

CITY COUNCIL AGENDA

Brainerd, Minnesota

October 15, 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 October 1, 2018

Documents:

20181001_CC draft.pdf

B. **Approval Of Licenses**

1. Contractor Licenses - 7 - New; 3 - Renewals

Documents:

2018-10-15 License RPT.pdf

C. **Department Activity Reports**

1. Police Chief

2. Finance Director

Documents:

Police Chief Report.pdf

- D. Minnesota Lawful Gambling Application For Exempt Permit - Submitted By Central Lakes College Foundation, 501 W College Dr., Brainerd For An Event To Be Held On December 21, 2018
- E. Resolution Adopting Policies And Plans For Small Communities Development Program (SCDP) Grant No. CDAP -17-0019-O-FY18

Documents:

Res for NE Brainerd Grant.pdf

6. Presentations

A. Bridges Of Hope - Self Healing Communities

- 1. Bridges Of Hope Handout

Documents:

Self Healing Communities.pdf

B. Comprehensive Plan Committee Presentation

Documents:

Comprehensive Plan Update - Community Engagement Summary.pdf

7. Council Committee Reports

A. Personnel And Finance Committee

Documents:

20181015_PF.pdf

- 1. Approval Of Bills & Payments To Contractors

<u>Contractor</u>	<u>IMP#</u>	<u>Project</u>	<u>Amount Paid</u>	<u>Amount Retained</u>
Anderson Brothers	18-04	2018 Street Patching	\$15,193	\$0

2. Police Request For Out-Of-State Travel & Training

Documents:

Staff Out of State Travel and Training.pdf

3. City Attorney Contract Renewal

Documents:

City Attorney.pdf

4. Set Date For Budget Workshop

Documents:

Budget Workshop.pdf

5. (Added Item) Ratification Of Hiring Ms. Pamela Ziemer For AP/Administrative Specialist

Documents:

PF.pdf

B. Safety And Public Works Committee

Documents:

20181015_SPW.pdf

1. Fare Increase For Brainerd Transit Service

Documents:

Brainerd Transit Fare Increase.pdf

2. Transit Policy Update Regarding Sale Of Tickets By Bus Drivers

Documents:

Transit Policy Amendment - Ride Tickets.pdf

3. Event/Street Closure Application - Turkey Run

Documents:

Event Application - Turkey Run.pdf

4. Highway Safety Improvement Program (HSIP) - Authorization To Apply For Funding For NW 4th Street Improvement

Documents:

HSIP -Authorization to Apply for NW 4th Street Funding.pdf

5. Transportation Alternatives - Authorization To Submit Letter Of Intent To Apply For Funds For 28th Street And Downtown Trail Connections

Documents:

Transportation Alternatives - Request to Submit Letter of Intent.pdf

6. Downtown Motel Demolition Quotes

Documents:

Downtown Motel Demolition Quote.pdf

7. Section 425 - Rental Housing Maintenance Code And Conduct On Premises Ordinance Discussion

Documents:

Brainerd City Code Section 425 - Rental Housing Maintenance Discussion.pdf

8. Unfinished Business

A. Committee Resignations - Accept With Regret

Documents:

Resignation of TAC Member Ellstrom.pdf

B. Call For Applicants - Informational

**(Application Information at the City's Website
(<http://www.ci.brainerd.mn.us>)**

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

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

Cable TV Advisory Committee - 2 terms (Expire 2021)
Charter Commission - 1 term (Expire 2021) - 3 terms (Expire 2022)
Housing & Redevelopment Authority - 1 term (Expire 2023)
Library Board - 1 term (Expire 2021)
Park Board 1 term (Expire 2023)
Public Utilities Commission - 1 term (Expire 2023)
Transportation Advisory Committee - 1 term (Expire 2019) - 3 terms
(Expire 2021)
Rental Dwelling Board of Appeals 5 terms (see below) - (Expire 2020)

1. *Residential Property Manager Representative (2)*
2. *Residential Rental Housing Advocate Representative (1)*
3. *Tenant Representative (1)*
4. *General Public Representative (1)*

Council President Recommended: (all terms expire 12/31/ of said year)

Airport Commission - 1 term (Expire 2021)
Planning Commission - 3 terms (Expire 2021)
Police & Fire Civil Service Commission - 1 term (Expire 2021)

9. **New Business**

A. **Public Hearing - Imp 17-13 Assessments - Adopt Resolution Ordering The Special Assessments**

Documents:

PH - Adopt Assessments Imp 17-13.pdf

B. **Public Hearing - Downtown Special Services, Downtown Snow Removal, And 2018 Nuisance Assessments - Adopt Resolution Ordering The Special Assessments**

Documents:

PH and Res - Downtown Special Services, Snow Removal, Nuisances.pdf

C. **Res - Vacating A Portion Of NW 3rd Street And William Street In West Brainerd**

Documents:

Res - Petition to Vacate a Portion of NW 3rd Street and William Street.pdf

10. **Public Forum**

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

11. **Staff Reports**

(Verbal: Any Updates since Packet)

12. **Council Member Reports**

13. **Public Notices**

- Public Meeting for Buffalo Hills Lane Project at the Church of Jesus Christ of Latter Day Saints on October 16, 2018 from 6 p.m. - 7 p.m.
- MnDOT Ribbon Cutting at the corner of Laurel and South 6th Street on October 31, 2018 at 11:30 a.m.

14. **Motion To Closed Session Pursuant To M.S. 13D.03 To Discuss Labor Negotiation Strategy**
15. **Closed Session Pursuant To MN Statutes 13D.05, Subd. 3(B) For Attorney-Client Privilege To Discuss The IAFF V. City Of Brainerd Lawsuit**
16. **Recess To Facility Discussion Workshop - Wednesday, October 24, 2018 At 6:00 P.m.**

Note: Safety and Public Works Committee will meet at 6:00 P.M.
Personnel and Finance Committee will meet at 7:15 P.M.

ANY INDIVIDUAL NEEDING SPECIAL ACCOMMODATIONS,
PLEASE CALL 828-2307
Visit the [City's Website](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
October 1, 2018**

6:00 p.m. Joint Informational Session – Brainerd Economic Development Authority (EDA) and the Brainerd Housing & Redevelopment Authority (HRA) to learn about TIF and Tax Abatement presented by Stacie Kvilvang, Ehlers Company.

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

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

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

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT, 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 Regular Meeting held on September 17, 2018 - Approved

B. Approval of Licenses - Approved

Contractor Licenses – 3 – New; 6 – Renewals

C. Department Activity Reports - Approved

1. Fire Chief
2. Parks Director

D. Minnesota Lawful Gambling Application to Conduct Excluded Bingo – Submitted by Lakes Area Bowling Association, 1301 11th Ave NE, Brainerd. Bingo Events to be Held November 12-16, 2018 at Jack's House, 300 Hwy 25 S, Brainerd – Approved

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

Council Committee Reports

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

Accounts Payable/Administrative Specialist Position Hiring - Approved

MOVED AND SECONDED BY ALDERMEN JOHNSON AND STUNEK, DULY CARRIED, TO AUTHORIZE HIRING A CANDIDATE FOR THE ACCOUNTS PAYABLE/ADMINISTRATIVE SPECIALIST POSITION WITH THE FINAL INFORMATION BEING PROVIDED AT THE OCTOBER 15, 2018 MEETING CONTINGENT UPON PREEMPLOYMENT TESTING.

Request to Authorize Posting of Additional Building Inspector Position - Approved

MOVED AND SECONDED BY ALDERMEN JOHNSON AND STUNEK, DULY CARRIED, TO APPROVE AND POST THE ADDITIONAL BUILDING INSPECTOR POSITION INTERNALLY PER THE EMPLOYEE POLICY MANUAL WITH THE POTENTIAL HIRING DATE OF MID-DECEMBER 2018, PRIOR TO THE ADOPTION OF THE 2019 BUDGET.

Northtown Addition Land Donation - Approved

MOVED AND SECONDED BY ALDERMEN JOHNSON AND STUNEK, DULY CARRIED, TO ACCEPT THE LAND DONATION WITH THE INTENT TO PROVIDE FUNDING FOR A PLAYGROUND OF \$30,000 TO BE CONSTRUCTED IN 2019.

Committee Chair Johnson indicated the developer in Northtown donated two (2) ¼ acre lots around an out lot to develop into a small city park. The Chair recognized Mr. David Mernin, Thomas Allen Homes on behalf Tom Dehn. Mr. Mernin stated the land being donated is primarily sand which is dry all summer and is limited to water runoff from the curbing and sewer system.

City Attorney Langel stated there will need to be a formal resolution adopted and a deed drafted for the acceptance of the land.

Request for Proposal Discussion for 2019 Audit Services - Approved

MOVED AND SECONDED BY ALDERMEN JOHNSON AND STUNEK, DULY CARRIED, TO COMPLETE AN RFP (REQUEST FOR PROPOSALS) FOR AUDIT SERVICES IN THE SUMMER OF 2019 FOR 2019 AUDIT SERVICES.

Safety and Public Works Committee Report

Event/Street Closure Application – Brainerd Homecoming 5K, 10K and Parade – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND BADEAUX, DULY CARRIED, TO APPROVE THE EVENT/STREET CLOSURE FOR THE BRAINERD HOMECOMING 5K, 10K AND PARADE ON OCTOBER 6, 2018 WITH THE CONDITIONS THE APPLICANT WORK WITH ENGINEERING STAFF FOR TRAFFIC CONTROL NEEDS AND THE POLICE DEPARTMENT STAFF FOR NEEDS RELATING TO ENFORCEMENT FOR THE RACE AND PARADE.

Event/Street Closure Application – Rising to Recovery Walk - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT, DULY CARRIED, TO ACCEPT STAFF'S RECOMMENDATION AND APPROVE THE EVENT/STREET CLOSURE FOR THE RISING TO RECOVERY WALK ON OCTOBER 21, 2018 WITH THE CONDITIONS THE APPLICANT RECEIVE APPROVAL FROM THE PARKS DEPARTMENT AND COORDINATE THE NEED FOR POLICE PRESENCE AT BUSY STREET CROSSINGS WITH THE POLICE DEPARTMENT.

Event/Street Closure Application – Saint Francis School Marathon - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND BADEAUX, DULY CARRIED, TO ACCEPT STAFF'S RECOMMENDATION AND APPROVE THE EVENT/STREET CLOSURE FOR THE SAINT FRANCIS SCHOOL MARATHON ON OCTOBER 17, 2018 UNDER THE CONDITION THE APPLICANT WORK WITH THE ENGINEERING STAFF FOR TRAFFIC CONTROL NEEDS.

Event/Street Closure Application – Zion Lutheran Church Trunk-or-Treat - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT, DULY CARRIED, TO ACCEPT STAFF'S RECOMMENDATION AND APPROVE THE EVENT/STREET CLOSURE FOR THE ZION LUTHERAN CHURCH TRUNK-OR-TREAT EVENT ON OCTOBER 31, 2018 UNDER THE CONDITION THE APPLICANT WORK WITH THE ENGINEERING STAFF FOR TRAFFIC CONTROL NEEDS.

Section 425 – Rental Housing Maintenance Code and Conduct on Premises Ordinance Discussion - Informational

Committee Chair Bevans stated there is no motion at this point. There were suggestions from staff where improvements could be made, along with some public discussion. There was discussion of trying to reward the landlords that do a good job, and work with the ones that need improvement. The ordinance will be on the agenda at the October 10, 2018 Rental Property Owners meeting.

Unfinished Business

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

Mayor Recommended: (all terms expire on 12/31 of said year)
Charter Commission – 1 term (Expire 2021)
Library Board – 1 term (Expire 2021)
TAC Board – 1 term (Expire 2019)

First Reading of Proposed Ordinance No. 1483 – An Ordinance to Amend Section 1200 Intoxicating Liquor - Approved

Member Johnson stated the changes from the last meeting were completed as requested.

Member Hilgart stated it does not seem as if Council addressed the status of defining as a bar or restaurant in the ordinance.

City Attorney Langel indicated this could be regulated through the licensing fees.

MOVED AND SECONDED BY ALDERMEN JOHNSON AND LAMBERT, DULY CARRIED, TO HOLD THE FIRST READING OF PROPOSED ORDINANCE NO. 1483 TO AMEND SECTION 1200 INTOXICATING LIQUOR.

New Business

PH and Res – Petition to Vacate a Portion of William Street and NW 3rd Street – West Brainerd – Held Over

The Chair opened the Public Hearing at 7:51 p.m.

The Chair recognized Mr. Jeff Czezok, 511 D Street who spoke against the vacation. Mr. Czezok stated he provided additional information regarding the school district's business to the City Administrator, which was passed on to Council. He requested this information be made as part of the packet on the City website. He stated the school board went into closed session on February 12, 2018 but did not indicate the parcel that was to be discussed. Mr. Czezok played part of an audio tape, stating the school board did this to hide information.

The Chair closed the Public Hearing at 8:01 p.m.

Council member Badeaux stated he would like to hear a comment from the school district.

City Attorney Langel addressed the Council stating there is a valid petition that is pending and being reviewed per state statute as a street vacation. The action of the school board violating the open meeting law is outside the City's jurisdiction.

Council member Johnson said he understood the attorney's statement but would like a response from the school board.

MOVED AND SECONDED BY ALDERMEN BADEAUX AND JOHNSON, DULY CARRIED, TO OBTAIN INFORMATION FROM THE SCHOOL BOARD TO BE PRESENTED AT THE OCTOBER 15, 2018 MEETING ALONG WITH THE RESOLUTION.

Non-Commercial Speech Sign Discussion

City Engineer Sandy stated staff is seeking direction from Council regarding campaign signs being posted in the public right-of-way. The current ordinance gives the City the right to remove the signs that do not conform with Section 515-37 of the City Zoning Code. If the

Council deems fit, staff can continue this practice. If a different direction is desired, staff would recommend modifying the ordinance to reflect the Council's desire and intent.

Council discussion took place.

MOVED AND SECONDED BY ALDERMEN JOHNSON AND BEVANS TO DIRECT STAFF TO REVIEW THE ORDINANCE WORDING FOR PUBLIC CLARITY AND TAKE ONE DAY TO PULL ALL SIGNS NOT IN COMPLIANCE OF THE ORDINANCE FOR PICK UP AT CITY HALL.

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

Public Forum

The Chair opened the Public Forum at 8:15 p.m.

The Chair recognized Mr. Jeff Czczok, 511 D Street, Brainerd who stated he had several campaign signs posted two years ago that were on private property and not in the public right-of-way that were removed by the City. He would like staff to make sure the signs being removed this year are only the ones that do not follow the ordinance. Mr. Czczok requested if a resident submits something to be part of the packet that it is added prior to the meeting. He stated the school district is proposing a 20% levy and will bond for \$60 million. They wrote they are also going to keep the \$7 increase per property, which Mr. Czczok does not see how they could if they bond in the future.

The Chair closed the Public Forum at 8:19 p.m.

Staff Reports

City Engineer Sandy stated MnDOT is planning a ribbon cutting ceremony for the South 6th Street project either the last week of October or first week in November. This event will be hosted by the Chamber of Commerce and the date will be announced in the near future. He gave an update of the Safe Routes to School Open House which had about 20-25 people in attendance. They are making good progress with the project.

City Engineer Sandy met with the Department of Natural Resources (DNR) regarding the 2014 appropriation for the Cuyuna Lakes State Trail (CLST) in Deerwood. There is leftover funding that the City of Brainerd could use towards the construction of the trail from 5th Street to Norwood Street, and the City will need to send a letter of commitment by the end of the year.

MOVED AND SECONDED BY ALDERMEN JOHNSON AND STUNEK, DULY CARRIED, TO DIRECT STAFF TO COMMIT FUNDS AND SEND A LETTER OF COMMITMENT TO THE DNR FOR THE CLST.

City Engineer Sandy indicated a grant application will be presented to Council within the next couple meetings for the Transportation Alternative Grant Solicitation which would be for connecting the trail to downtown. Minnesota has about \$6.5 million for Transportation Alternatives Funding available. He announced that last year an application was submitted for a traffic study at NW 4th Street. This application is back on the list for consideration, as more money has been allocated by the legislature and will be brought back to Council.

Fire Chief Holmes invited everyone to the Fire Department Open House on Thursday, October 4, 2018 from 5:00 – 7:00 p.m. at the Fire Hall.

City Administrator Torstenson has prepared a written report, which was provided and will be added to the packet. The following are a few of the topics discussed:

- Classification Study – Review process for the point system and development into each classification
- Community Development Director – There have been 15 applications received and the top ten are currently under review.
- AP/Administrative Specialist - There were 41 applications received, and eight interviews were completed.
- Union Negotiations – Currently in process
- Destination Downtown Competition - There have been 73 applications received, which have been narrowed down to 11. The winner will be announced at the Chamber Annual Event in November.
- River to Rail – The Steering Committee met on September 5th; ongoing progress
- Downtown – Many events took place this summer

City Administrator Torstenson will be out of the office for three days this week attending a mixed-use real estate finance class.

Council Member Reports

Member Badeaux stated there will be a couple more applications submitted for the Citizen's Water Tower Committee, and hopes are to meet sometime this month.

Member Lambert attended the Region 5 meeting and stated the Intercultural Development Inventory committee will come and speak with the Council about assessing and coaching communities to attract a qualified workforce if Council is interested. She also attended the Transportation Advisory Committee meeting last week. The committee has one vacancy, and two applications should be coming forward. Bus fares and ticket sales were also discussed at the meeting.

Member Hilgart met with the Cuyuna Trails Association to discuss and explore the possibility of reforming the Cuyuna Trail within the Brainerd/Baxter area and Crow Wing County. The system is also multi-mobile for bikers, runners, and walkers of the trail to benefit all people using the trails.

Mayor Menk attended the Brainerd Public Utility Committee meeting. The contract for the new water tower has been contracted to a company from Indiana and should be operating by the fall of 2019. Utility workers have been actively replacing meters downtown. There have been improvements at the SuperAmerica and Holiday Stations on 6th Street and paving continues on South 6th Street.

Adjourn – To Closed Session Pursuant to MN Statutes, 13D.05, Subd. 3(D) to Discuss pending Franchise Fee Litigation with the City of Baxter (City of Baxter V. City of Brainerd, Court File No. 18-CV-17-5263 – 8:45 p.m.

The Chair reconvened into open session at 9:17 p.m.

Adjourn to Fire Department Open House Thursday October 4, 2018 – 9:17 p.m.

Cassandra Torstenson
City Administrator

CITY OF BRAINERD
LICENSED CONTRACTORS
CITY COUNCIL MEETING
OCTOBER 15, 2018
(7 New, 3 Renewals)

CONTRACTOR	TELEPHONE	TYPE	INSURANCE	BOND	STATE NO.
HIGH-MARK BUILDING PROFESSIONALS LLC 222 2ND STREET NW MENAHA, MN 56464 18-0227 (new)	(218) 255-5759	CARP	10/10/2018	12/31/2018	
PERFORMANCE HEATING & A/C, LLC 12653 COUNTY ROAD 18 SW BRAINERD, MN 56401 18-0228	(218) 829-5284	MECH	6/18/2019	6/18/2020	MB003079
ERIC'S EXCAVATING, INC. 25557 E CLARK LAKE ROAD NISSWA, MN 56468 18-0229	(218) 851-1136	EXCA	4/17/2019	12/31/2018	
JOHNSON-NELSON MASONRY INC 102 E HWY 82 ASHBY, MN 56309 18-0230 (new)	(218) 747-2071	MASO	1/1/2019	12/31/2018	
JORDAHL CONCRETE & MASONRY 33249 SPRUCE ROAD PO BOX 546 MOTLEY, MN 56466 18-0231	(218) 270-0137	MASO	4/26/2019	12/31/2018	
MAXX STEEL ERECTORS, INC. PO BOX 334 MAPLE LAKE, MN 55358 18-0232 (new)	(320) 247-0820	STEL	6/1/2019	12/31/2018	
SCHOTT CONSTRUCTION LLC 2017 WHITE PINE PT TRL SW PINE RIVER, MN 56474 18-0233 (new)	(218) 821-5991	MASO	10/26/2019	12/31/2018	
TANK & TOWER FOUNDATIONS INC. 3156 50TH STREET NE BUFFALO, MN 55313 18-0234 (new)	(763) 682-9275	MASO	3/1/2019	12/31/2018	
JONES SIGN COMPANY INC 1711 SCHEURING ROAD DEPERE, WI 54115 18-0235 (new)	(804) 325-1157	SIGN	8/1/2019	8/16/2020	SB745307
CLIMATE AIR INC. 1301 10TH STREET N SAUK RAPIDS, MN 56379 18-0236 (new)	(320) 255-0641	MECH	9/15/2019	5/17/2020	MB005003

**BRainerd POLICE DEPARTMENT
MEMORANDUM**

TO: Brainerd City Council
FROM: Police Chief Corky McQuiston
DATE: 10-10-18
RE: Monthly Report



Officer Grant Larson



Officer Grant Larson's first official day of work was on August 13th, however because of his active-duty status with the Coast Guard, he wasn't available for full-time training until September 9th.

Grant is originally from Ramsey, MN, and attended high school in Anoka. He has a Bachelor's Degree from the University of Minnesota Duluth and an Associates Degree from Fond Du Lac Tribal/Community College.

Officer Larson has received several accommodations with the Coast Guard and has experience with the MN DNR as a Wildfire Firefighter.

Officer Larson comes highly recommend and we are looking forward to him completing training and being a member of our department.

September Police Department Training

Several sworn staff and all records staff attended one of two days on September 18th or 19th, for basic introduction to the National Incident-Based Reporting System(NIBRS). As you may recall, we were the recipient of a \$50,000 grant administered by the BCA for our Records Management Software System LETG to develop a NIBRS component to meet the FBI mandate of January 2021.

This training was free, with staff from the BCA's Training & Auditing Division conducting it in the computer lab at the Crow Wing County Land Services Building. This was a great opportunity for us to review the differences from our current Summary Based Reporting to the FBI, to NIBRS. As we approach the testing phase of our vendor's NIBRS component, this gave us a hands-on opportunity using the computers to review and appropriate code incidents.

Officer will have new responsibilities to capture different information regarding crime victims, suspects and incident data. This equates to more meaningful statistics captured by the FBI to help us understand our crime to be more data driven in our efforts, managing our resources, and more accurate information when applying for grants.



On September 26th, Sergeant John Davis attended training hosted by Sourcewell in Staples, conducted by the Minnesota Chiefs of Police Association(MCPA) covering Minnesota's New Police Training Mandates. This training was funded by Sourcewell; free to Region 5 members and Sergeant Davis received six POST Credits for attending.

Local and national law enforcement agencies have been under intense scrutiny the past several years to adapt to changing community expectations and calls for a better, more broadly trained police force. In response, the MCPA partnered with other state-wide law enforcement organizations in 2016 to develop a historic legislative proposal that helps agencies, large and small, urban and rural meet these new 21st Century policing challenges.



The MCPA and its partners worked with the 2017 Legislature to pass a bill that tripled the state's reimbursement for training to law enforcement agencies and requires every peace officer in Minnesota to be trained on ***crisis intervention*** and ***mental illness crises; conflict management and mediation***; and ***recognizing and valuing diversity and cultural differences***.

Starting with officers on three-year license renewal cycles in 2018, officers must receive 16 of their 48 required CEs over the licensure cycle in these three areas. Police officers must have at least one CE in each of these categories to renew their license. This training gave an overview on how to meet these new mandates.



Deputy Chief Mike Bestul, Police Administrative Supervisor Julie McCullough and Lead Records Management Technician Sandy Anderson all attended both days of the two-day 2018 BCA Criminal Justice Information Conference in St. Cloud. This annual conference is the single largest conference hosted bi-annually by the BCA.

In addition to the main conference presentations, there are break-out sessions that are job assignment specific and cover a wide range of topics including:

- | | |
|---|--|
| <ul style="list-style-type: none"> •BCA MNJIS Roadmap* •Biometric Identification Services Tying It Together •Changes to FBI CJIS Security Policy •Bodycam Dashcam •Crime Reporting Quality Control •Criminal History Background Checks •Criminal History Suspense •Criminal History System •Data Practices 1 User Conference 2018 •Data Practices 2 User Conference 2018 •Making the Most of eCharging Search Warrants, DWI Dashboard •Expungements - Lessons Learned After 3 Years | <ul style="list-style-type: none"> •Gun Permit Background Checks •Investigative Tools and Resources •Key Issues in Gun Disqualifiers •Local Agency Security Audits •Missing Person Cases - What Are You Missing •National Data Exchange •NICS Indices-Identifying the Missing Pieces •Predatory Offender Registry •TAC in 90 •Top 10 Things You May Not Know About Nlets •Will Your NIBRS Transition be Done by 2021* |
|---|--|



On September 10th, Officer Ron Myers attended training at Alexandria Technical College and received instructor certification for Chemical Agents to instruct our officers annually for Chemical Agent use. The course covered the history and make up of the different substances used, most commonly referred to as OC (Oleoresin Capsicum-pepper spray). The instructor certification covers overall use of force as it relates to OC spry, proper deployment, and related documentation.

September Police Activity

On September 16th, at about 11:50 pm, officers were dispatched to a report of an assault that happened in the area of the 2500 block of Hillcrest Drive in South Brainerd. A 55-year-old Brainerd man was reporting that he had been assaulted by a man armed with a baseball bat. The victim told officers that he was accessing a storage unit in the area to retrieve a bicycle. The victim showed officers injuries to his hand, wrist and back from the assault and told officers that he was able to run off after being struck, but upon returning realized his bicycle was stolen and valued it at about \$800.

Through the course of the investigation, officers executed a Search Warrant at a residence north of Baxter on Barbeau Road. Officers recovered the stolen bicycle and arrested 51-year-old Lance Lee Rubink. Rubink faces charges of Aggravated Robbery, along with 1st and 2nd Degree Assault.

Body Worn Camera Data Report



Month	Number of Videos	Hours of Videos	GB of Videos	Average MB per Video	Average Time Length of Videos	Average Number of Videos Per Day
August	1649	335 Hours	653 GB	396 MB	12.33 Minutes	53
September	1788	339 Hours	656 GB	367 MB	11.40 Minutes	60

Conduct on Premises Activity Report for September

ICR	Date Reported	Title	House #	Summary Contains
18012444	09/05/18	Conduct on Premises	812 Juniper Street	Subsequent COP violation. Written Management Plan Requested.
18012483	09/06/18	Conduct on Premises	323 North 9 th Street	Conduct on Premises
18012501	09/06/18	Conduct on Premises	1002 South 8 th Street	Conduct on Premises
18013178	09/19/18	Conduct on Premises	824 ½ North 8 th Street	Subsequent COP violation. Written Management Plan Requested.
18013183	09/19/18	Conduct on Premises	919 12 th Avenue NE	Conduct on Premises
18013598	09/26/18	Conduct on Premises	301 South 7 th Street	Conduct on Premises

Monthly Police Activity

September	2018	2017
Calls	1510	1619
Citations (Inc. Parking)	232	231
Part I and Part II Crimes Reported	248 **	335

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

78 parking tickets were issued in the month of September with the following dispositions:

2	Dismissed
1	Business Validations
31	Paid in Full
1	Partial Payments Received
43	No Payment Received

Revenue Recapture Receipts:

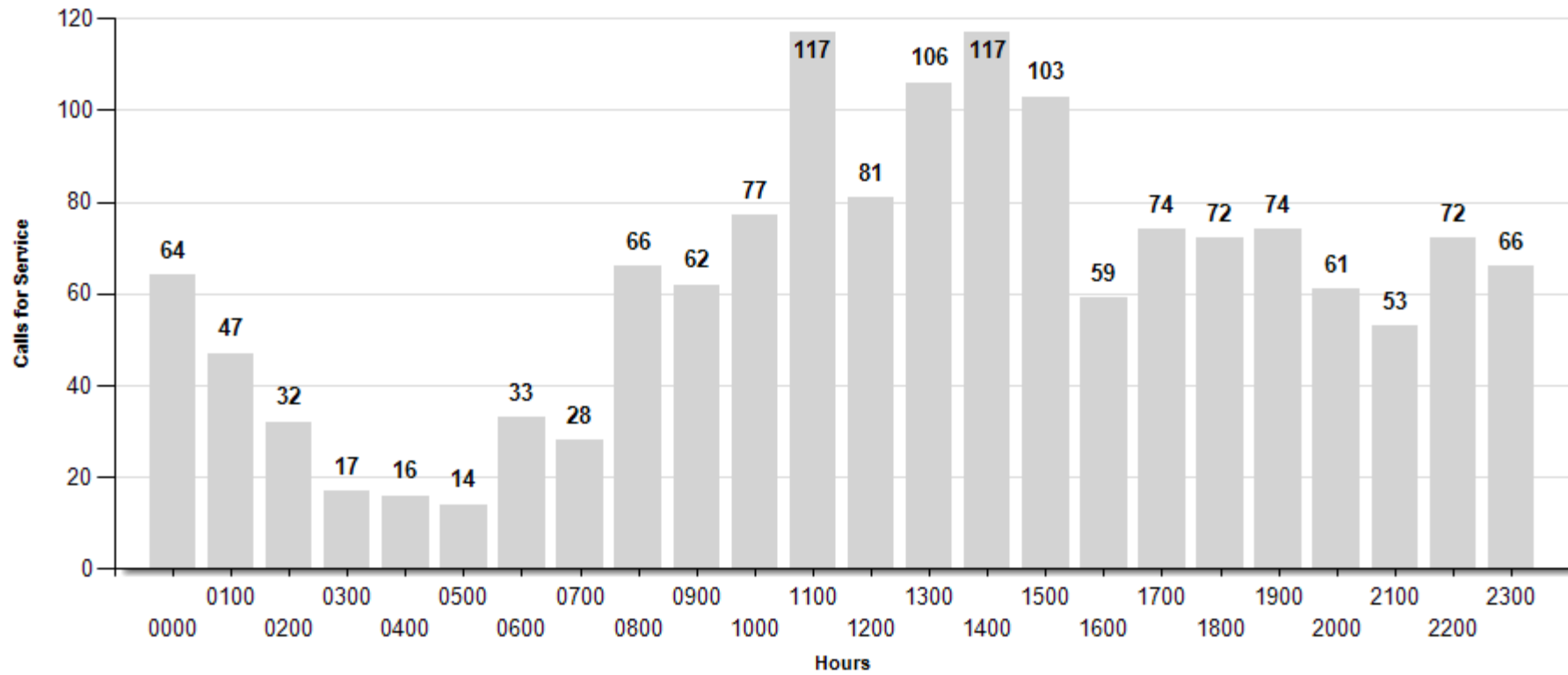
To Date: \$ 40,175.69
In 2018: \$ 6,387.00



Calls for Service Hourly

9/1/2018 to 9/30/2018

Total Calls: 1563





Brainerd City Council Agenda Request

Requested Meeting Date: October 15, 2018

Title of Item: Resolution Adoption Policies and Plans for SDCP Grant

☐ INFORMATION ONLY ☒ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☒ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Connie Hillman	Department: Finance
Presenter (Name & Title):	Estimated Time Needed:
Summary of Issue: Attached is a resolution adopting: * The Use of Force Policy as currently in the Brainerd Police Department Policy Manual * The Drug - Free Workplace/Alcohol Abuse Policies as currently in the Employee Policy Manual. * A Residential Anti-Displacement Plan * A Section 3 Plan * Program Income Reuse Policy	
Alternatives, Options, Effects on Others/Comments: The above plans and policies are needed for the SCDP Northeast Brainerd grant. Rather than adopting each policy separately, or a new policy in the case of the Use of Force and Drug-Free Workplace policies, we are proposing the attached resolution for the grant.	
Recommended Action/Motion: Adopt the attached resolution adopting the policies and plans needed for the NE Brainerd grant.	
Financial Impact: <i>Is there a cost associated with this request:</i> ☐ Yes ☒ No <i>What is the total cost, with tax and shipping</i> \$ _____ <i>Is this budgeted?</i> ☐ Yes ☐ No <i>Please Explain:</i>	

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

SCDP POLICIES FOR GRANT AGREEMENT NO. CDAP – 17–0019–O–FY18

WHEREAS, the City of Brainerd has applied for funding to assist in the renovation of its Northeast area and commercial property in downtown; and

WHEREAS, application was made to the State of Minnesota, Department of Employment and Economic Development, Business & Community Development Division; and

WHEREAS, after due process, a grant was awarded in the sum of \$638,338, which are federal funds appropriated to the State of Minnesota under the Small Cities Development Grant Program (SCDP); and

WHEREAS, as part of the grant agreement, certain conditions are placed on said grant which are required to be met by the City.

