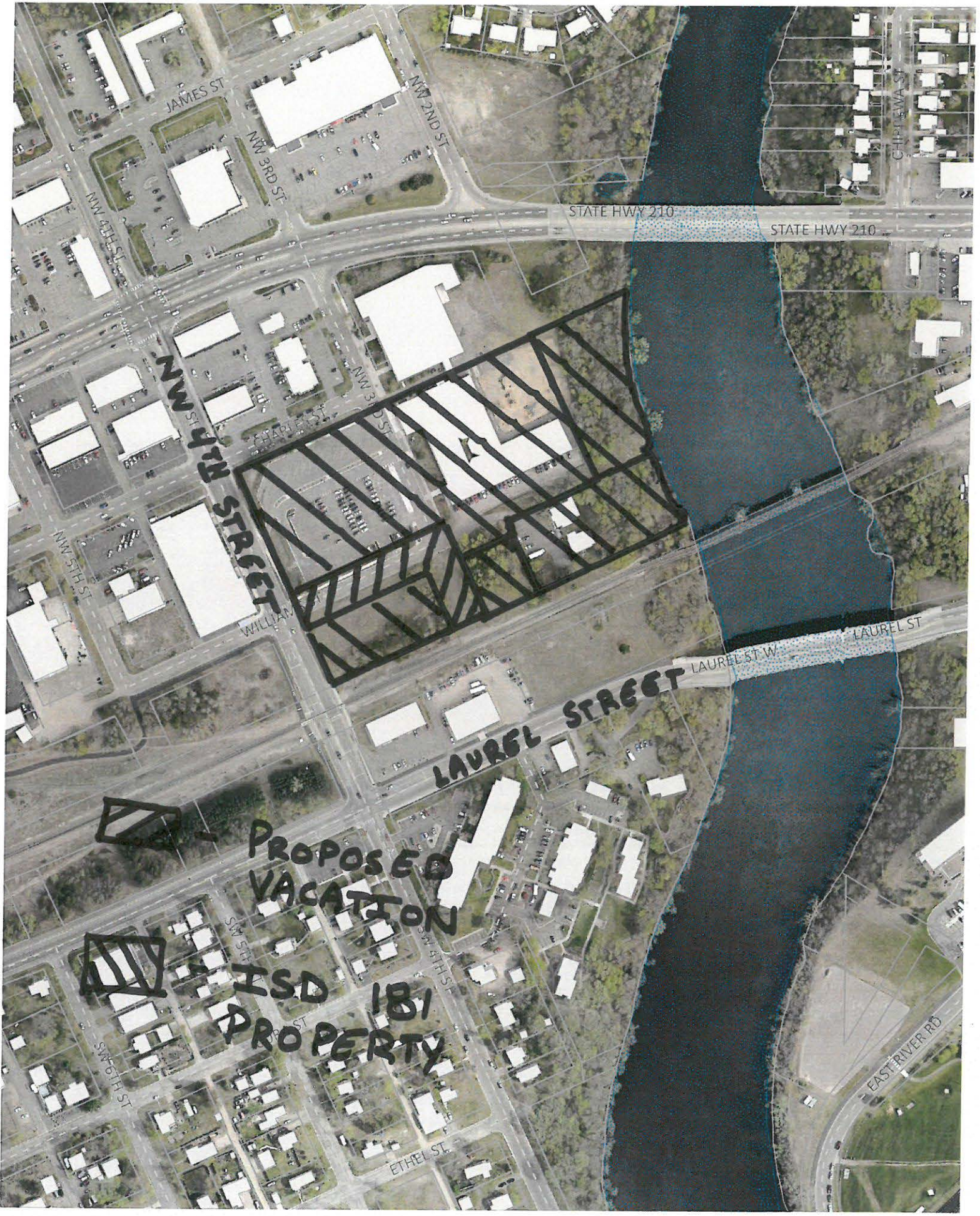
STATE OF MINNESOTA }
COUNTY OF CROW WING } ss

EARL R. WOLLERT, being duly sworn on oath, deposes and says that he/she is the property owner or authorized representative in regard to the above entitled petition; that he/she has read the foregoing petition which includes the signatures of abutting property owners and knows the contents and signatures thereof; and that the same are true of his own knowledge, save and except as to those matters therein stated on information and belief, and to such matters, he/she believes it to be true.



Subscribed and sworn to before me
this 16th day of August, 20 18
Stephanie M. Bestul
Notary Public

Earl R. Wollert
Signature
Director of Buildings & Grounds
Title



JAMES ST

NW 3RD ST

NW 2ND ST

STATE HWY 210

STATE HWY 210

CHIEF LEWIS ST

NW 4TH STREET

NW 3RD ST

WILLIAM ST

LAUREL STREET

LAUREL ST W

LAUREL ST

PROPOSED VACATION

ISD 181 PROPERTY

EAST RIVER RD

ETHEL ST

RESOLUTION
NO _____

**A RESOLUTION DECLARING SUFFICIENCY OF PETITION AND SETTING A
PUBLIC HEARING ON A VACATION COMMENCED BY A PETITION OF A
MAJORITY OF ABUTTING LANDOWNERS**

WHEREAS, a petition signed by the majority of property owners abutting a portion of Northwest 3rd Street and Williams Street in the City of Brainerd and was received by the City Clerk on the 16th day of August 2018; and

WHEREAS, the petition requested that the City Council pursuant to Minnesota Statute §412.851 vacate a portion of Northwest 3rd Street between Williams Street and the BNSF Railway Mainline Track and Williams Street between Northwest 3rd Street and Northwest 4th Street described as:

That portion of Williams Street lying northeasterly of the southeasterly projection of the northeasterly right-of-way line of Northwest 4th Street, according to the recorded plat of West Brainerd, Minnesota and subject to previous vacations of Williams Street on record, and; That portion of Northwest 3rd Street lying southeasterly of the of northeasterly projection of the southwesterly right-of-way line of Williams Street and lying northwesterly of a line parallel with and 75.0 feet normally distant and northwesterly from BNSF Railway Company's (formerly Northern Pacific Railway Company) Main Track Centerline

WHEREAS, the City Clerk has reviewed and examined the signatures on said petition and determined that such signatures constitute a majority of the landowners abutting upon the portion of each street to be vacated; and

WHEREAS, a copy of said petition is attached hereto.

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

The Council will consider the vacation of such street and a public hearing shall be held on such proposed vacation on the 1st day of October 2018, before the City Council in the City Hall located at 501 Laurel Street, Brainerd, MN 56401 at 7:30 p.m. and;

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to give published, posted and mailed notice of such hearing as required by law.

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

NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that the City of Brainerd has received a petition from Independent School District 181, the owners of: Lots 1-12, Block 22; Lots 1-12, Block 20; Lots 1-12, Block 2; and Lots 1-12, Block 4 in West Brainerd, for the vacation of a portion of Williams Street between NW 3rd Street and NW 4th Street and NW 3rd Street between Williams Street and the BNSF Railway Mainline Centerline Track described as;

That portion of Williams Street lying northeasterly of the southeasterly projection of the northeasterly right-of-way line of Northwest 4th Street, according to the recorded plat of West Brainerd, Minnesota and subject to previous vacations of Williams Street on record, and;

That portion of Northwest 3rd Street lying southeasterly of the of northeasterly projection of the southwesterly right-of-way line of Williams Street and lying northwesterly of a line parallel with and 75.0 feet normally distant and northwesterly from BNSF Railway Company's (formerly Northern Pacific Railway Company) Main Track Centerline.

Notice is further given that the City Council of Brainerd will meet in the Council Chambers of the City Hall at Brainerd, Minnesota, at 7:30 p.m. on Monday, October 1, 2018 to conduct a Public Hearing to consider said Vacation.

Such persons as desire to be heard with reference to the proposed vacation of said street will be heard at this meeting.

Dated this 5th day of September 2018

Cassandra Torstenson
City Administrator

Publish - 2 times on
September 7, 2018 and September 14, 2018

OFFICE OF COUNTY RECORDER
CROW WING COUNTY, MINNESOTA

DOCUMENT A- 906875

RECORDED ON:

August 03, 2018 4:39 PM

GARY GRIFFIN

CROW WING COUNTY RECORDER

BY: KS

CURRENT TAX CERTIFICATION
() REQUIRED (X) NOT REQUIRED
CERTIFICATE OF REAL ESTATE VALUE
(X) FILED 72137 () NOT REQUIRED
NO DELINQUENT TAXES-TRANSFER ENTERED
DATE Aug. 3, 20 18 REC # 848267
DEED TAX HEREON OF \$ 825.00
GARY GRIFFIN, BY KS
CROW WING COUNTY AUDITOR/TREASURER
PID# 04R0000000030009 P+

RETURN TO INDEPENDENT SCHOOL DISTRICT #181
ATTN: MARCI LORD
804 OAK ST
BRainerd, MN 56401

FEE: \$46.00

PAGES: 7

ecrv ID 841377

QUITCLAIM DEED

State deed tax due hereon \$ 825.00

Mark Oskander
City Planner
City of Brainerd
7/25/18

BNSF RAILWAY COMPANY, a Delaware corporation, (formerly known as The Burlington Northern and Santa Fe Railway Company and formerly known as Burlington Northern Railroad Company), of 2500 Lou Menk Drive, Fort Worth, Texas 76131-2830, hereinafter called "Grantor", for Ten and No/100 Dollars (\$10.00) and other good and valuable consideration, conveys and quitclaims, without any covenants of warranty whatsoever and without recourse to the Grantor, its successors and assigns, to **INDEPENDENT SCHOOL DIST #181**, a municipal corporation under the laws of the State of Minnesota, of 804 Oak Street, Brainerd, Minnesota 56401-3755, hereinafter called "Grantee", all its right, title and interest, if any, in and to that certain parcel of land (exclusive of any improvements thereon), subject, however, to all existing interests, including but not limited to all reservations, rights-of-way and easements of record or otherwise, located in the County of Crow Wing, State of Minnesota, hereinafter called "Property", being more particularly described on **EXHIBIT "A"** attached hereto and by this reference made a part hereof.

Grantee covenants and agrees as follows:

(a) Grantee's interest shall be subject to the rights and interests of Grantor, Grantor's licensees, permittees and other third parties in and to all existing driveways, roads, utilities, fiber optic lines, tracks, wires and easements of any kind whatsoever on the Property whether owned, operated, used or maintained by the Grantor, Grantor's licensees, permittees or other third parties and whether or not of public record. Grantor shall have a perpetual easement on the Property for the use of such existing driveways, roads, utilities, fiber optic lines, tracks, wires and easements by Grantor and Grantor's licensees, permittees and customers. Grantor shall have a non-exclusive easement for the construction, maintenance and operation of one or more pipelines or fiber optic lines and any and all communications facilities as may be located in the future on the Property within 60 feet of the center line of any Main Track on or adjacent to the Property and as may be presently located on the Property.

(b) Grantee's interest shall further be subject to, and Grantor does hereby specifically reserve, all coal, oil, gas, casing-head gas and all ores and minerals of every kind and nature including sand and gravel underlying the surface of the Property, together with the full right, privilege and license at any and all times to explore, or drill for and to protect, conserve, mine, take, remove and market any and all such products in any manner which will not damage structures on the surface of the Property herein conveyed, provided, however that Grantor expressly waives any right to use the surface or the first one hundred (100) feet of the subsurface of the Property to explore for the minerals herein reserved.

(c) Any improvements constructed or altered on the Property after the date Grantor quitclaims its interest to Grantee shall be constructed or altered in such a manner to provide adequate drainage of water away from any of Grantor's railroad tracks on nearby property.

(d) For 99 years after the Closing Date, Grantee covenants and agrees that the Property shall be used solely for non-residential purposes and that the groundwater will not be used for drinking water or irrigation purposes.

(e) **By accepting this Deed, Grantee acknowledges that Grantor, as successor in interest to the Northern Pacific Railway Company, acquired a determinable ownership interest in the Property from the United States of America, pursuant to Section 2 of the Northern Pacific Land Grant Act of 1864, and Grantee agrees to the conditions and limitations imposed by this Northern Pacific Land Grant Act.**

(f) Within 225 days after closing, Grantee shall, at its sole cost and expense, construct a protective chain link fence a minimum of six (6) feet in height upon, over and across the southeasterly boundary line (track side) of the Property. Grantee shall thereafter repair, maintain and renew said fence, so as to keep same in good repair at the sole cost of the Grantee. If fence and gate areas not constructed within this time frame, Grantor may construct said fence and gate at the sole cost of Grantee and Grantee shall pay Grantor all associated costs within 10 days of receipt of bills