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

1. That the City of Brainerd has adopted a “Use of Force” policy which will remain in effect throughout the term of this grant. Said policy is contained in the Brainerd Police Department Manual in Section 201 and an excerpt is attached.
2. That a drug free workplace policy has been adopted and will continue in force throughout the term of the grant and is included as Section 20 in the Employee Policy Manual and an excerpt is attached. The City will provide a drug free workplace through notification as well as a drug free workplace awareness program pursuant to policy.
3. That grant documentation shall include a displacement minimization plan attached to this resolution in conformance with regulations at 570.606 (b) of Section 104 (d) of the Housing & Community Development Act of 1974, as amended.
4. The City of Brainerd and HRA has the attached Section 3 Plan to comply with HUD’s requirement to ensure that when employment or contracting opportunities are available on HUD funded projects, preference is given to low and very low-income persons or businesses for the NE Grant.
5. The City of Brainerd adopts the attached SCDP Program Income Reuse Policy as

attached for grant agreement No. CDAP-17-0019-O-FY18.

6. That the City will comply with any and all other special conditions which are included in the grant agreement No. CDAP-17-0019-O-FY18.

Adopted this ____ day of _____, 2018

DAVID J. PRITSCHET
President of the Council

Approved this ____ day of _____, 2018

EDWIN L. MENK
Mayor

ATTEST: _____
CASSANDRA TORSTENSON
City Administrator

**BRAINERD POLICE DEPARTMENT
POLICY MANUAL**

POLICY TYPE:	Operations	POLICY NUMBER:	201
POLICY TITLE:	Use of Force	ISSUED DATE:	02/15/02
		REVISED DATE:	10/05/15
AUTHORIZED BY:	Chief Corky McQuiston	PAGE 1 OF 5	

I. POLICY

It is the policy of the Brainerd Police Department to provide officers with guidelines for the use of force and deadly force in accordance with:

- MN Statute 626.8452 – Deadly Force and firearms use; policies and instruction required;
- MN Statute 609.06 – Authorized Use of Force;
- MN Statute 609.065 – Justifiable Taking of Life; and,
- MN Statute 609.066 – Authorized Use of Force by Peace Officers.

This policy applies to all peace officers and part-time peace officers engaged in the discharge of official duties.

II. DEFINITIONS

- A. **Bodily Harm:** means physical pain or injury.
- B. **Great Bodily Harm:** bodily injury which creates a high probability of death, or which causes serious, permanent disfigurement, or which causes a permanent or protracted loss or impairment of the function of any bodily member or organ or other serious bodily harm.
- C. **Deadly Force:** force used by an officer that the officer knows, or reasonably should know, creates a substantial risk of causing death or great bodily harm. The intentional discharge of a firearm in the direction of another person, or at a vehicle in which another person is believed to be, constitutes deadly force.
- D. **Other Than Deadly Force:** force used by an officer that does not have the purpose of causing, nor create a substantial risk of causing, death or great bodily harm.
- E. **Authorized Device:** a device an officer has received permission from the agency to carry and use in the discharge of that officer's duties, and for which the officer has:
 1. obtained training in the technical, mechanical and physical aspects of the device; and
 2. developed a knowledge and understanding of the law, rules and regulations regarding the use of such a device.
- F. **Impact Weapons:** Objects and instruments which are used, or are designed to be used, to apply force to the person of another by coming into physical contact with that person.
- G. **Chemical Agents:** Chemical irritants, including OC/Oleoresin Capsicum, or other approved agents.

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III. PROCEDURE

A. Force Considerations

In determining what force is reasonable under the circumstances, an officer should consider:

1. the severity of the crime at issue;
2. whether the suspect poses an immediate threat to the safety of the officer or others;
3. whether the suspect is actively resisting arrest or attempting to evade arrest by flight; and
4. other relevant information the officer reasonably believes to be true at the time.

B. Use of Deadly Force

It is the policy of this agency to accord officers discretion in the use of force to the extent permitted by Minnesota Statute. An officer is authorized to use deadly force only when the officer perceives it is necessary given the circumstances known to the officer at the time in order to:

1. protect the officer or another from apparent death or great bodily harm;
2. effect the arrest or capture, or prevent the escape, of a person whom the officer knows or has reasonable grounds to believe has committed or attempted to commit a felony
 - a. involving the use or threatened use of deadly force; or
 - b. if the officer believes that the person will cause death or great bodily harm if the person's apprehension is delayed.

If feasible, an officer should give a verbal warning before using or attempting to use deadly force.

C. Use of Other Than Deadly Force

It is the policy of this agency to accord officers discretion in the use of other than deadly force to the extent permitted by Minnesota Statute. An officer is authorized to use reasonable force when the officer perceives it is necessary given the circumstances known to the officer at the time in:

1. effecting a lawful arrest; or
2. the execution of legal process; or
3. enforcing an order of the court; or
4. executing any other duty imposed upon the public officer by law; or
5. defense of self or another.

D. General Rules Governing Use of Force

1. Before carrying a firearm all officers shall receive training and instruction with regard to the proper use of deadly force and to the agency's policies and State statutes with regard to such force. Such training and instruction shall continue on an annual basis.
2. Before carrying an authorized device all officers shall receive training and instruction in the use of the device including training as it relates to its use in deadly force and/or other than deadly force situations. Such training and instruction shall continue on an annual basis.

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III. PROCEDURE (cont.)

3. Officers will carry and use only authorized devices unless circumstances exist which pose an immediate threat to the safety of the officer or the public requiring the use of a device or object that has not been authorized to counter such a threat.
4. Without agency approval officers will not modify alter or cause to be altered an authorized device in his or her possession or control.
5. Protracted force encounters jeopardize the safety of the public, law enforcement personnel and the person being arrested or captured. Accordingly, an officer should use discretion to determine reasonable force options to bring a subject under control. This policy should not be construed to require officers to first attempt using types and degrees of force that reasonably appear to be inadequate to accomplish the intended objective.
6. Displays of Firearms – Firearms may be readied for use in situations where it is reasonably anticipated that they may be required.
7. Threatening the Use of Force – An officer may announce to another his or her intention to use only that type and degree of force, which may reasonably be necessary under the circumstances. This provision should not be construed to authorize or endorse the use of discourteous, abusive, or unprofessional language.
8. Officers may carry edged blades for the purpose of using it as a utility tool. While being worn, the blade shall be sheathed or folded securely within its handle

E. Specific Rules Relating to the Use of Specific Devices

1. **Impact Weapons**
 - a. Impact weapons should be used only where efforts involving the use of less force have failed, or where it reasonably appears that such methods would be ineffective if attempted.
 - b. Officers striking another person with an impact weapon should avoid striking, if possible, bodily areas likely to result in serious injury or death unless deadly force is authorized under this section. These areas include the head, neck, throat, groin, armpits, spine, and joints.
 - c. Officers striking another person with an impact weapon should attempt to strike, if possible, bodily areas likely to result only in incapacity. These areas include center mass target areas, including the arms, legs, and body.

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III. PROCEDURE (cont.)

2. Chemical Agents

- a. The use of chemical agents will be governed by the provisions governing non-deadly force. Only chemical agents that are approved devices, as previously defined, will be used.
- b. Officers will exercise due care to ensure that only intended persons are sprayed or otherwise subject to the application of chemical agents.
- c. Chemical agents will not be applied to any person for the purpose of effecting punishment.
- d. An attempt will be made to relieve the discomfort of any subject sprayed with chemical agents once they are under control. First aid or medical attention will be provided when needed.

3. Use of Electronic Control Devices

- a. The use of electronic control devices will be subject to the provisions governing non-deadly force.
- b. Only electronic devices that are approved devices, as previously defined, will be used. Refer to Brainerd Police Department policy 201 A.

4. Specialty Impact Munitions – Specialty Impact Munitions may be deployed whenever a situation arises where the use of other force techniques exposes the officer, the subject, or the public to unnecessary danger, or when it appears that the other force techniques may have been ineffective or excessive. Refer to Brainerd Police Department Policy 203.

F. Reporting Requirements

1. An officer using deadly or non-deadly force will, in all instances, document their use of force in their police report in addition to all other reports concerning the incident. The chief law enforcement officer or a supervisory officer may suspend the application of this provision where an otherwise complete investigation of the incident will be undertaken.
2. The chief law enforcement officer or a supervisory officer will review all incidents involving the use of force, and may review the incident with all officers involved and make additional inquiries, if necessary, to determine whether the use of force was in compliance with this policy and other policies that might be relevant to the incident.
3. The chief law enforcement officer will designate an officer to review all use of force incidents in which the chief law enforcement officer is personally involved, and all use of reports generated as a result. The officer so designated will review each incident in the manner described in the previous section. The designated officer will submit the use of force report, with his or her endorsement, to the city or county Attorney for review.

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III. PROCEDURE (cont.)

4. If the results of review and investigation of a forceful encounter indicate a violation of this policy or other policies that might be relevant to the incident, then a copy of the report and any investigatory data shall be forwarded to the city or county attorney for review, direction on further handling, and directions on dissemination of the report and investigatory data.

SECTION 20. DRUG-FREE WORKPLACE/ALCOHOL ABUSE POLICIES

Subdivision 1. Drug-Free Workplace/Alcohol Abuse

It is the policy of the City to provide a drug-free environment. The City's goal is to establish and maintain a healthy and efficient workforce free from the effects of drug and alcohol abuse in compliance with the requirements of the federal Drug-Free Workplace Act of 1988 and applicable state law.

As a condition of employment in any federal grant, each employee who is engaged either directly or indirectly in performance of a federal grant shall abide by the terms of this policy and shall notify his or her supervisor in writing of his or her conviction of any criminal drug statute for a violation occurring in any of the places listed above on which work on a City federal grant is performed, no later than five (5) calendar days after such conviction.

The City recognizes drug and alcohol abuse as potential health, safety and security problems. Employees needing help in dealing with drug and alcohol problems are encouraged to make use of the medical resources available through their health insurance plans.

Employees are required to report to work on time and in appropriate mental and physical condition for work. No employee shall be under the influence of any drug or alcohol while the employee is working or while the employee is on the employer's premises or operating the employer's vehicle, machinery or equipment, except to the extent authorized by a valid medical prescription.

Unless specifically authorized as part of the employee's work duties, no employee shall use, possess, manufacture, distribute, dispense, sell, or transfer drugs, alcohol, or drug paraphernalia while the employee is working or while the employee is on the employer's premises or operating the employer's vehicle, machinery or equipment, except to the extent authorized by a valid medical prescription. Off duty employees may use or possess alcohol when said use and possession is not prohibited to members of the general public.

Violations of this policy will result in disciplinary action, up to and including termination, and may have legal consequences.

Sanctions against employees, including nonrenewal, suspension and termination, shall be pursuant to and in accordance with applicable statutory authority, collective bargaining agreements and City policies.

Subdivision 2. Drug & Alcohol Testing

The City has adopted a Drug and Alcohol Policy, separate from the Employee Policy Manual covering employees required to hold a commercial driver's license (CDL) to perform their job duties. All covered employees are required to sign a document that states that they have received a copy of this policy. Each covered employee is asked to review the document and abide by its provisions. Copies can be obtained from the City Administrator's office.

Subdivision 3. Drug-Free Awareness Program

To assist employees in understanding the perils of drug and alcohol abuse, the City has established a Drug-Free Awareness Program. This drug and alcohol policy constitutes the City's drug-free awareness program and fulfills the notification requirements of the federal Drug-Free Workplace Act of 1988. The City will use this program as an ongoing educational effort to prevent and eliminate drug and alcohol abuse that may affect the workplace. The program will inform employees of the dangers of drug and alcohol abuse, explain the City's Drug and Alcohol Policy and the sanctions imposed for its violation, and highlight any treatment, counseling, and rehabilitation referral services that may be available to employees in the City. Nothing set forth in this policy is intended to conflict with state law.

As a condition of employment, each and every employee of the City must abide by the terms of this policy and must report in writing any instance of the employee's own conviction under a criminal drug statute for a violation occurring on or off work premises while conducting City business.

Any such conviction must be reported to the employee's supervisor or to a person designated by the City Council within five (5) days after the conviction as required by the federal Drug-Free Workplace Act of 1988. The City shall notify the appropriate federal agency of such conviction within ten (10) days of receiving notice from the employee.

An employee convicted of a criminal drug offense committed in the course of employment will be subject to appropriate disciplinary action and/or required to complete successfully an appropriate rehabilitation program at the employee's own expense unless provided to the employee through insurance coverage. The City, in its sole discretion, shall determine what disciplinary action is appropriate.

Residential Anti-displacement and Relocation Assistance Plan
under Section 104(d) of the Housing and Community Development Act of 1974, as Amended

Small Cities Development Program
State of Minnesota

The City of Brainerd anticipates participating in the Minnesota Small Cities Development Program. Through this participation, Owner, Rental and Commercial rehab will occur. The consequence of the proposed activities is that the potential for displacement exists, although it is not anticipated. The purpose of the Residential Antidisplacement and Relocation Assistance Plan is to describe the steps the City of Brainerd shall take to mitigate the adverse effects of displacement on low and moderate-income persons.

I. The City of Brainerd will replace all occupied and vacant occupiable low/moderate-income dwelling units demolished or converted to use other than as low/moderate-income housing in connection with an activity assisted with funds provided under the Housing and Community Development Act of 1974, as amended, as described in 24 CFR, Part 570.606 and 24 CFR, Part 42. All replacement housing will be provided within three years after the commencement of the demolition or conversion. Before entering into a contract committing the City of Brainerd to provide funds for an activity that will directly result in such demolition or conversion, the City of Brainerd will make public and submit to the Minnesota Department of Employment and Economic Development the following information in writing:

- A. A description of the proposed assisted activity;
- B. The location on a map and number of dwelling units by size (number of bedrooms) that will be demolished or converted to a use other than as low/moderate-income dwelling units as a direct result of the assisted activities;
- C. A time schedule for the commencement and completion of the demolition or conversions;
- D. The location on a map and the number of dwelling units by size (number of bedrooms) that will be provided as replacement dwelling units. If such data are not available at the time of the general submission, the City of Brainerd will identify the general location on an area map and the approximate number of dwelling units by size and provide information identifying the specific location and number of dwelling units by size shall be submitted and disclosed to the public as soon as possible;
- E. The source of funding and a time schedule for the provision of replacement dwelling units;
- F. The basis for concluding that each replacement dwelling unit will remain a low/moderate-income dwelling unit for at least 10 years from the date of initial occupancy;
- G. Information demonstrating that any proposed replacement of dwelling units with smaller dwelling units (e.g., a 2-bedroom unit with two 1-bedroom units) is consistent with the housing needs of low and moderate-income households in the jurisdiction.

The City of Brainerd may request the Minnesota Department of Employment and Economic Development to recommend that the U. S. Department of Housing and Urban Development approve an exception to required replacement housing if there is an adequate local supply of vacant low/moderate-income dwelling units in standard condition. Exceptions will be reviewed on a case-by-case basis as described in 24 CFR, Part 570.488(c)(1)(B).

II. The City of Brainerd will provide relocation assistance, as described in 24 CFR, Part 570.488(c)(2), to any lower-income person displaced by the demolition of any dwelling unit or the conversion of a low/moderate-income dwelling unit to another use in connection with an assisted activity.

III. Consistent with the goals and objectives of activities assisted under the Act, the City of Brainerd will take the following steps to minimize the displacement of persons from their homes:

1. Coordinate rehab to keep disruption to a minimum.
2. Provide temporary housing if needed

IV. Definitions for the purposes of this plan are as follows:

A **“low/moderate-income dwelling unit”** is a unit with a market rent, including utility costs, that does not exceed the applicable fair market rent for existing housing and moderate rehabilitation, as established under the HUD Section 8 existing housing program. A **“vacant occupiable dwelling unit”** is a vacant unit that is in standard condition; or in substandard but suitable for rehabilitation condition; or in dilapidated condition and occupied less than three months from the date of the grantee agreement.

An **“Occupiable Dwelling Unit”** is a unit that is in standard condition or has been raised to a standard condition from a substandard condition, suitable for rehabilitation.

A **“Standard Condition”** dwelling unit is a unit which meets HUD Section 8 Housing Quality Standards (HQS) with no major defects in the structure and only minor maintenance is required. Such a dwelling will have the following characteristics: reliable roofs, sound foundations; adequate and stable floors, walls and ceilings; surfaces and woodwork that are not seriously damaged nor have paint deterioration; sound windows and doors; adequate heating, plumbing, and electrical systems adequate insulation; and adequate water and sewer systems, and not overcrowded (defined as more than one person per room).

A **“Substandard Condition”** dwelling unit is a unit if it does not meet HUD Section 8 Housing Quality Standards (HQS) which includes lacking the following: complete plumbing, complete kitchen facilities, efficient and environmentally sound sewage removal and water supply, and heating source. In addition, the dwelling may be overcrowded defined as more than one person per room).

A **“Substandard but Suitable for Rehabilitation Condition”** dwelling unit, at a minimum, is a dwelling unit that does not meet Housing Quality Standards (HQS) with some of the same features as a “substandard condition” dwelling unit. This unit is likely to have deferred maintenance and may have some structural damage such as a leaking roof, deteriorated interior surfaces, and inadequate insulation.

A **“Substandard but suitable”** dwelling unit, however, has basic infrastructure (including systems for clean water and adequate waste disposal) that allows for economically and physically feasible improvements and upon completion of rehabilitation meets the definition of a “Standard” dwelling unit.



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Brainerd, MN 56401

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Section 3 Plan

Brainerd Section 3 Plan

The City of Brainerd, in conjunction with Small Cities Development Program, has the following plan to direct employment and other economic opportunities generated by HUD financial assistance for housing and community development programs, to the greatest extent feasible, toward low-and very low-income persons, particularly those who are recipients of government assistance for housing.

Section 3 is a HUD requirement that is intended to ensure that when employment or contracting opportunities are available on HUD funded projects, preference is given to low- and very low-income persons or businesses. Being a Section 3 Business is not required; however preference is given to those businesses.

The Brainerd HRA will attempt to recruit low-income residents through at least one of the following: local advertising media, signs prominently displayed at the project site, contracts with the community organizations and public or private agencies operating within Crow Wing County in which the Section 3 covered program or project is located, or participate in the one of the HUD program or other program which promotes the training or employment of Section 3 residents, or will participate in a HUD program or other program which promotes the award of contracts to businesses which meet the definition of Section 3.

The Brainerd HRA will require all contractors to complete and submit the Section 3 Business Certification Form prior to awarding contracts. The HRA will keep a list of Section 3 businesses. While being a Section 3 business is not required for the program, City of Brainerd will give preference to qualified, competitive Section 3 businesses.



Brainerd SCDP Program Income Reuse Policy

Any program income received in the future will be used to meet a federal objective.

Approved this _____ day of _____ 2018

Mayor, City of Brainerd

President of the Council

City Administrator

INTRODUCTIONS

Thank you for the opportunity to be here and share information about the Self-Healing Communities Project. My name is Amy Wyant and this is Tom Gonzalez. We work for Bridges of Hope and are the project coordinators.

In preparing for this evening's comments, one of the documents I reviewed was the power point from the Comprehensive Plan Steering Committee Meeting which was held on December 7th 2017.

After reading it, I believe that there are multiple ways for us to work together.

I keep coming back to the question of: How can WE compliment and support you, the city leadership, with your planning, goals and dreams for Brainerd?

With that said, I'm happy to announce that the Self-Healing Communities Project has launched in Brainerd..... and like a comprehensive plan, it is also a long term plan for the community.

WHY this project?

The model we are implementing has proven results in lowering Adverse Childhood Experiences as well as building up a community's capacity to work together and thrive.

Thrive as healthy parents and families

Thrive as self-sufficient residents

Thrive as a community.

What are Adverse Childhood Experiences, known as ACEs, and why are they critically important to the project?

TOM-[ACEs pyramid, explain it]

We are engaging parents and residents

Starting September 13th, we have surveyed 138 residents in the Garfield and Lowell neighborhoods and here are the results:

Of the 138 residents,

25 have heard of the ACEs study

1 was unsure

112 residents had not heard of the ACEs study, or about 81% of the folks we've reached so far.

Additional Tom comments [Connection of ACEs & Resiliency education to thriving communities.]

WHAT are we doing?

We are engaging parents and residents in the Garfield and Lowell neighborhoods.

We are building solutions that are sustainable because they originate from solving problems rather than treating symptoms.

We are designing low cost systems and community networks from existing resources with the bottom line of sustainability.

Let me share one success story of the project:

Childcare partnerships

Garfield-Lowell-YMCA

Lowell-College of St. Scholastica

**We are learning about “what is” versus aspirations of “what could be”
AND we’re building it, one step at a time.**

We are connecting the dots.

This aligns with a quote from city’s comprehensive plan:

“Where we are today, Where we want to be, How we get there.”

WHO is funding this project so far?

The Brainerd Lakes Area Community Foundation

Bridges of Hope Organization

Crow Wing Energized

Crow Wing County Community Services

Crow Wing Power Community Trust

St. Joseph’s Essentia Health Foundation

United Way of Crow Wing and Cass Counties

We are talking with community providers and stakeholders.

The Self-Healing Communities model requires generative conversations. A generative conversation involves genuine inquiry and sharing. This leads to expanded understanding which reveals new opportunities and solutions.

The first generative conversation was held on August 23rd with Jodi Kennedy, principal of Garfield Elementary School and it was powerful.

To date, 37 conversations, averaging 45 minutes each have been completed.

Insights, perspectives, opinions, thoughts, feelings and emotions are shared during these conversations which are building the unique picture representing the Garfield and Lowell neighborhoods.

How are these people connected to the Garfield and Lowell neighborhoods?

These people are building principals, collaborative workers, nonprofit organization executive directors and managers including Blue Sky Inc, The Shop, Bridges of Hope, Operation Sandwich and the YMCA. These people are county workers, a Brainerd police department representative, the PTO president, the ECFE director, the Alderman for the City of Brainerd, a representative of the Brainerd HRA, a director from the College of St. Scholastica. These people are NE Brainerd day care providers, senior leadership of the Brainerd Public Schools and business people including rental property owners.

AND, we've only just begun to scratch the ^{Surface} ~~service~~ of the incredible potential to build networks from existing resources in strengthening our community.

This is what the Self-Healing Communities Project does.

We're here this evening to invite you, the City of Brainerd Leadership, to join us in the Self-Healing Communities Project. We welcome your support and participation.

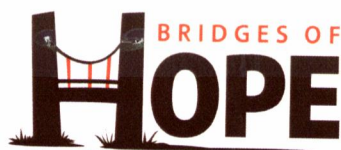
TOM:

Introduce upcoming community engagement events and invite city leadership to events.

Additional Tom comments.

In closing, we appreciate being invited this evening and look forward to learning about the ways in which we can work together moving forward.

Thank you.

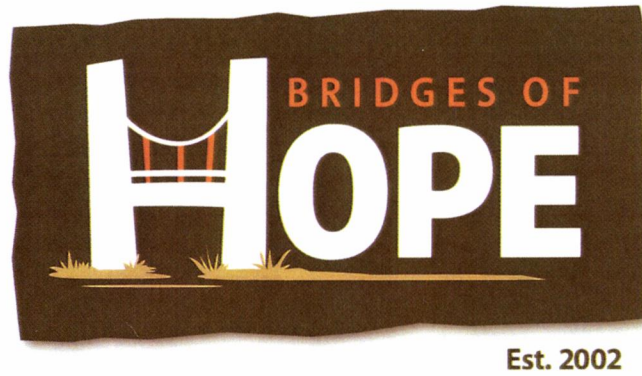


Building bridges between families and those that can help.

Amy Wyant
Project Coordinator

PO Box 742
Brainerd, MN 56401
Ph: 218.825.7682 ext 1011
F: 218.825.9131

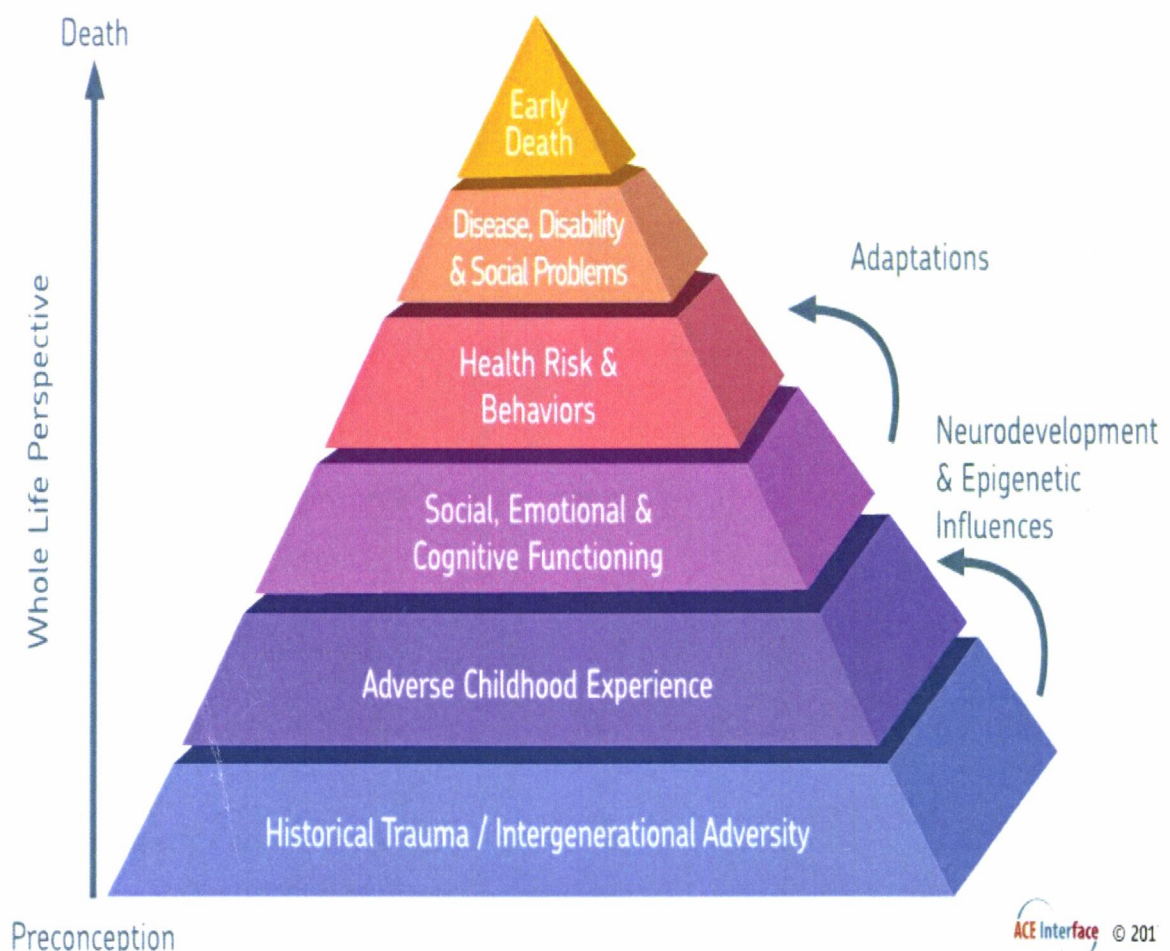
amy@bridgesofhopemn.org
www.bridgesofhopemn.org

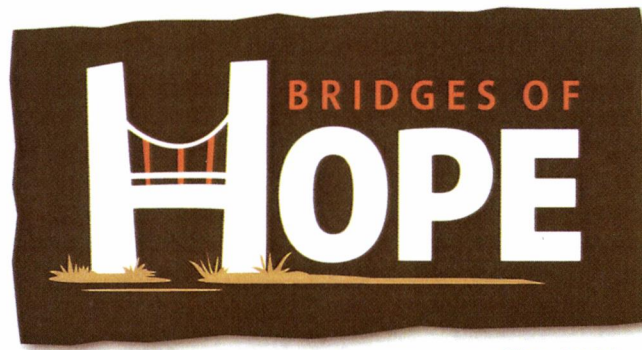


Self-Healing Communities Project (SHCP)

Goal: Increase the community's capacity to come together and solve problems by reducing Adverse Childhood Experiences (ACEs).

The ACEs Model





Est. 2002

Upcoming ACEs & Resiliency Presentations

Tuesday, Nov 1	5:30 pm – 8:00 pm	Bethlehem Lutheran Church
Monday, Nov 12	5:30 pm – 8:00 pm	Bethlehem Lutheran Church
Thursday, Nov 15	3:00 pm – 5:00 pm	Garfield Elementary School
	5:00 pm – 6:00 pm	Dinner
	6:00 pm – 8:00 pm	Garfield Elementary School
Saturday, Nov 17	9:30 am – 12:00 pm	Bethlehem Lutheran Church

Note: Meal and childcare provided at all above presentations.

Upcoming Self-Healing Communities Project Presentations

Tuesday, Nov 27	5:30 pm – 8:00 pm	^{Laurel} Bethlehem Lutheran Church
	5:30 pm – 6:00 pm	Childcare Opens, Networking & Hors d'oeuvres
	6:00 pm – 8:00 pm	Self-Healing Communities Presentation



Brainerd City Council Agenda Request

Requested Meeting Date: October 15, 2018

Title of Item: Comprehensive Plan Update - Community Engagement Summary

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☒ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☒ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Mark Ostgarden	Department: Planning
Presenter (Name & Title): See Below	Estimated Time Needed: 15 minutes
Summary of Issue: Region Five Development Commission Planners Tad Erickson and Matt Kallroos, will present a review of the community engagement tools used for the Comprehensive Plan Update. The PowerPoint presentation is attached.	
Alternatives, Options, Effects on Others/Comments: None at this time.	
Recommended Action/Motion: There is no recommended action at this time.	
Financial Impact: <i>Is there a cost associated with this request:</i> ☐ Yes ☒ No <i>What is the total cost, with tax and shipping</i> \$ <u>unknown</u> <i>Is this budgeted?</i> ☐ Yes ☒ No <i>Please Explain:</i>	

CITY OF BRAINERD COMPREHENSIVE PLAN UPDATE

COMMUNITY ENGAGEMENT SUMMERY



BRAINERD
MINNESOTA

PURPOSE OF A COMPREHENSIVE PLAN

- A comprehensive plan is a long term vision for a community
- **Allows (and ensures) a public participation process in the planning efforts**
- An effort to address current and future issues and opportunities
- Ensures that growth is better, not just bigger

“In essence, a comprehensive plan is an expression of the community’s vision for the future and a strategic map to reach that vision.” - LMC

PROJECT GOALS

- Empower steering committee members
- To **intentionally** involve citizens and stakeholders throughout the community in this process
- Ensure people feel heard
- Build the city's network of volunteers
- To craft a leading policy document for the city
- Develop clear, understood and measurable goals and implementation strategies
- Develop a vision for Brainerd's future
- Create an effective implementation plan
- Educate the community on the use of the plan



STEERING COMMITTEE (SC) ROLES AND RESPONSIBILITIES

ROLES

- To build consensus and support regarding the various topics, approaches, and policies outlined in the project
- To engage the public throughout the project duration
- Provide recommendations to the Planning Commission and City Council
- Provide comments, input, and guidance
- Encourage participation at community meetings
- Promote the **goals** of the project

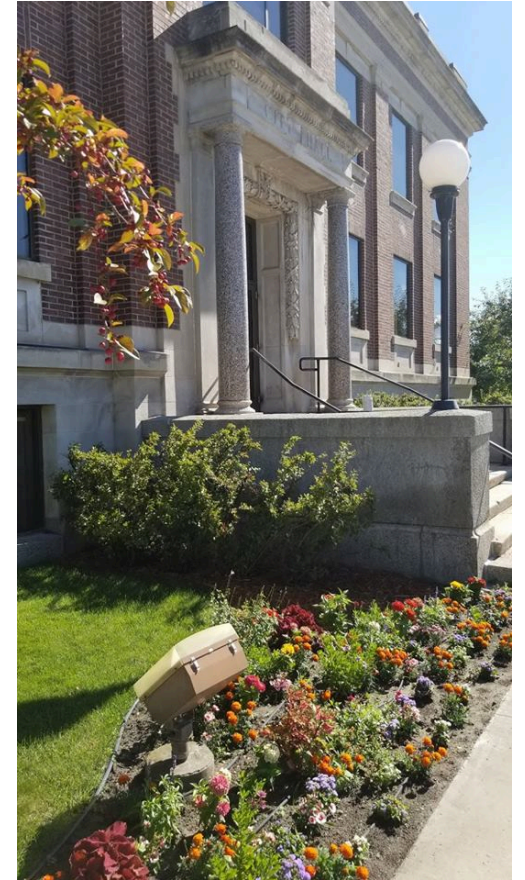
RESPONSIBILITIES

- Gather information about and from the community
- Synthesize and prioritize information gathered
- Translate information gathered, into implementable goals and policies

PLANNING PROCESS

Four Broad Stages

- Community Engagement
- Identify Issues and Opportunities
- Develop DRAFT goals and Policies
- Adoption Process



Where we are today → Where we want to be → How we get there



THE IMPORTANCE OF COMMUNITY ENGAGEMENT

1. RESIDENTS AND BUSINESSES
2. CITY STAFF AND COMMISSIONS
3. ELECTED LEADERS



COMMUNITY ENGAGEMENT PLAN (CEP)

- **GOAL:** To collaborate with and involve stakeholders to ensure that aspirations are **consistently understood and considered**. To ensure that community concerns and aspirations are **directly reflected in the plan**.
- **Stakeholders:** Meaning the general public, groups and organizations, government institutions, town councils and boards, town business units and departments.
- **Techniques:** website, posters/flyers/postcards, digital screens, TV/radio, press releases, e-mail and social media (Facebook, twitter, etc.), meetings (city council, services groups, PTO, school board, chamber, open houses, etc.), surveys, online forums, interactive mapping.



COMMUNITY ENGAGEMENT DONE TO DATE

- Community Survey Panel
- Tactics Interviews
- Neighborhood Ward Meetings
- Central Lakes College Student Senate
- Focus Groups
 - Seniors
 - Millennials
 - Real Estate
 - Rental
- Community Survey

“ I think it’s wonderful you are reaching out to residents to provide input.

“ Need to attract more businesses.

“ Be more progressive in supporting downtown Brainerd....

“ Brainerd needs to find their character and expand upon it.

“ Brainerd has such an awesome opportunity to be a great town, with all the beautiful lakes around it.

“ This survey tells me we’re becoming more successful.

TACTICS INTERVIEWS

- Brainerd needs to capitalize on its reputation and name recognition as a recreation destination while continuing to improve on weaknesses.
- Become an environment for cultural events, experiences, public art, live music, and entertainment all with a backdrop of Brainerd's rich history.
- Need to continually improve public transportation
- Continually improve walkability (connect neighborhoods to Downtown
- TH Hwy 210 and S 6th Street Pose congestions issues and barriers between neighborhoods/districts.
- Increase number of larger lot single family homes
Old housing stock in neighborhoods with costly maintenance needs
- Complaints about quality of rental maintenance





WARD MEETING MAJOR THEMES

- The quality of Brainerd's Neighborhoods are highly valued by residents (Maintain, protect and improve)
- Participants expressed concerns about code enforcement and maintenance of rental housing stock
- Residents expressed their love of the trails/paths but improvement of walkability from neighborhoods to downtown and around barriers is needed (TH Hwy 210, and South 6th St.)
- Desire to increase the median wage within Brainerd through high paying jobs.
- Participants expressed their desire to see downtown revitalized with boutique shops, nicer looking storefronts, as well as a variety of cultural events, public art, etc.



FOCUS GROUPS

Millennial Focus Group

- Quality educational opportunities (at all levels)
- An abundance of quality parks, trails and active recreational amenities.
- Lack of non-active recreational activities for young people ages 16-35 (community events/social opportunities/festivals/indoor recreational opportunities).

Central Lakes College Student Senate

- Lack of indoor recreation opportunities
- Quality mix of industry, business, education, internships, tourist industry, size, sense of community and an emerging cultural scene i.e. breweries, mix of live music and events
- Lack of high paying jobs.
- Sense of community and nice people

Senior Focus Group Focus

- Quality Medical Facilities
- More Senior Activities, events, public arts etc
- Traffic is difficult, buildings lack ADA
- Taxes and cost of living pose challenges on fixed income
- Downtown is: Scary, and needs appearance standards
- Limited Housing Options
- Brainerd needs MORE apartments (Yes, you read that correctly!)

Real Estate Agent and Landlord Focus Groups

Need to be creative in improving neighborhoods

Grow Downtown small businesses

Develop toolbox of business/improvement incentives:

- Tax breaks
- Neighborhood grants
- Manufacturing job incentives
- Façade improvement program etc.

COMMUNITY SURVEY PANEL

- When asked what 3 things members liked most about living in Brainerd, the top 3 listed included
 - Parks/ Lakes access, Schools, and the Neighborhoods.
- Participants want to see improvement in overall maintenance of the city, including the downtown, neighborhoods, and riverfront development.
- Overall, themes from the CSP included:
 - Need for adequate housing for all different housing types, and incomes
 - Need for adequate employment for a variety of income levels
 - Need for increased walkability (particularly from neighborhoods to downtown and also to the river)



SURVEY RESPONSES

- The survey gathered a total of 633 responses.
- It was widely promoted in:
 - The Brainerd Dispatch
 - The Brainerd Website
 - Brainerd's Facebook
 - Hardcopies were made available at a variety of public spaces
 - Steering Committee promoted it
 - Several community partners promoted the survey as well



IMAGINEbrainerd.org

Let's plan for the future together!
Watch for the upcoming ways
you can participate in the
comprehensive plan update process
by following our website.



In essence, a comprehensive plan is a **shared vision** for the future, and a strategic road map to reach that vision. As a part of this process, we will study the following plan elements:

Land use	Economic Development	Community Facilities
Housing	Environment & Natural Resources	Infrastructure
Transportation	Parks and Open Space	Active Living

MAJOR THEMES FROM THE SURVEY RESPONSES

■ MAINTAIN THE FOLLOWING CHARACTERISTICS:

- Recreation opportunities
- Natural resources (quality and abundance)
- Successful school system(s)
- Quality healthcare
- Downtown revitalization
- Build on history and cultural aspects of town

■ CHANGE THE FOLLOWING CHARACTERISTICS

- Blight and vacancies
- Provide adequate job opportunities
- Provide a suitable range of housing options
- Safety and crime in our neighborhoods
- Rehabilitate downtown
- Community image and attractiveness

COMMONALITIES

Housing

Need additional housing for all different housing types, and incomes

- Improved rental housing maintenance
- Increase number of large lot single family homes
- Increasing demand for senior and millennial housing options

Economic Development

Need for adequate employment for a variety of income levels

- Increase the median annual income for Brainerd

Need to capitalize on and improve Brainerd's image/brand/perception . . .self perception?

- The City of Brainerd's needs differs from the needs Brainerd Lakes Area
- Brainerd's image (accurate or not) is very far reaching and well known
- There are a lot of desirable, high quality assets in Brainerd that go overlooked by residents and visitors alike
- There are also a lot of under-utilized and/or under promoted assets in Brainerd.

COMMONALITIES

Transportation

Need for increased walkability (particularly from neighborhoods to downtown and also to the river)

- Connecting neighborhoods to downtown will improve both
- Barriers to connecting neighborhoods to downtown include (Hwy 210, and South 6th St)
- The City of Brainerd differs from the Brainerd Lakes Area

Natural Resources, Parks and Open Spaces

Need for additional passive recreational opportunities

- Brainerd has a quality and extensive park system, but can always improve (more programming)
- Brainerd has a quality and somewhat extensive trail system, but can always improve (wayfinding)
- Brainerd lacks indoor, non-active recreational activities for all ages but particularly for:
 - Ages 35 and younger
 - Seniors



01

Your
neighborhood
matters

02

Create safe
neighborhoods
and lower crime
rates

03

Offer more
suitable,
affordable housing
options

04

Improve the image
of the housing
stock

05

Provide
adequate job
opportunities

06

Improve the overall
maintenance and the
attractiveness of the
city

**WHAT WE'VE
HEARD
OVERALL**

07

Protect and
enhance our
recreation
opportunities

08

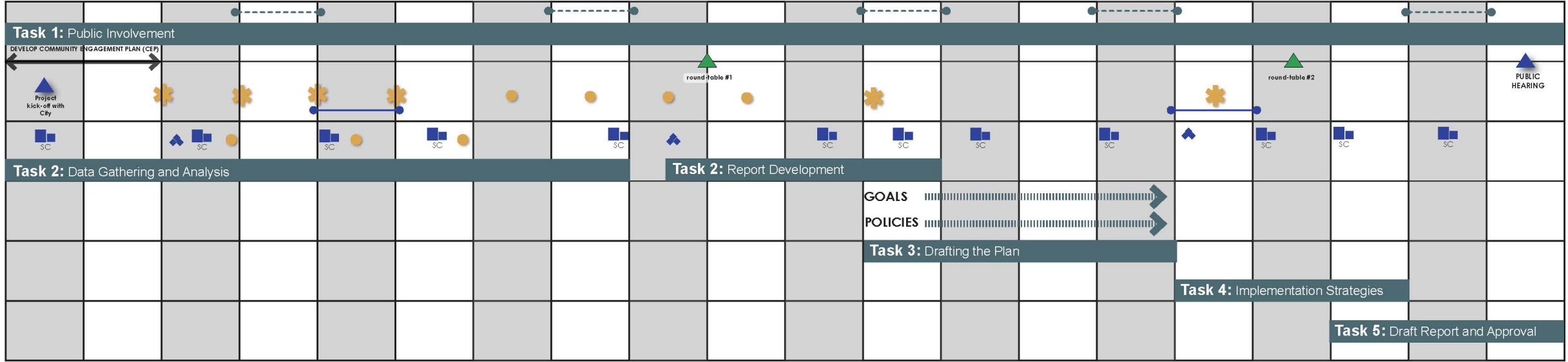
Invest and revitalize
downtown

NEXT STEPS

- Host Community Design Session (November 14th)
- Identify Issues and Opportunities
- Continue to post content to website for ongoing community engagement
- Begin developing DRAFT Goals and Policies Jan 2019



DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL	AUG	SEPT	OCT	NOV	DEC	JAN	FEB	MAR	APR	MAY	JUN	JUL
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LEGEND

- Public engagement opportunity
- Public involvement meeting
- Steering Committee (SC) m.
- Time period for online content postings
- Quarterly updates and postings
- Survey
- Focus group meetings

DRAFT
for discussion
purposes **only**

CONTACTS

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Senior Planner

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ASHLEY KAISERSHOT

Planning and Zoning Specialist

Ashley.Kaisershot@sourcewell-mn.gov

MATT KALLROOS

Regional Planner

Mkallroos@regionfive.org

TAD ERICKSON

Regional Planner

Terickson@regionfive.org

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

October 15, 2018
City Hall Conference Room
7:15 PM

1. Approval of Bills & Payments to Contractors

<u>Contractor</u>	<u>IMP#</u>	<u>Project</u>	<u>Amount Paid</u>	<u>Amount Retained</u>
Anderson Brothers	18-04	2018 Street Patching	\$15,193	\$0

2. Police Request for Out-of-State Travel & Training
3. Authorize Hiring Darrin Deseth for Building Inspector Position
4. City Attorney Contract Renewal
5. Set Date for Budget Workshop



Brainerd City Council Agenda Request

Requested Meeting Date: October 15th, 2018

Title of Item: Staff Out of State Travel & Training

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☒ P&F COMMITTEE ☐ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: CHIEF MCQUISTON	Department: POLICE
Presenter (Name & Title): CHIEF MCQUISTON	Estimated Time Needed: 5 MINUTES
Summary of Issue: Officer Tim Friis is the department bomb technician assigned to the Brainerd-Crow Wing County Bomb Team. We are requesting authorization for out of state travel for Officer Friis to attend Hazardous Devices Recertification in Huntsville, Alabama, from November 25th to November 30th. Other than Officer Friis's wages, all expenses for this, travel, lodging, and meals are paid by the FBI. This will meet his three-year mandate which would expire in November of this year.	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion: Authorize out-of-state travel for Police Officer Tim Friis to attend Bomb Technician Recertification in Huntsville, Alabama, from November 25th to November 30th.	
Financial Impact: <i>Is there a cost associated with this request:</i> ☒ Yes ☐ No <i>What is the total cost, with tax and shipping</i> \$ <u>Officer's wages</u> <i>Is this budgeted?</i> ☒ Yes ☐ No <i>Please Explain:</i>	



Brainerd City Council Agenda Request

Requested Meeting Date: October 15, 2018

Title of Item: City Attorney Contract Renewal

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☒ P&F COMMITTEE ☐ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Connie Hillman	Department: Finance/Administration
Presenter (Name & Title): City Administrator Torstenson/Finance Director Hillman	Estimated Time Needed: 5 Minutes
Summary of Issue: The current contract for civil legal services with Ratwik, Roszak & Maloney expires December 31, 2018. Staff feels that we have received good service from Mr. Langel as well as other members of the firm like Mr. Schafer who is our employment law attorney from the firm. Therefore, staff requested a quote from Ratwik, Rosack & Maloney for the next two years. The proposed agreement is attached as well as an e-mail from Mr. Langel detailing the changes.	
Alternatives, Options, Effects on Others/Comments: From 2014-2017, the City has paid \$76,723, \$68,379, \$54,785, and \$62,468 annually for civil attorney services. This excludes HRA and BPU as well as any legal fees for construction projects which are coded directly to the project. The proposed budget for 2019 is \$70,000.	
Recommended Action/Motion: Authorize staff to enter into an agreement with Ratwick, Roszak & Maloney for 2019 and 2020.	
Financial Impact: Is there a cost associated with this request: ☒ Yes ☐ No What is the total cost, with tax and shipping \$ _____ Is this budgeted? ☒ Yes ☐ No <u>Please Explain:</u>	

Connie Hillman

From: Joseph Langel [REDACTED]
Sent: Wednesday, October 10, 2018 3:12 PM
To: Connie Hillman
Subject: {external} Legal Services Contract
Attachments: Brainerd retainer agreement.pdf

Hi Connie,

Attached is a proposed contract for civil legal services. It is the same format as before, with a two year term. The bulk of the Agreement is the same as before, but I note the following:

- The flat rate for extra meetings will stay the same as before.
- The non-retainer rate is proposed to go from \$145 to \$150. We have never changed this rate in Brainerd (in fact, it hasn't changed in many cities for a decade), but increasing costs have made it difficult to sustain (it's the lowest billing rate we have across our statewide municipal clientele), and the market rate is definitely higher from what we've seen from information provided by other law firms to cities. It amounts to a 3.4% increase for the hourly rate.
- The litigation rate is proposed to go from \$175 to \$180. This rate is seldom used as a practical matter, but is also below market from what we've seen.
- No change in out-of-pocket costs.
- Annual retainer is proposed to increase by \$3,000 the first year and \$2,000 the second. We reviewed our billings under the retainer. Brainerd's use of legal services continues to increase, which is not unusual for a City of Brainerd's size and given the nature of the issues it deals with. The current retainer level does not come close to covering our time spent on retainer work; in fact we have written off thousands of dollars already this year. The increase is an attempt to reduce the losses.

If you need further information, please let me know. We enjoy our relationship with the City and hope to continue providing civil legal services as efficiently as we can.

Joe


Ratwik, Roszak & Maloney, P.A. Joseph J. Langel
Ratwik, Roszak & Maloney, P.A.
730 Second Ave. South, Suite 300
Minneapolis, MN 55402
PH: 612-339-0060 | Direct Fax: 612-225-6860
Web: www.ratwiklaw.com



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CONTRACT FOR CIVIL LEGAL SERVICES

This agreement is entered into by and between the **City of Brainerd**, 501 Laurel Street, Brainerd, MN 56401 (hereinafter “City”) and the law firm of **Ratwik, Roszak, & Maloney, P.A.**, 730 Second Avenue South, Suite 300, Minneapolis, MN 55402 (hereinafter “Law Firm”), for the purpose of utilizing the Law Firm to provide civil legal services to the City.

RECITALS

WHEREAS, the Law Firm has provided civil legal services to the City since January 1, 2014 and has the skill and expertise necessary to perform the duties as set forth in this Agreement; and

WHEREAS, the City and the Law Firm desire for the Law Firm to continue to provide civil legal services to the City for 2019 and 2020.

NOW THEREFORE, IN CONSIDERATION OF the mutual promises contained herein and other good and sufficient consideration the parties agree to the following:

TERMS

1. Scope and Nature of Legal Services: The parties agree to the following description of the nature of the legal services to be provided by the Law Firm to the City:

1.1 Retainer Matters: The Law Firm shall provide the following basic civil legal services to the City in exchange for the retainer fee set forth in Paragraph 5.1:

- A. Two City Council meetings per month (additional meetings will be billed at a flat rate of \$750 per meeting).
- B. Routine legal advice through telephone, electronic communication, or personal consultations with elected officials, City Administrator, Department Heads, and various City staff as appropriate.
- C. Routine review of ordinances, resolutions, agreements, forms, notices, deeds, city charter, and other legal documents as necessary.

- D. Updates on relevant new legislation and case law affecting municipal government.

1.2 Non-Retainer Matters: The parties contemplate that the Law Firm will also provide civil legal services outside the scope of services covered by the retainer as described in paragraph 1.1 above. Legal services outside of the annual retainer would be billed at the Law Firm's \$150 hourly rate, except for Development Matters, as provided in Section 1.3. The Non-Retainer Matters include all other legal services not set forth in Sections 1.1 and 1.3, including projects requiring significant legal research and analysis, formal written legal opinions, drafting complex agreements, drafting charter amendments, grievances, on-site labor negotiations, investigations, property acquisition and routine zoning and code enforcement.

1.3 Development Matters: The Law Firm will perform legal services in the Land Use/Economic Development area where the project proposer is required to reimburse the City for legal services. These legal services will be billed to the City by the Law Firm at \$185.00 per hour during the term of this Agreement.

1.4 Litigation Matters: Contested case and litigation matters in which representation is not otherwise provided by insurance defense counsel, will be billed to the City by the Law Firm at the rate of \$180.00 per hour during the term of this Agreement. This category includes eminent domain proceedings, assessment appeals to district court, annexation proceedings, and any litigation (e.g., contract disputes, debt collection and removal of hazardous structures).

2. Reimbursable Costs and Expenses.

2.1 General Rule: For all costs associated with retainer and non-retainer work, the City will reimburse the Law Firm for actual, necessary, and reasonable costs and expenses incurred by the Law Firm in the performance of the legal services contained in this Agreement.

2.2 Specific Rates:

<u>Description of Costs</u>	<u>Rate</u>
Mileage	I.R.S. Rates
Parking	Actual Cost
Photocopying	\$.20 per page
Facsimile	No charge

Postage	Actual Cost
Messenger	Actual Cost
Court Costs	Actual Cost
Arbitration Costs	Actual Cost
Other Contested Case Costs	Actual Cost

2.3 Billing Procedures: Notwithstanding the provisions of Paragraph 5 regarding billing and payment procedures, the parties understand and agree that certain expenses may not be known to the Law Firm until after the monthly bill for legal services has been prepared and mailed to the City for payment. For example, an arbitrator's award and bill may not arrive until months after all legal services have been provided, billed, and paid.

3. Responsible Attorney and Staff. Joseph J. Langel shall be the primary attorney for the City. Mr. Langel shall be responsible for the performance of this agreement, although he may be assisted by other attorneys or support staff in the firm.

4. Conflict of Interest and Attorney/Client Privilege Issues:

4.1 Conflict of Interest: The Law Firm will notify the City if the Law Firm represents or has ever represented an opposing party in a legal matter, whether within or outside of the retainer. The Law Firm declares that it represents many school districts, cities, counties, and other public entities throughout the State of Minnesota, and in the area of the City of Brainerd.

4.2 Attorney/Client Privilege: The Law Firm is authorized to utilize e-mail without encryption to transmit and receive confidential client information. Cordless and cellular telephones may be used by the Law Firm to transmit and receive confidential client information. The City specifically acknowledges that it understands the confidentiality risks associated with inadvertent interception.

5. Billing Format, Cycle, Payment Expectations and Interests.

5.1 Retainers: The annual retainer for the retainer services described in Paragraph 1.1 shall be \$49,000 for 2019 and \$51,000 for 2020.

5.2 Billing Format: The Law Firm will submit monthly statements for both retainer and non-retainer matters, itemizing legal services rendered for the prior month broken down into categories. These

categories shall include: retainer, non-retainer matters, and non-retainer developer reimbursable matters.

- 5.3 Billing Cycle:** The Law Firm will bill monthly for legal services rendered in the prior month. Generally, bills will go out approximately fifteen (15) days after the end of the prior month.
- 5.4 Payment Expectations:** The City will pay the bill of the Law Firm within thirty (30) days or less of its receipt of the bill by forwarding a check to the Law Firm paying for both legal services and expenses shown on the Law Firm's bill.
- 5.5 Disputes:** In the event that the City disputes any aspect of the Law Firm's bill, the appropriate City representative will contact Joseph J. Langel at the Law Firm stating the nature of the dispute. The parties pledge their mutual good faith in resolving any disputes.
- 5.6 Interest:** Because the City will be paying the Law Firm's bills within thirty (30) days from their receipt, no interest will be charged. If the City determines that it will be necessary to deviate from that payment schedule, then it will notify the Law Firm. An interest rate of 8% per annum will be charged to the City if it elects a payment schedule greater than thirty (30) days, subject to change as may be mutually agreed between the parties.
- 5.7 Term:** The term of this Agreement will be from January 1, 2019 to December 31, 2020, subject to the following provisions:
1. During the term of the Agreement, either party may terminate the Agreement upon thirty (30) calendar days' written notice to the other party.
- 5.8 City Approval:** The City Council has approved the Law Firm's performance of legal services for the City during the term of this agreement.
- 5.9 Severability.** Upon termination of this agreement, the City shall only be responsible for the pro rata portion of the annual retainer under Section 5.1.
- 5.10 Other.** The City expressly reserves its right to hire independent counsel on matters it determines requires an attorney with expertise in a particular field. In such a situation, the City shall remain

responsible to the Law Firm for the monthly fee provided under this agreement along with any billings not related to the matter for which special counsel was retained. The City shall only be responsible to the Law Firm for extra expenses in relation to the matter for which special counsel is retained if the City names the Law Firm as co-counsel in the matter or otherwise requests the Law Firm's participation.

THE CITY OF BRAINERD

RATWIK, ROSZAK & MALONEY, P.A.

By: _____
Its Mayor

By: _____
Margaret A. Skelton, President

By: _____
Its City Administrator



Brainerd City Council Agenda Request

Requested Meeting Date: October 15, 2018

Title of Item: Set Date for Budget Workshop

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☒ P&F COMMITTEE ☐ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☒ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Connie Hillman	Department: Finance
Presenter (Name & Title): Finance Director Hillman	Estimated Time Needed: 5 Minutes
Summary of Issue: The Council is adjourning the October 15th meeting to a Facility Discussion Workshop on Wednesday, October 24th at 6:00 p.m. Staff feels another budget workshop to discuss the 2019 budget and levy is needed after this meeting.	
Alternatives, Options, Effects on Others/Comments: Last year the City received the proposed tax rate from the County on November 9th. With this in mind, staff is proposing a workshop on Tuesday, November 13th at 6:00 p.m. If needed, we could have another workshop on November 26th or 27th before the public hearing on December 10th.	
Recommended Action/Motion: Staff's recommendation is to set a budget workshop for November 13th at 6:00 p.m.	
Financial Impact: Is there a cost associated with this request: ☐ Yes ☒ No What is the total cost, with tax and shipping \$ _____ Is this budgeted? ☐ Yes ☐ No <u>Please Explain:</u>	



Brainerd City Council Agenda Request

Additional P&F Item

Requested Meeting Date: October 15, 2018

Title of Item: Ratification of Hiring Ms. Pamela Ziemer for AP/Administrative Specialist

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☒ P&F COMMITTEE ☐ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) *provide copy of published hearing notice ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading
Submitted by: Connie Hillman	Department: Finance
Presenter (Name & Title):	Estimated Time Needed:
Summary of Issue: Ms. Pamela Ziemer has been selection as the candidate for the Accounts Payable/Administrative Specialist position. Ms. Ziemer has accepted the conditional job offer and will start at Step A of the Salary Administrative Plan or \$20.62 per hour. Ms. Ziemer has successfully complete the preemployment screening applicable for the position and is schedule to start on Tuesday, October 23rd.	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion: Ratification of hiring Pamela Ziemer for the Accounts Payable/Administrative Specialist position starting at wage of \$20.62 per hour.	
Financial Impact: Is there a cost associated with this request: ☒ Yes ☐ No What is the total cost, with tax and shipping \$ _____ Is this budgeted? ☒ Yes ☐ No <u>Please Explain:</u>	

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

October 15, 2018
City Council Chambers
6:00 P.M.

1. Fare Increase for Brainerd Transit Service
2. Transit Policy Update Regarding Sale of Tickets by Bus Drivers
3. Event/Street Closure Application – Turkey Run
4. Highway Safety Improvement Program (HSIP) – Authorization to Apply for Funding for NW 4th Street Improvement
5. Transportation Alternatives (TA) – Authorization to Submit Letter of Intent to Apply for Funds for 28th Street and Downtown Trail Connections
6. Downtown Motel Demolition Quotes
7. Section 425 – Rental Housing Maintenance Code and Conduct on Premises Ordinance Discussion



Brainerd City Council Agenda Request

Requested Meeting Date: October 15, 2018

Title of Item: Brainerd Transit Fare Increase

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☒ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1st Reading *provide copy of published hearing notice
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Paul Sandy

From: Andy Stone
Sent: Monday, October 8, 2018 12:31 PM
To: Paul Sandy
Subject: TAC action that needs to go before the council

Paul,

At the Transportation Advisory Committee meeting dated September 27, 2018, two actions were recommended for council action.

1) Agenda Item 7c Tickets sold by driver wisdom:

Discussion regarding the wisdom of having drivers keep pre-paid fare in the bus for customer convenience vs. risk of loss, theft, or less than honest people. It was agreed that pre-paid fare is equivalent to cash and that any temptations surrounding it should be removed. A motion by Lambert, second by Bertram to strike the last sentence of transit operating policy 2.1.3 passed.

2.1.3 Fares: Each fare is applicable to one-way complete trip. Once the passenger disembarks from the vehicle, or arrives at a destination, one trip is completed. Upon entering the same vehicle again, a new trip commences and the passenger will be required to pay a new fare. It shall be the responsibility of the driver to make certain that customers pay all fares and that customers insert all fares into the fare box. Passengers are responsible for having exact change, token or ride ticket. Drivers are not to make change, extend credit or allow free rides. Addendum has current fares. Ride tickets and tokens may be purchased at Brainerd City Hall, 501 Laurel Street. ~~Ride tickets may also be purchased from transit drivers.~~

Staff will find other venues for ticket sales for public convenience and accessibility.
Staff concurs with above motion.

2) Agenda item 10 Rides/Revenues/Fares:

Discussion was held regarding the current financial position of the transit system and its participating partners. Primarily, our discussion surrounded the 6% third party contract increase effective July 1, 2018. Both proposals during the RFP process were significantly higher than the existing contract. This year 1 increase is \$38,809 and The City of Brainerd portion will be approximately \$17,852. We have also had a 3.75% decrease in ridership in 2017 equating to 3000 rides. We compared 2017 actual with 2018 first half of the year.

2017	1st Qtr				2nd Qtr					
	JAN	FEB	MAR	Qtr Total	APR	MAY	JUN	Qtr Total		
Pine River	978.81	788.62	810.19	\$ 2,577.62	489.46	648.75	374.31	\$ 1,512.51		
CWC	3,483.06	2,968.11	2,303.95	\$ 8,755.13	1,966.76	(3,773.82)	(706.66)	\$ (2,513.72)		
Baxter	359.68	286.84	17.46	\$ 663.98	56.55	247.85	249.10	\$ 553.50		
Brainerd	3,719.79	1,792.55	1,320.44	\$ 6,832.77	1,564.31	(1,246.74)	1,497.39	\$ 1,814.96		
total	8,541.34	5,836.12	4,452.04	18,829.50	4,077.07	(4,123.97)	1,414.14	1,367.24		
	3rd Qtr				4th Qtr					Grand Total
	JUL	AUG	SEP	Qtr Total	OCT	NOV	DEC	Qtr Total		
Pine River	724.93	549.45	771.11	\$ 2,045.50	865.66	475.23	1,089.82	\$ 2,430.71	Pine River	\$ 8,566.34
CWC	1,865.47	1,262.75	2,482.56	\$ 5,610.79	1,167.80	2,192.65	(4,363.82)	\$ (1,003.37)	CWC	\$ 10,848.82
Baxter	293.59	323.34	84.19	\$ 701.13	689.13	208.11	194.18	\$ 1,091.42	Baxter	\$ 3,010.02
Brainerd	1,844.76	(5,627.18)	(1,329.55)	\$ (5,111.97)	(3,795.55)	824.25	(7,959.31)	\$ (10,930.61)	Brainerd	\$ (7,394.85)
total	4,728.76	(3,491.63)	2,008.32	3,245.45	(1,072.95)	3,700.23	(11,039.13)	(8,411.85)	total	\$ 15,030.34

In 2017 Brainerd was able to place \$7,394.85 of excess revenues into the transit reserve account.

2018	1st Qtr				2nd Qtr					
	JAN	FEB	MAR	Qtr Total	APR	MAY	JUN	Qtr Total		
Pine River	1,123.59	772.07	594.62	\$ 2,490.28	35.91	763.85	656.84	\$ 1,456.60		
CWC	4,301.46	2,941.37	1,646.62	\$ 8,889.45	(3,623.44)	3,118.25	3,131.20	\$ 2,626.01		
Baxter	1,126.73	518.13	243.36	\$ 1,888.22	106.99	250.31	510.30	\$ 867.60		
Brainerd	4,013.03	1,944.43	1,627.91	\$ 7,585.37	(5,078.53)	1,581.16	3,321.85	\$ (175.52)		
total	10,564.81	6,176.00	4,112.51	20,853.32	(8,559.07)	5,713.57	7,620.19	4,774.69		
	3rd Qtr				4th Qtr					Grand Total
	JUL	AUG	SEP	Qtr Total	OCT	NOV	DEC	Qtr Total		
Pine River				\$ -				\$ -	Pine River	\$ 3,946.88
CWC				\$ -				\$ -	CWC	\$ 11,515.46
Baxter				\$ -				\$ -	Baxter	\$ 2,755.82
Brainerd				\$ -				\$ -	Brainerd	\$ 7,409.85
total	-	-	-	-	-	-	-	-	total	\$ 25,628.01

As of June 30, 2018, Brainerd is dipping into that reserve account. This is not a good direction to be heading.

Staff noted that the increased third party contract and increasing fuel costs will not be able to be covered by system efficiencies and a fare discussion ensued.

Motion by Lambert second by Koep to increase Brainerd base fares by \$0.25 beginning January1, 2019 and then re-evaluate after the first quarter of 2019 for another possible increase of \$0.25, passed.

It was clarified that Brainerd inside city limits will go from \$1.00 to \$1.25 and Brainerd outside city limits (to/from Baxter) will go from \$2.00 to \$2.25. The Express fare remains at \$1.00.