(g) Grantee has been allowed to make an inspection of the Property. **GRANTEE IS PURCHASING THE PROPERTY ON AN "AS-IS WITH ALL FAULTS" BASIS WITH ANY AND ALL PATENT AND LATENT DEFECTS, INCLUDING THOSE RELATING TO THE ENVIRONMENTAL CONDITION OF THE PROPERTY, AND IS NOT RELYING ON ANY REPRESENTATION OR WARRANTIES, EXPRESS OR IMPLIED, OF ANY KIND WHATSOEVER FROM GRANTOR AS TO ANY MATTERS CONCERNING THE PROPERTY,** including, but not limited to the physical condition of the Property; zoning status; tax consequences of this transaction; utilities; operating history or projections or valuation; compliance by the Property with Environmental Laws (defined below) or other laws, statutes, ordinances, decrees, regulations and other requirements applicable to the Property; the presence of any Hazardous Substances (defined below), wetlands, asbestos, lead, lead-based

paint or other lead containing structures, urea formaldehyde, or other environmentally sensitive building materials in, on, under, or in proximity to the Property; the condition or existence of any of the above ground or underground structures or improvements, including tanks and transformers in, on or under the Property; the condition of title to the Property, and the leases, easements, permits, orders, licenses, or other agreements, affecting the Property (collectively, the **"Condition of the Property"**). Grantee represents and warrants to Grantor that Grantee has not relied and will not rely on, and Grantor is not liable for or bound by, any warranties, guaranties, statements, representations or information pertaining to the Property or relating thereto (including specifically, without limitation, Property information packages distributed with respect to the Property) made or furnished by Grantor, the manager of the Property, or any real estate broker or agent representing or purporting to represent Grantor, to whomever made or given, directly or indirectly, orally or in writing. Grantee assumes the risk that Hazardous Substances or other adverse matters may affect the Property that were not revealed by Grantee's inspection and indemnifies, holds harmless and hereby waives, releases and discharges forever Grantor and Grantor's officers, directors, shareholders, employees and agents (collectively, **"Indemnitees"**) from any and all present or future claims or demands, and any and all damages, Losses, injuries, liabilities, causes of actions (including, without limitation, causes of action in tort or asserting a constitutional claim) costs and expenses (including, without limitation fines, penalties and judgments, and attorneys' fees) of any and every kind or character, known or unknown, arising from or in any way related to the Condition of the Property or alleged presence, use, storage, generation, manufacture, transport, release, leak, spill, disposal or other handling of any Hazardous Substances in, on or under the Property. Losses shall include without limitation (a) the cost of any investigation, removal, remedial, restoration or other response action that is required by any Environmental Law, that is required by judicial order or by order of or agreement with any governmental authority, or that is necessary or otherwise is reasonable under the circumstances, (b) capital expenditures necessary to cause the Grantor remaining property or the operations or business of the Grantor on its remaining property to be in compliance with the requirements of any Environmental Law, (c) Losses for or related to injury or death of any person, (d) Losses for or related to injury or damage to animal or plant life, natural resources or the environment, and (e) Losses arising under any Environmental Law enacted after transfer. The rights of Grantor under this section shall be in addition to and not in lieu of any other rights or remedies to which it may be entitled under this document or otherwise. This indemnity specifically includes the obligation of Grantee to remove, close, remediate, reimburse or take other actions requested or required by any governmental agency concerning any Hazardous Substances on the Property. The term **"Environmental Law"** means any federal, state or local statute, regulation, code, rule, ordinance, order, judgment, decree, injunction or common law relating in any way to human health, occupational safety, natural resources, plant or animal life or the environment, including without limitation, principles of common law and equity, the Resource Conservation and Recovery Act, the Comprehensive Environmental Response, Compensation and Liability Act, the Toxic Substances Control Act, and any similar or comparable state or local law. The term **"Hazardous Substance"** means any hazardous, toxic, radioactive or infectious substance, material or waste as defined, listed or regulated under any Environmental Law, and includes without limitation petroleum oil and any of its fractions.

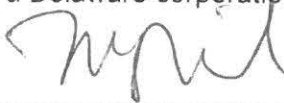
The covenants and agreements set forth in paragraphs (a) through (g), above, shall be binding upon Grantee and its heirs, successors and assigns, and shall be covenants running with the land benefiting Grantor and its heirs, successors and assigns.

TO HAVE AND TO HOLD the Property unto the said Grantee, its successors and assigns, forever.

IN WITNESS WHEREOF, the said Grantor has caused this instrument to be signed by its authorized representative, attested by its Assistant Secretary, and its corporate seal to be affixed hereto on the 20th day of June, 2018.

BNSF RAILWAY COMPANY,
a Delaware corporation

By: _____



Mark D. Ude

Its: Assistant Vice President
Corporate Real Estate Development



ATTEST:

By: _____



Tammy K. Herndon

Its: Assistant Secretary

THE GRANTOR CERTIFIES THAT THE GRANTOR DOES NOT KNOW OF ANY WELLS ON THE DESCRIBED REAL PROPERTY.

ACCEPTED:

INDEPENDENT SCHOOL DIST #181,
a municipal corporation under the laws of
the State of Minnesota

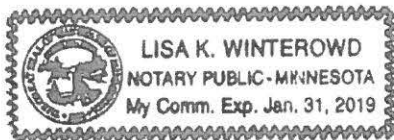
By: Marci Lord
Marci Lord
Its: Business Manager

STATE OF MINNESOTA

§
§ ss.
§

COUNTY OF CROW WING

The foregoing instrument was accepted before me this 18th day of May, 2018, by Marci Lord, Business Manager of **INDEPENDENT SCHOOL DIST #181**, a municipal corporation under the laws of the State of Minnesota, on behalf of the municipal corporation.



Lisa K Winterowd
Notary Public

My commission expires: 1-31-2019

STATE OF TEXAS

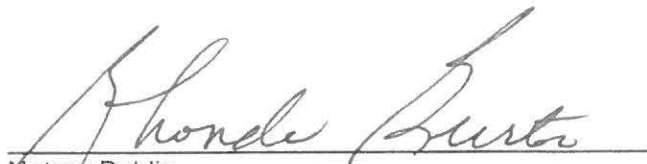
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§ ss.

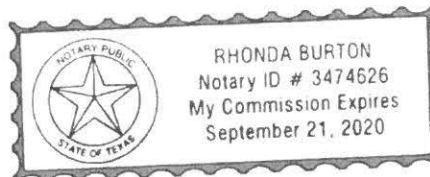
COUNTY OF TARRANT

§

The foregoing instrument was acknowledged before me this 20th day of June, 2018, by Mark D. Ude, Assistant Vice President Corporate Real Estate Development and Tammy K. Herndon, Assistant Secretary of **BNSF RAILWAY COMPANY**, a Delaware corporation, on behalf of the corporation.



Notary Public
My commission expires: 9/21/2020



This Instrument Prepared by:

BNSF Railway Company
LAW Department
2500 Lou Menk Drive, AOB 3
Fort Worth, Texas 76131-2830

Tax statements for the real Property
described in this instrument should be
sent to:

Marci Lord, Business Manager
INDEPENDENT SCHOOL DIST #181
804 Oak Street
Brainerd, Minnesota 56401-3755

RETURN TO

EXHIBIT "A"
LEGAL DESCRIPTION

That portion of BNSF Railway Company's (formerly Northern Pacific Railway Company) 400 foot wide Charter Right of Way, granted under Section 2 of the Act of Congress approved July 2, 1864, situated in Government Lot 7 of Section 4, Township 133 North, Range 28 West of the Fifth Principal Meridian, Crow Wing County, Minnesota, described as follows:

Beginning at the intersection of the northwesterly boundary of said 400 foot wide Charter Right of Way and the southeasterly extension of the northeasterly right of way line of Northwest 4th Street, according to the recorded plat of West Brainerd, Minnesota;

Thence northeasterly along the northwesterly boundary of said 400 foot wide Charter Right of Way, a distance of 500.0 feet, more or less, to the southwesterly line of that certain tract of land described in deed dated January 9, 2003 from The Burlington Northern and Santa Fe Railway Company to Port of Crow Wing County, Minnesota, Inc.;

Thence southeasterly along the southwesterly boundary of said tract described in deed dated January 9, 2003, a distance of 125 feet, more or less, to a line parallel with and 75.0 feet normally distant northwesterly from said Railway Company's Main Track centerline, as now located and constructed;

Thence southwesterly along said parallel line to said southeasterly extension of the northeasterly right of way line of Northwest 4th Street;

Thence northwesterly along said southeasterly extension to the Point of Beginning.

FORM APPROVED BY LAW

APPROVED DESCRIPTION	KKH
APPROVED FORM	Lee
APPROVED	Mc



Brainerd City Council Agenda Request

Requested Meeting Date:

Title of Item:

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by:	Department:
Presenter (Name & Title):	Estimated Time Needed:
Summary of Issue:	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion:	
Financial Impact: <i>Is there a cost associated with this request:</i> ☐ Yes ☐ No <i>What is the total cost, with tax and shipping</i> \$ _____ <i>Is this budgeted?</i> ☐ Yes ☐ No <i>Please Explain:</i>	



MEMO

TO: Safety and Public Works Committee

FROM: City Engineer Paul Sandy

DATE: August 24, 2018

SUBJECT: Buffalo Hills Lane Assessment Methodology

Before the upcoming public meeting that was set for October comes into view, staff thought it would be appropriate to bring up and converse more with the committee on the desired assessment methodology on Buffalo Hills Lane scheduled for 2019 reconstruction. Staff will step through some history on the previous discussions that we have held at the committee level, will go through column by column of the spreadsheet attached, and explain the thought process behind the recommendation presented to the committee and the council.

History behind Improvement 16-09 – Buffalo Hills Lane Reconstruction

Back in September of 2016, the committee and council were presented the feasibility report for the construction of Buffalo Hills Lane. As the committee is aware, discussion of the improvements to this segment of Buffalo Hills Lane began around 2003, at which time several alternatives for construction and funding for the project were explored.

Numerous deficiencies were noted on Buffalo Hills Lane in 2003-2004, some of which included:

1. The road has never been constructed to a final grade or alignment.
2. Substandard road width currently exists.
3. Substandard road structure exists.
4. There is a lack of stormwater facilities.
5. Pedestrian activities are not being accommodated.
6. Significant road distresses are present (potholing, alligator cracking).

In the time the first project was investigated till now, only minor maintenance activities have occurred, and the roadway deficiencies still exist and have arguably gotten worse.

Through the most recent conversations, there were several project scope and funding issues that have gotten resolved, and include:

1. Project limits are established to include from the point we left off at during the 2017 resurfacing of Buffalo Hills Lane to just west of Graydon Avenue through the end to Mississippi Drive.

2. Roadway Design was established to include a 26' curb-to-curb roadway with 5-foot boulevard and 10-foot separated paved trail with a 9-ton State Aid street design.
3. Drainage will be established through construction of storm sewer and a stormwater pond located near Ridge Drive.
4. Project funding has been established through advancing of State Aid funds and discussion of assessments, which we will get into more detail tonight.

The total estimated project costs for this improvement including the drainage improvements equals \$862,300. OF this total, \$693,275 is estimated for the reconstruction of Buffalo Hills Lane and the construction of the 10-foot separated trail, \$112,125 is estimated for the storm sewer construction of the storm sewer system and stormwater pond, and 16,900 is estimated for the replacement of sanitary sewer castings and adjustments.

Assessment Methodology Discussion

For this discussion, I would like to turn your attention to the attached spreadsheet and map.

You will see on the spreadsheet that the project estimated cost is \$822,300 in the lower left. This total reflects the total of \$862,300 minus the \$40,000 estimated cost for the stormwater pond that will be incorporated as part of the project. Because the City only assesses for a 7-ton road section, the estimated cost to construct the additional 2-ton of road section can be seen in the next line, which is subtracted from the \$822,300 in line one to get a total assessed cost.

The first column A lists the front footages of each subdivision abutting Buffalo Hills Lane and Mississippi Drive. You will note that the total length on the north side is slightly longer than the south side which is due to the 1985 improvements completing the construction and widening the street adjacent to the Mormon Church at the time. You will also note that some of the subdivisions have been lumped together for calculation purposes primarily because they are adjacent to each other and served by a common lateral roadway. The total of these front footages can be seen listed in row 4 below, and totals 7,168 feet. The average cost of constructing the improvement can be seen calculated in row 5 below and is estimated at \$105 per foot.

The figures in columns B and F represent the number of lots created in the original plat or the remaining parcels or lots that exist in each subdivision group today. The figures in column B and F are different due to the fact of there being numerous circumstances where property owners have consolidated two parcels in to one parcel or splitting an undeveloped parcel and attaching the halves onto to an adjacent whole lot. In some circumstances, there were plats such as the Tanager Additions, Blue Jay Additions and Crescent Hills Estates where original plats were developed and, subsequently, other additions to the same plats re-platted certain parcels to be included in the new addition. These re-plats have all been taken to account under the following assumptions:

1. The un-platted parcel along the south side of Buffalo Hills Lane west of Crescent Hills Estates is assessed on a front footage basis. If this parcel is treated as an equivalent number of lots (say four or five), it would result in a shift of approximately \$300.00 of assessment to each of the other 270 platted parcels.
2. The Crescent Hills Estates Addition is assessed for 69 parcels, which is the number of parcels that were approved in the preliminary plat.

Rows 6 and 7 below reduce the total assessed cost to the lots or parcels by the amount of the un-platted parcel cost of \$77,664.30. Rows 8 and 10 are the totals from above in columns B

and F, which represent what was talked about above with the original platted lots and current existing parcels of record. Rows 9 and 11 represents the remaining assessable costs in row 7 split evenly across each original platted lot or existing parcel of record respectively.

Column D in the above table represents the cost of constructing the improvement to Buffalo Hills Lane and Mississippi Drive adjacent to each subdivision. This is like our current assessment practices of assessing on a front footage basis. The subsequent columns E and G divide the cost of column D equally among the original platted lots or existing parcels of record within the plat respectively. Columns H and J are taken from the calculations below in rows 9 and 11, which represent the remaining assessable costs in row 7 split equally among the original total of platted lots and the existing parcels of record today. Columns I and K multiply columns H and J respectively to the numbers in columns B and F to represent the assessment per subdivision with each method.

There are four methodologies from the spreadsheet that the committee and council should consider.

1. Assessing the subdivisions-based cost of constructing the improvement adjacent to each subdivision and dividing the cost equally to each of the original platted lots or existing parcels of record accordingly. This is under the assumption that the un-platted parcel adjacent to Crescent Hills Estates gets assessed on a front footage basis of an estimated \$105 per foot.
2. Assessing based upon each lot created in the original plat getting an equivalent assessment. This means there may be some calculating based upon if lots were split and attached to adjacent parcels or combined. This is also based upon the assumption the un-platted parcel adjacent to Crescent Hills gets assessed on a front footage basis of an estimated \$105 per foot.
3. Assessing based upon each existing parcel of record getting an equivalent assessment. This method considers all lot splits or combinations that have taken place since the plat inception and ensures that each property owner is paying the same, thus reinforcing that everyone using the road gets the same "benefit" to the road being constructed. This is also based upon the assumption the un-platted parcel adjacent to Crescent Hills gets assessed on a front footage basis of an estimated \$105 per foot.

Of the four options presented, the options listed in number 1 is the least preferred from staff's position. It is hard to prove that some properties benefit more than others in this type of assessment, when arguably, each parcel benefits the exact same from the street getting reconstructed, much like a subdivision getting constructed and each lot getting assessed for the same portion of the street and utility construction by the developer.

Option 3 presented above is the most preferred option. This method results in the benefit to each parcel of record being the same. Both methodologies 2 and 3 are defensible, but option 3 makes the most sense from a simplicity and equality standpoint.

The arguments against a method will most likely be related to each method resulting a little different assessment than another method, such as Southview Court where the assessment almost triples if we use the option 3 method. In staff's mind, each user of the new roadway and pedestrian trails will benefit the same, and thus the assessment should reflect this.

Another option for the committee and council to consider would include not assessing the full cost of the improvement. Since state aid funds are being utilized, the entire project will have

funds available. Staff feels that this, however, would go against current policy, which can be seen attached.

This item is on the agenda for discussion at the Tuesday, September 4 meeting. If there is a consensus of a method or if more information requested, staff will proceed accordingly.

BUFFALO HILLS LANE ASSESSMENT METHODOLOGY OPTIONS

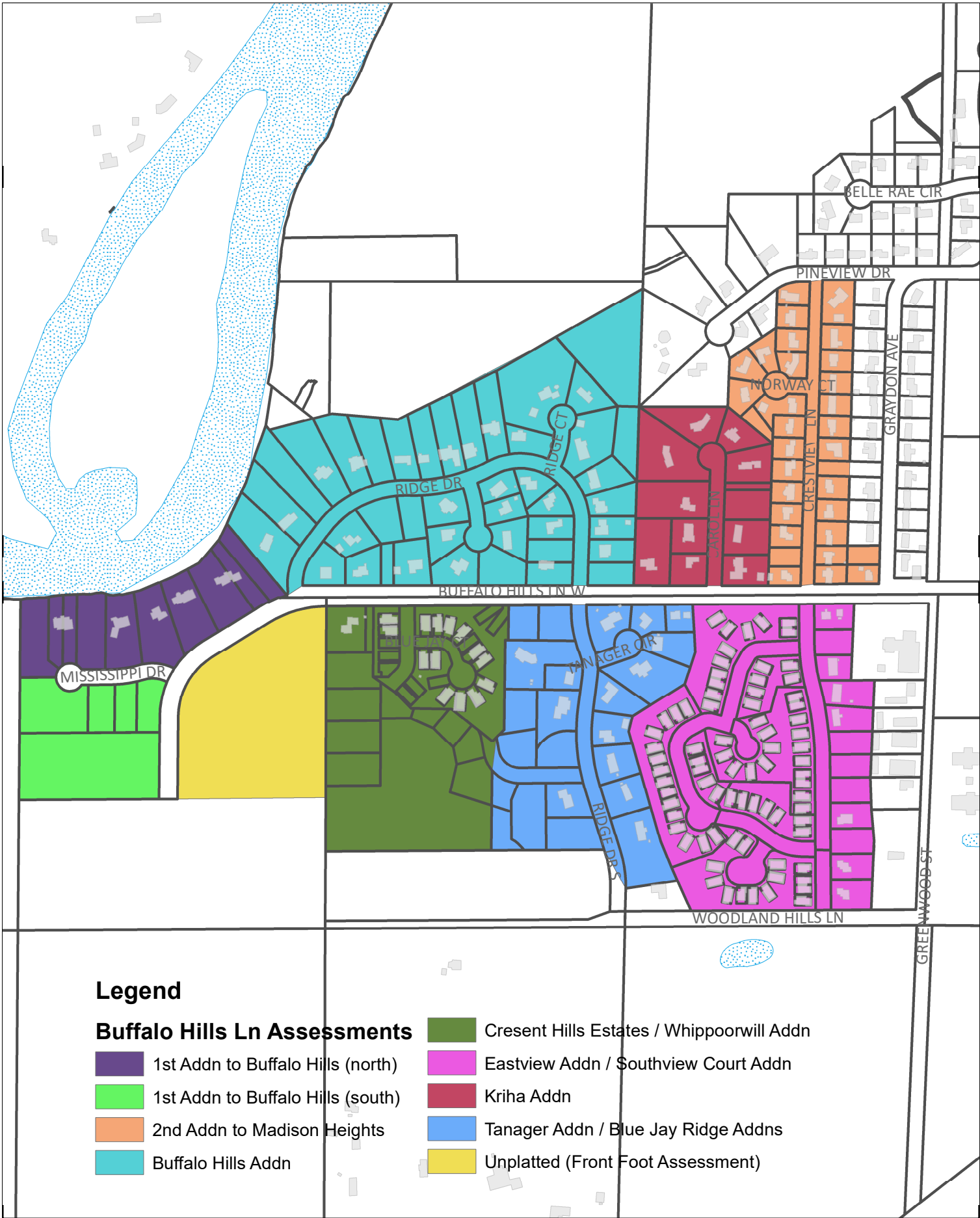
	A	B	C	D	E	F	G	H	I	J	K
SUBDIVISION	FRONT FOOTAGE	LOTS (ORIGINAL PLAT)	ASSESSMENT PER FOOT (ROUNDED)	SUBDIVISION ASSESSMENT	ASSESSABLE COST/LOT	NUMBER OF PARCELS	ASSESSABLE COST/PARCEL	ASSESSMENT PER LOT	SUBDIVISION ASSESSMENT	ASSESSMENT PER PARCEL	SUBDIVISION ASSESSMENT
1ST ADDITION TO BUFFALO HILLS (NORTH OF MISSISSIPPI DRIVE)	1105.37	8	105	116,063.85	14,507.98	8	14,507.98	2,379.00	19,032	2,476.00	19,808
BUFFALO HILLS ADDITION	1490.54	42	105	156,506.70	3,726.35	36	4,347.41	2,379.00	99,918	2,476.00	89,136
KRIHA ADDITION	581.25	12	105	61,031.25	5,085.94	11	5,548.30	2,379.00	28,548	2,476.00	27,236
SECOND ADDITION TO MADISON HEIGHTS	486.15	32	105	51,045.75	1,595.18	30	1,701.53	2,379.00	76,128	2,476.00	74,280
NORTH SIDE SUBTOTAL	3663.31	94		384,647.55		85			223,626		210,460
EAST VIEW ADDITION/SOUTHVIEW COURT ADDITION	698	89	105	73,290.00	823.48	89	823.48	2,379.00	211,731	2,476.00	220,364
TANAGER ADDITIONS/BLUEJAY RIDGE ADDITIONS	795.02	23	105	83,477.10	3,629.44	21	3,975.10	2,379.00	54,717	2,476.00	51,996
CRESCENT HILLS ESTATES/WHIPPOORWILL ADDITION	787.9	70	105	82,729.50	1,181.85	70	1,181.85	2,379.00	166,530	2,476.00	173,320
MILLS UNPLATTED PARCEL	739.66	1	105	77,664.30	77,664.30	1	77,664.30	77,664.30	77,664	77,664.00	77,664
1ST ADDITION TO BUFFALO HILLS (SOUTH OF MISSISSIPPI DRIVE)	484.22	5	105	50,843.10	10,168.62	5	10,168.62	2,379.00	11,895	2,476.00	12,380
SOUTH SIDE SUBTOTAL	3504.8	188		368,004.00		186			522,537		535,724.00
TOTAL	7168.11	282		752,651.55		271			746,163.30		746,184.00

1	Project Estimated Total Cost	\$ 822,300.00
2	State Aid (Difference Between 7 Ton and 9 Ton Section)	\$ 73,749.00
3	Assessable Cost	\$ 748,551.00
4	Assessable Feet	7,168
5	Cost Per Foot	\$ 105.17
6	Unplatted Parcel Cost	\$ 77,664.30
7	Remaining Assessable Cost	\$ 670,886.70
8	Number of Platted Lots (Original)	282
9	Average Cost Per Platted Lot (Original)	\$ 2,379.03
10	Number of Parcels or Record (2018)	271
11	Average Cost per Parcel of Record (2018)	\$ 2,475.60

Cost Estimate
Improvement # 16-09 - Buffalo Hills Lane Reconstruction
Ridge Drive - Graydon Avenue
2018 CIP Update

Item	Unit	Unit Price	Quantity	Amount
Mobilization	LS	\$38,000.00	1	\$38,000.00
Clear & Grub	LS	\$5,000.00	1	\$5,000.00
Remove Concrete Curb	LF	\$5.00	200	\$1,000.00
Remove Bituminous Pavement	SY	\$1.75	9125	\$15,968.75
Remove Concrete Driveway Pavement	SY	\$4.00	270	\$1,080.00
Sawcut Concrete	LF	\$3.50	140	\$490.00
Sawcut Bituminous	LF	\$3.00	450	\$1,350.00
Common Excavation	CY	\$8.00	6600	\$52,800.00
Topsoil Borrow	CY	\$18.00	2000	\$36,000.00
Aggregate Base - Class V	TON	\$18.00	3100	\$55,800.00
Wearing Course	TON	\$60.00	1175	\$70,500.00
Non-Wearing Course	TON	\$60.00	1050	\$63,000.00
Concrete Curb & Gutter, B624	LF	\$14.00	7450	\$104,300.00
8" Concrete Driveway Pavement	SY	\$50.00	340	\$17,000.00
Truncated Dome	SF	\$30.00	200	\$6,000.00
Traffic Control	LS	\$5,000.00	1	\$5,000.00
Erosion Control	LS	\$5,000.00	1	\$5,000.00
Street Sweeping	HR	\$125.00	20	\$2,500.00
Silt Fence	LF	\$3.00	3000	\$9,000.00
Inlet Protection	EA	\$125.00	20	\$2,500.00
Seeding	MGAL	\$1,000.00	23	\$23,000.00
Water (1000 Gal)	GAL	\$100.00	20	\$2,000.00
Striping	LS	\$2,500.00	1	\$2,500.00
Signage	LS	\$2,500.00	1	\$2,500.00
Adjust Castings	EA	\$250.00	35	\$8,750.00
Adjust Valves	EA	\$150.00	15	\$2,250.00
		Street Subtotal		\$533,288.75
Remove Storm Sewer Pipe	LF	\$10.00	100	\$1,000.00
Remove Storm Structure	EA	\$200.00	2	\$400.00
Install CB	EA	\$2,000.00	8	\$16,000.00
Install MH	EA	\$2,400.00	1	\$2,400.00
12" RCP	LF	\$30.00	1215	\$36,450.00
18" RCP	LF	\$32.00	650	\$20,800.00
Connect to Existing Storm Sewer	EA	\$600.00	2	\$1,200.00
Casting Assembly	EA	\$1,000.00	8	\$8,000.00
		Storm Sewer Sub total		\$86,250.00
Casting Assembly	EA	\$1,000.00	13	\$13,000.00
		Sanitary Subtotal		\$13,000.00

Construction Total	\$632,538.75
Contingency (15%)	\$94,880.81
Engineering (15%)	\$94,880.81
Total Project Cost	\$822,300.38
Assessable Costs	\$748,551.00
Assessed Cost	\$748,551.00
Municipal State Aid	\$822,300.00
Storm Water Fund	\$0.00
Sanitary Sewer Fund	\$0.00

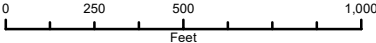


Legend

Buffalo Hills Ln Assessments

- 1st Addn to Buffalo Hills (north)
- 1st Addn to Buffalo Hills (south)
- 2nd Addn to Madison Heights
- Buffalo Hills Addn

- Crescent Hills Estates / Whippoorwill Addn
- Eastview Addn / Southview Court Addn
- Kriha Addn
- Tanager Addn / Blue Jay Ridge Addns
- Unplatted (Front Foot Assessment)



MEMO

TO: Safety and Public Works Committee

FROM: Jeff Hulsether

DATE: July 28, 2016

RE: Buffalo Hills Lane Improvements

At the June 20th Council meeting, the Council expressed an interest in revisiting Improvement 03-08, the construction of Buffalo Hills Lane from Greenwood Street to the west intersection of Ridge Drive in conjunction with the Full Depth Reclamation on the section between Greenwood Street and Business 371. As the project number indicates, this project was first being developed in the 2003-2004 time frame and the process involved several neighborhood meetings to discuss project scope, design features, cost, and assessments.

The project stalled out in 2004 primarily due to a lack of consensus on design and assessment methodology and lack of neighborhood support. The project was briefly discussed in 2014, but after reviewing design issues, the project stalled out again.

When the project was initiated in 2003, the only funding sources available were special assessments and a general city levy. Since then, the alignment has been placed on our State Aid system which makes it eligible for State Aid reimbursement. Presently, our unencumbered construction fund balance is negative, but funds can be advanced to cover eligible costs if desired.

Our technicians started reviewing the design data that was collected when the project was initiated back in 2003 and it became apparent that the data collected is not compatible with our modern data collection and design software. The result is that we will need to re-establish control based on the county coordinate system in the corridor and re-survey everything.

There are still some unresolved questions from our earlier processes, specifically the scope of project and the assessment methodology.

The original project limits were between Ridge Drive (west) and Greenwood Street. We never did arrive at a decision on the street section. Parking was not a concern of the area residents so the 2 primary sections discussed were a 36 ft. wide road with 2-12 ft driving lanes and 2-6ft multiuse shoulders for walkers and bikers; and a combination 26 ft. wide road with a separated 10 ft. bituminous trail similar to what we constructed last year on 28th Street. Given the topography of the corridor, the separated trail option provides the most flexibility with design.

The project limits should also be revisited. Adding the full depth reclamation between Greenwood Street and Business 371 is what started this discussion. We should also look at the westerly extension of Buffalo Hills Lane to the intersection with Mississippi Pkwy and Mississippi Pkwy from Buffalo Hills to the westerly end. These two segments were not considered in 2003 because they are a dead end serving about a half dozen houses. Utilities are in place and the road surface is in about the same condition as the remainder of Buffalo Hills Lane. Development of the Mills property could be years away so this might be an appropriate time to complete the work in the neighborhood.