Staff recommended a one-time \$0.50 increase vs. two closely spaced \$0.25 increase, but concurs that a fare increase is necessary.

Respectfully, Andy

Andy Stone

Transit Coordinator

City of Brainerd

501 Laurel St | Brainerd, MN 56401-3595

Phone: 218.454.3413 | www.ci.brainerd.mn.us/transit

If you wish to receive special alerts from the Transit Department, simply sign up at this link <http://www.ci.brainerd.mn.us/list.aspx> for push notifications to your cell phone via text message or email! Thanks for choosing Public Transit!



Brainerd City Council Agenda Request

Requested Meeting Date: October 15, 2018

Title of Item: Transit Policy Amendment - Ride Tickets

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☒ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: City Engineer Sandy	Department: Engineering/Transit
Presenter (Name & Title): City Engineer Sandy	Estimated Time Needed: 5 Minutes
Summary of Issue: There was discussion at the Transportation Advisory Committee Meeting on September 27, 2018 about Fare Policy, specifically Transit Operating Policy Section 2.1.3 Fares. Currently, drivers keep ride tickets on the bus and are available for purchase from the bus driver.	
Alternatives, Options, Effects on Others/Comments: The question for the TAC to consider was the wisdom of having drivers keep fare tickets for people to purchase on the bus, without any real way of tracking them past the bus drivers word vs. the risk of loss, theft, or less than honest people. It was agreed that that a pre-paid fare was an equivalent to cash, and that bus drivers are not allowed to handle cash, per transit operating policy. Any temptations surrounding bus drivers sale of pre-paid tickets should be removed from the policy. Thus, a motion was proposed to strike the last line in 2.1.3 Fares in which allows bus drivers to sell ride tickets. A motion was also passed to have staff look into other venues for ticket sales for public convenience and accessibility, besides Brainerd City Hall.	
Recommended Action/Motion: Staff recommends approval of the change to Transit Operating Policy Section 2.1.3 Fares by striking the last line in the policy in which "ride tickets may also be purchased from transit drivers".	
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>	

Paul Sandy

From: Andy Stone
Sent: Monday, October 8, 2018 12:31 PM
To: Paul Sandy
Subject: TAC action that needs to go before the council

Paul,

At the Transportation Advisory Committee meeting dated September 27, 2018, two actions were recommended for council action.

1) Agenda Item 7c Tickets sold by driver wisdom:

Discussion regarding the wisdom of having drivers keep pre-paid fare in the bus for customer convenience vs. risk of loss, theft, or less than honest people. It was agreed that pre-paid fare is equivalent to cash and that any temptations surrounding it should be removed. A motion by Lambert, second by Bertram to strike the last sentence of transit operating policy 2.1.3 passed.

2.1.3 Fares: Each fare is applicable to one-way complete trip. Once the passenger disembarks from the vehicle, or arrives at a destination, one trip is completed. Upon entering the same vehicle again, a new trip commences and the passenger will be required to pay a new fare. It shall be the responsibility of the driver to make certain that customers pay all fares and that customers insert all fares into the fare box. Passengers are responsible for having exact change, token or ride ticket. Drivers are not to make change, extend credit or allow free rides. Addendum has current fares. Ride tickets and tokens may be purchased at Brainerd City Hall, 501 Laurel Street. ~~Ride tickets may also be purchased from transit drivers.~~

Staff will find other venues for ticket sales for public convenience and accessibility.
Staff concurs with above motion.

2) Agenda item 10 Rides/Revenues/Fares:

Discussion was held regarding the current financial position of the transit system and its participating partners. Primarily, our discussion surrounded the 6% third party contract increase effective July 1, 2018. Both proposals during the RFP process were significantly higher than the existing contract. This year 1 increase is \$38,809 and The City of Brainerd portion will be approximately \$17,852. We have also had a 3.75% decrease in ridership in 2017 equating to 3000 rides. We compared 2017 actual with 2018 first half of the year.

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total	-	-	-	-	-	-	-	-	total	\$ 25,628.01

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Staff recommended a one-time \$0.50 increase vs. two closely spaced \$0.25 increase, but concurs that a fare increase is necessary.

Respectfully, Andy

Andy Stone

Transit Coordinator

City of Brainerd

501 Laurel St | Brainerd, MN 56401-3595

Phone: 218.454.3413 | www.ci.brainerd.mn.us/transit

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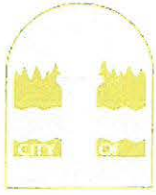


Brainerd City Council Agenda Request

Requested Meeting Date: October 15, 2018

Title of Item: Event/Street Closure Application - Turkey Run

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☒ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: City Engineer Sandy	Department: Engineering
Presenter (Name & Title): City Engineer Sandy	Estimated Time Needed: 5 Minutes
Summary of Issue: Attached is an event/street closure application for the annual Turkey Run to be held on Thanksgiving morning, November 22, 2018 from 7 am - 11 am.	
Alternatives, Options, Effects on Others/Comments: The route is the exact same as it has been in previous years, starting at the Armory on Wright Street and utilizing S 10th Street, SE 11th Street, Thiesse Drive, County Road 45, County Road 117, fairground property, the Wright Street Extension, and back to the armory. All businesses are typically closed on Thanksgiving, so there is typically no issue with notification to affected businesses. The applicant places temporary no parking signs along Wright Street for the event. There will slight amplified sound through use of a megaphone.	
Recommended Action/Motion: Staff recommends approval of the attached application. Any traffic control requests should be proposed to engineering staff and any request for police support should be proposed to police staff.	
Financial Impact: Is there a cost associated with this request: ☐ Yes ☒ No What is the total cost, with tax and shipping \$ _____ Is this budgeted? ☐ Yes ☐ No <u>Please Explain:</u>	



SPECIAL EVENT APPLICATION

Date of Application: 10-9-18

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

RECEIVED

OCT 08 2018

**CITY OF BRAINERD
ADMINISTRATION**

Type of event: ☐ Event – City Parking Lot ☐ Event – City Park
☒ Event with Street Closure ☐ Other _____

Name of event: Turkey Run

Organizer Information

Organizer's Name: Brainerd Shrine

Organizer's Address: P.O. Box 287, Brainerd, MN 56401

Event Contact Person: Corey Johnson

Event Contact Daytime Phone: (W) 218-828-5066 (C) 218-820-4728

Event Contact E-mail Address: lakesarea.pizza@brainerd.net

Contact Name/Number Day of Event: Corey Johnson / 218-820-4728

For Profit/Nonprofit Status (type): Nonprofit

Applicant information (if different from the event organizer):

Applicant Name: Keith Johnson

Applicant Address: 1420 Mary Street

Applicant Phone: 218-851-5095

Applicant E-mail Address: kid-trucker@hotmail.com

Event Information

Event Details (list each date separately)

Event Date	Start Time	End Time	Event Location(s) – see locations listed below
11-22-18	7:00 AM	11:00 AM	National Guard Armory / Wright St.

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

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

Description of Activities

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

5K Run/Walk Around 600 participants

Site Information

Electrical usage

☐

Yes

☒

No

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

Amplified Sound

☒

Yes

☐

No

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

Megaphone / Microphone with Speakers for Contestants to Hear

Restrooms provided

☒

Yes

☐

No

If yes, how many 6 (a ratio of 1 for every 100-150 people is recommended)

Company contracted for restrooms: Bladen

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

Signs, banners, and/or posters/flyers

☒

Yes

☐

No

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

Locations: Wright Street

Descriptions: National Guard / Sheriff / Turkey Run Banners

Trash Receptacle Disposal

☒

Yes

☐

No

Company contracted for trash receptacle disposal: Lift Tech Marine / LJT LLC

Additional Event Information

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

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

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

Description of Activities

Brief description of the activities planned during the event: Around GCC Runners
5-K Fun Run

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

Site Information

Electrical usage?

Yes ☐ No ☒

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

Amplified sound?

Yes ☒ No ☐

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

There will be slight use of Megaphone for contestants
to hear

Restrooms provided?

Yes ☒ No ☐ How many? 6

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

Company contracted for restrooms: Blakeman

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

Sign, banners, and posters/flyers?

Yes ☒ No ☐

Locations and descriptions: Location: Wright Street
Descriptions: National Ground/Shrine/Turkey Run Banners

Trash Disposal?

Yes ☒ No ☐

Company contracted for trash disposal: LIFT Tech Marine / HJT LLC

Event Layout and Street Site Map

Yes ☒ No ☐

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

Street Closure Request Information

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

Temporary "No Parking" From 1115 Wright Street to 13th Street

Date and time for beginning of street closures: 7:00 AM / 11-22-18

Date and time for reopening of streets: 11:00 AM / 11-22-18

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

All businesses will be Closed-Not Affected

They will be Closed "Thanksgiving Morning"

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

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

For information regarding a street closure, please contact the City Engineering office at 218-828-2307 or

Hold Harmless Agreement and Insurance Information

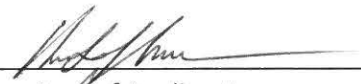
The Applicant covenants to save, defend, hold harmless, and indemnify the City of Brainerd and all of its officers, departments, agencies, agents, and employees (collectively the "City") from and against any and all claims, losses, damages, injuries, fines, penalties, costs (including court costs and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

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

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

Signature of Event Applicant

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



Signature of Applicant

Keith Johnson

Print Name

Contacts, Permits, and Fees Checklist

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

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

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

Contact Information

Administration Department:	(218) 828-2307
Parks and Recreation Department:	(218) 828-2320
Engineering Department:	(218) 828-2307
Planning Department:	(218) 828-2307
Police Department:	(218) 829-2805
Fire Department:	(218) 828-2312
MN Commissioner of Revenue:	(651) 282-5225
MN Department of Health	(320) 223-7300
MNDOT Baxter Office	(218) 828-5700

For Official Use Only

Department Sign-offs Required

Department	Date/Initials	Comments
Brainerd Public Utilities	<u>N/A</u>	<u>NONE</u>
City Administration	<u>N/A</u>	<u>NONE</u>
Engineering Department	<u>PS</u>	<u>REQUESTS FOR TRAFFIC CONTROL TO BE THROUGH ENGINEERING STAFF.</u>
Fire Department	<u>OK</u>	<u>NONE</u>
Fire Support/EMS	<u>OK</u>	<u>NONE</u>
Parks Department	<u>OK</u>	<u>NONE</u>
Planning Department	<u>OK</u>	<u>NONE</u>
Police Department	<u>OK</u>	<u>TALK WITH POLICE STAFF BEFORE EVENT FOR ANY SUPPORT NEEDED.</u>

Event Application Approval

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

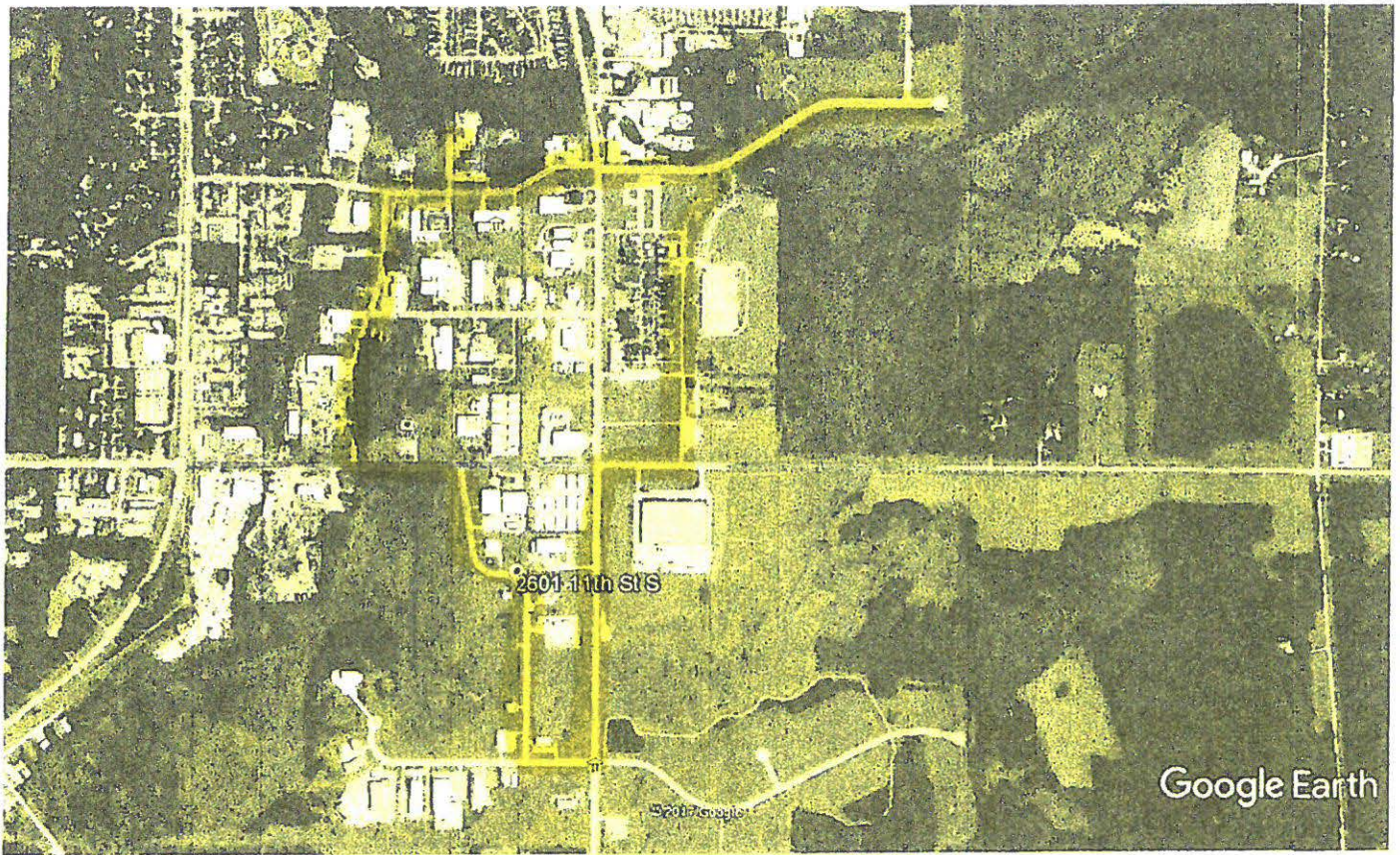
City Administrator or Parks & Recreation Director

Date

Approval Conditions

Certification of Street Closure Approval

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



Google Earth

feet 5000
km 1





Brainerd City Council Agenda Request

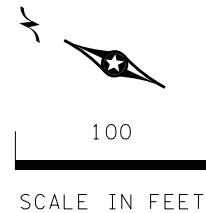
Requested Meeting Date: October 15, 2018

Title of Item: Highway Safety Improvement Program - Request to Apply for Funds

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☒ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1st Reading *provide copy of published hearing notice
Submitted by: City Engineer Sandy	Department: Engineering
Presenter (Name & Title): City Engineer Sandy	Estimated Time Needed: 5 Minutes
Summary of Issue: The local solicitation for Highway Safety Improvement Program (HSIP) funding was recently let by MnDOT and application will be received through November 21, 2018. This solicitation is handled through the Office of Traffic Engineering at MnDOT for HSIP funding for years 2020 - 2023. Available funds, though they can be moved around to different years within each district, can be seen on the 3rd page of the solicitation.	
Alternatives, Options, Effects on Others/Comments: As you may recall, Bolton and Menk performed a traffic study for the City of Brainerd to put us into position to apply for funds through the Local Road Improvement Program (LRIP) and HSIP. The traffic study has since been completed, and LRIP funding has already been applied for. Though we did not get funded through LRIP this go-around, the legislature authorized more funds to that program in the last session, and MnDOT is currently looking at the applications that did not get funded last solicitation and will be selecting another batch for funding this go around using the existing, already submitted applications. This HSIP application would be supplemental in nature to the LRIP application, and thus, if we can funded wholly or partially from LRIP, we will be modifying the HSIP application to reflect our actual need for funds. From the traffic study, the total project cost for installation of a roundabout at Jackson Street, a center median between Jackson and TH 210, and lane reconfigurations to eliminate the split phasing at TH 210 and a separated trail was \$1,131,000. Staff anticipates the application will be for \$1,000,000 of the total \$1,130,000, as there is a 10% local match and a maximum of \$1,000,000 in funding that can be awarded to a project. Bolton and Menk has indicated that they would help the City put together the application for funding. Staff anticipates the funding year would match the LRIP application for 2020 construction. The LRIP application was also for \$1,000,000.	
Recommended Action/Motion: Staff recommends authorization of submission of the HSIP application to MnDOT. Staff may be returning to the council with a resolution of support from the council at the first meeting in November to include in the application. Staff will also consult county staff for any letters of support along with other emergency services personnel for other letters of support.	
Financial Impact: <i>Is there a cost associated with this request:</i> ☐ Yes ☒ No <i>What is the total cost, with tax and shipping</i> \$ _____ <i>Is this budgeted?</i> ☐ Yes ☐ No <u>Please Explain:</u>	

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COUNTY
20



MINNESOTA
210

LAYOUT LEGEND

- CONCRETE WALK/DRIVEWAY
- CONCRETE C&G/MEDIAN
- BITUMINOUS ROADWAY
- BITUMINOUS TRAIL
- LANDSCAPING
- PROPOSED RIGHT OF WAY
- PARCEL BOUNDARY
- SIGNAL
- UTILITY POLE

Relocate Utility Pole

ROW needed for Exclusive
Southbound Right Lane

NW 4th Street

NW 5th Street

NW 3rd St

James St

Washington St

Walgreens

Erbert & Gerberts

UPS Store

Wells Fargo

License Office



4th Street (CSAH 20)
Corridor Analysis



Real People. Real Solutions.

Preliminary Cost Estimate
City of Brainerd & Crow Wing County
4th Street (CSAH 20)
November 2017

Item	Unit	Unit Cost	Quantity	Estimated Cost
Major Roadway and Pedestrian Facilities				
1 REMOVE CURB AND GUTTER	LF	\$ 5.13	2542	\$ 13,044
2 REMOVE CONCRETE WALK AND DRIVEWAY	SF	\$ 1.94	2173	\$ 4,208
3 SAWING BITUMINOUS PAVEMENT FULL DEPTH	LF	\$ 4.24	432	\$ 1,834
4 MILL BITUMINOUS SURFACE (5")	SY	\$ 3.92	10049	\$ 39,374
5 COMMON EXCAVATION	CY	\$ 13.37	1590	\$ 21,258
6 RECYCLED AGGREGATE BASE MATERIAL (12" roadway, 8" walk/trail)	CY	\$ 6.37	1126	\$ 7,173
7 5" BITUMINOUS (roadway)	TON	\$ 63.22	2121	\$ 134,105
8 3" BITUMINOUS (trail)	TON	\$ 73.97	257	\$ 19,018
9 4" CONCRETE (medians)	SF	\$ 5.69	12700	\$ 72,241
10 8" CONCRETE APRONS (roundabouts)	SY	\$ 83.03	301	\$ 25,009
11 CONCRETE CURB & GUTTER DESIGN B612	LF	\$ 39.11	517	\$ 20,214
12 CONCRETE CURB & GUTTER DESIGN B624	LF	\$ 26.83	4778	\$ 128,212
13 CONCRETE CURB & GUTTER DESIGN S524	LF	\$ 41.84	269	\$ 11,253
14 6" CONCRETE WALK (ped ramps)	SF	\$ 9.34	2630	\$ 24,553
15 TRUNCATED DOMES	SF	\$ 54.78	488	\$ 26,749
16 4" CONCRETE WALK	SF	\$ 5.69	348	\$ 1,980
17 6" CONCRETE PAVEMENT (driveways)	SY	\$ 62.54	85	\$ 5,314
				\$ 556,000
Other Roadway Items				
18 DRAINAGE REMOVALS	LS		1	\$ 12,000
19 SIGNAL RETROFIT (TH 210)	LS		1	\$ 95,000
20 LIGHTING STRUCTURES	LS		1	\$ 72,000
21 WATERMAIN	LS		1	\$ -
22 SANITARY SEWER	LS		1	\$ -
23 STORM SEWER & TREATMENT	LS		1	\$ 125,000
				\$ 304,000
Other Items				
24 SIGNS AND PAVEMENT MARKINGS	%	3%	-	\$ 26,000
25 TURF ESTABLISHMENT AND EROSION CONTROL	%	3%	-	\$ 26,000
26 MISC. REMOVEVALS	%	5%	-	\$ 44,000
27 OTHER MISC. ITEMS	%	10%	-	\$ 87,000
28 MOBILIZATION	%	5%	-	\$ 44,000
29 TRAFFIC CONTROL	%	5%	-	\$ 44,000
				\$ 271,000
TOTAL CONSTRUCTION COST				\$1,131,000



Local Solicitation for HSIP Funding

Greater Minnesota, 2020 through 2023

September 2018

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Funds Available

The Office of Traffic Engineering is soliciting for HSIP funding for the years 2020 through 2023. See tables below for approximate HSIP funds available by ATP.

This solicitation is the only way for HSIP funds to be applied to a project.

OTE strongly encourages submitting more projects than the minimum targets listed as savings can provide more dollars for quality projects. If funds are left unallocated in the first two years of the STIP after this solicitation, those funds may go to a project that can be delivered in the necessary timeframe.

ATP	2020	2021	2022	2023
1	0	0	0	0
2	704,339	274,365	700,000	700,000
3	0	426,153	1,895,000	3,200,000
4	0	0	1,200,000	1,200,000
6	72,400	198,000	2,100,000	2,100,000
7	1,455,190	993,864	1,300,000	1,300,000
8	220,174	519,405	650,000	1,000,000
Total	2,452,103	2,411,787	9,150,000	9,500,000

Submittal Instructions

An electronic version of the application can be found at www.mndot.gov/trafficeng/safety/hsip.html.

Email application packets (preferably PDF) to SafetyProject.DOT@state.mn.us by **November 21, 2018**.

Contacts

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MnDOT Office of Traffic Engineering
(651) 234-7016
Eric.DeVoe@state.mn.us

Brad Estochen
MnDOT Office of Traffic Engineering
(651) 234-7011
Bradley.Estochen@state.mn.us

Timeline

Timeframe	Action
September	Solicitation will be sent out to all eligible agencies by Labor Day.
September – November	Each eligible agency selects projects and compiles an application packet based on the criteria guidelines.
November 21	Applications should be submitted to OTE by November 21.
December – January	A Selection Committee will review each application for compliance with HSIP criteria guidelines. A preliminary list of prioritized projects will be developed.
January – February	Preliminary list of selected projects is reviewed by MPOs where applicable.
February (end)	Notification is sent to applicants and respective planning offices announcing selected projects.
March	Selected projects enter the STIP review and publication process.

Eligibility

Requirements

The Highway Safety Improvement Plan (HSIP) selection committee will evaluate each application, prioritize and determine the best funding source for each. Independent of the source from which funding will be secured; certain requirements must be met to receive funding.

1. Applications must be received on or before **November 21, 2018**.
2. Federal funds listed above are available to Greater Minnesota counties and agencies within those counties with the ability to receive State Aid; **any non-State Aid submitting agency must be sponsored by their respective county.**
3. Only stand-alone projects will be considered. It is recognized that portions of larger projects have elements that improve the safety of an intersection or section of roadway. Safety features, such as guardrail, that are routinely provided as part of a broader project should be funded from the same source as the broader project.
4. Applicants submitting a proactive/systemic project identified in a County Road Safety Plan **need only fill out the application form, attach the appropriate pages from the plan, and provide a letter from any other agencies involved in the project.**

Applicants submitting a reactive/spot location must include a benefit-cost calculation. See Appendix B and procedure documented in the Traffic Engineering Manual (TEM).

5. Projects submitted in coordination with a MnDOT District must be evaluated using the District HSIP Scoring Criteria documented in District Announcement: www.mndot.gov/trafficeng/safety/hsip.html.
6. Applicants must indicate roadway and specify both a beginning and ending point; this will expedite the environmental review and historical site evaluation process.
7. Applicants must agree to maintain any selected projects for the life of the project; see Appendix C for FHWA Recommended Service Life tables.

Reactive Projects

A maximum of 30% of the projects awarded to each ATP will be reactive. Reactive projects must have a B/C greater than 1.00 to be considered for funding. The criteria that will be used to select these projects are detailed in this section of the document.

Locations must have a significant crash history that includes a fatal or serious injury crashes. Significant crash history can be determined in a number of ways, it is suggested that critical crash rates be used to assess significance. Consult the TEM or contact OTE regarding details on critical crash rates.

Please provide crash data for the prior 5 years of crashes.

Ineligible Projects

- Road Safety Audits
- Overlays
- Guardrail Updates
- Sign Upgrades
- “Force Account” work: all projects must be done by a qualified contractor through the design-bid-build process.

Edgeline restriping projects will be considered for 6-inch edgelines only; these projects will be selected based on risk as identified in the County Road Safety Plans.

New or reconstructed signals will be considered if they meet the criteria contained in Appendix D

Project Selection

The County Road Safety Plan should be the starting point for selecting projects for this solicitation. Projects that originate from a road safety plan specifically focused on reducing fatalities and serious injuries will be given highest priority. The higher priority given to the project in the safety plan, the more points that project will receive during the selection process.

Projects that are part of a longer range plan (e.g. Road Safety Audit, other safety plan) focusing on reducing fatalities and serious injuries will receive more points during the selection process. If not a County Road Safety Plan, please include an excerpt from the existing plan.

Application and Submission Process

In the spirit of a more simplified and transparent solicitation process, the Office of Traffic Engineering revised the application for HSIP funds in 2017.

Projects will be evaluated and selected using the same criteria as previous solicitations; however, the selection committee will be using metrics to score projects. These metrics will ensure consistency across project selection, improve transparency, and provide feedback to applicants for future solicitations.

While the use of rubrics and standard scores are well used techniques in project selection, this is new territory for HSIP solicitations. Going forward, we anticipate improvements as we fine tune the process.

Application Form

NOTE: The application form will be identical to the solicitation from November 2017.

In reviewing the solicitation process, the Office of Traffic Engineering recognized that forms used in prior solicitations did not conform to best practices. Applicants were asked to enter redundant information with little structure on what supporting documentation would be most useful to the selection committee.

The goal of the HSIP program is to reduce fatal and serious injury crashes on Minnesota roadways. With finite resources, it was decided that more time selecting an appropriate safety project is a better use of resources than data entry.

The application form is simplified to a one-page cover sheet for your application packet. Key evaluation metrics will be based on information provided on this sheet: please enter information (or N/A) on all lines. Metrics not provided will be considered null.

Application Fields

MPO

If any portion of the proposed project falls within the boundaries of a Metropolitan Planning Organization (MPO), enter the name of the MPO here. A link is provided detailing the 8 Minnesota MPOs.

Joint Project

Check the box if the proposed project includes a partnership between multiple agencies

(e.g. multiple counties, MnDOT district and local, etc.)

Estimated Outputs

Enter an estimate for the number of miles, intersections, and/or curves improved as appropriate. For example, a lane departure strategy installed over 28.4 miles may cross multiple intersections and curves, but if the is not intended to improve safety at intersections the value would be zero intersections.

Roadway Jurisdictions

Check the box next to the roadway jurisdiction if any portion of the project improves that roadway type. Multiple jurisdictions may be checked.

“Describe any prioritization used in site selection”

Briefly describe any rationale used in prioritizing which sites were included and which were not.

Example 1: if submitting from a County Road Safety Plan it is sufficient to state “high priority sites were X stars and above.”

Example 2: if submitting a project as part of a long term safety plan, please detail any goals, e.g. “part of a long range strategy to improve A over the next B years.”

Supporting Documents

Check any supporting documents that are included in the application. Common and suggested documentation is provided; if including other information, please enter a description.

While metrics will be determined from the application form, supporting documentation is critical to the Selection Committee understanding the scope and details of the project, countermeasure, and location.

Appendix A – Resources

Annual HSIP Report

FHWA maintains annual reports on the Highway Safety Improvement Program within each state. These reports highlight successes and challenges in administering the program and meeting performance measures.

www.safety.fhwa.dot.gov/hsip/reports

Benefit/Cost Ratio

To facilitate the calculation of a benefit/cost ratio, OTE has provided a worksheet available online at www.mndot.gov/trafficeng/safety/hsip.html. This worksheet is **required** for reactive project applications.

NOTE: please verify the Cost per Crash amounts against the crash costs provided by MnDOT OTSM; for the purposes of this solicitation, the cost of a Fatal crash will be equal to double that of a Serious Injury (A) crash.

Crash Costs

Crash costs are maintained by MnDOT Office of Transportation System Management (OTSM) online at “Benefit-Cost Analysis for Transportation Projects,” Appendix A: www.mndot.gov/planning/program/appendix_a.html

NOTE: for the purposes of this solicitation, the cost of a Fatal crash will be equal to double that of a Serious Injury (A) crash and not the value published online.

Crash Data

Five years of crash data is appropriate: 2013-2017. In April 2018, shapefiles of crashes January 2016 through March 2018 were provided via SALT for use in a format that is similar to MnCMAT. In this time of data transition, please specify if the source of crash data is different than these files.

NOTE: Remember that after 2016, the fields and codes for crash data are not identical. If you are unsure, double-check against a data dictionary for the correct codes.

Crash Modification Factor (CMF)

Crash Modification Factors, i.e. recommended percent change in crashes, should be referenced from FHWA’s CMF Clearinghouse: www.cmfclearinghouse.org. If multiple CMFs are provided, please provide a brief one to three sentence explanation of how the CMF provided was selected.

Critical Crash Rate

A detailed explanation of how to calculate the critical rate, critical index, and other screening metrics is available in the TEM, “Chapter 11 – Traffic Safety” (page 9). www.mndot.gov/trafficeng/publ/tem/2015/chapter11.pdf

Minnesota Strategic Highway Safety Plan (SHSP), 2014

See “Appendix A: Focus Area Fact Sheets” (page 39) for a statewide summary of focus area trends and crash characteristics. See “Appendix C: Detailed Crash Data and Methodology for Analysis” (page 136) for focus area definitions and codes using crash data prior to 2016.

www.mndot.gov/trafficeng/safety/shsp/Minnesota_SHSP_2014.pdf

Traffic Engineering Manual (TEM)

www.mndot.gov/trafficeng/publ/tem/index.html

Traffic Safety Fundamentals Handbook, 2015

www.mndot.gov/trafficeng/publ/fundamentals/2015-mndot-safety-handbook-reduced.pdf

Appendix B – Sample Benefit-Cost Calculations

In the interest of standardizing the calculation of an annual costs, the following inputs are default for HSIP submission worksheet, available online at www.mndot.gov/trafficeng/safety/hsip.html:

- Traffic Growth Factor: 0.5% (This default is a conservative statewide average. The worksheet can input a different value but additional documentation will be required if modified.)
- Discount Rate: 2%
- Salvage Value of Right of Way and Change in Maintenance Costs: negligible.

HSIP worksheet		Control Section	T.H. / Roadway	Location	Beginning Ref. Pt.	Ending Ref. Pt.	State, County, City or Township	Study Period Begins	Study Period Ends
			I-494	Portland Ave to Nicollet Ave	3+00.848	4+00.357	Hennepin Co.	1/1/2012	12/31/2014
Description of Proposed Work		Construct Westbound auxiliary lane between Portland and Nicollet							
Accident Diagram Codes		1 Rear End	2 Sideswipe Same Direction	3 Left Turn Main Line	5 Right Angle	4,7 Ran off Road	8,9 Head On/ Sideswipe - Opposite Direction	Pedestrian	Other
Study Period: Number of Crashes	Fatal	F							
	Personal Injury (PI)	A							
	B								
	C	5							5
	Property Damage	PD	7	3					10
% Change in Crashes	Fatal	F							
	Personal Injury (PI)	A							
	B								
	C	-25%							
	Property Damage	PD	-25%	-25%					
Change in Crashes = No. of crashes X % change in crashes	Fatal	F							
	Personal Injury (PI)	A							
	B								
	C	-1.25							-1.25
	Property Damage	PD	-1.75	-0.75					-2.50
Year (Safety Improvement Construction)		2018							
Project Cost (exclude Right of Way)		\$ 600,000		Type of Crash	Study Period: Change in Crashes	Annual Change in Crashes	Cost per Crash	Annual Benefit	B/C= 1.66 Using present worth values, B= \$ 998,370 C= \$ 600,000 See "Calculations" sheet for amortization.
Right of Way Costs (optional)				F			\$ 1,140,000		
Traffic Growth Factor		0.5%		A			\$ 570,000		
Capital Recovery				B			\$ 170,000		
1. Discount Rate		2%		C	-1.25	-0.42	\$ 83,000	\$ 34,583	
2. Project Service Life (n)		30		PD	-2.50	-0.83	\$ 7,600	\$ 6,333	
				Total			\$ 40,917		Office of Traffic, Safety and Technology August 2015

Appendix C – Recommended Service Life Tables

Service life in years for a sample of safety installations. This list should not be considered exhaustive of safety countermeasures eligible for HSIP funding.

Intersection and Traffic Control

Service Life	Description
20	Construct turning lanes
20	Provide traffic channelization
20	Improve sight distance
10	Install traffic signs
2	Install pavement marking
10	Install delineators
20	Install illumination
20	Upgrade traffic signals
20	Install new traffic signals
5	Retime coordinated system
20	Construct roundabout

Pedestrian and Bicycle Safety

Service Life	Description
20	Construct sidewalk
30	Construct pedestrian and bicycle overpass/underpass
10	Install fencing or pedestrian barrier
20	Construct bikeway

Roadway and Roadside

Service Life	Description
20	Widen travel way (no lanes added)
20	Add lane(s) to travel way
20	Construct median for traffic separation
20	Widen or improve shoulder
20	Realign roadway (except at railroads)
10	Overlay for skid treatment
10	Groove pavement for skid treatment

Service Life	Description
10	Install breakaway sign supports
10	Install breakaway utility poles
20	Relocate utility poles
10	Install guardrail end treatment
10	Upgrade guardrail
20	Upgrade or install concrete median barrier
10	Upgrade or install high tension cable median barrier
10	Install impact attenuators
20	Flatten or re-grade side slopes
10	Install bridge approach guardrail transition
20	Remove obstacles
7	Install edge treatments
7	Install centerline rumble strips

Structures

Service Life	Description
20	Widen or modify bridge for safety
30	Replace bridge for safety
30	Construct new bridge for safety
20	Replace/improve minor structure for safety
20	Upgrade bridge rail

Appendix D – HSIP and Signals

Revised October 10, 2012

In most cases, traffic signals are not safety control devices. They assign right of way for vehicles and are necessary for operational purposes. However, in some cases they can improve safety. The objective of the Highway Safety Improvement Program (HSIP) is to “reduce the occurrence of and the potential for fatalities and serious injuries resulting from crashes on all public roads” (23 CRF 924.5). Signal projects will be considered for funding provided they meet the following criteria.

Section 4 of the Minnesota Manual on Uniform Traffic Control Devices can be found at the link below:
www.mndot.gov/trafficeng/publ/mutcd/mnmutcd2014/mnmutcd-4.pdf

New Signals

Warrant 7, Crash Experience from the MMUTCD must be met. Specifically, “Five or more reported crashes, of the types susceptible to correction by a traffic control signal, have occurred within a 12-month period”. Exceptions to meeting this warrant may be made if an adequate case is made on how the new signal will reduce the number of, or potential for, fatalities and serious injuries.

All new signals shall meet current MnDOT design standards. If exceptions to incorporating these standards are necessary due to site specific conditions, explanation should be included with the application.

Installation of red light running (enforcement) lights is strongly encouraged. Installation costs are low when installed with new signals and they provide the benefit of red light running enforcement to be accomplished by one law enforcement officer, instead of two.

Documentation should be provided confirming that other intersection types were considered but are not feasible. Those considered should include intersection types that reduce the probability of severe right-angle crashes. Roundabouts restricted crossing u-turn (RCUT) intersections, and some other alternative intersection types fall into this category.

Existing Signals

Rebuilding an existing signal system is only eligible for HSIP funding if it is necessary for implementation of a geometric improvement (constructing new lanes). The signal system is incidental to the primary safety improvement on these projects, which is geometric.

Retiming of Signal Systems

The development and implementation of new signal timing plans for a series of signals, a corridor or the entire system is eligible.

Appendix E – Narrow Shoulder Paving Guidelines

Guidelines for HSIP-funded narrow shoulder paving in conjunction with county resurfacing projects.

The HSIP steering committee agrees that when narrow shoulder paving projects have been funded through HSIP, it makes sense under certain circumstances to do the work in conjunction with a resurfacing project, rather than as a separate, stand-alone project. The steering committee is proposing revised guidelines on this issue that will affect future project selection.

The County Road Safety Plans (CRSPs) are identifying **6 miles per county per year** for narrow shoulder paving. This work involves the paving of existing aggregate or turf shoulders with 1 to 2 feet of pavement and the addition of a safety edge and a shoulder rumble strip or edgeline rumble stripe. The following guidelines are proposed for the selection of future HSIP projects on the local system:

- Narrow shoulder paving can be done in conjunction with resurfacing if the project is along one of the segments specifically identified in the CRSP for this type of work.
- The project can be at a different location than those identified in the CRSP if it is along a higher-risk segment, as identified in the CRSP. The CRSP assigns a risk rating to highway segments based on the following criteria: traffic volume, rate and density of road departure crashes, curve density and edge assessment. The risk rating ranges from 0 (lower risk) to 5 (higher risk). **If the proposed project is along a highway segment with a rating of 4 or 5, then it can be done in conjunction with a resurfacing project.** This process ensures that narrow shoulder paving is being done at locations of higher risk rather than being driven by the schedule of pavement rehabilitation projects.
- The shoulder paving must include a safety edge and either shoulder or edgeline rumble strips.
- The County should use regular construction dollars to upgrade guardrail and other safety hardware as part of the resurfacing project.

At this time, all other HSIP-funded project types on the local system will continue to be funded as separate, stand-alone projects.

Appendix F – Delegated Contract Process

A brief overview of the Delegated Contract Process (DCP) has been provided below. The outlined criteria must be completed to meet the April 15th deadline requirement for all selected projects:

1. Environmental document prepared by sponsoring agency and approved by DSAE and SALT.
2. Right of way certificate approved or condemnation proceedings have been formally initiated*.
3. District State Aid Engineer (DSAE) approval of plans and a satisfactory review by State Aid that project plans are complete and reflect the project that was selected.
4. Engineer's Estimate and working days estimate including how working days were computed*.
5. Special provision information*.
6. Utility relocation certificate*.
7. Request for Lab Services form*.
8. Permits received or NPDES permit application filled out by sponsoring agency*.
9. SALT requests DBE goal.
10. Plans reviewed and approved by SALT.
11. SALT requests authorization for HSIP or HRRRP projects.
12. Bid opening can be set after authorization by SALT and sponsoring agency.
13. Sponsoring agency prepares proposal, sells project documents and advertises per State Statute (required ad language provided by SALT).
14. Bid opening should be within 90 days of authorization.
15. DBE clearance must be given by Mn/DOT Office of Civil Rights before project is awarded by sponsoring agency (if applicable).
16. Submit above information for all projects that will be included in the construction contract. Above Federal requirements will apply to all work included in the construction contract.

* These items are all submitted to SALT along with DSAE approved plan set.

Additional Resources

For detailed information about the FEDERAL (DCP) process, please visit our website:

www.mndot.gov/stateaid/projectdelivery/pdp/dcp/dcp-checklist.pdf

If you have any questions about the Federal Aid process, please contact your DSAE or Merry Daher (SALT) at Merry.Daher@state.mn.us or (651) 366-3821.

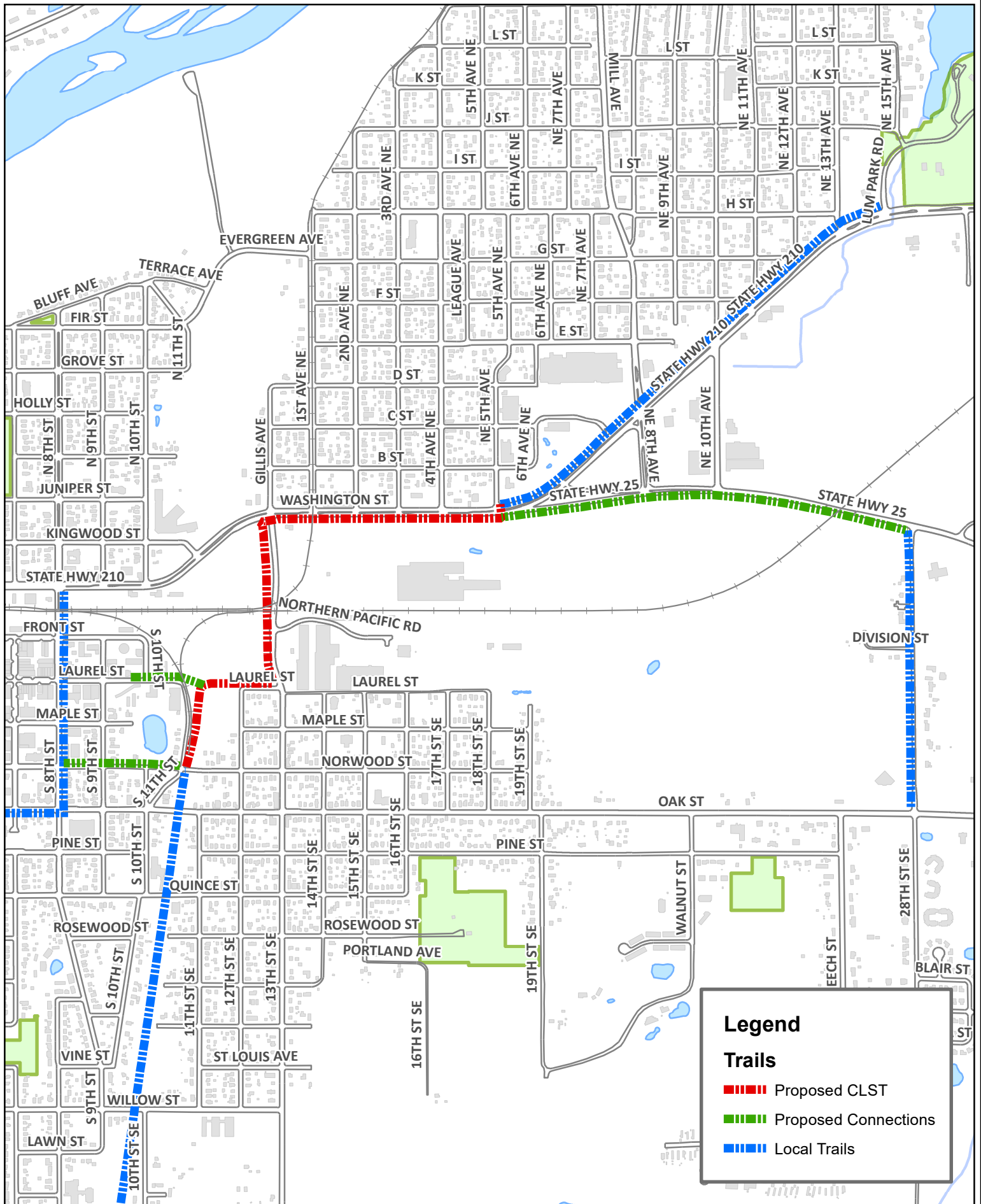


Brainerd City Council Agenda Request

Requested Meeting Date: October 15, 2018

Title of Item: Transportation Alternatives - Request to Submit Letter of Intent

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☒ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: City Engineer Sandy	Department: Engineering
Presenter (Name & Title): City Engineer Sandy	Estimated Time Needed: 5 Minutes
Summary of Issue: The most recent Transportation Alternatives Solicitation has been let by MnDOT for year 2023 funding. As you may recall, the City of Brainerd has been very successful with this program in the past being funded for all three Garfield Safe Routes to School Projects and the S 6th Street Sidewalk Extension in year 2022.	
Alternatives, Options, Effects on Others/Comments: Staff has identified a potential project for applying for this solicitation. Due to the potential money coming from the DNR to construct the in-fill segment of the Cuyuna Lakes State Trail in Brainerd, some local trail connections now become viable projects due to the possibility of the trail. As you may recall, during the 2015 reconstruction of 28th Street, a separated trail was constructed on the street in which connects to Oak Street and Highway 25, where it dead ends. MnDOT plans to reconstruct the Highway 25 railroad bridge in 2022, with plans to construct an on-deck pedestrian facility at that time. This gives the City a great opportunity to construct the trail connection from 28th Street to the CLST. A couple other local trail connections have been identified using the Laurel Street and Norwood Street corridors to connect the potential CLST to the S 8th Street trail and downtown. Staff has attached a map and cost estimate for the committees and councils review. The funding is 80% federal with a 20% match. At this time, staff is only proposing to submit the Letter of Intent, which is required to be submitted before the city is authorized to submit the full application to MnDOT by January 4. Engineering and right-of-way can not be included in the 80/20 split, and must be covered by the local agency. Total (very preliminary) estimated project cost for the project, excluding any potential right-of-way acquisition and engineering is \$300,575. The 80/20 split equates to \$240,460 federal money and \$60,115 local share for construction. This is also very dependent on railroad consideration, in which staff will have an update for the committee and council at the meeting.	
Recommended Action/Motion: Staff recommends authorization for staff to submit the Letter of Intent to apply for Transportation Alternatives Funding. Staff will begin more in depth project development, at which time, will return to the committee with resolutions needed to submit the application.	
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>	



0 500 1,000 2,000
Feet

This map is intended for reference purposes only and is not a legally recorded map nor survey. The City of Brainerd shall not be liable for any damages or claims that arise due to accuracy, availability, use, or misuse of the information herein pursuant to MN Statutes 466.03 Subd 21.



Cost Estimate
9-Oct-18
Cuyuna Lakes State Trail Connections
For TA Funding Application

			Trail - 5th - 28th Highway 210		Trail - SE 11th to S 8th Norwood Street		Trail - SE 12th to S 10th Laurel Street		Totals	
			Length	3400	Length	1000	Length	700	Length	5100
Item	Unit	Unit Price	Quantity	Amount	Quantity	Amount	Quantity	Amount	Quantity	Amount
Mobilization	LS	\$20,000.00	0.53	\$10,600.00	0.23	\$4,600.00	0.24	\$4,800.00	1	\$20,000.00
Remove Concrete Driveway	SY	\$4.00	0	\$0.00	400	\$1,600.00	0	\$0.00	400	\$1,600.00
Remove Sidewalk	SF	\$3.50	250	\$875.00	300	\$1,050.00	0	\$0.00	550	\$1,925.00
Remove Curb	LF	\$3.00	200	\$600.00	250	\$750.00	100	\$300.00	550	\$1,650.00
Remove Bituminous	SY	\$4.00	100	\$400.00	125	\$500.00	200	\$800.00	425	\$1,700.00
Topsoil Borrow	CY	\$30.00	400	\$12,000.00	50	\$1,500.00	100	\$3,000.00	550	\$16,500.00
Common Borrow	CY	\$25.00	1500	\$37,500.00	400	\$10,000.00	750	\$18,750.00	2,650	\$66,250.00
Truncated Dome	SF	\$35.00	30	\$1,050.00	80	\$2,800.00	30	\$1,050.00	140	\$4,900.00
Bituminous Trail (2.5" Bit, 4" CL-V)	SY	\$15.00	3800	\$57,000.00	1,125	\$16,875.00	780	\$11,700.00	5,705	\$85,575.00
Curb & Gutter	LF	\$20.00	200	\$4,000.00	250	\$5,000.00	100	\$2,000.00	550	\$11,000.00
Sidewalk	SF	\$5.00	100	\$500.00	500	\$2,500.00	200	\$1,000.00	800	\$4,000.00
Erosion Control	LS	\$25,000.00	0.53	\$13,250.00	0.23	\$5,750.00	0.24	\$6,000.00	1	\$25,000.00
Turf Establishment	LS	\$15,000.00	0.53	\$7,950.00	0.23	\$3,450.00	0.24	\$3,600.00	1	\$15,000.00
Remove fence	LF	\$5.00	30	\$150.00	0	\$0.00	0	\$0.00	30	\$150.00
Fence	LF	\$30.00	0	\$0.00	200	\$6,000.00	400	\$12,000.00	600	\$18,000.00
Construction Total				\$145,875.00		\$62,375.00		\$65,000.00		\$273,250.00
Contingency (10%)				\$14,587.50		\$6,237.50		\$6,500.00		\$27,325.00
Engineering (20%)				\$29,175.00		\$12,475.00		\$13,000.00		\$54,650.00
Total Project Cost				\$189,637.50		\$81,087.50		\$84,500.00		<u>\$355,225.00</u>
Cost/Ft				\$55.78		\$81.09		\$120.71		\$69.65
Assumes 10 ft trail										

Assumptions

Assumes the City would construct the trail all the way up to the bridge, and MnDOT would construct the on-deck pedestrian facility as part of their 2022 bridge replacement. Assumes that fill up to the bridge would be constructed during the bridge project and as part of the project.

10 Foot Paved Trail w/ pedestrian ramps

Transportation Alternatives (TA) Program Solicitation for Fiscal Year 2023

What is the Transportation Alternatives (TA) Program?

The TA Program provides Federal transportation funding for projects such as pedestrian and/or bicycle facilities, Safe Routes to School, historic preservation, environmental activities and more.

Who can apply for TA funding?

Eligible applicants include counties, cities, tribal units of government, natural resource or public land agencies, transit agencies, Regional Development Commissions, and school districts or educational agencies. If a non-State Aid City (City population under 5,000) would like to apply for funding, they would need to have their project sponsored, likely by their County.

Is there a local match required?

Yes, all TA funded projects require a minimum 20% local match of the eligible project costs.



How does the funding cycle work?

The solicitation taking place through the fall 2018 and winter 2019 is for projects that will be ready for construction in Federal Fiscal Year 2023.

Who reviews and evaluates the applications?

The central Minnesota ATP 3 incorporates a competitive process in selecting eligible projects. The ATP integrates recommendations from the four regions within it, including Region 5 Development Commission, East Central Regional Development Commission, Region 7W Joint Powers, and St. Cloud Area Planning Organization. The ATP also utilizes a Subcommittee that reviews and suggests TA projects to the ATP. www.mndot.gov/d3/atp/

Will the review process be competitive?

Yes - \$1.6 million is the anticipated programmable amount of funding for Fiscal Year 2023 in central Minnesota which includes the counties of:

- | | | |
|-------------|--------------|-----------|
| • Benton | • Kanabec | • Stearns |
| • Cass | • Mille Lacs | • Todd |
| • Crow Wing | • Morrison | • Wadena |
| • Isanti | • Sherburne | • Wright |

Learn more at a TA workshop

The Central Minnesota ATP 3 will host two workshops for potential applicants that want to learn about the program and its requirements

Baxter

Thursday, Oct. 4

1:30-3:30 pm

MnDOT Baxter Office
7694 Industrial Park Road

St. Cloud

Tuesday, Oct. 16

1:30-3:30 pm

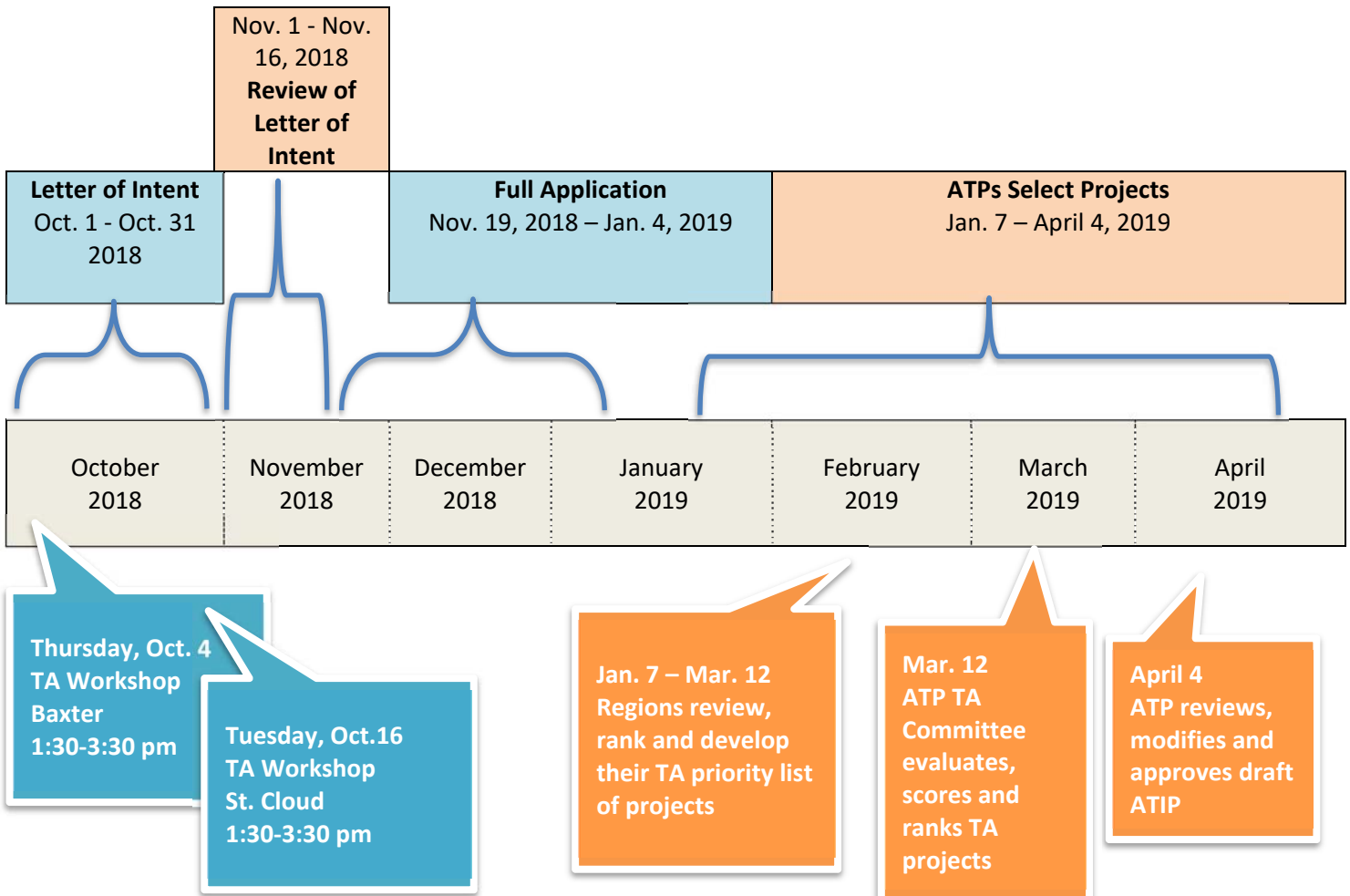
MnDOT St. Cloud Office
3725-12th Street North

***Applicants needing a
sponsoring agency for
their project are strongly
encouraged to attend.***

RSVP - Contact

Jon Mason
MnDOT District 3 Planning
218-828-5780
Jon.Mason@state.mn.us

Application schedule



Key Dates		
	Oct. 1, 2018	Announce Solicitation / Begin process
	Oct. 31, 2018	Deadline to submit Letter of Intent (LOI) online through the fillable form
	Nov. 16, 2018	Applicant will be provided the full TA application by their Regional Planner if project meets eligibility requirements
	Jan. 4, 2019	Deadline to submit full TA Application to ATP 3 staff
	April 15, 2019	Applicant will be notified by ATP 3 staff and selected project(s) will be included in the Draft Area Transportation Improvement Program (ATIP)

Frequently asked Q&As

When can construction begin and end?

Fiscal Year 2023 is from July 1, 2022 to June 30, 2023. Since federal funds are not released for reimbursement until after October 1st, applicants typically wait until the second half of the fiscal year for which they are programmed for funding to start construction. In other words, for a FY 2023 project, applicants would complete their project development requirements by April 15, 2023 and then authorize, let, and award the project before June 30, 2023. Applicants can begin construction in the first half of the fiscal year, but would need to upfront these costs until they can be reimbursed for their costs after October 1st.



If awarded, can we move up fiscal years to complete early?

If an agency wishes to “Advance Construct (AC)” their project, they can do so, but the local funds need to be in place and the project needs to be ready. An agency that wishes to AC their project would be doing so at their own risk of reimbursement in the original year of programmed funding from the federal government. An agreement would also need to be signed stating that they are taking that risk.

Could we delay construction?

Agencies are highly discouraged from delaying their project from the programmed funding year because there is a risk the funds will go away. Instances such as wetland impacts, right of way issues, and local funding often play a role in an agency's inability to complete a project on schedule. Deliverability plays a significant role in TA project selection.

Could we divert funds to pay for another project?

TA projects that are selected and programmed for TA funding have been done so based on the application contents through the ATP 3 competitive process. Alterations to the scope of a project, once programmed, are highly discouraged as funding reimbursement could be jeopardized.

What's the minimum and maximum request?

The minimum project cost (eligible work) is \$100,000 and the maximum TA amount that can be requested through ATP 3 this solicitation is \$800,000. Example: If an applicant had eligible work totaling \$1,200,000, a traditional 80% federal/20% local cost split would be \$960,000 (federal) and \$240,000 (local). Since the maximum amount of federal funds that can be requested is \$800,000, the applicant cannot request the full \$960,000 based on the 80/20 formula, they could only request \$800,000. In this case the applicant would need to increase their local share from \$240,000 to \$400,000 to make up the difference.

Can the local match be provided over multiple years?

The only requirement is that the local matching funds need to be available in the fiscal year for which the project is programmed. How the funds are secured and managed is a local responsibility. Since federal funds are available upon reimbursement, it is necessary for the local agency to have local funds available initially for the project's construction.

Can engineering costs, right of way acquisition, or in-kind time or labor count towards match?

Funding under the TA is competitive. In-kind or “soft” matches affect your overall project cost and in-turn, the federal reimbursable amount of funding. This type of match is discouraged as it is cumbersome to manage and document and has been known to cause deliverability issues at the time of construction.

Are letters of support taken into consideration with the application?

The letters are not considered as part of the evaluation criteria. However, letters do show community support for the project and it is good to include them as it demonstrates the importance of the project to the community and the coordination of your application.

Contacts, resources



Jon Mason

MnDOT District 3 - ATP 3/Region 7W TA Contact
218-828-5780 – email: jon.mason@state.mn.us
Website: www.dot.state.mn.us/d3/region7w/

Tad Erickson

Region 5 Development Commission - TA Contact
218-894-3233 ext. 7 – email: terickson@regionfive.org
Website: www.regionfive.org/

Penny Simonsen

East Central Regional Development Commission (7E) - TA Contact
320-679-4065, ext. 23 – email: penny.simonsen@ecrdc.org
Website: www.ecrdc.org/

Joseph Mueller

St. Cloud Area Planning Organization - TA Contact
320-252-7568 – email: Mueller@stcloudapo.org
Website: www.stcloudapo.org/

Steve Voss

MnDOT District 3 Planning Director
218-828-5779 – email: steve.voss@state.mn.us

Kelvin Howieson

MnDOT District 3 State Aid Engineer
218-828-5707 – email: kelvin.howieson@state.mn.us

Web

MnDOT TA program

www.dot.state.mn.us/ta/

Central Minnesota ATP 3

www.dot.state.mn.us/d3/atp/

MnDOT State Aid

www.dot.state.mn.us/stateaid/





Brainerd City Council Agenda Request

Requested Meeting Date: October 15, 2018

Title of Item: Downtown Motel Demolition Quotes

☐ 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: Building Official Caughey	Department: Building Safety
Presenter (Name & Title): Building Official Caughey	Estimated Time Needed: 5-10 Minutes
Summary of Issue: Staff has received one quote for the removal of the buildings located at 507 South 6th Street. We are looking for approval to move forward and award the quote and schedule demolition.	
Alternatives, Options, Effects on Others/Comments: Staff is recommending to go with brick and stucco option on the common wall as the other two exposed walls of the neighboring structure are brick and stucco.	
Recommended Action/Motion: Staff recommends approval of the quote to Hengel Construction for a total cost of \$34,100.00.	
Financial Impact: Is there a cost associated with this request: ☒ Yes ☐ No What is the total cost, with tax and shipping \$ <u>\$34,100</u> Is this budgeted? ☒ Yes ☐ No The funds were set aside out of the revolving loan fund. <u>Please Explain:</u>	

PROPOSAL

City of Brainerd
501 Laurel Street
Brainerd, MN 56401
Attn: Tom Caughey

828-2309

10/10/2018

507 6th St S - Brainerd

Quote for Downtown Motel Demolition, 507 6th Street S

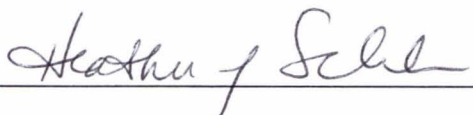
Complete demolition and removal of motel and office

Bid includes sewer & water disconnect, black dirt, seed & permits.

Total bid with brick and stucco: \$34,100.00

Total bid with stucco only: \$33,000.00

Persons or companies furnishing labor or materials for the improvement of real property may enforce a lien upon the approved land if they are not paid for their contribution, even if such parties have no direct contractual relationship with the owner. Minnesota law permits the owner to withhold from his contractor so much of the contract price as may be necessary to meet the demands of all other lien claimants, pay directly such liens and deduct the cost thereof from the contract price, or withhold amounts from his contractor until the expiration of 90 days from the completion of such improvements unless the contractor furnishes to the owner waivers of claims for mechanics liens signed by persons who furnished any labor or material for the improvement and who provide the owner with timely notice. If underground excavation is required please contact Gopher One Call at 1-800-252-1166 to have them locate underground utilities. Then contact Hengel Ready Mix and Construction, Inc. with the Gopher One Call ticket number.

Authorized Signature 

Signature _____

Date of Acceptance _____



Brainerd City Council Agenda Request

Requested Meeting Date: October 1, 2018

Title of Item: Brainerd City Code Section 425 - Rental Housing Maintenance Code

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☒ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☒ Direction Requested ☒ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1st Reading *provide copy of published hearing notice
Submitted by: City Engineer Sandy and Police Chief McQuiston	Department: Engineering, Police, and Building
Presenter (Name & Title): City Engineer Sandy, Police Chief McQuiston, and Building Official Caughey	Estimated Time Needed: 45 Minutes
Summary of Issue: Attached is a memo from staff regarding Brainerd City Code Section 425 - Rental Housing Maintenance Ordinance, the ordinance in its entirety, and the rental housing inspection form for the committees review and discussion, along with a list or changes as requested to continue the conversation.	
Alternatives, Options, Effects on Others/Comments: To continue discussion from the last two meetings, staff has compiled a list of items in which there seemed to be some consensus by the committee to look into possible changes, a list of some items that there seemed to be some hesitation by the committee, and a list of possible changes that were thought up by staff and some of the rental owners at the rental property meeting on 10/10. This was discussed at the meeting on September 17 and the October 1 meeting in some length. Staff is bringing back information and possible areas for change or improvement if the committee deems fit or necessary.	
Recommended Action/Motion: Discussion item. Direction requested.	
Financial Impact: <i>Is there a cost associated with this request:</i> ☐ Yes ☒ No <i>What is the total cost, with tax and shipping</i> \$ _____ <i>Is this budgeted?</i> ☐ Yes ☐ No <u>Please Explain:</u>	

Possible changes which there seemed to be consensus from the SPW committee on 10/1

Rental Housing Maintenance

- Double points for subsequent failures or adding a multiplier (or automatic failure).
- Point threshold limit on what triggers a re-inspection (i.e. If the property scores under the 25 points for failure, but scores over 10 points, it still requires a re-inspection).
- Incentives for good licensees that consistently pass inspections (i.e. inspection frequency decreases on properties operated by landlord).
- Disincentives for licensees that consistently get violations (i.e. requirements to attend monthly landlord meeting, higher re-inspection fees for failing items).
- Look into points of certain violations to ensure the current points for a violation make sense according to importance of the structural integrity and livability of the unit.
- Higher re-inspection fees after the first re-inspection (i.e. fees structure that increases for all subsequent inspections after the first or second).