The more controversial issue in 2003 was the assessment methodology to pay for the improvements. Because the road is a rural section without curb and gutter, has never had an established grade, and does not meet minimum standards for grade, width and structure, the proposed improvement by definition is initial construction and by policy is assessed at 100% for a typical local residential street. The methodology proposed was for area assessments and to assess all of the parcels in each adjacent subdivision an equal amount and each subdivision a prorated share based on its frontage to the project. This seemed most equitable because all of the parcels within each of the adjacent subdivisions use the road. There was general agreement at the neighborhood meetings that something should be done with the road, but nobody wanted to pay for it.

At the Committee meeting, I would like to generate some discussion about project limits, project scope, assessment methodology, and a process for moving forward.

September 8, 2016

Mayor Menk
and Brainerd City Council Members

RE: City Improvement 16-09, Buffalo Hills Lane Construction West of Greenwood Street

Dear Mayor Menk and City Council Members,

I am pleased to present this report for improvements to Buffalo Hills Lane westerly of Greenwood Street. As the Council is well aware, discussions about improvements to this segment of Buffalo Hills Lane began in about 2003, at which time several alternatives for construction and funding the project were explored.

Numerous deficiencies were noted on Buffalo Hills Lane back in the 2003-2004 processes. Some of those deficiencies included the following:

- The road has never been constructed to a final grade and alignment
- Substandard road width
- Substandard road structure
- Lack of storm water facilities
- Significant pedestrian activities not being accommodated
- Significant road surface distresses.

In the past 13 years, only minor maintenance has occurred on the roadway and the distresses and deficiencies still exist. The need to proceed with a street improvement is based on the roads condition, safety, and given that it is not cost effective to continue to maintain a travelled way that has not yet been "constructed".

Through the process in 2003/2004, there were several project scope and funding related issues which remain to be resolved, those include the following:

- Project limits
- Roadway Design
- Drainage
- Project funding

The initial project limits that were proposed were constructing the road between the west intersection with Ridge Drive and Greenwood Street. Upon further review of the 1985 project which constructed the easterly portion of Buffalo Hills, the roadway between Graydon Avenue and Greenwood Street was constructed with that project and assessed to adjacent property owners, so that segment should be removed from this

project and attached to the resurfacing project being developed for 2017 construction. West of the westerly intersection of Ridge Drive, there is approximately 600 feet of Buffalo Hills Lane and about 400 feet of Mississippi Parkway that also need to be constructed. The options are to either include these sections in the project, or not include them in the project. The assessment methodology used on Buffalo Hills Lane may have some influence on whether or not they are included.

Multiple options for the construction were reviewed years ago and the two options that moved forward into consideration were the construction of either a 36 ft. wide roadway to accommodate 2 – 12 ft. driving lanes and 2 – 6 ft multi-use shoulders or a 26 ft wide roadway with a separated 10 ft multiuse trail, similar to what was constructed on 28th Street last year. Both options would provide for a 9-ton roadway capacity. The cost of the two options are comparable at about \$640,000 including contingencies and engineering. With the topography along the corridor, the 26 ft roadway and 10 ft. separated trail option, which is staff's preferred option, offers the most flexibility with roadway grades and matching existing yards and driveways. The 26 ft wide roadway will also assist with controlling the speed of traffic. Since this alignment is on our State aid system, staff would recommend following our assessment policy and utilizing State Aid funds to cover the cost of the additional structure estimated at about \$45,000

Since 2004, the city has acquired Tax forfeit lots 14, 15 and the west ½ of lot 19 in the Buffalo Hills subdivision for storm sewer purposes. The drainage system is not yet designed but will consist of either a pond or swales to infiltrate storm water runoff. At this time we are assuming that the cost of the storm water collection system improvements in the street will be funded through special assessments and the cost of constructing ponds, swales and treatment will be funded through the storm water utility.

Since the major rain event in 2012, we have been monitoring severe erosion to the drainage ditch channel which is the northerly extension of the drainage ditch along the west side of the Southview Court Subdivision north of Buffalo Hills Lane to Little Buffalo Creek. The storm sewer collection system on the easterly portion of Buffalo Hills Lane that was constructed in 1985 discharges into this drainage ditch as do systems built with Crestview Drive in the late 60's and Pineview Drive in the mid 70's. The ditch is not covered or protected by a drainage easement so it is subject to Minnesota Drainage Law. Since our storm systems are contributing substantially to the flow and erosion, we do need to start planning for corrective actions. The actions do not need to be directly tied to the Buffalo Hills construction project, but could be if we wanted to tap state aid funding to help with the cost. Procedurally, we will need to retain a consultant to study and scope options for corrective actions, select an option, and then proceed to construction. Staff has conducted some preliminary investigations of funding sources and grants to assist with a study and corrective actions, but since this is a drainage ditch and not a named and numbered public waterway, there does not appear to be any funding sources available. The heavy rain events experienced earlier this summer have caused additional erosion which is becoming a concern for many adjacent property owners.

There were originally 4 options considered for funding the street construction and these were narrowed to 2 options which staff believed could pass the test of benefit and provided some understandable rational and sense of equity. Both were area based assessments instead of the traditional front foot and sideyard.

The first option was based on the premise that each subdivision along the street was, and is, responsible for the cost of constructing the infrastructure internally within the subdivision as well as its share of the cost of the infrastructure on the streets abutting and adjacent to the subdivision. Typically, in new subdivisions, all of these costs are combined and distributed to the parcels within the subdivision equally. The total footage of subdivisions along Buffalo Hills from the west intersection of Ridge Drive to Graydon Avenue is about 5,010 feet which results in a per foot cost of about \$113.00. Applying this proportionally to each subdivision and then each lot of record or buildable lot within each subdivision, results in assessments that range from a low of about \$650 per lot in the very densely populated Southview Court subdivision to a high of about \$23,000 for the single parcel in Whippoorwill Addition. This methodology works well for a subdivision such as Crescent Hills which is still in its first phase of development. The assessment against the common area is the same regardless of how many houses have been built. This methodology also works well for assessing the properties west of the west Ridge Drive intersection on a front footage basis if that work is included in the project.

The second methodology is to assess all buildable parcels of record within the subdivisions an equal amount regardless of the subdivisions frontage on Buffalo Hills, based on there being equal benefit for each parcel. With this methodology, we would have to treat the Crescent Hills Subdivision as proposed in the approved preliminary plat that planned for 69 lots. The assessments resulting from this methodology would be about \$2,300 per parcel provided that the project ended at the west Ridge Drive intersection. The cost of the continuation of the improvement to the end of Mississippi Parkway have not been calculated but there is only a single tier of benefitting properties on very large lots which would raise the average assessment considerably.

Staff has this item on the Committee agenda for the meeting on the 19th to generate discussion and feedback on the following scoping decisions:

1. Preferred Project Limits
2. Preferred design section
3. Drainage related issues and how to fund them
4. Assessment methodology
5. Project timing

MEMO

TO: Safety and Public Works Committee

FROM: Jeff Hulsether

DATE: September 28, 2016

RE: Improvement 16-09 – Buffalo Hills Construction

At the last Council meeting, the Committee asked for more information related to assessment methodology. Attached is a spreadsheet which shows the revised estimated project cost based on the revised project limits (to include Mississippi Drive) and based on the assumption that we will utilize State Aid funds to construct the additional structure and assess the remaining balance.

The spreadsheet lists the footage of each subdivision abutting on Buffalo Hills lane and Mississippi Drive. You will note that the total length is slightly longer on the north side which is due to the 1985 improvements completing the construction and widening adjacent to the Mormon Church at that time. You will also note that some subdivisions have been lumped together for calculation purposes primarily because they are adjacent to each other and are served by a common lateral roadway. The average assessable cost for constructing the project is estimated at \$105 per abutting foot.

The figures in column A represent the estimated cost of constructing the improvements adjacent to each subdivision group. Column B equally divides that cost among the lots created in the plat, and column C equally divides the cost among the developed and remaining buildable, or approved in a preliminary plat, parcels of record. In some of the subdivisions, there are examples of property owners consolidating 2 lots into one parcel and splitting an undeveloped lot and attaching the halves to a whole lot. The methodology options could be to assess based on either the number of lots or the number of parcels.

The calculations for an equal distribution of cost to all lots or parcels in the subdivisions adjacent to Buffalo Hills and Mississippi Drive are based on the following assumptions:

- That the unplatted parcel along the south side of Buffalo Hills Lane west of Crescent Hills is assessed on a front footage basis. If the unplatted parcel is treated as an equivalent number of lots, say 4 or 5, the results will shift an additional \$300.00 of assessment to each of the other 270 lots.
- That the crescent Hills subdivision is assessed for 69 lots which is the number of lots approved in the preliminary plat.

Based on the above assumptions, the cost per lot or parcel would be approximately \$2,500 each. Column D then shows that amount of assessment being paid within each

subdivision so that there can be a comparison of the amount of assessment being collecting in each subdivision compared to the cost of making the improvement adjacent to the subdivision. Some of the notable comparisons are as follows:

- About \$130,000 of the cost of constructing Buffalo Hills and Mississippi Parkway to the west of the west Ridge Drive intersection is being distributed to the other 260 parcels in the assessment area which equates to about \$500.00 each.
- About 71% of the cost is being assigned to the properties on the south side of Buffalo Hills because of the more dense population.

In selecting an assessment methodology, both methodologies are defensible. The cost "per subdivision" method allocates the cost attributable to the length of the subdivision along the road to the lots within the subdivision and the "per unit" method allocates the cost equally among all of the users.

The arguments against a method will most likely be related to the method resulting in an assessment greater than the other method, such as in Southview court where the assessment almost triples if we use the "per parcel" method.

This item is on the agenda for discussion at the meeting on October 3rd. If there is a consensus of a method or if more information is requested, staff will proceed accordingly.

City of Brainerd, Minnesota

Street and Sewer Assessment Policy

1. Introduction

Special assessments are a charge imposed on properties for an improvement that benefits the owners of that selected property. The authority to use special assessments originates in the state constitution which allows the state legislature to give cities and other local government units the authority “to levy and collect assessments for local improvements upon property benefitted hereby”. The legislature designates that authority to cities in Minnesota Statutes Chapter 429.

A charter city (in which Brainerd is) may choose to use either Chapter 429 or provisions of the charter to assess for local improvements, however, even the state law requires that charter cities follow state law in certain steps of the proceedings.

Special Assessments have three distinct characteristics:

- They are a levy the City uses to finance, or partially finance, a public improvement program.
- The city levies the charge only against those parcels of property that receive some special benefit from the program.
- The amount of the charge bears a direct relationship to value of the benefits the property receives.

The City of Brainerd, Minnesota finds it beneficial to fund portions or all the 5-year street and sewer capital plan using special assessments. Special assessment proceedings will follow the procedures as outlined in Minnesota Statute 429 and any modifications thereto.

2. Assessable Improvements

How Much is Being Assessed?

Developer New Construction

On projects where utilities and roadways are being constructed for the first time, the developer is responsible for installing the watermain, sanitary sewer, grading, surfacing, storm sewers, and any other incidental features it sees fit. The city requires developers to construct all facilities to city standards and be approved by the City engineering department. While it is ultimately up to the developer to decide how the development costs incurred are recouped, the developer will typically split these costs to the number of parcels developed and recoup its cost through the sale price of the lots.

Petitioned New Construction

On projects where the city is petitioned to install the new improvements, the entire project cost being constructed is assessed to the abutting properties, as either by a per lot basis or by a front-foot basis.

Petitioned or Council Authorized Reconstruction of Resurfacing

Whether the city acts upon its own authority to make an improvement or it is petitioned by property owners, the city assesses one-half (1/2) of the cost of the reconstruction or resurfacing improvement including construction and engineering of the said improvement on a front-foot or per lot basis. The other one-half (1/2) of the resurfacing or reconstruction cost is paid by the city. If utilities such as sanitary sewer, water mains, or storm sewers are being reconstructed along with the project, the cost of this work is not assessed, but rather is covered through user fees and rates set by council or public utilities commission. If a project consisting of overlaying a street is proposed, the entire project cost is assessed to abutting properties. The City does not typically assess for new sidewalks, but may from time to time, assess for the entire costs of repairs thereto.

Pursuant to Petition – Properties Abutting the City but outside City Corporate Boundaries

The City does not construct municipal utilities outside of its corporate boundaries until such time the properties are annexed and within the City of Brainerd corporate boundaries. Once annexation is completed, the utilities are installed and the entire cost of installation of said utilities are assessed to abutting property owners.

Pursuant to Council Action – Properties not Abutting the City Corporate Boundaries

The City does not construct municipal utilities outside of its corporate boundaries until such time the properties are annexed and within the City of Brainerd corporate boundaries. Once annexation is completed, the utilities are installed and the entire cost of installation of said utilities are assessed to abutting property owners.

In prior years, the City Council authorized the construction of utility improvements outside its corporate boundaries and not abutting the city. To pay for such costs, the council established a Water Connection Charge (WCC) and Sewer Connection Charge (SCC). This charge, as initially set by council resolution, represents the average costs of constructing such utility improvements and is payable immediately upon connection to the system. This charge is enacted if the property owner elects to divide the property in which assessments were imposed and deferred. If a lot is split and the owner elects to connect to sewer and water, the WCC and SCC are charged to the property owner, with the balance of the deferred assessment remaining on the other parcel created from the split.

The WCC and SCC set by council resolution will remain in effect until repealed by the council. Said resolution may be adjusted periodically by the city council.

3. Initiation of an Improvement

By Petition from Property Owners

Per Minnesota Statute 429, if the council chooses to proceed with an improvement based on a petition, it must have the signatures of at least 35 percent in frontage of the property bordering the proposed improvements. If the council relies upon a petition as its basis for proceeding, it cannot make substantial change the improvement from what is asked for in the petition. The council must pass a resolution determining whether the petition is legally sufficient or not.