Conduct on Premises

- Additions of other laws into what constitutes a conduct on premises violation (i.e. Social Host Ordinance, Assault, etc.)
- Lengthening time frames for written management plans to make the ordinance more stringent for properties with consistent conduct on premises violations.
- Word smith current language to ensure it can withstand litigation.

Possible changes which seemed to be hesitation by some members of the SPW committee on 10/1

Rental Housing Maintenance

- Zones around certain uses that have stricter penalties.
- Blanket increasing the inspection frequency.
- Adopting the international property maintenance code (didn't get into this much, but there seemed to be consensus that our current system works)

Conduct on Premises

- Auto revocation of license based upon severity of crime.
- Zones around certain uses that have stricter penalties.
- Applying the written management plan to all the properties that the licensee owns. This is unfavorable for landlords with numerous properties or units on a single property.

Other Ideas from Staff, or that were brought up at the 10/10 Rental Housing Meeting

- Serious offenses that require a written management plan on the 1st offense. Possibility to tie this into the school zones also.
- Required rental licensee training classes. Staff is unsure what this looks like, who would run the training, what the training would entail, how you get people to attend, etc.
- Fees related to written management plans or 2nd re-inspections.



MEMO

TO: Safety and Public Works Committee

FROM: City Engineer Sandy and Police Chief McQuiston

DATE: September 24, 2018

SUBJECT: Rental Housing Maintenance Code and Conduct on Premises Ordinance Discussion

At the previous council meeting on September 17, 2018, the Safety and Public Works committee requested of staff to put together some information and review the Rental Housing Maintenance Code and the Conduct on Premises Ordinance contained therein. Staff has reviewed the ordinance that can be seen attached to this memo and will provide some context and possible areas of improvement or changes through this memo.

Background

The Rental Housing Maintenance code and was put into place so that there are minimum standards for maintenance and licensure requirements for rental properties around the City. The Housing Maintenance Code provides minimum maintenance standards, licensure requirements, and conduct on premises ordinances relating to premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators, and occupants; the occupancy of existing structures and premises, and for administration, enforcement, and penalties. The Conduct on Premises consisting of the last two pages of the Housing Maintenance Code Ordinance Section 425 under Section 425.2020 prohibits conduct which is determined to be disorderly by statute or ordinance within the premises of rental properties and puts the onus on the rental licensee to take appropriate action, with assistance from the Brainerd Police Department, following disorderly conduct on the premises.

Rental Housing Maintenance Code Highlights and Areas for Improvement and/or Potential Changes

Staff has attached the rental housing inspection form utilized by our housing maintenance inspector on routine inspections along with Section 425 of the Brainerd City Code for reference. These inspections are held once every 3-years for each rental property, unless more frequent inspections are determined to be necessary by the housing inspector. The housing inspection form outlines the inspectors name, date of the inspection or re-inspection (based upon a failure of the previous inspection), the street address and name of the owner of the unit. Each item

inspected during the inspection has a points value associated with it, depending on the nature or severity of the violation. The point totals can be seen listed on the inspection sheet. By ordinance, a total of 25 points is considered a failing inspection and triggers a re-inspection by the housing inspector. A violation will receive the maximum points when a required item is completely absent, completely fails to perform its function, or is imminently hazardous to the health and safety of the occupants. In a lot of cases, it is up to the housing inspector to identify the severity of the violation and assign points values which may be less than the maximum value.

If the housing inspector determines that a building or dwelling unit fails to meet the requirements, mailed notice is sent to the owner or owners agent identifying why the building does not meet the licensing standards and will include a copy of the inspection report if applicable. If the dwelling fails to meet the standards in 425.1910, the license holder or applicant has 10 days to correct the defects, at which time the City Council will act to deny, refuse to renew, revoke, or suspend the rental license. If the dwelling does not meet the standards set forth in 425.1920, the license holder has up to 30 days to correct the substandard conditions, at which time the City Council will act to deny, refuse to renew, revoke, or suspend the rental license. However, the housing inspector for good cause may authorize additional time to correct defects causing a building to be substandard. If the defects create an imminent hazard to health or safety, the housing inspector may proceed immediately for denial, non-renewal, revocation, or suspension under Section 425.1940, or may shorten the timeline for compliance to less than 30 days.

Considerations on Possible Changes

There are a few things that the committee could consider to changes in the ordinance, them being:

1. Changing the point totals for a failure of the inspection – Current point total for a failing inspection is 25 or more points. You can see that many of the violations are more than 30 points. Many of the violations with over 30 points are an automatic failure of the inspection such as many things to do with fire codes, exterior envelope items such as roofing and foundations, decks and stoops, illegal building/occupancy, etc. If the total points are amended, staff would recommend and must review the overall pointing structure for each category.
2. Points for successive or re-inspections – The possibility of adding a multiplier to items that failed the first inspection and are not resolved by a re-inspection.
3. Changing the inspection frequency or how to process inspections that get points allotted because of violations but do not fail inspection – Current inspection frequency is every 3 years. Some inspections may still get some violations, but do not break the 25-point threshold for failure, thus a re-inspection is not scheduled until the next regularly scheduled 3-year inspection cycle.
4. Look into possibly adopting the International Property Maintenance Code (this is out of the scope for this conversation, but staff can pursue this option if directed from Council).

In short, after a review of the current housing maintenance code, staff has concluded that the ordinance pertaining to maintenance of rental properties (containing everything except the last two pages which deal with Conduct on Premises) does not need a lot of modification. However, some discussion should be held relating to the points listed above under Considerations on Possible Changes.

Conduct on Premises Code Highlights and Areas for Improvement and/or Potential Changes

The last two pages of Section 425 Rental Housing Maintenance Code contain the Conduct on Premises ordinance. The ordinance puts the onus and responsibility of the rental license holder to ensure that disorderly conduct on the premises does not take place and lays out penalties for conduct on premises happening at a property. The ordinance references a few statutes which include 504B.171 which prohibits illegal activities such as prostitution, unlawful sale of controlled substances, and unlawful sale, possession, transport or use of weapons, and possession of stolen property. It also references 609.75 and 6.9.76 which prohibit gambling, 340A.401 which prohibits the unlawful sale of alcohol, 609.72, which addresses disorderly conduct, 609.33 which addresses disorderly house, and 2014 of the Brainerd City Code which deals with noise related complaints.

Upon the determination that a licensed premise was used in a disorderly manner, the police department notifies the owner by mail of the violation and directs the licensee to take appropriate action to prevent further violations. If another instance of disorderly use on the licensed premises occurs within 12 months of the first, the police department notifies the licensee by mail of the violation, and the licensee is then to submit a written management plan within 10 days of the receipt of the notice which outlines all actions that the licensee will take in response to the disorderly use of the premises. The plan also details what future actions the licensee will take to prevent any future disorderly use of the premises. There are two different scenarios if a licensed property has a third instance of disorderly use:

- If the property has between 1 and 6 distinct and separate residential units, the third disorderly use cannot happen within 18 months.
- If the property has more than 6 distinct and separate residential units, the third disorderly use cannot happen within 12 months.

If the licensed dwelling were sent the notices pursuant of the section of ordinance, the rental license on the premises may be denied, revoked, suspended, or not renewed. No license action can take place where the instance of disorderly use occurred during a pendency of eviction proceedings or after notice has been given to a tenant to vacate the premises, where the disorderly use was related to conduct by that tenant or his/her guests.

Considerations on Possible Changes

There are a few things that the committee may consider changing in regard to the conduct on premises ordinance. They include:

1. Changing the time frames listed for the second and third offenses to occur. Lengthening the time frames would make the ordinance more stringent.
2. Include buffer zones around certain areas in the City such as school, churches, etc. that have different guidelines.
3. Change the definition of disorderly use to be more stringent or more lenient. If the committee would like to consider this, staff would like to consider adding statutes related to assault or other serious offenses and making the ordinance more stringent on what constitutes conduct on premises.
4. Consider adding the Social Host Ordinance to the list of offenses that warrant Conduct on Premises (Section 2007 Brainerd City Code)
5. Writing some language in the ordinance about allowing written management plans to apply to all the property owners' rental units around the City for a period of time (6

months?). If the committee would like to consider this, staff would consider a unit cap for this requirement (20 or more units in one location, this would not apply?).

6. Have the ordinance looked in detail by the attorney to word smith some areas that are gray.

Conclusion

In all these areas of possible changes, serious consideration should be made to current staffing levels, most importantly at the Police Department. The crime prevention specialist position at the Police Department handled most of the conduct on premise ordinance, and with the loss of that position, the onus of the ordinance has been put on the rest of the Police Department staff.

There are quite a few different ways into look and brainstorm changes to this ordinance, if indeed change is necessary. Staff has provided this information to the committee to generate discussion on what has worked and what may need improvement or changes based upon experiences by the police department and department of building safety.



Housing Inspection Form

Department of Building Safety

City Hall - 501 Laurel Street

Brainerd, MN 56401

(218) 828-2309 Fax: 828-2316

Email: jstockinger@ci.brainerd.mn.us

Inspector	Date of Inspection	Date of Last Inspection
Street Address of Inspected Unit	Type of Inspection _____ Initial _____ Special _____ Reinspection	
Name of Owner or Agent Authorized to Lease Unit Inspected		

HOUSING TYPE:

- ☐ Single Family
☐ Duplex or Two Family
☐ Tri-Plex
☐ Other (specify) _____

SUMMARY DECISION ON THE UNIT(S):

- ☐ **PASS** _____
☐ **FAIL** _____

INSPECTION CHECK OK	VIOLATION POINTS	NOT INSPECTED	DESCRIPTION	SEE NOTES
			EXTERIOR	
	4		GROUND COVER/ DRAINAGE	
	4		ADDRESS NUMBERS	
	4 - 30		GARAGE/ ROOF, SIDING, PAINT, STRUCTURE	
	4		GRAFFITI	
	6		REPAIR/REPLACE RETAINING WALL/ FENCE	
	8		REPAIR/REPLACE CHIMNEY	
	10		REPAIR/REPLACE ROOF	
	8		REPAIR GUTTERS	
	6		EXTERIOR WALLS/ REPAIR/ SCRAPE & PAINT	
	10		FOUNDATION	
	10		REPAIR/REPLACE EXTERIOR STEPS/STAIRS	
	4		PROPER VENT TERMINATIONS	
	4		REPAIR/REPLACE HATCHWAY/CHUTES	
	4		EXTERIOR DOORS/ WEATHER STRIPPING	
	10-30		REPAIR/REPLACE BALCONY, DECK, STOOP	
	10		EXTERIOR HANDRAILS	
	10		PROVIDE/REPAIR SCREENS/ STORMDOORS	
	8		REPAIR GLASS (4 PT PER WINDOW)	
	4		POST LICENSE	

		OCCUPANCY VIOLATIONS	
	30	SECURITY DOORS	

INSPECTION CHECK OK	VIOLATION POINTS	NOT INSPECTED	DESCRIPTION	SEE NOTES
	2		PROVIDE/REPAIR BUZZER/DOORBELL	
	10		REPAIR PUBLIC AREA	
	8		NUMBER UNITS	
	2		CLEAN HALLS/UNOBSTRUCTED WALKWAYS	
	30		HALL EXIT LIGHTS	
	20		INTERIOR HANDRAILS INSTALL/REPAIR	
	30		ROOM(S) TOO SMALL/DWELLING SPACE	
	30		ILLEGAL BUILDING	
	30		UNLAWFUL OCCUPANCY/OVER OCCUPANCY	
	20 ea.		REQUIRED UTILITY DISCONNECT	
	10		CEILING HEIGHT	
	6		INTERIOR STAIRS	
	10		TENTS AND TRAILERS	
	8		SOLID WASTE STORAGE	

FIRE				
	30		FIRE EXITS/LIGHTING/FIRE EGRESS LIGHTING	
	30		REPAIR/REPLACE FIRE DOOR	
	30		PROVIDE CLOSERS	
	30		BLOCKED FIRE DOORS/UNLOCK FIRE DOORS	
	30		EXIT SIGNS	
	30		FLAMMABLE LIQUIDS/COMBUSTABLE STORAGE	
	8		CLEAN BASEMENT	
	30ea		REPAIR/INSTALL SMOKE DETECTORS	
	30		STEPS - 9" TREAD/8" RISE- 36" STAIR WIDTH	
	30ea		C.O. DETECTORS	
	10		FIRE EXTINGUISHER	

ROOMING HOUSE				
	30		ILLEGAL COOKING AREA	
	10		POST NO COOKING	
	10		LAVATORY/BATH FACILITY	
	4		CLEAN ROOMING HOUSE	

ELECTRICAL				
	2ea		FACEPLATES	
	8		REPAIR OUTLETS	
	8		PANEL ACCESS	

INSPECTION CHECK OK	VIOLATION POINTS	NOT INSPECTED	DESCRIPTION	SEE NOTES
	10-30		HAZARDOUS WIRING	
	4		INTERIOR LIGHTING/LIGHTING FIXTURES	
	20		EXIT ILLUMINATION	

PLUMBING

	30		OPEN GAS LINE/ PLASTIC GAS PIPING	
	6		SAGGING PIPES/FLEXABLE WAISTES	
	6		PLUMBING REPAIRS/FAUCETS	
	4		CLOGGED DRAIN/LEAKING DRAIN	
	30		WATER TO FIXTURES	
	30		HOT WATER	
	10		WATER PRESSURE	
	8		WATER HEATER/TPR VALVE	
	10		BATHROOM FLOOR	
	2		TOILET SEAT	
	10		BATHROOM DOOR	
	10		LIGHT/VENTILATION BATHROOM	
	4		VENT SHAFT/DRYER VENTING UL2158A	

HEATING PLANT

	30		68 DEGREES	
	10-30		SERVICE EQUIPMENT	
	2		FILTER	

INTERIOR

	8		REPAIR/REPLACE WINDOWS/LOCKS	
	8		OPENABLE WINDOWS	
	8-30ea		REPAIR/REPLACE DOOR/LOCKS/HINGES	
	1		SHADES/BLINDS	
	8-30		REPLACE LOCK - DOUBLE KEY/DEAD BOLT	
	10		WEATHERSTRIP WINDOWS/DOORS	
	30		PESTS/VERMIN	
	10ea		REPAIR FLOORS/WALLS/CIELINGS	
	30		EGRESS WINDOWS	
	20		PROVIDE KEYS	
	4		MAILBOXES	
	4		CLEANLINESS/CLUTTER	
	10		DISPOSAL OF SOLID WASTE	

Section 425 – Rental Housing Maintenance Code

CITY OF BRAINERD
RENTAL HOUSING MAINTENANCE CODE

- Art. I. Generally
- Art. II. Enforcement
- Art. III. Equipment and Facilities
- Art. IV. Light, Ventilation, and Heating
- Art. V. Maintenance by Owner
- Art. VI. Maintenance by Occupants
- Art. VII. Space, Use, and Location
- Art. VIII. Fire Protection
- Art. IX. Rooming Houses
- Art. X. Shared Bath Dwelling Units
- Art. XI. Unfit Dwellings
- Art. XII. Accessory (Non-Dwelling) Structures, Etc.
- Art. XIII. Building Security
- Art. XIV. Rental Dwelling Licenses

ARTICLE I. GENERALLY

425.10 Title. These regulations shall be known as the Rental Housing Maintenance Code of the City of Brainerd.

425.20 Scope. The provisions of this Code shall apply to all rental housing structures and all existing premises and constitute minimum requirements and standards for premises, structures, equipment and facilities for light, ventilation, space, heating, sanitation, protection from the elements, life safety, safety from fire and other hazards, and for safe and sanitary maintenance; the responsibility of owners, operators and occupants; the occupancy of existing structures and premises, and for administration, enforcement and penalties.

425.30 Findings. The Council finds there exists in the City numerous rental housing properties that are substandard in one or more important features of structure, equipment, maintenance, or occupancy. Such conditions adversely affect public health and safety and lead to the continuation, extension, and aggravation of blight. Adequate protection of public health, safety and welfare therefore requires the establishment and enforcement of minimum property maintenance standards.

425.35 Intent. It is not the intention of the City to intrude upon the fair and contractual relationship between landlord and tenant. The City shall not intervene as an advocate of either party, or act as an arbiter, nor be receptive to complaints from tenant or landlord, which are not specifically and clearly relevant to the provisions of this Ordinance.

(Added Ord. 1331 – 2009)

425.40 Definitions. The following words and phrases when used in the Rental Housing Maintenance Code shall have the meanings respectively ascribed to them in this section:

Approved: Approved by the Housing Inspector pursuant to applicable provisions of this Code of Ordinances and other ordinances and regulations.

Attic story: Any story situated wholly or partly in the roof, so designed, arranged or built as to be used for business, storage or habitation.

Basement: Any area of a structure, including crawl spaces, having its floor or base sub grade (below ground level) on at least three sides, regardless of the depth of excavation below ground level.

Bath: A bathtub or shower bath.

Bedroom: A habitable room within a dwelling unit which is used, or intended to be used, primarily for the purpose of sleeping, but shall not include any kitchen or dining room.

Clean: The condition of being free from readily noticeable dirt, soil, stain, left-over food particles, or other material not intended to be a part of the object in question.

Communal: Used or shared by, or intended to be used or shared by the occupants of two or more rooming units.

Communicable disease: The following diseases, for the purposes of the Rental Housing Maintenance Code, are deemed communicable: Chicken pox, diphtheria, hepatitis, poliomyelitis, smallpox, tuberculosis, typhoid fever and fevers with rash.

Dead bolt locks: A locking bolt which, when in the locked position, can only be moved positively by turning a knob, key, sliding bolt, or by a mechanism activated by working a combination.

Dining room: A habitable room used or intended to be used for the purpose of eating but not for cooking or the preparation of meals.

Dwelling: Any building or structure, or portion thereof, except temporary housing, which is wholly or partly used or intended to be used for living or sleeping by human occupants. There are three principal types:

- (1) Single-Family: A freestanding (detached) residence structure designed for or occupied by one family only.

- (2) Two-Family: A residence designed for or occupied by two families only, with separate housekeeping and cooking facilities for each, referred to commonly as a duplex.
- (3) Multiple Family: Three or more dwelling units in one structure.
Dwelling Unit: A residential building or portion thereof intended for occupancy by a single-family but not including hotels, motels, boarding or rooming houses or tourist homes.

Efficiency Unit: A dwelling unit with one (1) primary room which doubles as a living room, kitchen, and bedroom.

Emergency: Any condition or combination of conditions which in the opinion of the County Health Authority, Housing Inspector, or the Fire Chief requires immediate action for the protection of health, safety, or welfare of the occupants of a dwelling or of the public.

Extermination: The control or elimination of insects, rodents, vermin or other pests.

Family: Two (2) or more persons each related to the other by blood, marriage, adoption, or foster care, or a group of not more than four (4) persons not so related maintaining a common household and using common cooking and kitchen facilities.

Fire escape: An emergency means of egress. A fire escape shall not constitute a required stairway.

Fire chief: The legally authorized Fire Chief or authorized representative.

Fire-resistive construction: Construction to resist the spread of fire, details of which are specified in the State Building Code as adopted in Section 400 of the Code of Ordinances.

Garbage: The term “garbage” means and includes organic refuse resulting from the preparation of food, and decayed and spoiled matter from any source.

Habitable floor area: An area that has a ceiling height of seven (7) feet throughout. However, on floors above the first floor the habitable area shall have a minimum ceiling height of seven (7) feet over fifty (50) per cent or more of its area, and no part of any floor having a ceiling height of less than five (5) feet shall be considered as part of the habitable floor area; and further, dwellings shall have a minimum ceiling height of not less than seven (7) feet over fifty (50) per cent of the floor area. See Section 425.800 for ceiling height exceptions.

Habitable room: Any room meeting the requirements of this code for sleeping, living, cooking or dining purposes excluding such enclosed spaces as closets, pantries, bath or toilet rooms, service rooms, recreation rooms, connecting corridors, laundries, unfinished attics, foyers, storage spaces, cellars, utility rooms and similar spaces.

Hazardous heating installations: All heating installations except those which conform with the applicable laws regulating the installation of such space heating in effect now or at the time of installation and which have been maintained in good repair and working condition and are being used in a safe manner.

Hazardous plumbing: All plumbing except that which conforms with the applicable laws regulating the installation of such plumbing in effect now or at the time of installation and which has been maintained in good condition and which is free of cross connections and siphonage between fixtures.

Hazardous wiring: All wiring except that which conforms with the applicable laws regulating the installation of such wiring in effect now or at the time of the installation, and which has been maintained in good condition and is being used in a safe manner.

Housing inspector: The legally authorized Housing Inspector of the City or authorized representative.

Infestation: The presence of any insects, rodents, vermin, or other pests within a dwelling or on the dwelling premises.

Kitchen: A habitable room used or intended to be used for cooking or the preparation of meals.

License Actions: Deny – Withhold or refuse to grant a license
Revoke – Take back, withdraw, annul, or cancel the license
Suspend – Prohibit for a period of time, the privilege of the use of the license

Living room: A habitable room within a dwelling unit, which is used or intended to be used primarily for general living purposes.

Non-dwelling structure: Any structure, except a dwelling, used or intended to be used for the shelter or enclosure of any animal or property of any kind.

Occupant: Any person over one year of age, including an owner or operator, living, sleeping, cooking or eating in, or having actual possession of a dwelling, dwelling unit, rooming unit or hotel unit.

Operator: Any person who has charge, care or control of a building, or part thereof, in which dwelling units, rooming units or hotel units are let.

Owner: The person who is the last owner of record or the fee owner or the contract purchaser or the agent of the aforementioned person.

Plumbing system: The plumbing system of a building includes the water supply distributing pipes; the fixtures and fixture traps; the soil, waste and vent pipes; the building drain and building sewer; the storm water drainage, with their devices and appurtenances; and connections within the building and outside the building within the property line.

Premises: A platted lot or part thereof or unplatted lot or parcel of land or plot of land, either occupied or unoccupied by any dwelling or non-dwelling structure.

Professional: Whenever the words "professional state of maintenance and repair" are used in this Code, they shall mean that such maintenance and repair shall be made in a reasonably skillful manner

Public Way. A street, alley, or other parcel of land open to the outside air leading to a street, that has been deeded, dedicated to or otherwise appropriated to the public for public use and which has a clear width and height of not less than 10 feet.

Recyclables or recyclable materials: Recyclables are former items of rubbish, which have been cleaned so as not to cause health or nuisance problems.

Recyclables shall include the following: paper, glass, plastic containers (with a neck), aluminum cans, metal cans, and other materials defined by agreement between the Hauler and City. Collection of recyclables shall be made at least twice a month. The Hauler shall be responsible for picking up and disposing of recyclable materials at an approved Recycling Center. Any of the above items which are not properly cleaned, prepared or stored such that they pose the threat of health, environmental or nuisance problems shall remain the responsibility and property of the individuals or household from which the materials originated.

Rehabilitation center: A "rehabilitation center" is one operated by a lawfully established and existing philanthropic or charitable organization or agency operating on a statewide or national basis and which employs personnel of demonstrated competency in the fields of social, spiritual and physical rehabilitation, and has and operates under its own charter, regulations, rules and standards. In order to qualify, such agency must furnish adequate proof of the soundness of its governing charter, regulations and code and of its prior successful existence and practice.

Rent or Rental Charge: Any consideration paid, either monetary, including payment of utilities (in all or in part), or “in lieu of payments” such as but not limited to maintenance or repair (cutting grass, shoveling snow, painting, etc.). A usually fixed periodical return made by the tenant or occupant for the possession and use thereof in whole or in part of the dwelling unit.

Exception: Rental license registration is not required for occupancy of dwelling units by immediate family members/relatives, defined as spouse, parent, child, brother, sister, grandparent, or grandchild.

Roomer: An occupant of a rooming house who is not a member of the family of the operator of that rooming house, and shall also mean an occupant of a dwelling unit who is not a member of the family occupying the dwelling unit. This shall not be construed as to include temporary nonpaying guests of the operator.

Rooming house: Any dwelling, or that part of any dwelling, containing one or more rooming units, with or without meals.

Rooming unit: Any room or group of rooms forming a single habitable unit used or intended to be used for living and sleeping, but not for cooking of meals.

Rubbish: The term “rubbish” means and includes all inorganic refuse matter such as tin cans, glass, paper, ashes, sweepings, and similar substance.

Sanitary: The condition of being clean, free from infective, physically hurtful, diseased, poisonous, unwholesome, or otherwise unhealthful substances or influence and being completely free from rodents or arthropods, from the traces of either, and from an environment conducive to the growth of either.

Shared bath dwelling: A dwelling unit which does not contain a water closet and a hand lavatory and a bathtub or shower for the exclusive use of the occupants of the unit.

Solid Waste: Discarded materials other than fluids.

Story: That portion of a building included between the upper surface of any floor and the upper surface of the floor next above, except that the topmost story shall be that portion of a building included between the upper surface of the topmost floor and the ceiling or roof above. If the finished floor level directly above a basement, cellar or unused under floor space is more than six (6) feet above grade, as defined herein, for more than fifty (50) per cent of the total perimeter, or is more than twelve (12) feet above grade, as defined herein, at any point, such basement, cellar or unused under floor space shall be considered a story.

Story, first: The lowest story in a building which qualifies as a story, as defined herein, except that a floor level in a building having only one floor level shall be classified as a first story, provided such floor level is not more than four (4) feet below grade, as defined herein, for more than fifty (50) per cent of the total perimeter, or more than eight (8) feet below grade, as defined herein, at any point.

Superficial floor area: Clear floor space, exclusive of fixed or built-in cabinets or appliances.

Supplied: Furnished, provided by, or under the control of, the owner, operator or agent.

Temporary housing: Any tent, trailer, or other structure used for human shelter which is designed to be transportable and which is not permanently attached to the ground or to another structure.

Water closet: A toilet, with a bowl and trap made in one piece, which is connected to the city water and sewer system or other approved water supply and sewer system.

Wood-frame construction: As applied to dwelling shall mean that type of construction in which the load bearing portions of the exterior walls or a portion thereof are of wood.

(Amended Ord. 1320 – 2008, Ord. 1331 – 2009)

425.50 Meaning of Certain Words.

- (a) Whenever the words "dwelling," "dwelling units," "shared bath dwelling," "shared bath units," "rooming house," "rooming unit," or "premises" are used, they shall be construed as though they were followed by the words "or any part thereof."
- (b) Whenever the words "professional state of maintenance and repair" are used they shall mean that such maintenance and repair shall be made in a reasonably skillful manner.
- (c) Whenever the words "properly installed," "properly maintained," "properly connected" or "properly constructed" are used they shall mean in conformance with such ordinances of the city applicable now or at the time of such installation which governed such installations, maintenance connections or construction.

425.60 Temporary Housing Prohibited Exception.

- (a) Unless otherwise provided in this Section, no camp car, house trailer, automobile, tent, or other temporary structure may be parked or placed upon any public street or on any public or private premises or street in the city and used as a shelter or enclosure of persons and their effects for the purpose of living therein.
- (b) The Housing Inspector may issue a permit to allow for temporary housing when a specified emergency creates the need to allow for such housing. A permit may be issued only when the emergency creating the need is an act of nature, a technological failure or malfunction, a terrorist incident, a public health emergency, an industrial accident, a hazardous material accident, or destruction caused by a civil disturbance.
- (c) When the Housing Inspector issues a permit to allow for temporary housing, the Housing Inspector shall provide that the permit will expire after a specific period of time, not to exceed six (6) months. The Housing Inspector shall attempt to set the expiration date to coincide with the elimination of the need for temporary housing. The Housing Inspector may grant one (1) six-month extension of this permit.
- (d) The Housing Inspector may set conditions on the use of the permit to mitigate the negative impacts of the permit. These conditions may include compliance with applicable statutes, ordinances and/or rules, including but not limited to the Brainerd Fire Code, County Health Code, Brainerd Building Code, Brainerd Rental Housing Maintenance Code, and the Brainerd Zoning Ordinance. In addition, the Housing Inspector may impose any additional appropriate conditions to the use of the temporary housing permit.
- (e) The Housing Inspector may revoke the permit if the need for such temporary housing ends, or if the permit holder fails to comply with the conditions set by the Housing Inspector as to the use of the temporary housing permit.

425.70 Continuing Violations. Each day's continuance of any violation of the Rental Housing Maintenance Code after due notice has been served in accordance with the terms and provisions of Chapter 425 of the City Code of Ordinances shall be deemed a separate offense.

425.80 Enforcement by Suit. Refer to Minnesota Statute 504B. Landlord And Tenant, and the pamphlet entitled "Landlords And Tenants: Rights And Responsibilities" from the office of the Attorney General, regarding disputes between landlords and tenants.

425.90 Powers Declared Additional. The powers conferred on the Housing Inspector shall be in addition to the power already conferred upon said Housing Inspector and shall not be construed as in any way limiting these powers.

ARTICLE II. ENFORCEMENT

425.120 Officers Authorized. The Housing Inspector or authorized City representative shall enforce the provisions of the Rental Housing Maintenance Code.

425.130 Inspections Required; Powers. Pursuant to provisions of this Code of Ordinances, as set forth herein, the Housing Inspector shall make inspections to determine the condition of dwellings, dwelling units, shared bath dwellings, rooming units, and premises located within the City for the purpose of enforcing the provisions of the Rental Housing Maintenance Code. The Housing Inspector, or authorized representative, may enter, examine and survey at all reasonable times all dwellings, dwelling units, rooming units and premises after obtaining consent from an occupant of the premises. In the event that an occupant of the premises does not consent to entry by the Housing Inspector or authorized representative, and if there is probable cause to believe that an inspection is warranted, then application may be made to the court for an administrative or other search warrant for the purpose of inspecting the premises. No person shall refuse entrance or impede an authorized City representative, in the performance of emergency duties. In case of emergency every such Housing Inspector or authorized City representative shall have the right to enter, examine and survey all premises, grounds, erections, structures, dwellings and buildings and every part thereof in the City at all times.

425.140 Severability. If any section, subsection, paragraph, sentence, clause or phrase of this Rental Housing Maintenance Code is declared invalid for any reason whatsoever, such decision shall not affect the remaining portions of this Code, which shall continue in full force and effect, and to this end the provisions of this Rental Housing Maintenance Code are hereby declared to be severable.

425.150 Notice of Violations. Whenever the County Health Department, the Housing Inspector, or authorized City representative determines that there has been a violation, or that there are reasonable grounds to believe that there has been a violation, of any provision of this Code, notice of such violation or alleged violation shall be given to the person or persons responsible therefore. Such notice shall:

- (a) Be in writing;
- (b) Include a description of the real estate sufficient for identification;
- (c) Specify the violation which exists and remedial action required;
- (d) Allow a reasonable time for the performance of any act it requires;
- (e) Be served upon the owner, or the operator, or the occupant, as the case may require. Such notice shall be deemed to be properly served upon such owner, or upon such operator, or upon such occupant if a copy thereof is served upon such owner, operator or occupant personally; or if a copy is left at such

owner's, operator's or occupant's usual place of residence with a person of suitable age and discretion; or by depositing in the United States Post Office, the notice addressed to such owner's, operator's or occupant's last-known address with postage prepaid thereon; or if service cannot be made by any one of the above means then such notice shall be deemed served if a copy of such notice is posted and kept posted for twenty-four (24) hours in a conspicuous place on the premises affected by such notice. Notwithstanding the other provisions of this section, a notice of violation shall not be required for violation of sections.

425.160 Emergency Orders. When, in the opinion of the Building Official, there is imminent danger of failure or collapse of a building or structure which endangers life, or when any structure or part of a structure has fallen and life is endangered by the occupation of the structure, or when there is actual or potential danger to the building occupants or those in the proximity of any structure because of explosives, explosive fumes or vapors or the presence of toxic fumes, gases or materials, or operation of defective or dangerous equipment, the Code official is hereby authorized and empowered to order and require the occupants to vacate the premises forthwith. The Code Official shall cause to be posted at each entrance to such structure a notice reading as follows: "This Structure is Unsafe and its Occupancy has been Prohibited by the Code Official". It shall be unlawful for any person to enter such structure except for the purpose of securing the structure, making the required repairs, removing the hazardous condition, or of demolishing the same.