By Council Action

Per City of Brainerd Charter Section 92, in the first instance in which the council desires to levy a special assessment for an improvement, it shall require a two-thirds (2/3) vote of the members elect except in the case of sidewalks, in which a majority is sufficient.

4. Proceedings

Minnesota Statute 429

The City of Brainerd has elected to utilize Minnesota Statute 429 for its assessment proceedings, as amended and incorporated by reference into this policy.

Interest Rates

The council determines the interest rate on the special assessments, along with any other repayment provisions. The interest rate is typically set by ensuring a reasonable relationship between the assessments interest rate and the bond interest rate if the city issued bonds for the project. If the city finances the project with funds on hand, the council will look at the interest rate the city would otherwise have earned on the funds.

5. Payments

Once the assessments have been adopted, property owners originally have numerous options for repayment:

1. Pay the total amount of the assessment within 30 days after the council adopts the assessment rolls. This this situation, the city cannot charge interest; or
2. Pay the assessments in annual installments (with interest) under the terms set by the council; or
3. Pay the entire amount at any time after the 30 days, but before any certification to the county auditor. The property owner pays only the amount of interest accrued as of the date of payment; or
4. At any time after certification to the County Auditor, the property owner may still pay the entire remaining unpaid amount to the County Treasurer. However, the property owner must pay the entire remaining unpaid amount of the assessment before November 15 of any year and must also pay all interest accrued until the end of that calendar year.

6. Deferments

The City Council has adopted policy which allows for assessment deferments for elderly person and for all other persons who fall within the economic hardship criteria. A deferred assessment is not forgiven but is postponed until such time that the property owner either elects to resume making the annual installments as certified, no longer meets the economic hardship criteria, or sells the property. Persons interested in deferring assessments must apply each year to have the following year assessment installment deferred. After 10 years, no further applications are necessary, and the deferred installments will remain permanently deferred without accrual of additional interest, until such time that the deferred assessment is voluntarily paid of the property is sold. The most current deferment criteria passed by council resolution can be requested from the City Clerk and a copy provided to the requestor.

7. Other Frequently Asked Questions

Will Improvements Affect my Property Taxes?

While it is well documented within the real estate industry that streets and utilities that are in poor condition decrease the marketability and sale prices of homes, improvements to the streets and utilities do not automatically increase the taxes on the property. Property market valuations, as determined by the County Assessor, are based on the recent sale prices of comparable properties within the neighborhood. Following improvements to streets and utilities, the marketability of properties tends to increase, and the properties can demand a higher sale price. As years pass and the history of sale prices in the neighborhood show increases, the County Assessor will adjust the market valuation of properties to more closely reflect the price the property would sell for. If the market valuations in the neighborhood are increasing at a faster rate than the City, County, and School District averages, the property taxes will tend to increase over time.

Why is There a Difference Between my Front Footage and Assessable Footage?

If you live on a corner lot, your property is subject to assessments for improvements on both streets. The City Council has adopted a side-yard deduction assessment policy to help reduce the burden for the owners of corner lots or reconstruction or resurfacing projects. Your side-yard is defined as the side of your lot with the most street frontage. Improvements made to your side-yard street result in the city paying for the cost of one-half of your side-yard footage and the property owner being assessed for one-half (1/2) of the side-yard footage. The most common assessment notices for side-yard street improvements will list the front-footage as 140 feet and the assessable front-footage as 70 feet.



Brainerd City Council Agenda Request

Requested Meeting Date:

Title of Item:

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by:	Department:
Presenter (Name & Title):	Estimated Time Needed:
Summary of Issue:	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion:	
Financial Impact: <i>Is there a cost associated with this request:</i> ☐ Yes ☐ No <i>What is the total cost, with tax and shipping</i> \$ _____ <i>Is this budgeted?</i> ☐ Yes ☐ No <i>Please Explain:</i>	



Land Services Department
218-824-1010

322 Laurel Street
Brainerd Minnesota 56401

RECEIVED

AUG 23 2018

CITY OF BRAINERD
ADMINISTRATION

August 20, 2018

City of Brainerd
501 Laurel St
Brainerd, MN 56401

Re: Classification to "Non-Conservation" and Future Sale of Tax Forfeited Lands

Dear *City of Brainerd:*

In the near future, the Crow Wing County Board of Commissioners will classify the tax forfeited parcels, attached, as "Non-Conservation" which is required prior to sale pursuant to MS 282.01

Before, however, Crow Wing County can proceed with its plans to offer these parcels for sale, the city or township wherein these parcels lie **"must first approve the classification and intended sale"** by the County Board. The city or township **"is considered to have approved the classification and sale if the county board is not notified of the disapproval...within 60 days of the date"** of this letter.

If you respond within 60 days and do not support the County Board's action, **"the County Board must follow the procedures in paragraphs (c) and (d) per MS Statute 282.01, with regard to the parcel, and must additionally cause to be published in a newspaper a notice of the date, time, location, and purpose of the required meeting."**

Please review the list of tax forfeited parcels, attached, and inform this office of your approval or disapproval of the County Board's future action to classify said parcels to a "non-conservation" status with intentions to sell at a future public auction.

Please include the zoning information for each tax forfeited parcel along with any special assessments that are or will be attached to each parcel.

Maps have been enclosed to aid in your review.

If you have any questions concerning this process, please advise.

Sincerely,

Heather Becker
Heather Becker
Assessment Specialist

Enclosures

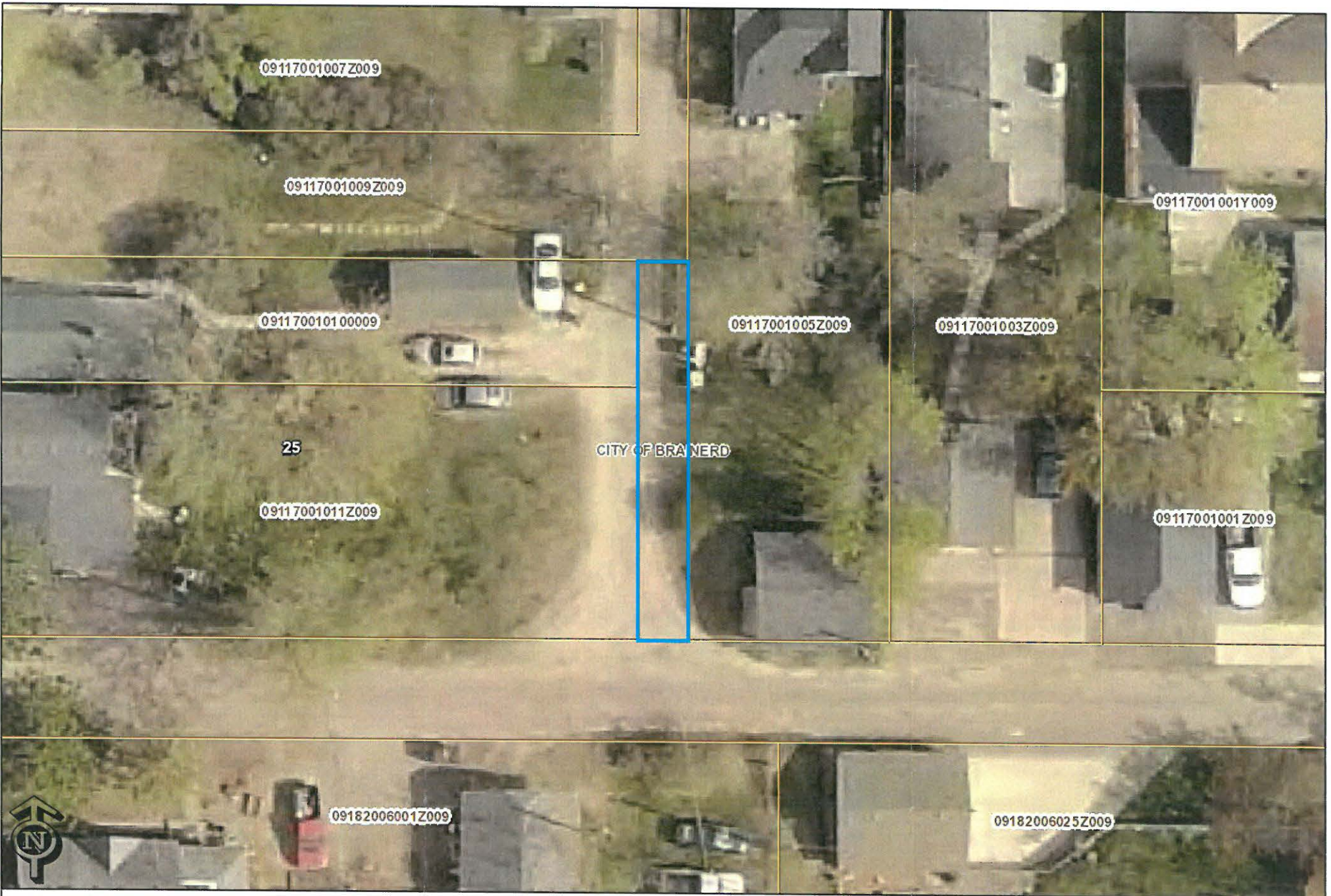
Our Vision: Being Minnesota's favorite place.

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

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

CITY OF BRAINERD

CITY OF BRAINERD									
Tract	Description		Approx. Lot Size (acres)	RE Code(s)	Remarks	Specials	Judgement Year	Forfeited	Zoning
	W. 10 FT OF S. 1/2 OF LOT 6 BLOCK 1, CHIPPAWA ADDN TO THE CITY OF BRAINERD		0.02	09117001006Z009				9/13/1969	
	W. 25 FT OF LOTS 15 THRU 17 INCLUSIVE, CHIPPAWA ADDN TO THE CITY OF BRAINERD		0.04	09117003015Y009				3/2/1957	
	OUTLOT A, BRAINERD OAKS		0.48	0927100090A0009			2004	9/16/2008	
Tract	Description	Sec.-Twp.-Rge.	Approx. Lot Size (acres)	RE Code(s)	Remarks	Specials	Judgement Year	Forfeited	Zoning
	REMAINDER OF GOV. LOT 2 (PART OF ISLAND)	18-45-30	0.58	050184102A00009				1/25/1937	

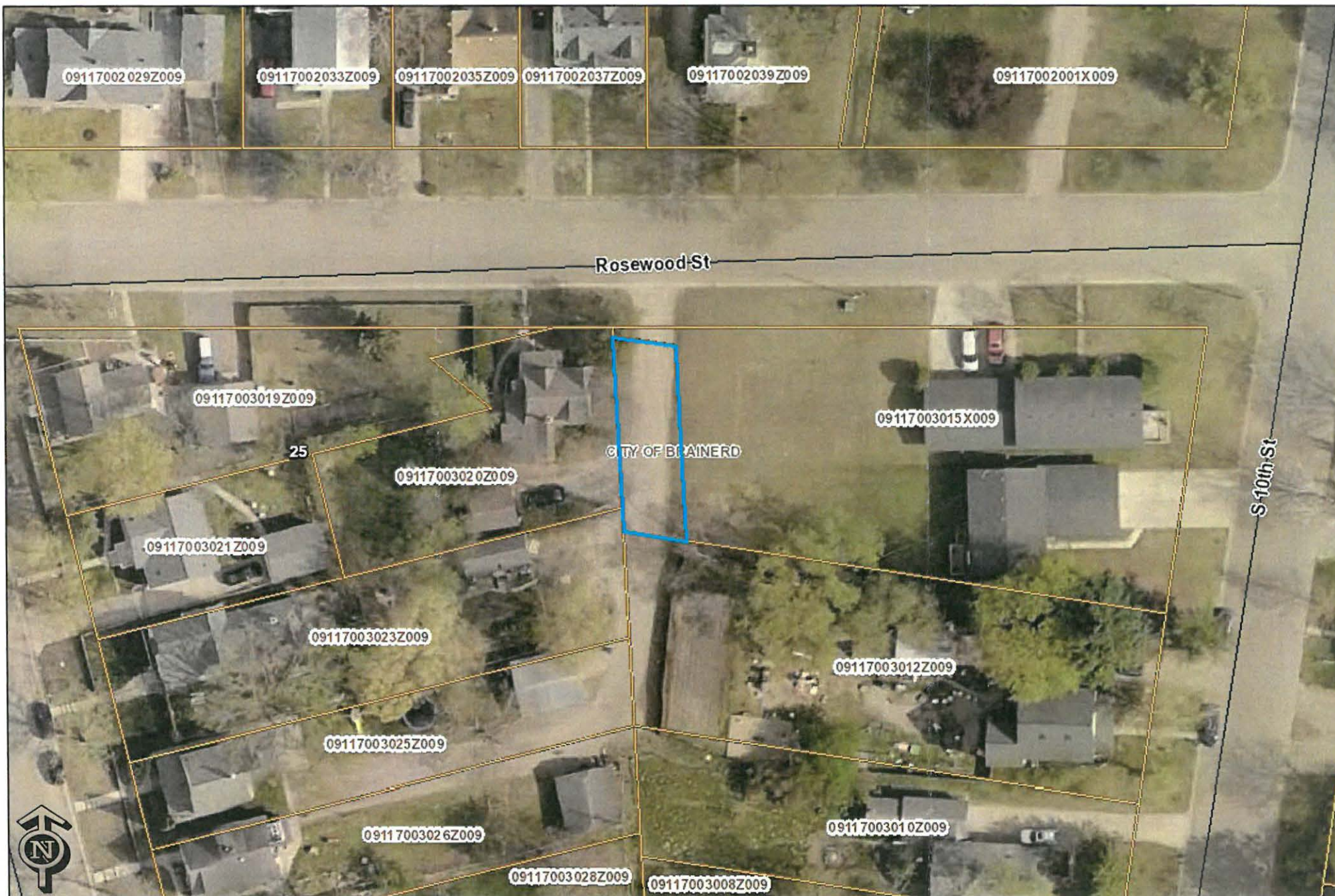


These data are provided on an "AS-IS" basis, without warranty of any type, expressed or implied, including but not limited to any warranty as to their performance, merchantability, or fitness for any particular purpose.

09117001006Z009



Date: 8/20/2018 Time: 2:50:59 PM

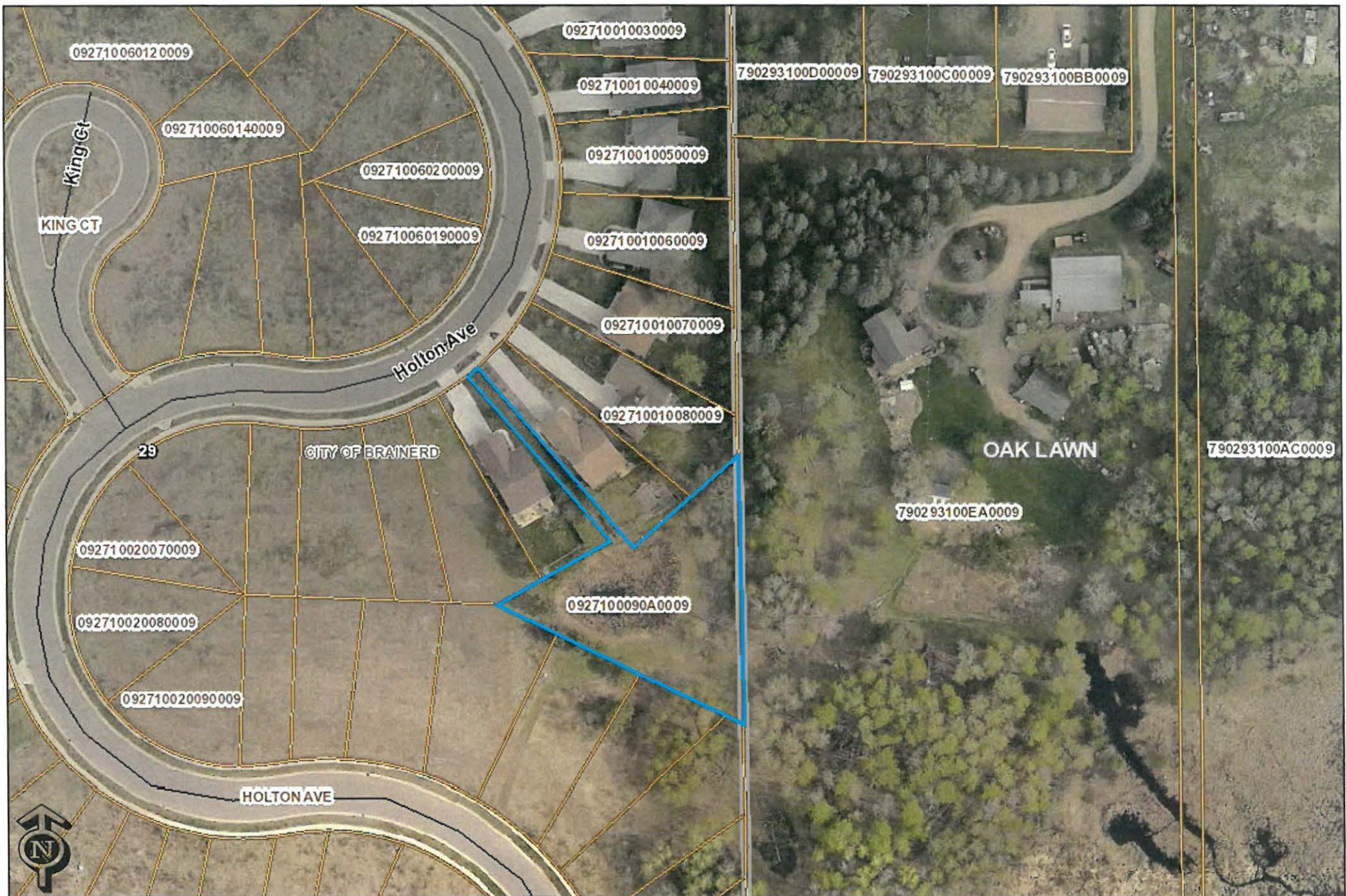


These data are provided on an "AS-IS" basis, without warranty of any type, expressed or implied, including but not limited to any warranty as to their performance, merchantability, or fitness for any particular purpose.

09117003015Y009



Date: 8/20/2018 Time: 2:52:04 PM

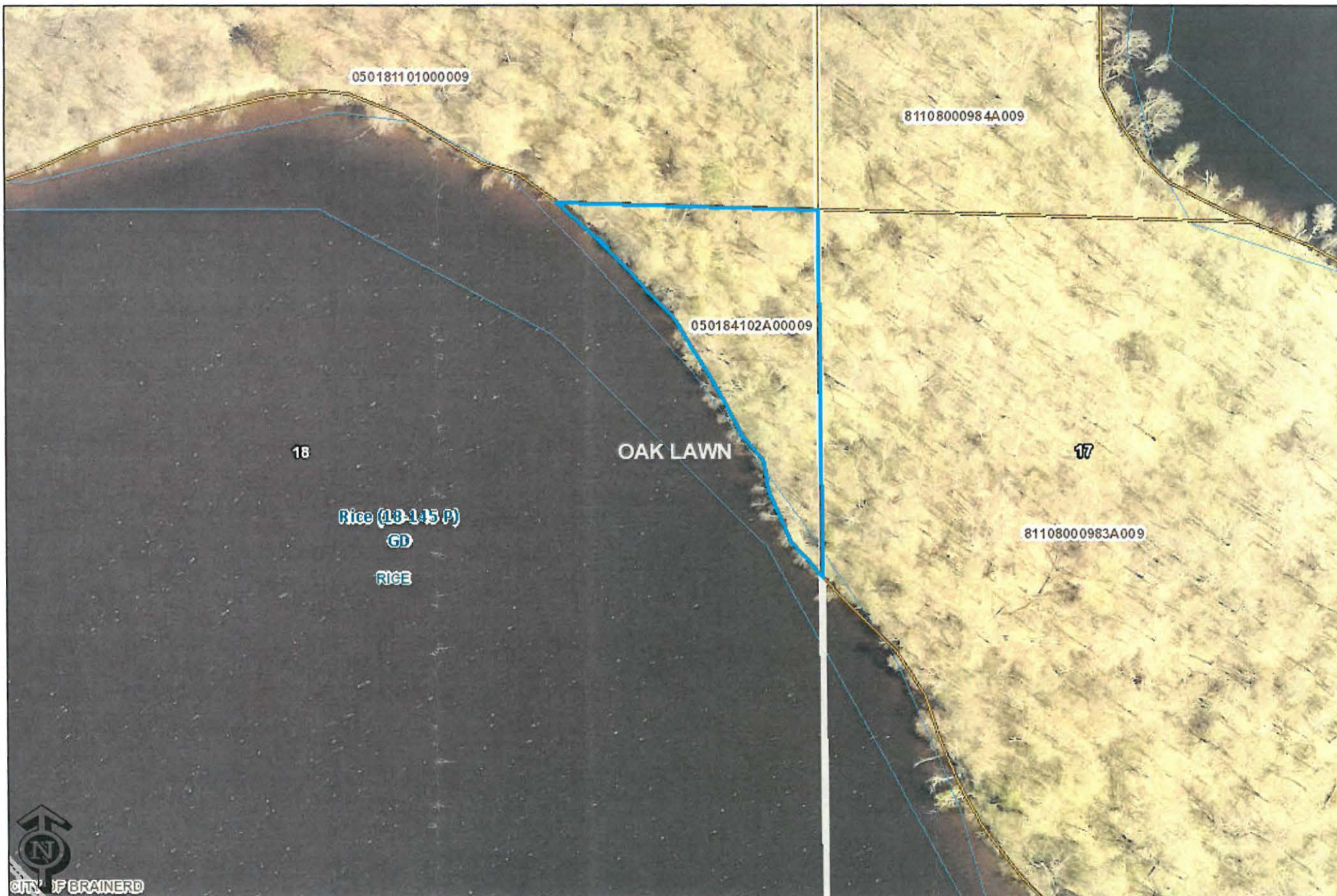


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0927100090A0009



Date: 8/20/2018 Time: 2:53:15 PM



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

050184102A00009



Date: 8/20/2018 Time: 4:30:59 PM



Brainerd City Council Agenda Request

Requested Meeting Date:

Title of Item:

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by:	Department:
Presenter (Name & Title):	Estimated Time Needed:
Summary of Issue:	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion:	
Financial Impact: <i>Is there a cost associated with this request:</i> ☐ Yes ☐ No <i>What is the total cost, with tax and shipping</i> \$ _____ <i>Is this budgeted?</i> ☐ Yes ☐ No <i>Please Explain:</i>	



City of Brainerd Commission/Committee/Board Application Form **RECEIVED**

Any questions contact City Hall at 218-828-2307

Commission/Committee/Board Applying for Water tower Date: AUG 23 2018

This application is public data pursuant to M.S. 13.43

CITY OF BRAINERD
ADMINISTRATION

PLEASE NOTE: Completion and submission of this form grants the City authority to conduct a background check including a complete criminal history and driver's license check.

*Name: Last Kaep First MARY M.I. A

PLEASE NOTE: To serve on a City Committee or Board, you must either live in or own property within the City Limits of Brainerd.

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

I have experience with this issue from
PAST. I know city well & understand CHALLENGES
I have some knowledge of resources AND how to get
What skills, strengths, or abilities do you believe you will add to the organization? Them

Knowledge - experience - Network of
Information - enthusiasm & concern

*Please refer to the "Meeting Dates and Time" for your desired Committee; are you able to commit to this schedule? _____

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

No

Please list any additional comments:

This is a difficult situation. Options
Must be laid on table. Final Rec. to
Council must be complete.

Mary Kaep
(Signature) (Date)

*Required Information

Submit completed application forms via one of the following options:

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



RECEIVED

City of Brainerd
Commission/Committee/Board Application Form

SEP 06 2018

Any questions contact City Hall at 218-828-2307

Commission/Committee/Board Applying for Save the Water Tower Date: 9/4/18

CITY OF BRAINERD
ADMINISTRATION

This application is public data pursuant to M.S. 13.43

PLEASE NOTE: Completion and submission of this form grants the City authority to conduct a background check including a complete criminal history and driver's license check.

*Name: Last Meyer First Carissa M.I. E

PLEASE NOTE: To serve on a City Committee or Board, you must either live in or own property within the City Limits of Brainerd.

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

I grew up in Brainerd, and I am raising my children here. I want to preserve our city for generations to come as seen fit by its citizens.

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

Vast experience attending, sitting the board, & leading committees & organizations. Working with the public & elected officials. Knowledge of inter workings of complex institutions.

*Please refer to the "Meeting Dates and Time" for your desired Committee; are you able to commit to this schedule? open to any

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

None

Please list any additional comments:

Carissa Meyer 9/4/18
(Signature) (Date)

***Required Information**

Submit completed application forms via one of the following options:

email: chillman@ci.brainerd.mn.us

fax: 218-828-2316

Mail: City of Brainerd, 501 Laurel Street, Brainerd MN 56401



City of Brainerd Commission/Committee/Board Application Form

Any questions contact City Hall at 218-828-2307

Commission/Committee/Board Applying for Save the Water Tower Date: 8/24/18

This application is public data pursuant to M.S. 13.43

PLEASE NOTE: Completion and submission of this form grants the City authority to conduct a background check including a complete criminal history and driver's license check.

*Name: Last Storm First Ashley M.I. C

PLEASE NOTE: To serve on a City Committee or Board, you must either live in or own property within the City Limits of Brainerd.

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

I would like to find a way to preserve the water tower. I believe it is an icon for the city of Brainerd and it would be a shame to see it go.

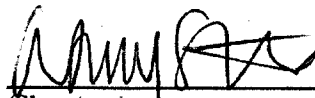
What skills, strengths, or abilities do you believe you will add to the organization?

I am on other boards and committees in the area, The Brainerd Riverfront Committee as well as the Brainerd HRA Board

*Please refer to the "Meeting Dates and Time" for your desired Committee; are you able to commit to this schedule? Yes

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

Please list any additional comments:


(Signature)

8/24/18
(Date)

*Required Information

Submit completed application forms via one of the following options:

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



City of Brainerd Commission/Committee/Board Application Form

Any questions contact City Hall at 218-828-2307

Commission/Committee/Board Applying for Water Tower Date: 8/21/18

This application is public data pursuant to M.S. 13.43

PLEASE NOTE: Completion and submission of this form grants the City authority to conduct a background check including a complete criminal history and driver's license check.

*Name: Last Nelson First Ann M.I. M

PLEASE NOTE: To serve on a City Committee or Board, you must either live in or own property within the City Limits of Brainerd.

Why do you want to be on the Commission/Committee/Board you are applying for?
I am interested in preserving the history of the city of Brainerd.

What skills, strengths, or abilities do you believe you will add to the organization?
Writer, researcher, historian, genealogist

*Please refer to the "Meeting Dates and Time" for your desired Committee; are you able to commit to this schedule? Retired, can commit to any dates and times.

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

Please list any additional comments:
No conflicts of interest.