425.170 Warning Notice of Unsanitary Condition. The Housing Inspector or authorized City representative shall take note of any unsanitary conditions caused by accumulation of garbage, rubbish, or other debris upon any premises observed by them. A "warning notice" of such conditions shall be served upon the owner and occupant of the premises, either by mail or by leaving such notice in a conspicuous place on the premises. Such notice shall be on a form to be prepared by the Housing Inspector of the City and a record of all such notices served shall be transmitted to the Housing Inspector or authorized City representative for further inspection and enforcement of the provisions of the Rental Housing Maintenance Code. The service of any notice pursuant to this Section shall not in any way supersede or affect any other order, tag, or notice of violation duly issued or served pursuant to any other ordinance.

425.180 Enforcement by the City Attorney. The City Attorney may enforce any provisions of this Chapter, including any order to vacate condemned dwellings and apartments, by mandamus, injunction, or any other appropriate remedy in any court of competent jurisdiction.

(Added Ord. 1331 – 2009)

425.185 Violations. Any person who violates any of the provisions of this Ordinance will be guilty of a misdemeanor. Each violation of this Ordinance will constitute a separate offense. Each day that a violation continues after due notice has been served shall be deemed a separate offense.

(Added Ord. 1331 – 2009)

ARTICLE III. EQUIPMENT AND FACILITIES

425.260 Compliance Required. No person shall occupy as owner-occupant or let or allow another to occupy any dwelling, dwelling unit, or other structure for the purpose of living, sleeping, cooking, or eating therein which does not comply with the requirements set forth in this article.

425.270 Liability for Utility Service Payments. This Section covered by State Statute 504B.

425.280 Tenant to be Given Copy of Lease.

425.285 Tenant to be Notified of Entry. These Sections covered by State Statute 504B.

425.290 Dwelling Plumbing Facilities Required. Every dwelling unit shall contain a kitchen sink, a water closet, a bathtub or shower, and hand lavatory all in good working condition, and properly connected to a water supply and sewage system. The water closet and shower or bathtub shall be located within a room that affords privacy to a person within said room. The hand lavatory shall be placed in the same room as the water closet, or if located in another room, shall be located in close proximity to the door leading directly into the room in which said water closet is located. Doors of bath or toilet rooms shared by persons other than members of a family, as defined in this Code, shall be provided with an approved locking device.

425.300 Shared Bath Dwelling Unit Plumbing Facilities Required. Every shared bath dwelling unit shall contain a kitchen sink in good working condition and properly connected to a water supply and sewage disposal system and shall have available to its occupants a water closet, a hand lavatory, and a bathtub or shower. The occupants of not more than two (2) shared bath dwelling units may share a single water closet, a single hand lavatory and a single bathtub or shower if:

- (a) The number of occupants sharing a water closet, hand lavatory and bathtub or shower does not exceed four (4) persons.
- (b) Such water closet, hand lavatory, bathtub or shower shall be in good working condition and properly connected to a water and sewer system.

- (c) The room or rooms within which the water closet, hand lavatory, and bath are contained is located not more than one floor distant from the dwelling units whose occupants share the use of such facilities.

425.310 Basement Water Closet. A water closet may be located in a basement when required for a legal dwelling unit or shared bath unit within such basement. A water closet may be located in a basement when such water closet is supplementary to water closets required by the Rental Housing Maintenance Code. A first floor dwelling unit should not have to go to the basement for its required water closet.

425.320 Hot and Cold Water. Every kitchen sink, hand lavatory, and bathtub or shower shall be properly connected with both potable hot and cold running water and shall, with normal use, have an adequate supply of both hot and cold water.

425.330 Water Heating Facilities. Every dwelling shall have supplied water-heating facilities properly installed and maintained in a safe and good working condition and properly connected with the hot water lines required under the provisions of Section 425.320. An approved combination temperature and pressure valve and relief valve discharge pipe shall be properly installed and maintained on water heaters. The discharge pipe shall be full size and run to within eighteen (18) inches from the floor or a safe place for disposal. The hot water heating facilities required by this section shall be of a capacity and so maintained and operated as to permit, with normal use, an adequate supply of water to be drawn at any required kitchen sink, hand lavatory, bathtub or shower and to maintain the temperature of said water at not less than one hundred twenty (120) degrees Fahrenheit at the fixture.

425.340 Sewer and Water Connections. All dwellings located on a lot or plot of ground adjacent to or abutting a street or alley in which such street or alley a City sanitary sewer and City water line exists shall have all the plumbing facilities properly connected in a non-hazardous manner to such sewer and water systems. If no City water or sewer system exists in the abutting or adjacent street or alley, then such water and sewer systems as the County Health Authority shall order must be installed.

425.350 Solid Waste Storage. Every dwelling unit, rooming unit, and shared bath unit shall be provided with an adequate number of containers to hold the solid waste accumulated by such units until said solid waste is removed from the premises. These containers shall be made of metal or approved plastic and be equipped with tight-fitting covers. An owner, operator, or agent utilizing private solid waste collection shall provide both the required solid waste containers and the removal service. Unobstructed walkways shall be maintained to the required solid waste containers. Such walkways shall lead from the public way and shall also be accessible to and usable by the occupants of the dwelling for which the containers are provided. Snow, whether natural, piled or accumulated, to a depth greater than six (6) inches shall be deemed to constitute an obstruction if not removed within a twenty four-hour time period after snow has ceased to fall.

When in the opinion of the Housing Inspector it has proven necessary to protect the health, safety, and welfare of the public, the Housing Inspector may require owners of dwellings at specific addresses to provide large dumpster-type solid waste containers. Said dumpster-type containers must be rodent-proof, well maintained, bear identification of the solid waste hauler supplying the containers, including the phone number, and be provided with metal or approved plastic covers that the tenants can operate with no unusual physical effort. The solid waste haulers providing the dumpster service must provide collection service at least once every week and the dumpster or dumpsters shall be of sufficient size to handle the accumulation of solid waste between pickup periods from the address where the dumpster-type container is required. Large dumpster-type solid waste containers shall be required after conditions at a specific address have resulted in the issuance of two (2) written orders for overflowing solid waste within any twelve-month period.

When dumpster type containers are used as the solid waste containers on a regular basis, they shall be screened from the view of the street public right-of-way. Where screening is required, such screening shall be six (6) feet in height and at least ninety-five (95) percent opaque throughout the year, unless otherwise specified.

ARTICLE IV. LIGHT, VENTILATION, AND HEATING

425.410 Light and Ventilation. Habitable rooms shall be provided with natural light by means of windows or skylights with a glazed area of not less than eight (8) percent of the floor area of such rooms with a minimum of eight (8) square feet. All bathrooms, water closet compartments, and similar rooms shall be provided with natural ventilation by means of openable exterior openings with an area of not less than one-twentieth ($1/20$) of the floor area of such rooms with a minimum of one and one-half ($1\frac{1}{2}$) square feet. Not less than one-half ($1/2$) of the required window or skylight area shall be openable to provide natural ventilation. Exceptions to the requirements for windows are:

- (a) The glazed areas need not be openable where the opening is not required by this Section and an approved mechanical ventilation system capable of producing 0.35 air change per hour in the room is installed or a whole-house mechanical ventilation system is installed capable of supplying outdoor ventilation air of 15 cubic feet per minute (cfm) per occupant computed on the basis of two occupants for the first bedroom and one occupant for each additional bedroom.
- (b) The glazed areas need not be installed in rooms where Exception 1 above is satisfied and artificial light is provided capable of producing an average illumination of 6 foot-candles) over the area of the room at a height of 30 inches above the floor level.

Windows shall not be required in kitchens of dwelling units when such kitchen has an opening of at least twenty (20) square feet into an adjoining habitable room and when such kitchen is

provided with an approved mechanical ventilation system. In addition, the window area of the adjoining habitable room referred to above shall be of sufficient size so as to provide for the light and ventilation requirements of the kitchen area as well as for said adjoining habitable room.

425.411 Emergency Escape and Rescue Required. Basements with habitable space and every sleeping room shall have at least one openable emergency escape and rescue window or exterior door opening for emergency escape and rescue. Due to various differences regarding measurements and clearances, refer to the Minnesota State Department of Public Safety, State Fire Marshal Division SFMD Fact Sheet INS-FACT-16 (for structures with more than two dwellings), and to SFMD Fact Sheet INS-FACT-02 (for one and two family dwellings), for this subject, as well as any other emergency egress openings measurements, window wells, bulkhead enclosures, stairways, handrails, railings. These fact sheets are available at www.dps.state.mn.us/fmarshal/FireCode/FireCode.html under the Fact/Information Sheets or at Brainerd City Hall.

425.420 Electric Outlets and Fixtures. In all existing dwellings now or hereafter supplied with electric service, every habitable room with one hundred twenty (120) square feet of floor space or less shall be provided with two (2) separate floor or wall type duplex electric convenience outlets, and an additional duplex electric convenience outlet shall be required for each additional eighty (80) square feet, or fraction thereof, of floor space. Required outlets shall, insofar as possible, be spaced equal distances apart. Kitchens and rooms with kitchen areas shall have one duplex electric convenience outlet in addition to the number herein required for other habitable rooms. One ceiling-type electric light fixture or one wall-type electric light fixture controlled by a remote switch may be supplied in lieu of one required electric convenience outlet in each habitable room. Every public hall, water closet compartment, bathroom, laundry room and furnace room shall contain at least one supplied electric light fixture. All general use cellar or basement areas shall be provided with sufficient artificial light so as to provide one foot-candle of light at all floor areas. All electric outlets and fixtures shall be installed, maintained and energized by a source of electric power in a manner complying with the State Electrical Code applicable now or at the time such outlets or fixtures were or are installed. The electric service and all wiring shall be maintained in good condition and used in a safe manner. All hazardous wiring and all disconnected, exposed wiring shall be removed. Any and all substandard work shall be repaired to present day State Electrical Code requirements.

425.430 Heating Facilities. The owner of every building containing habitable rooms shall provide heating facilities and shall be required to see that said heating facilities are properly installed, safely maintained, and in good working condition, and that said facilities are capable of safely and adequately heating all habitable rooms, bathrooms and toilet rooms located therein to a temperature of at least sixty-eight (68) degrees Fahrenheit, measured at a distance of thirty-six (36) inches above floor level, and not closer than thirty-six (36) inches from any wall at all times when the outside temperature is at minus twenty (-20) degrees Fahrenheit. The owner or operator shall furnish heat to the occupants thereof whenever the outside temperature is sixty-(60) degrees Fahrenheit or below for any continuous twenty-four-hour period. Cooking appliances shall not be used to heat any dwelling unit.

425.440 Exit Illumination. The means of egress, including the exit discharge, shall be illuminated at all times the building space served by the means of egress is occupied. Exit illumination is not required inside individual dwelling units. The means of egress illumination shall not be less than one-foot candle at the floor level. Every exterior stairway shall be adequately illuminated at floors, landings and treads.

425.450 Screens. Openable windows in each habitable room shall be supplied with a screen. Such screens shall have a mesh of not less than number fourteen (14). Other such screening may be required by the Housing Inspector when deemed necessary for insect control or safety of persons.

ARTICLE V. MAINTENANCE BY OWNER

425.490 Compliance Required. No person shall occupy any building or other structure or portion thereof, which does not comply with the requirements set forth in this article.

425.500 Foundations, Roofs, Exterior Walls, and Surfaces.

- (a) All exterior surfaces shall be of a material manufactured or processed specifically for use in such a weather-exposed location, including redwood and other naturally suitable materials, and every exterior wall, chimney, foundation and roof shall be reasonably weather tight, watertight and rodent proof; and shall be kept in a professional state of maintenance and repair. Exterior walls shall be maintained and kept free from dilapidation by cracks, tears or breaks or from deteriorated plaster, stucco, brick, wood or other material that is extensive and gives evidence of long neglect.
- (b) The protective surface on exterior walls of a building above ground level shall be maintained in good repair so as to provide a sufficient covering and protection of the structural surface underneath against its deterioration. Without limiting the generality of this section, a protective surface of a building shall be deemed to be out of repair if:
 - (1) The protective surface has paint which is blistered, cracked, flaked, scaled or chalked away including window trim, cornice members, porch railings and other such areas.
 - (2) The pointing of any chimney or the pointing of any brick or stone wall is loose or has fallen out.
- (c) Any exterior surface or plane required to be repaired under the provisions of this section shall be repaired in its entirety.

425.510 Pest Extermination. Every owner of a dwelling shall be responsible for the extermination of insects, rodents, vermin or other pests on the premises. The Housing Inspector may order the extermination done by a person licensed to do such work when in the housing inspector's opinion the infestation is widespread and severe.

425.515 Other Pests Constituting Nuisance. Whenever it shall appear to the Housing Inspector that rats, skunks, snakes, starlings, grackles, common wild pigeons, or bats which are creating an offensive, nauseous, hurtful, dangerous, unhealthful, or uncomfortable condition to or for any person or persons or to the neighborhood, said Housing Inspector is authorized to decree such conditions a public nuisance and said Housing Inspector or an authorized representative shall issue a written notice to the owner or person in charge of or in control of the premises to remove, exterminate or otherwise rid the premises of the cause of such public nuisance within a reasonable period of time. Where the owner of the premises or the person in charge or control thereof cannot be found after due diligence, the written notice referred to in this section may be posted upon the premises with the same force and effect as though served upon the owner.

425.520 Interior.

- (a) Every interior partition, wall, floor, door, window, trim surface, radiator, and ceiling shall be kept in a professional state of repair. Interior partitions, walls and ceilings shall be provided with an interior finish material specifically manufactured for, and intended to be used as an interior finished surface. Walls, floors, and ceilings that are required to be fire rated by new construction regulations shall be maintained and repaired to prevent a lowering of the resistance to fire or the spread of fire. In addition, maintenance and repairs to walls, floors and ceilings separating dwelling units, or dwelling units from public corridors or stairways shall be done in a manner which will not reduce the sound transmission class of such walls, floors, or ceilings. Dwelling unit doors leading to communal, shared, or public areas, when replaced, shall be replaced with an approved solid core door not less than one and three-eighths (1 3/8) inches in thickness. For the purposes of this Section, professional state of repair shall apply to the repair and application of interior finishes. Interior finishes shall meet the flame spread classification set forth in Chapter 8 of the State Building Code as adopted in Section 400 of the Code of Ordinances when such interior finishes are hereafter altered, refinished, repaired or replaced.
- (b) No interior wall of any dwelling or building accessory thereto shall have paint that is blistered, cracked, flaked, scaled or chalked away.

425.525 Rainwater Drainage. All rainwater shall be so drained and conveyed from every roof so as not to cause dampness in the walls, ceilings, or floors of any portion of the dwelling or of any adjacent building or structure. Gutters and downspouts, if provided, shall be kept in a professional state of repair and in compliance with the provisions of Section 425.500.

425.530 Windows, Exterior Doors, Hatchways. Every window, exterior door, and basement hatchway shall be reasonably weather tight, watertight, and rodent proof; and shall be kept in a professional state of maintenance and repair. Every exterior window or door of habitable rooms, bath, and toilet rooms shall be supplied with a storm window or storm door or the equivalent for ventilation, light, and insulation. Unless otherwise provided for by written agreement, the owner or operator shall install such storm windows and storm doors not later than November first of each year. Such written agreements shall be applicable only to one- and two-family dwellings. All exterior doors of dwellings, except those, which are required to be out swinging based on occupant load, shall be provided with a storm door unless the principal door has an "R" value of two (2) or more. The following energy conservation measures are required:

- (a) Install weather-stripping between exterior operable window sash and frames and between exterior doors and frames. Exception: Weather-stripping not required on storm doors or storm windows.
- (b) Caulk, gasket or otherwise seal exterior joints between foundation and rim joist, around window and door frames, between wall and roof, between wall panels, at penetrations for utility services through walls, floors, and roofs and all other openings in the exterior envelope.

425.540 Shades, Drapes. Every window of every room let to another for sleeping purposes and the windows of bath and toilet rooms used in conjunction with such sleeping rooms shall be supplied with shades, draw drapes, or other devices or materials which when properly used will afford privacy to the occupant of the room. However, upon written agreement of the owner and the occupant, said shades, drapes or devices need not be provided.

425.550 Stairways and Porches.

- (a) Construction and maintenance generally live load. Every inside or outside stairways attached to a dwelling, every porch and every appurtenance thereto shall be so constructed as to be safe to use and capable of supporting the load that normal use may cause to be placed thereon; and shall be kept in a professional state of maintenance and repair. Normal use live load shall be the uniform load as set out in the state building code, one hundred (100) pounds per square foot.
- (b) Handrails. Every inside or outside stairways attached to a dwelling that have four (4) or more risers shall have at least one handrail, and all such stairways which are forty-four (44) inches or more in width, or which are open on both sides, shall have a handrail on each side. If a stairway is open on one side, the required handrail shall be placed on the open side, when required by the housing inspector. Stairways required to be more than eighty-eight (88) inches in width shall be provided with an intermediate handrail. However, only one handrail shall be required when such an outside stairway serves a

one- or two-family dwelling and the stairway is not more than forty-two (42) inches above the adjacent surface. All handrails shall be not less than thirty (30) inches or more than forty-two (42) inches vertically above the nose of the stair treads or stairway platforms.

(Amended Ord. 1331 – 2009)

- (c) To be kept clean of snow, etc. Required means of egress that are exposed to the elements shall be kept clear at all times of rubbish, snow, ice, or other obstructions when such egress serves a multiple dwelling.

425.555 Guardrails. All accessible doorways, unenclosed floor and roof openings, open stairs, porches, balconies, walkways and landings which are more than thirty (30) inches above grade or the surface below shall be protected by an approved guardrail. New installations or replacements of guardrails shall be in compliance with the state building code.

425.560 Plumbing Fixtures. Every supplied plumbing fixture and all water and waste pipes shall be installed in a non-hazardous manner and maintained free from defects, leaks, or obstructions. Water closets shall be provided with seats, which can be maintained in a sanitary condition.

425.570 Bathroom and Toilet Floors. Every toilet room floor and bathroom floor shall be so constructed and maintained as to be reasonably impervious to moisture and all such floor and floor coverings shall be kept in a clean and sanitary condition.

425.580 Supplied Facilities. Every supplied facility, piece of equipment, or utility which is required under the rental property maintenance code shall be so constructed and installed that it will function safely and effectively, and shall be kept in a professional state of maintenance and repair. Appliances used for cooking, air conditioning, laundry, dishwashing, or refrigeration, when supplied by the lessor, shall be installed and maintained so they will function safely and effectively.

(Amended Ord. 1320 – 2008)

425.590 Discontinuance of Required Services. Refer to State Statute 504B.

425.620 Vacant Dwelling Units. No owner shall occupy or permit any other person to occupy any vacant dwelling unit or rooming unit unless it is clean, sanitary, and complies with all provisions of the Rental Housing Maintenance Code. The owner of any dwelling shall be responsible for the removal of all garbage, rubbish, and other discarded debris left on the premises where the dwelling unit is vacant.

425.630 Hanging of Screens. Every owner of a dwelling let to another shall be responsible for hanging all screens whenever the same are required under the provisions of this Code. Screens shall be hung not later than the first day of May of each year. This provision shall not preclude the owner and tenant from agreeing by written contract to have said tenant hang the screens as required above for other than multiple dwellings. Nothing in this Section shall be construed to prevent the owner from engaging a tenant, caretaker, or any person from hanging the screens for remuneration.

425.640 Prohibited Uses. No person shall use or permit the use of any dwelling or any building or any lot or premises for any use not permitted by said Zoning Ordinance.

425.650 Numbering Units. All habitable units let to another in a multiple dwelling shall be numbered or lettered in an approved and conspicuous manner on each passage door leading from such unit. All passage doors from each unit shall have the same number or letter and no two (2) units shall bear the same number or letter. Cross reference Numbering of buildings, Section 425.970.

425.655 Mailboxes. Every owner shall provide a suitable mail deposit box for each rental unit. Such mail deposit box shall be approved by the United States Postal Service.

425.660 Changing or Altering Locks. No person shall change or alter any keyed lock, or place such a new lock on the entrance of a dwelling unit without first providing the tenant or owner of that dwelling unit with a suitable functional key to operate such a lock. A tenant shall obtain permission of the owner, in writing, before installing permanent locks.

425.670 Doorbells or Buzzers. Every multiple dwelling of eleven (11) or more dwelling units or eleven (11) or more rooming units shall be equipped with an operable system of bells, buzzers or other signaling devices which operate from the exterior of a locked entryway and signal either within each dwelling unit and rooming unit or in the hallway or common area of each floor of the building.

425.675 Secured Egress and Ingress to be Provided for Certain Multiple Dwellings. All multiple dwellings containing eleven (11) or more dwelling units or eleven (11) or more rooming units existing now or hereafter created shall provide the following security measures: all doorways leading to the exterior or to an exterior vestibule or entry must be secured by a locking device approved by the Housing Inspector. The locking devices provided for required egress doorways shall be of a type that will engage and lock automatically when the door is in the closed position within the frame provided. Further, locks on such required egress doors shall be openable from the exterior by the use of a key or other approved device. A key box of a type approved by the Brainerd Fire Department shall be installed for access by Public Safety agencies of the City of Brainerd, namely, the Fire Department and Police Department. All locking common entry/egress doors on buildings with fewer than 11 units shall meet the key box requirement of this ordinance. All doors, whether required egress doors or auxiliary, shall be openable from the inside without the use of a key or any special knowledge or effort. All

locking devices required by this section shall be kept in a professional state of maintenance and repair.

(Amended Ord. 1320 – 2008)

ARTICLE VI. MAINTENANCE BY OCCUPANTS

425.690 Cleanliness. Every occupant of a dwelling or dwelling unit shall keep in a clean and sanitary condition that part of the dwelling unit, and premises thereof, which that person occupies or controls.

425.695 Residential Storage Standards. This Section applies to any dwelling as well as appurtenant porches, decks, and stairways whether or not enclosed and to garages which are an accessory use to the dwelling. Storage standards. With the exceptions noted herein; other than furniture, all wood products, paper and paper products, clothing, bedding, towels, linens, tablecloths, drapes, area rugs, maintenance supplies, and additionally, all materials of any kind which are flammable or which may be subject to infestation by rodents or arthropods or other pests, shall when not in actual use, at a minimum and in addition to all other requirements imposed by law, meet each of the following storage standards:

- (a) All materials must be stored off the floor in shelves, cabinets, or other sturdy storage device not made of paper or paper products.
- (b) Storage of materials shall not impede free access to all walls, windows, doors, and heating and other fixtures.
- (c) Each shelf, cabinet, or other sturdy storage device other than built-in storage devices shall have such free space around it so access without moving the material can be obtained and a visual inspection made for combustibility, rodents, arthropods and other pests, and other health and safety hazards.

425.700 Disposal of Solid Waste. Every occupant of a dwelling or dwelling unit shall dispose of all solid waste in a clean and sanitary manner by placing it in the containers required by Section 425.350 of this Code. Occupants shall place their solid waste only in containers that have been assigned to their dwelling or dwelling units by a private solid waste hauler contracted to provide collection service to a building. Failure to comply with this requirement shall constitute a violation of this Section. Prior to placement in the containers required by Section 425.350, solid waste may be stored within the dwelling, but only temporarily. It shall be stored in sturdy baskets or containers which are not made of paper or paper products and which will be consistent with the other requirements of City ordinances. The amount of solid waste temporarily stored shall not exceed three (3) cubic feet of volume in any one room. In order to be counted as a separate room for the purposes of this Section, the enclosed area involved must be able to be closed off completely from other rooms of the dwelling. The term "temporarily" as used in this Section means for a period not to exceed nine (9) calendar days.

425.720 Use of Storm Windows and Operation of Mechanical System Controls. Every occupant of a dwelling supplied with storm windows and doors shall use the storm windows and doors provided in a reasonable and energy-saving manner. This shall include the proper utilization of combination storms supplied by the owner during the periods of time when it is necessary to heat the dwelling unit. Every occupant shall also operate all mechanical system controls intended to be operated by the occupant in a reasonable and energy efficient manner. The occupant shall not adjust mechanical system controls not intended to be operated by the occupant, nor take any actions that impair the operation of the mechanical systems.

425.740 Supplied Plumbing Fixtures. Every occupant of a dwelling unit shall keep all supplied plumbing fixtures therein clean and sanitary and shall be responsible for the exercise of reasonable care in their proper use and operation.

425.750 Plumbing Fixtures or Appliances Furnished by Occupant. Every plumbing fixture or appliance furnished by the occupant shall be properly installed and shall be maintained in good working condition, shall be clean and sanitary, and free from defects, leaks or obstructions.

425.760 Damaging Property. No person shall willfully or wantonly damage, mutilate or deface any part of residential real estate, supplied fixtures, equipment, including smoke detectors, furnishings or any other property of another.

ARTICLE VII. SPACE, USE, AND LOCATION

425.790 Compliance Required. No person shall occupy or let or allow another to occupy any building or other structure for the purpose of living therein which does not comply with the requirements set forth in this article.

425.800 Ceiling Height. At least one-half of the floor area of every habitable room shall have a ceiling height of seven (7) feet. However, in dwellings one story and attic in height, attic type bedrooms may be located above the first floor of each dwelling unit if such attic type bedrooms have a minimum ceiling height of not less than seven (7) feet over fifty (50) per cent of its floor area and shall be provided with a stairway in full compliance with the Building Code. The floor area of that part of any room where the ceiling height is less than five (5) feet shall not be considered as part of the floor area in computing the total floor area of the room for the purpose of determining the maximum permissible occupancy thereof.

Exception: Habitable rooms existing at the time of adoption of this Code having a ceiling height of not less than 6 feet 8 inches (2033mm) with not less than 6 feet 4 inches (1932mm) of clear height under beams, girders, ducts and similar obstructions.

425.810 Required Space in Dwelling Units. Every dwelling unit shall contain a minimum superficial floor area of not less than one hundred fifty (150) square feet for the first occupant, seventy (70) additional square feet for the second occupant and one hundred (100) square feet for each additional occupant in excess of two (2). The floor area shall be calculated on the basis of

the total habitable floor area of all habitable rooms. Single room dwelling units shall not be occupied by more than four (4) persons. Rooms used exclusively for sleeping purposes shall have the following minimum superficial floor area, seventy (70) square feet for one person, ninety (90) square feet for two (2) persons and the required superficial floor area shall be increased at the rate of fifty (50) square feet for each occupant in excess of two (2). However, occupancy of a sleeping room shall not exceed four (4) persons. Habitable rooms having a multiple use shall have not less than one hundred fifty (150) square feet of superficial floor area. Other habitable rooms shall have not less than seventy (70) square feet of superficial floor area, except kitchens. No habitable room other than a kitchen shall be less than seven (7) feet in any dimension. Multi-roomed dwelling units, when let to another, shall include a kitchen room. The floor area of such required kitchen room is not to be included when calculating floor area for the purposes of determining occupant load.

425.820 Dwelling Unit to be Occupied by One Family. No dwelling unit shall be occupied by more than one family. However, unrelated persons may occupy a dwelling unit when such occupancy is permitted and authorized. When, in the opinion of the Housing Inspector, it is necessary for the protection of the health, safety, and welfare of the occupants, the owner or agent of dwelling units let to another may be required to post in a conspicuous place, with a transparent cover, a card issued by the Housing Inspector setting forth the maximum number of persons who may lawfully occupy such a dwelling unit. Said card shall be posted inside the dwelling unit at eye level on, or within four (4) feet of, the main entrance door.

425.830 Arrangement of Rooms. No dwelling or dwelling unit containing two (2) or more sleeping rooms shall have such room arrangements that access to a bathroom or toilet room intended for use by occupants of more than one sleeping room can be had only by going through another sleeping room; nor shall room arrangements be such that access to a sleeping room can be had only by going through another sleeping room or a bathroom or toilet room.

425.850 Basement Space May be Habitable. No basement space shall be used as a habitable room or dwelling unit unless:

- (a) The floor and walls are impervious to leakage of underground and surface runoff water.
- (b) The total window area in each room is equal to at least the minimum window area sizes as required in Section 425.410.
- (c) The total openable window area or mechanical ventilation in each room is equal to at least the minimum s required under Section 425.410.
- (d) At least one emergency escape and rescue opening is provided. Every sleeping room shall have at least one openable emergency escape and rescue opening as required in Section 411.

Cross Reference: Emergency escapes and rescue openings, Section 425.411

ARTICLE VIII. FIRE PROTECTION

425.890 Compliance Required. No person shall let to another for occupancy any dwelling, dwelling unit, rooming house, rooming unit, lodging house, or lodging unit which does not comply with the applicable fire prevention provisions of this Code and the following additional standards for safety from fire.

425.900 Open Fires. No person shall set or maintain any open fire, or knowingly furnish the materials for any such fire, or authorize any such fire to be set, kindled or maintained on or in any street, alley, lot, land or public or private grounds within the City, except as permitted by the provisions of the Rules for Recreational Fires as set forth by the Brainerd Fire Department.

425.910 Vacant Dwellings. The owner of any dwelling in the City, whenever the same becomes vacant or unoccupied shall remove there from, all papers or other combustible waste materials accumulated therein, and shall securely close and keep closed all doors, windows or other openings into such building while the same remains unoccupied.

425.915 Fire Warning System. Due to the various differences regarding measurements, clearances, and build dates, refer to the Minnesota State Department of Public Safety, State Fire Marshal Division SFMD Fact Sheet INS-FACT-16 (for structures with more than two dwellings), and to SFMD Fact Sheet INS-FACT-02 (for one and two family dwellings), for this subject, as well as any other fire safety topics in this section. The INS-FACT-16 (multiple units) also deals with additional exits and fire extinguishers. These fact sheets are available at www.dps.state.mn.us/fmarshal/FireCode/FireCode.html under the Fact/Information Sheets or at the Brainerd City Hall. Smoke alarms and smoke detectors shall not be located closer than three (3) feet from any door to a bathroom or kitchen. Smoke alarms and smoke detectors that are located within twenty (20) feet of a cooking appliance shall be equipped with a silencing switch or be of the photoelectric type in accordance with National Fire Protection Association Standard 72, Section 8-1.4.2.

When interior alterations, repairs, or additions requiring a permit occur, or when one (1) or more sleeping rooms are added or created in existing dwellings, the individual dwelling unit shall be provided with smoke alarms located as required for new dwellings; the smoke alarms shall be interconnected and hard wired. Exception: smoke alarms in existing areas shall not be required to be interconnected and hard wired where the alterations or repairs do not result in the removal of interior wall or ceiling finishes exposing the structure.

425.920 Fire Extinguishers. Refer to 425.915. Tampering with or removal. No person shall tamper with, meddle with, remove, empty, damage, or destroy any extinguisher except in the event of fire or authorized inspection. In dwellings of two or less dwelling units, fire extinguishers shall be provided inside each unit. The minimum size and classification shall be 2A10BC. A tag with the name of the servicing company and the service date, or a tag with the date placing the extinguisher in service, shall be affixed to the extinguisher and shall remain affixed until the next servicing.

(Amended Ord. 1320 – 2008, Ord. 1331 - 2009)

425.930 Flammable Liquids. Flammable liquids shall not be stored in any rooming house, lodging house, or any dwelling in quantities exceeding one gallon.

- (a) All such flammable liquids of one gallon or less shall be stored in sealed metal containers or safety cans not exceeding one gallon capacity and only one such container shall be allowed in each unit, as set out herein. Non-water based paints, varnishes, and similar products used for decorating therein shall be stored in sealed metal containers.
- (b) No flammable liquids such as gasoline, diesel fuel, motor oils, or any similar product shall be stored inside a dwelling unit.
- (c) Fueled equipment, including but not limited to motorcycles, mopeds, lawn care equipment and portable cooking equipment, shall not be stored, operated or repaired within a dwelling unit.
- (d) In any structure containing three or more dwelling units, no person shall kindle, maintain, or cause any open fire or open flame on any balcony above ground level, or on any ground floor patio within 15 feet of a structure.
- (e) No person shall store or use any fuel, barbeque, torch, or other similar heating or lighting chemical or device in the locations designated in 425.930 (d) above.