(Signature)

(Date)

*Required Information

Submit completed application forms via one of the following options:

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



Brainerd City Council Agenda Request

Requested Meeting Date:

Title of Item:

☐ 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 2nd Reading <i>*provide copy of published hearing notice</i>
Submitted by:	Department:
Presenter (Name & Title):	Estimated Time Needed:
Summary of Issue:	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion:	
Financial Impact: <i>Is there a cost associated with this request:</i> ☐ Yes ☐ No <i>What is the total cost, with tax and shipping</i> \$ _____ <i>Is this budgeted?</i> ☐ Yes ☐ No <i>Please Explain:</i>	

STAFF REPORT TO THE PLANNING COMMISSION

August 15, 2018

APPLICANT/LOCATION:	Shannon Tibbetts, 16693 Carlson Lake Road, Brainerd, MN 56401
REQUESTED ACTION:	Rezone property at 15770 Dellwood Drive, from a B-1 (Residential Office) District to an I-1 (Light Industry) District
AREA:	2.5 acres
ADJACENT USES:	North: Undeveloped East: Undeveloped South: Undeveloped West: Undeveloped
ADJACENT ZONING:	North: R-R (Rural Residential) District East: R-R (Rural Residential) District South: City of Baxter West: City of Baxter

PETITION EVALUATION

Shannon Tibbetts has purchased a 2.5-acre parcel on Dellwood Drive and plans to use the site for a self-storage facility. The site was rezoned to a B-1 (Residential Office) District in 2015, however, development did not occur after the rezoning. The current B-1 zoning does not permit self-storage units. Following is information from Mr. Tibbetts about the proposed use:

I am requesting the rezoning of my property located at 15770 Dellwood Drive, Brainerd, MN to start a self-storage facility business. I would have no sewer or water to damage or upset the natural environment. There will be no residents residing at the location as well as no trash or garbage to contend with. The entire site will be securely fenced, well-lit and quiet. I am designing the building layout to keep as much green space as possible. The property will be well kept, clean and taken care of always. Thank you for your consideration in this matter. I appreciate it.

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

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

See the Planning Department Review for a response to this question.

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

Baxter zoning to the south and southwest is Regional Commercial and Office Service. To the west and northwest is Special Residential Cluster. The area is generally undeveloped. North of the site there are two single family dwellings in Brainerd and one single family dwelling north of the site in Baxter. A self-storage facility will require no on-site employees, trash removal, semi or truck traffic, or create large traffic volumes and noise. The parcel size and the lack of utilities limit the site's development potential.

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

Dellwood Drive is the north/south street that provides access to this area. Neighborhood street capacity will not be negatively affected by this individual change. The only activity associated with this type of use is renters coming and going. The site will have a security fence and have security lighting.

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

Vehicle trips per day can be difficult to quantify for this type of land use. The Institute of Traffic Engineers estimate between .17 - .23 Vt/d for each 1,000 sq. ft. of storage. Should the site have 8 - 4,000 sq. ft. buildings = 32,000 sq. ft. of storage = $32,000 \times .17 = 5,440/1,000 = 5.4$ vehicle trips/day. A typical single-family dwelling would generate 9-10 trips per day.

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

There will be no negative impact upon existing public services and facilities including parks, schools, streets, and utilities, and its potential to overburden the City's service capacity.

PLANNING DEPARTMENT REVIEW

Dellwood Drive is split half in Baxter and half in Brainerd where we have a common border. The nearest utilities to Dellwood Drive are Beaver Dam Road. Baxter is in a better position than Brainerd.

Although the Future Land Use Map identifies this area as low to medium density residential, it is unlikely that will occur anytime soon without utilities. The better use for the area may be those that have little sewer/water needs, such as self-storage units and warehouses.

PLANNING COMMISSION AND CITY COUNCIL ACTION

The Planning Commission can consider a recommendation on this request at its August 15, 2018 meeting. The City Council can receive the Planning Commission recommendation and can consider an Ordinance First Reading on August 20, 2018 meeting and an Ordinance Second/Final Reading on TUESDAY, September 4, 2018.

Respectfully submitted,

Mark Ostgarden AICP
City Planner

Findings of Fact

1. The site is proposed for self-storage units at the property, which is not permitted in B-1 Districts.
2. The property is 2.5 acres and vacant. In a 40-acre area to the north and east, there are two single family dwellings along Dellwood Drive and one dwelling located off Wise Road.
3. The property was rezoned to a B-1 (Residential Office) District in 2015. Development did not occur after the rezoning.
4. The property does not have city sewer or water and the nearest sewer and water is on Beaver Dam Road, which is almost 1 mile to the east. The proposed use will have no need for sewer and water.
5. The Institute of Traffic Engineers estimate that between .17 and .23 vehicle trips per day for each 1,000 sq. ft. of storage space can be expected. A 32,000 sq. ft. facility can be expected to have less than 6 trips per day on average. A typical single-family dwelling would generate 9-10 trips per day.

Dellwood Drive was improved in 2016 and at minimum can be considered a collector street. Its capacity will not be affected by a self-storage facility.

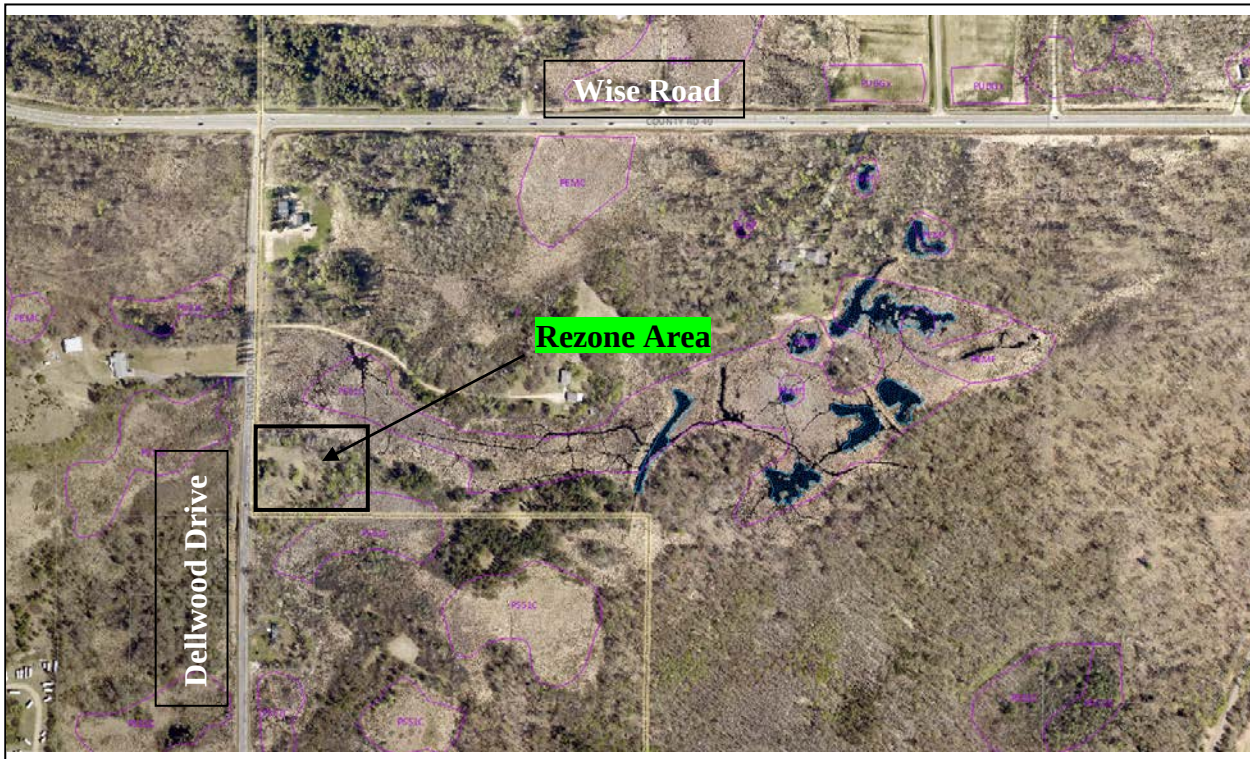
6. The following Comprehensive Plan Goals and Strategies support the rezoning:

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

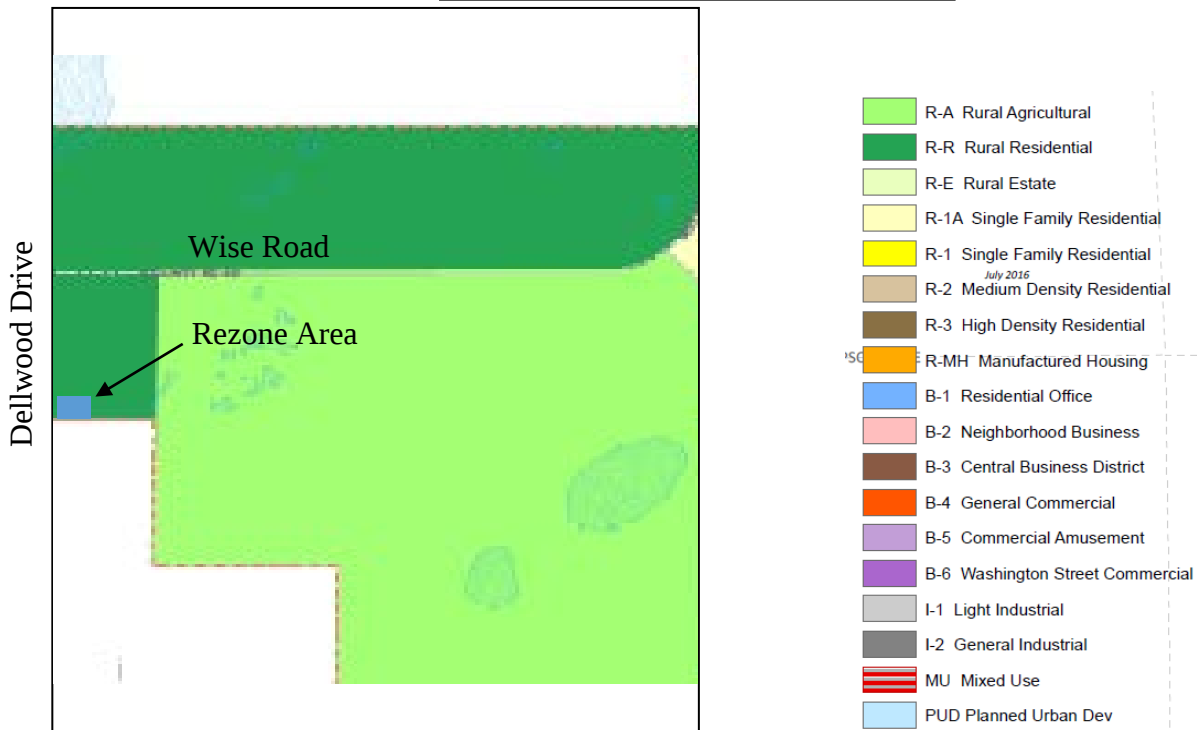
Strategies

1. Locate and design industrial and commercial developments to provide good access and road service, while avoiding the routing of traffic through residential neighborhoods.
 2. Require new commercial and industrial developments to have access to adequately sized and designed public roads.
7. There will be no negative impact upon existing public services and facilities including parks, schools, streets, and utilities, and its potential to overburden the City's service capacity.

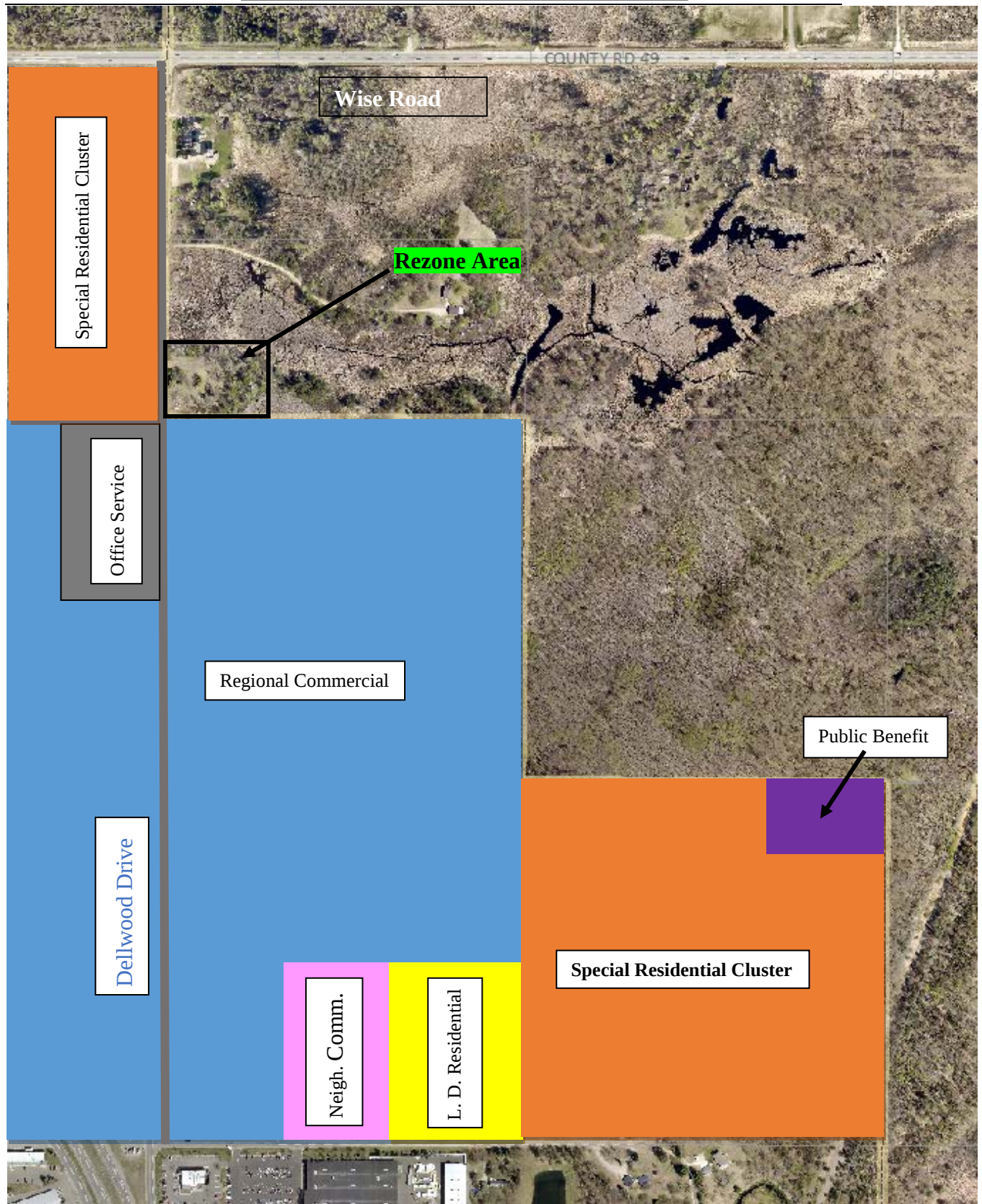
Aerial Map



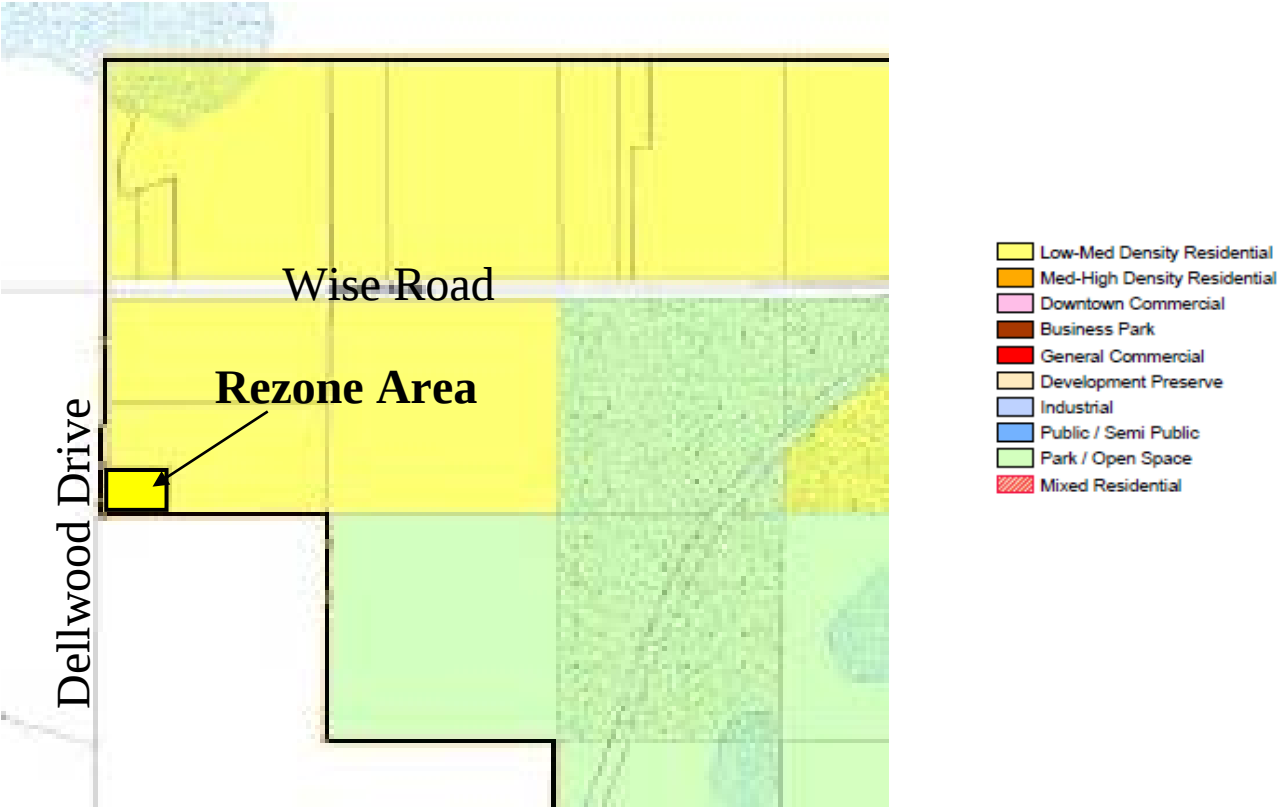
Brainerd Zoning



Baxter Zoning



Existing Land Use



NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that Shannon Tibbetts, 16693 Carlson Lake Road, Brainerd, MN 56401 has applied to rezone property at 15770 Dellwood Drive, Brainerd, MN 56401 from a B-1 (Residential Office) District to an I-1 (Light Industrial) District. The property legal description is:
S 275 FT OF W 400 FT OF NW 1/4 OF NW 1/4, Township 134, Range 28, Section 32 and the PID is 080322200B00009.

SECTION 60 – B-1, RESIDENTIAL-OFFICE DISTRICT*

515-60-2: Permitted Uses.

- A. Government and public buildings, utilities, and/or structures.
- B. Office Businesses-Clinic.
- C. Office Businesses-General.
- D. Single family dwellings.
- E. Essential services... as regulated by Section 36 of this Ordinance.

515-60-4: Uses by Administrative Permit.

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

515-60-5: Interim Uses.

- A. None

515-60-6: Conditional Uses.

- A. Funeral homes and mortuaries provided that:
- B. Studios limited to art, dance, music, decorating and photography ...
- C. Places of worship and related buildings provided that: ...
- D. Off-street parking and access ...
- E. Bed and breakfast subject to the provisions of Section 31 of this Ordinance.
- F. Planned Unit Developments as regulated by Section 11 of this Ordinance.

SECTION 70 – I-1, LIGHT INDUSTRY DISTRICT

515-70-2: Permitted Uses.

- A. Conducting a process, fabrication, wholesale operation, manufacturing or providing a service, ...
- B. Radio and television studios.
- C. Research laboratories.
- D. Warehousing and wholesaling.
- E. Guard/Reserve facilities.
- F. Automobile body shop and transmission repair subject to the following conditions: ...
- G. Government and public utility buildings and structures.
- H. Office business ...
- I. Contractor offices.
- J. Essential services as regulated by Section 36 of this Ordinance.
- K. Retail sales operated by non-profit organizations to benefit said non-profit organizations ...
- L. Electrical/Plumbing/Heating/Air Conditioning products and parts.
- M. Metal Sales such as steel and other raw materials.
- N. Construction equipment sales and repair.
- O. Truck and semi tractor/trailer sales and repair.
- P. Sale of parts/sale and repair of tires for construction equipment and semi tractor trailers.
- Q. Sales and distribution of propane, acetylene, helium, CO2 and similar tanks.
- R. Commercial sales incidental to the manufacture, processing or wholesaling of products ...
- S. ...commercial uses permitted in B-1, B-2, B-3, B-4, and B-6 zoning districts subject to....
- T. Fitness and Recreation Centers ...
- U. Brew Pub Off-Sale ...
- V. Brew Pub On-Sale ...

- W. Brewery with Taproom On-Sale ...
- X. Brewery with Taproom Off-Sale ...
- Y. Microdistilleries and Cocktail Rooms ...

515-70-4: Interim Uses.

- A. Outdoor storage as a principal use provided that: ...
- B. Billboard signs as regulated by Section 37 of this Ordinance.
- C. Decommissioning, ...

515-70-5: Conditional Uses.

- A. Outdoor sales lot, ...
- B. Bulk liquid storage provided that: ...
- C. Planned Unit Developments (PUD) as regulated by Section 11 of this Ordinance.
- D. Placement and operation of outdoor wood burning furnaces subject to the following conditions: ...
- E. Animal hospital, clinic, kennels and shelters provided that: ...
- F. Trade/specialty schools.
- G. Mini self storage facilities provided that: ...

515-70-6: Uses by Administrative Permit.

- A. Personal wireless service antennas as regulated by Section 35 of this Ordinance.
- B. Telecommunication towers as regulated by Section 35 of this Ordinance.
- C. Temporary mobile towers as regulated by Section 35 of this Ordinance.

* See the Brainerd Zoning Ordinance for a complete description of the listed uses.

A Public Hearing will be conducted by the Brainerd Planning Commission at 6:00 p.m. Wednesday, August 15, 2018 in the Brainerd City Hall Council Chambers, 501 Laurel Street, to consider rezoning the property.

The public is invited to attend the hearing to offer input regarding the proposed rezoning.

Any individual needing special accommodations please call (218) 828-2309.

Dated this 2nd day of August 2018.

Mark Ostgarden AICP
City Planner



PLANNING COMMISSION
Wednesday, August 15, 2018

#1 Call to Order

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

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

#2 Approval of Agenda

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

#3 Approval of Minutes of the Regular Meeting held on July 18, 2018

MOTION AND SECONDED BY COMMISSIONERS GORHAM AND LAMBERT, DULY CARRIED, TO APPROVE THE MINUTES OF THE REGULAR MEETING HELD ON JULY 18, 2018.

#4 New Business

A. Public Hearing – Rezoning Request to Rezone Property at 15770 Dellwood Drive, Brainerd from a B-1 (Residential Office) District to an I-1 (Light Industry) District

City Planner Ostgarden explained the petitioner, Shannon Tibbetts, 16693 Carlson Lake Road, Brainerd has applied to rezone his property at 15770 Dellwood Drive to construct a self-storage facility. The property is located on Dellwood Drive, which is a unique area of the city as it is part of the joint city limits of Brainerd and Baxter for approximately ½ mile south of Wise Road. In 2015, it was rezoned to a B-1 district as the previous owner had plans for development. City Planner Ostgarden reviewed a zoning map of the area showing it is primarily undeveloped and wetland. The City of Baxter anticipates the future land use map as regional commercial. It is also an area where there is currently no city sewer or water, which makes it an ideal location for this type of business. If the rezoning is granted, there will be the potential for other possible businesses such as warehouses, light office, auto shops, bulk liquid storage or an outdoor sales lot by Conditional Use Permit. City Planner Ostgarden reviewed the findings of fact and the comprehensive plan goals and strategies. A mini-storage facility is a Conditional Use in the I-1 Light Industry District.

Commissioner Gorham inquired what the equivalent zoning term is for the City of Brainerd to the City of Baxter's term of Regional Commercial. City Planner Ostgarden stated the B-4 General Commercial zoning district is comparable.

Commissioner Gorham asked if the City of Baxter has made any inquiries to the rezoning. City Planner Ostgarden stated the Community Development Director in Baxter had phoned him, but he was unable to reach him back prior to the meeting tonight.

The Chair opened the public hearing at 6:13 p.m.

The Chair recognized Mr. Shannon Tibbetts, the applicant for the rezoning explained the desire to construct a self-storage business. The need for self-storage facilities is high in our area, and this property would be an ideal location.

The Chair closed the public hearing at 6:16 p.m.

MOTION AND SECONDED BY COMMISSIONERS LAMBERT AND ANTOLAK, DULY CARRIED, TO RECOMMEND APPROVAL TO REZONE PROPERTY AT 15770 DELLWOOD DRIVE FROM A B-1 (RESIDENTIAL OFFICE) DISTRICT TO AN I-1 (LIGHT INDUSTRY) DISTRICT BASED ON THE FINDINGS OF FACT AND ADDING THE SIZE OF THE BUILDING WOULD NOT EXCEED 20,000 SQUARE FEET.

1. The site is proposed for self-storage units at the property, which is not permitted in B-1 Districts.
2. The property is 2.5 acres and vacant. In a 40-acre area to the north and east, there are two single family dwellings along Dellwood Drive and one dwelling located off Wise Road.
3. The property was rezoned to a B-1 (Residential Office) District in 2015. Development did not occur after the rezoning.
4. The property does not have city sewer or water and the nearest sewer and water is on Beaver Dam Road, which is almost 1 mile to the east. The proposed use will have no need for sewer and water.
5. The Institute of Traffic Engineers estimate that between .17 and .23 vehicle trips per day for each 1,000 sq. ft. of storage space can be expected. A 32,000 sq. ft. facility can be expected to have less than 6 trips per day on average. A typical single-family dwelling would generate 9-10 trips per day.

Dellwood Drive was improved in 2016 and at minimum can be considered a collector street. Its capacity will not be affected by a self-storage facility.

6. The following Comprehensive Plan Goals and Strategies support the rezoning:

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

Strategies

1. Locate and design industrial and commercial developments to provide good access and road service, while avoiding the routing of traffic through residential neighborhoods.
2. Require new commercial and industrial developments to have access to adequately sized and designed public roads.
7. There will be no negative impact upon existing public services and facilities including parks, schools, streets, and utilities, and its potential to overburden the City's service capacity.

8. The structure will not exceed 20,000 square feet in size.

B. Review Draft Changes to Zoning Ordinance Section 57-2 R-3 High Density Residential District Permitted Uses – To Permit Single-Family Dwellings

City Planner Ostgarden indicated that many different things need to be considered when making amendments to a zoning ordinance. With the absence of several commissioners, it is suggested that this topic be addressed at a later date.

MOTION AND SECONDED BY COMMISSIONERS GORHAM AND ANTOLAK, DULY CARRIED, TO POSTPONE THE TOPIC TO A FUTURE PLANNING COMMISSION MEETING.

#5 Presentations

A. Intern Program Activities – Planning Department Intern Jared Booms

City Planner Ostgarden welcomed Jared Booms to talk about his experience as the Planning Department Intern this summer.

Mr. Booms indicated he is studying Natural Resources Planning at Stevens Point Wisconsin. He is very grateful for the opportunity to be an intern for the City of Brainerd to learn first hand the aspects of city planning. Mr. Boom has been involved in many projects in the City and explained his involvement in the following activities:

- Farmers Market
- LUCA 2020 Census Update
- Climate Change Adaption Plan
- Event Planning
- Communications with other cities on ordinance topics
- Created a downtown map of businesses
- Steering Committee meetings for the Comprehensive Plan
- Toured the hydro dam, wastewater treatment plant and a ride-along with the Police Department

Commissioner Gorham thanked Mr. Booms for all his hard work and dedication to the downtown projects.

The Commission thanked Mr. Booms for the presentation.

#6 Public Forum

The Chair opened the public forum at 6:46 p.m.

No one came forward.

The Chair closed the public forum at 6:46 p.m.

#7 Old Business

None

#8 Commissioners' Questions/Comments

None

#9 City Planner's Report

None

#10 Adjourn

The Chair adjourned at 6:47 p.m.

Respectfully submitted,

City Planner Mark Ostgarden AICP