Exception: Listed electric or gas-fired barbeque grills that are permanently mounted and wired or plumbed to the building's gas supply or electrical system and that maintain a minimum clearance of 18 inches on all sides, unless listed for lesser clearances, may be installed on balconies and patios when approved by the Fire Chief.

425.940 Attic Rooms. In dwellings erected prior to July 1, 1972, dwelling units and rooming units may be located in the attic of a dwelling that is not more than two (2) stories and attic in height, provided that the following conditions are complied with:

- (a) The attic shall have a habitable floor area exceeding fifty (50) percent of the floor below.
- (b) The required egress stairways shall be located inside the confines of the dwelling and shall be enclosed with materials having a one-hour fire-resistant rating and self-closing fire doors separating each floor. The one-hour fire-resistant rating for materials enclosing said egress stairway shall be as specified in "Methods of Fire Tests of Building Construction and Materials" (ASTM Designation: E119) of the American Society for Testing and Materials, on file in the office of the housing inspector. The required self-closing fire doors shall be constructed of Type B construction.

- (c) At least one-half of the floor area of every habitable room shall have a ceiling height of seven (7) feet.
- (d) There shall be compliance with all the provisions of the Zoning Ordinance and all other provisions of the Rental Housing Maintenance Code.

425.945 Restricted Attic Use. The use of the attic in a two-story and attic dwelling shall be confined strictly to the use of the family or families occupying the first and/or second floors of such dwellings. Such attics shall not be occupied by more than three (3) persons.

425.950 Heating Plants. In all multiple dwellings over two (2) stories and basement in height or containing more than four (4) dwelling units on any floor above the first floor or containing more than ten (10) sleeping rooms on any floor above the first floor of such building, the heating plant shall be separated from the rest of the building by not less than a one-hour fire-resistive occupancy separation as defined in the building code or in lieu thereof a sprinkler system approved by the Fire Chief.

425.955 Carbon Monoxide Alarm.

- (a) An approved carbon monoxide alarm shall be provided as follows:
 - (1) For all newly constructed single-family and multifamily dwelling units for which building permit were issued on or after January 1, 2007.
 - (2) For all existing single-family dwelling units on or before August 1, 2008.
 - (3) For all multifamily dwelling units on or before August 1, 2009.
- (b) Approved carbon monoxide alarm means a device meant for the purpose of detecting carbon monoxide that is certified by a nationally recognized testing laboratory to conform to the latest Underwriters Laboratories Standards (known as UL2034 standards)

Exceptions: In certain multifamily dwellings.

- (a) Multifamily dwellings may have approved and operational carbon monoxide alarms installed between 15 and 25 feet of carbon monoxide producing central fixtures and equipment provided there is a centralized alarm system or other mechanism for responsible parties to hear the alarm at all times.
- (b) An owner of a multifamily dwelling that contains minimal or no sources of carbon monoxide may be exempted from the requirements of the statute provided that such owner certifies to the commissioner of public safety that such multifamily dwelling poses no foreseeable carbon monoxide risk to the health and safety of the dwelling units.

(c) Reference: Minnesota Statute 299F.50

425.960 Egress. Dwellings erected after July 1, 1972, shall have and shall maintain the egress facilities required by the Minnesota State Building Code at the time of erection. Dwellings existing prior to July 1, 1972, shall be provided with egress facilities as required by said Minnesota State Building Code or in compliance with the following regulations: Every habitable unit shall have a safe unobstructed means of egress. Every dwelling unit located above the first floor and every rooming house where three (3) or more roomers occupy one or more rooming units located above the first floor and every basement dwelling unit shall have at least two (2) independent egress stairways which shall be located remote from each other, and one of such stairways shall be an inside stairway. Every such egress shall comply with the following requirements:

- (a) Every dwelling with an occupant load of ten (10) persons or fewer shall have one approved means of egress. Dwellings located on the second story shall have at least one approved means of egress if the occupant load of the entire story does not exceed ten (10) persons. Second stories having an occupant load of more than ten (10) persons and all other stories and basements shall have not less than two (2) approved means of egress. Exception: Only one approved means of egress shall be required from a basement within an individual dwelling unit when the occupancy load of such basement is ten (10) or fewer.
- (b) Refer to the fact sheets listed in 425.915 for more information on measurements, placements, build dates, etc., for stairways, handrails, and guardrails.
- (c) All required egress stairs shall be easily accessible from every dwelling or dwelling unit without passing through any room other than public, shared or communal areas. Egress shall lead directly to grade, and such grade shall have an unobstructed path of travel to a public way.
- (d) Egress doors connected to public, shared or communal areas must be easily opened from the inside along the path of egress and remain unlocked or be of a type which can be unlocked without the use of a key or any special skill or knowledge. Where multiple dwellings have more than five (5) dwelling units, or more than ten (10) rooming units sharing the same means of egress, the doors serving such egress shall swing in the direction of travel and be self-closing and latching. All stair tower doors located in multiple dwellings which are four (4) or more stories in height, and where the dwelling units are not individually owned, shall be openable from the inside of the stair tower without the use of a key or any special skill or knowledge when such stair tower doors open into a public, shared or communal area. No person shall lock, fasten closed, block open or in any other way tamper with the operation of self-closing fire doors so that said doors do not function as required by this section.

- (e) Any required means of egress exposed to the elements shall be kept clear of rubbish, snow, ice and other such obstructions at all times. All vertical ladders and other emergency fire escapes not recognized as a required means of egress shall be maintained in good order and repair.

425.970 Address Posting. Every dwelling shall have the proper street address number conspicuously posted in the front and in the rear or on a building accessory to such dwelling at the rear so as to be readily identified in case of fire or other emergency. The rear address number may be omitted if there is no public way at the rear of the building. The numbers required by this section shall be mounted on a permanently fixed surface, the numbers shall be Arabic, not Roman numerals or words, and shall be of sufficient size four (4) inches minimum height and of a contrasting color so as to be readily distinguishable and readable from the public way front and rear.

Cross Reference: Numbering of Units, Section 425.650

425.980 Ventilation Shafts. No ventilation shafts or ducts shall exhaust or terminate within a building. All such shafts or ducts shall lead to the outside.

425.990 Transom Windows. Openings such as transom windows shall not be permitted into public hallways. Existing transoms shall be permanently fixed in the closed position and all such openings shall be enclosed with materials having a fire-resistance rating of one hour or equal to that of the walls adjoining such transoms or openings.

425.1000 Storage Near heating plant. No person shall store or permit the storage of any combustible material, other than fuel used in conjunction with the heating system, within three (3) feet of any heating plant or furnace.

425.1010 Exit Signs. All exits in multiple dwellings having ten (10) or more dwelling units on any one floor, or in rooming houses having more than five (5) rooming units on any one floor, or in any multiple dwellings having a total of ten (10) or more of any combination of the aforesaid dwelling units and rooming units on a floor shall be marked with red, internally illuminated exit signs that will be clearly visible from hallways, corridors and public areas. Where exit signs are not visible there shall be illuminated directional markers indicating the location and direction to follow to reach such exits. Such internally illuminated signs shall be marked "EXIT" in letters at least four (4) inches high. Exit signs provided in accordance with the Building Code when properly maintained shall also be acceptable.

425.1020 Minimum Requirements. These requirements are considered to be minimum and not maximum. The City of Brainerd has adopted the Minnesota State Fire Code. All properties subject to this Ordinance are subject to the Minnesota State Fire Code as adopted and amended by the City of Brainerd and shall in the case of discrepancy supercede this Ordinance.

ARTICLE IX. ROOMING HOUSES

425.1040 Compliance Required. No person shall operate a rooming house, or shall occupy or let to another for occupancy any rooming unit in any rooming house, except in compliance with the requirements set forth in the Rental Housing Maintenance Code.

425.1050 Lavatory and Bath Facilities. At least one water closet, hand lavatory and bathtub or shower, properly connected to a water and sewer system and in good working condition, shall be supplied for each ten (10) persons or fraction thereof residing within a rooming house, including members of the operator's family wherever they share the use of the said facilities; provided that in a rooming house where rooms are let only to males, flush urinals may be substituted for not more than one-half of the required number of water closets, and provided further that in rooming houses existing prior to July 1, 1972, where a hand lavatory, connected to a water and sewer system and in good working condition, is supplied in each rooming unit, then the number of persons who shall share the use of a water closet and bathtub or shower shall not exceed twelve (12) persons. All such facilities shall be so located within the rooming house as to be accessible to the occupants of each rooming unit sharing such facilities without going through a unit of another occupant. Every hand lavatory and bathtub or shower required under the provisions of this section shall be supplied with hot and cold running water at all times. No plumbing facilities required under this section except the guest toilet room may be located in a cellar. No such plumbing facilities shall be located more than one floor distant from the rooming unit for which such plumbing facilities are provided.

General toilet rooms may be provided to serve members of one sex but not to exceed twenty-four (24) persons. Water closet compartments and bath or shower compartments in general toilet rooms shall be constructed in such a manner so as to afford the user privacy. General toilet rooms shall have an approved mechanical ventilation system. Rooming houses having only general toilet rooms for the tenants all of one sex shall have a toilet room containing a water closet and hand lavatory for guest use.

425.1060 Communal Kitchens. Communal kitchens shall be permitted only in rooming house occupancies. Every rooming house within which the occupants of rooming units are permitted to prepare meals shall contain a communal kitchen that has adequate cooking, refrigeration and plumbing facilities to allow the preparation of meals in a clean and healthful manner by the occupants. Every communal kitchen shall be located within a room accessible to the occupant of each rooming unit sharing the use of such kitchens, without going outside the rooming house and without going through a unit of another occupant. The owner or operator of a rooming house wherein meals are served to tenants shall obtain a food and drink license as required by the Minnesota State Health Department.

425.1070 No-Cooking Signs. The operator shall post in every rooming unit a sign on which shall be written or printed in letters not less than one inch in height the following words "No Cooking Permitted in This Room" and such sign shall remain so posted at all times. No person shall cook or prepare meals in any rooming unit, and no operator knowingly shall allow cooking or preparation of meals in any rooming unit.

425.1090 Sanitary Maintenance. The owner or operator of every rooming house shall be responsible for the sanitary maintenance of all walls, floors, and ceilings, and for the sanitary maintenance of every other part of the rooming house; and he shall be further responsible for the sanitary maintenance of the entire premises where the entire structure or building within which the rooming house is contained is leased or occupied by the operator.

425.1100 Reporting of Communicable Disease. The operator of a rooming house shall report to the County Health Authority within twenty-four (24) hours the name of any person living in the rooming house who is suffering from a communicable disease, and such report shall be made whenever there is reason to believe or suspect that any person in such rooming house may be afflicted with any communicable disease.

425.1110 Keeping of Register. Every person registered as a rooming house operator shall at all times keep a register within the rooming house, in which shall be written the names of all occupants renting or occupying rooming units in such rooming house. After the name or names of persons renting or occupying any rooming unit the operator, or operator's agent, shall write the number of the room or rooms which each person is to occupy, together with the date and hour when such room or rooms are rented, all of which shall be done before such person is permitted to occupy such room or rooms. The register shall be at all times open to inspection by the Chief of Police, County Health Authority, Housing Inspector, or Fire Chief, or their authorized representatives.

425.1120 Entry of True Name in Register. No person shall write or cause to be written in any rooming house register any other or different name than the true name of such person or the name by which such person is generally known.

425.1140 Rehabilitation Centers. A rehabilitation center as defined in Section 425.40 relating to the Rental Housing Maintenance Code, may be operated, provided:

- (a) Such rehabilitation center provides a definite program of medical supervision and employs personnel of demonstrated competency in social and physical rehabilitation;
- (b) Files with the Housing Inspector written rules, standards and controls governing the rehabilitation operation and program, and files with the housing inspector any amendments or additions to its code, and such rules, standards, program and amendments thereto are approved by the City Council;
- (c) If the rules, standards and programs as presented are approved by the City Council, such rehabilitation center may then be registered as a multiple dwelling.
- (d) If the above requirements are all complied with, the rehabilitation center may then operate a multiple dwelling without compliance with Sections 425.810, 425.1060 and 425.310 of this Code.

ARTICLE X. SHARED BATH DWELLING UNITS

425.1170 Compliance Required. No person shall occupy or let to another for occupancy any shared bath dwelling except in compliance with the requirements set forth in the Rental Housing Maintenance Code.

425.1180 New Units Prohibited; Removal of Existing. New shared bath dwelling units shall not be installed. Existing shared bath dwelling units not of record shall be vacated and removed. Nothing herein shall prohibit any right of appeal or review by the Housing Board of Appeals as provided by Chapter 1950 of this Code of Ordinances.

ARTICLE XI. UNFIT DWELLINGS

425.1450 Condemnation Authorized; Requiring Vacating. Whenever the Housing Inspector finds that any dwelling, multiple dwelling, or dwelling unit constitutes a hazard to the health, safety, or welfare of the occupants or to the public because it lacks maintenance, or is dilapidated, unsanitary, vermin-infested, or rodent-infested, because it lacks the sanitary facilities and equipment required by the Rental Housing Maintenance Code, or because it violates residential storage standards, the Housing Inspector may condemn such dwelling or dwelling unit as unfit for human habitation. If any dwelling or any part thereof is occupied by more families than provided by this Code, or is erected, altered or occupied contrary to law, such dwelling shall be deemed an unlawful structure and the Housing Inspector may cause such dwelling to be vacated. It shall be unlawful to again occupy such dwelling until it or its occupation, as the case may be, has been made to conform to the law.

415.1460 Placarding. Any dwelling or dwelling units condemned shall be posted with a placard of condemnation by the Housing Inspector. The placard of condemnation shall include the following:

- (a) Name of the city;
- (b) The name of the authorized department having jurisdiction;
- (c) The Chapter and Section of this Code or other ordinance under which it is issued;
- (d) Street address of building, dwelling number if applicable;
- (e) A statement of reason or reasons for condemnation;
- (f) A statement of time when occupants must vacate the dwelling or dwelling unit (not less than twenty-four (24) hours or more than thirty (30) days except in cases of emergency);
- (g) The date that the placard of condemnation is posted;
- (h) A statement of the penalty for defacing or removal of the placard.

425.1470 Notice of Condemnation Required. Whenever the Housing Inspector, County Health Authority, or the Fire Chief intends to condemn a dwelling or dwelling unit, notice shall be given to the owner of such condemnation and placarding of the dwelling or dwelling unit. Such notice shall:

- (a) Be in writing;
- (b) Include the street address of the building, dwelling number if applicable;
- (c) Include a statement of the reason or reasons why it is being issued;
- (d) Set a date to bring the conditions herein set out into compliance with the Rental Housing Maintenance Code and as notice that after said date the building or dwelling will be condemned.

425.1480 Service of Notice of Condemnation. Service of notice of condemnation shall be as follows:

- (a) By delivery to the owner personally, or by leaving the notice at the usual place of abode of the owner with a person of suitable age and discretion, or
- (b) By depositing the notice in the United States Mail addressed to the owner at the owner's last-known address with postage prepaid thereon, or by posting and keeping posted for twenty-four (24) hours a copy of said notice in placard form in a conspicuous place on the condemned premises

425.1490 Duty to Vacate. Any dwelling or dwelling unit which has been condemned and placarded as unfit for human habitation by the Housing Inspector, County Health Authority, or the Fire Chief shall be vacated within a reasonable time as required by said Housing Inspector and it shall be unlawful for any owner or operator to let or allow any person to occupy said dwelling or dwelling unit. No person shall occupy any dwelling or dwelling unit, which has been condemned and placarded by said Housing Inspector after the date set forth in the placard of condemnation. The Housing Inspector, County Health Authority, or the Fire Chief may allow a security or fire guard to occupy the condemned dwelling when, in the opinion of said Housing Inspector or commissioner such action best serves public interest.

425.1500 Condemned Dwellings Not To Be Occupied. No dwelling or dwelling unit which has been condemned and placarded as unfit for human habitation shall again be used for human habitation until written approval is secured from the Housing Inspector, County Health Authority or the Fire Chief. The Housing Inspector, County Health Department, or Fire Chief shall remove such placard whenever the defect or defects upon which the condemnation and placarding action were based have been eliminated.

425.1510 Defacing, Removal of Placard. No person shall deface or remove the placard from any dwelling or dwelling unit that has been condemned and placarded. Such placard shall only be removed by the enforcing officer.

ARTICLE XII. ACCESSORY (NON-DWELLING) STRUCTURES, ETC

425.1550 Compliance Required. No person shall construct, or allow or permit to exist on any premises any accessory (non-dwelling) structure, fence, or condition, which does not comply with the requirements set forth in this article.

425.1560 Construction, Maintenance of Accessory Structures. Every foundation, exterior wall, roof, window, exterior door, basement hatchway, and every other entranceway of every non-dwelling structure shall be so constructed and maintained as to prevent the structure from becoming a harborage for rats. Each entranceway for persons or vehicles in any such structure on residential property shall have exterior doors. All such structures and exterior doors shall be kept in good workmanlike state of maintenance and repair. All exterior surfaces of non-dwelling structures shall be of a material manufactured or processed specifically for use in such a weather-exposed location. Non-dwelling structures shall not be used for the storage of garbage or rubbish unless such garbage or rubbish is placed in an approved container or stored in a manner so as not to constitute a health or safety hazard.

425.1570 Grading and Drainage. All premises shall be graded and maintained so as to prevent the accumulation of stagnant water on said premises or within any building or structure located thereon, and every premises shall be continuously maintained in a sanitary, erosion-free, and dust-free condition by suitable landscaping with grass, trees, shrubs, or other planted ground cover, or by paving with asphalt, concrete, or by such other suitable means as shall be approved by the Housing Inspector. Whenever a premises is not in compliance with this Section and presents a hazard to public health and welfare, the Housing Inspector shall give fifteen (15) days' notice to the owner or owners or the agent of such owners and occupant or tenant of premises in the City to correct the violation. In the event said violation is not corrected, the Housing Inspector shall take the necessary actions to secure compliance with this section. Premises shall be considered hazardous when it becomes a potential source of filth and cause of sickness, when stagnant water or dust is left to accumulate or stand on the premises, or when erosion of the soil causes the same to spill over onto the sidewalk, street or the adjoining property.

425.1575 Open Excavations and Areas. No person shall maintain or allow to continue without approved guardrails any excavation, pit, area wall, stairwell or window-well which, due to its depth and/or location on a premises, constitutes a hazard to the health and safety in the opinion of the Housing Inspector.

425.1590 Fences and Retaining Walls. Every fence and retaining wall on or adjacent to residential property shall be kept well mended and in good repair, consistent with the design thereof.

425.1610 Occupancy Prohibited. No person shall occupy or let or allow another to occupy an accessory (non-dwelling) structure for the purpose of living therein.

ARTICLE XIII. BUILDING SECURITY

425.1640 Purpose. The purpose of this article is to require security devices in certain buildings used for dwellings and certain non-dwelling structures accessory thereto, as a safety, burglary and theft prevention measure. Such security devices shall be installed in a professional manner and maintained operable and effective as installed.

425.1650 Dead Bolt Locks.

- (a) Specifications. A dead bolt not less than three-eighths inch in its least dimension, which penetrates into the strike plate not less than three-eighths inch shall be deemed to meet the requirements of this section. Further dead bolt locks installed or replaced after the adoption of this Code, shall have a bolt throw of at least three-quarters inch and the strike plate shall be secured with steel screws at least two and one-half (2 1/2) inches in length or secured in a manner to provide equivalent security.
- (b) Dead latch, bolt-type locks. Mortised dead latch, bolt-type locks, properly installed and maintained, when installed prior to the adoption of this Code, may be deemed to provide the security required by this article; however, latch-type locks shall not be approved for new installations.
- (c) To be openable without key. Except as hereinafter expressly permitted in this article, dead bolt locks, as required by this Section, shall be of a type openable from the inside without the use of a key or any special knowledge or effort. A lock bolt moved by a skeleton-type key shall not be used to provide security for any rental unit.

425.1660 Locks Required for Rooming Houses. All rooming houses existing now or hereafter constructed shall be provided with dead bolt locks on all entrance doors of each rooming unit. However, rooming houses having six (6) or fewer rooming units and occupied by six (6) or fewer roomers may provide the required security by dead bolt locks on all exterior doors of said rooming house. Key locking shall be as required for other occupancies in this article.

425.1670 Locks Required for Dwellings. All dwellings, when let to another, shall be provided with dead bolt locks on all entrance doors of each dwelling unit, at least one of which must be capable of being locked from the exterior. The provisions of this paragraph become effective at the time of adoption of this code.

425.1685 Security for Exterior Garage Doors. All exterior doors on garages provided for the use of the non-owner occupants of dwellings shall be equipped with such locks, bolts, security bars or other approved security devices which, when in a closed, secured position, will prevent the doors from being opened from the outside.

425.1690 Window Security.

- (a) Operable windows located in whole or in part within six (6) feet above ground or a walking surface below that provides access to a dwelling shall be equipped with a locking device. All other windows and doors of dwellings let to another which are accessible to persons by means of porches, stairs, fire escapes, balconies, corridors, walkways, interior balconies, roofs, or other such possible accesses, shall be provided with an approved locking device which, when in the locked position, will prevent the window or door from being opened from without the dwelling unit or rooming unit.
- (b) Windows and doors of bath and toilet rooms let in conjunction with the aforementioned units shall be provided with an approved locking device when such windows are deemed accessible by the standards set forth in this section.
- (c) The window security required by this Section shall be provided at the prime window or door and latching or locking devices on storm sash or screen frames will not be accepted as meeting the intent of this Section.

425.1700 Responsibility for Security. The owner, operator, or agent in charge of buildings covered by this Article shall be responsible for compliance with the terms and provisions of this Article.

425.1710 Keys Required. The owner, operator, or agent in charge of dwellings let to another shall furnish the lessee with a key for the dead bolt lock or other lock required by this Article.

425.1730 Easement Agreements.

- (a) No utility company may seek to enter a multi-unit dwelling in order to maintain, repair, replace, or remove any of its facilities without providing to the owner of the building not less than four (4) hours advance notice during normal business hours (8:00 a.m. to 5:00 p.m. Monday through Friday) except:
 - (1) In case of emergency;
 - (2) Meter reading, monitoring, adjustments, connecting, or reconnecting;
 - (3) At the request of a tenant;
 - (4) To protect the health and safety of tenants;
 - (5) When the activity does not require the company to access the building through the security doors.

- (b) No utility company may require as a condition of its services that direct sales to the tenants of a multi-unit dwelling with exterior security doors be allowed except during limited periods of time negotiated with the owners of the building and upon adequate notice to the tenants so as not to compromise the security of the building.

ARTICLE XIV. RENTAL DWELLING LICENSES

425.1800 Definitions. Words used in this Article shall have the meanings ascribed in Section 425.40, unless otherwise defined herein. Appropriate action shall mean that action which a reasonable license holder would take based upon the facts and circumstances of each case so as to prevent a reoccurrence of a disorderly use.

425.1810 License Required. License required. No person shall allow to be occupied, or let to another for occupancy, any dwelling unit unless the owner has first obtained a license under the terms of this article.

NOTE: Any “Lease to Own” type arrangement is still technically a rental and must be registered as such until such time as the dwelling unit purchase transaction is accomplished.

NOTE: Any “Contract for Deed” will not be recognized unless properly recorded with the County as required by Minnesota State Statute 507.235.

(Amended Ord. 1331 – 2009)

425.1820 Applicability and Exceptions.

- (a) The provisions of this Article shall apply to all rental dwellings and dwelling units, including rented single-family dwellings and rented dwelling units in owner-occupied dwellings, as well as rented condominiums, rented townhouses and leasehold cooperative dwelling units, as those terms are defined in Minnesota Statute Section 273.124, Subd. 6, Minnesota Statute Chapter 515B, Minnesota law and this Code.
- (b) The provisions of this Article shall not apply to jails; licensed nursing homes; licensed board and care homes; parsonages; parish houses; manses and rectories; hospitals; and owner-occupied dwelling units in a cooperative, condominium or townhouse building.

425.1830 What the License Covers.

- (a) One (1) license shall be issued for each building with rental dwelling units. For each individually owned rental dwelling unit in a multi-unit building, a license will be required of each unit.

- (b) The City shall have authority to exercise its licensing powers under this article, including the power to issue, renew, deny, revoke, and suspend licenses, with respect to an entire building or only a portion of a building.

425.1840 Application for License. The owner of each rental dwelling shall make written application to the Housing Inspector for a license to carry on the business of renting residential property. In addition, the owner of each such rental dwelling constructed after the effective date of this article shall make written application to the Housing Inspector for a license as herein provided prior to initial occupancy. Such application shall be made on a form furnished by the Housing Inspector for such purpose and shall set forth the following information:

- (a) Name, business or residence address, telephone number of the owner. If the owner is a partnership, the name of the partnership, the name, residence address of the managing partner. If the owner is a corporation, the name and address of the corporation and the name of the chief operating officer, in cases where the owner of a dwelling resides outside of the City of Brainerd, the owner's agent/contact person shall reside within thirty (30) miles of the City of Brainerd.
- (b) If the owner has appointed an agent authorized to accept service of process and to receive and give receipt for notices, the name, business or residence address, telephone number of such agent.
- (c) Every applicant, shall identify in the application, by name, residence or business street address, telephone number, a natural person who is actively involved in, and responsible for, the maintenance and management of the premises. Said natural person, if other than the owner, will thereby accept joint and several responsibility with the owner (including any potential criminal, civil, or administrative liability) for the maintenance and management of the premises. A post office box or commercial mail receiving service is not acceptable as an address for such person. The individual authorized herein may also be the owner of the dwelling or an agent identified in subsection (b) above.
- (d) Street address of the dwelling.
- (e) Number and kind of units within the dwelling (dwelling units, rooming units, or shared bath units). For each unit, specify the floor number, and the unit number and/or letter and/or designation.
- (f) In the event that any of the information required to be provided by this section changes, the applicant or licensee shall, within fourteen (14) days, notify in writing the Housing Inspector, or an authorized representative of the Housing Inspector, of the change. However, if the natural person authorized in

subsection (c) changes, the licensee or applicant shall file an amended application within fourteen (14) days. Furthermore, for just cause, the Housing Inspector, or an authorized representative of the Housing Inspector, may request that an applicant or licensee complete and file a new or replacement application for any rental dwelling, giving the licensee or applicant a minimum of fourteen (14) days to comply.

425.1850 Minimum Inspection Standards. The minimum standard to be used for inspections, for compliance with this code for buildings with licenses, shall include the inspection of the building interior and exterior, the site, the common areas and the basement.

425.1860 Expiration; Renewal. All licenses issued under this Article shall expire on May 31st of each year, subject to renewal year to year in the manner provided in this Article. All licensees shall apply for renewal of their licenses on a form provided by the Housing Inspector. No license shall be granted without payment of the required license fee. An individual who is operating a rental dwelling after the license has expired is operating an unlicensed rental dwelling.

425.1870 License Non-Transferable. A license issued hereunder is nontransferable. A new license application shall be required for each change of ownership of a rental dwelling.

425.1880 License Fees.

- (a) An annual license fee shall be assessed on all rental units. The license fee shall be included with the initial application or renewal statement. Such fee shall be set by resolution of the Council. A change in ownership shall require a new license application and payment of the license fee. An increase in the number of licensed dwelling units during the license year shall require an amended license application and the payment of an additional license fee to cover the additional units.
- (b) Operation of an unlicensed dwelling unit shall be subject to an additional administrative fee, in accordance with City Council resolution. This fee shall be in addition to any other appropriate enforcement action or fees due.

425.1900 Issuance of License. When, upon completion of an inspection of a building and rental dwellings therein, the Housing Inspector finds that the minimum standards for licensing set forth in this article have been met, a rental dwelling license may be issued.

425.1910 Licensing standards. The following minimum standards and conditions shall be met in order to hold a rental dwelling license under this article. Failure to comply with any of these standards and conditions shall be adequate grounds for the denial, refusal to renew, revocation, or suspension of a rental dwelling license.

- (a) The licensee or applicant shall have paid the required license fee.
- (b) Rental dwelling units shall not exceed the maximum number of dwelling units permitted by the zoning ordinance.
- (c) No rental dwelling or rental dwelling unit shall be over occupied or illegally occupied in violation of the zoning ordinance or the Rental Housing Maintenance Code.
- (d) The rental dwelling shall not have been used or converted to rooming units in violation of the zoning ordinance.
- (e) The owner shall not allow weeds, vegetation, junk, debris, or rubbish to accumulate repeatedly on the exterior of the premises so as to create a nuisance condition. If the city is required to abate such nuisance conditions under section 2010 of the City Code, or collect, gather up or haul solid waste more than three (3) times during a period of twelve (12) months or less, it shall be sufficient grounds to deny, revoke, suspend or refuse to renew a license.
- (f) The rental dwelling or any rental dwelling unit therein shall not be in substandard condition, as defined in section 425.1920.
- (g) The licensee or applicant shall have paid the required reinspection fees.
- (h) The licensee or his or her agent shall allow the housing inspector and his or her authorized representative to perform a rental license review inspection as set forth in section 425.2000(c).
- (i) The licensee shall maintain a current register of all tenants and other persons with a lawful right of occupancy to a dwelling unit and the corresponding floor number, and unit number and/or letter and/or designation of such unit within the building. The register shall be kept current at all times. The licensee shall designate the person who has possession of the register and shall inform the housing inspector of the location at which the register is kept. The register shall be available for review by the housing inspector or his or her authorized representatives during normal business hours or in an emergency situation.
- (j) There shall be no delinquent property taxes or assessments on the rental dwelling.
- (k) There is no active arrest warrant for a Brainerd Rental Housing Maintenance Code or Zoning Ordinance violation pertaining to any property in which the licensee, applicant or property manager has a legal or equitable ownership interest or is involved in management or maintenance.

- (l) Any person(s) who has had an interest in two (2) or more licenses denied, revoked, suspended, or not renewed pursuant to this article or to section 425.1940 or a combination of denials, revocations, suspensions, or non-renewals shall be ineligible to hold or have an interest in a rental dwelling license for a period of five (5) years.
- (m) No new rental dwelling license shall be issued for the property during the pendency of adverse license action initiated pursuant to section 425.1940.
- (n) The licensee or applicant must have a current, complete, and accurate rental dwelling application on file with the housing inspector in accord with the provisions of section 425.1840.
- (o) Any violation as listed in Section 425.2020

(Amended Ord. 1320 – 2008, Ord. 1368 – 2010)

425.1920 Substandard Dwelling. A rental dwelling structure shall be considered substandard if:

- (a) The dwelling unit scores twenty-five (25) or more points; or
- (b) Any major violation within the dwelling remains uncorrected. Any single violation scoring six (6) or more points is considered a major violation.

For purposes of the point calculation in this section, any combination of four (4) rooming units or shared bath units shall constitute one (1) dwelling unit. Points for a violation in a common area of the structure outside a dwelling unit will not be cumulative on a unit-by-unit basis. However, twenty-five (25) or more points in the common areas of a structure, including, but not limited to, the entryways, corridors, community rooms, exterior walls and roof, will constitute a substandard structure.

The Housing Inspector shall cause to be prepared and shall keep on file for public inspection an accurate, complete, and detailed description of each violation used in the point calculation procedure set forth herein. The Inspecting Officer shall assign points according to the severity of each code violation on a scale from one up to the maximum points possible for such violation. Except when otherwise provided by state law, conditions in the design or structure of a building, such as, but not limited to, the size and dimension of rooms and windows and the electrical and plumbing systems, that were legal under existing codes when built shall not be violations as long as they are maintained in good repair. A violation shall receive maximum points when a required item is completely absent, completely fails to perform its function, or is imminently hazardous to the health or safety of the occupants.

Each Code violation shall have a maximum number of points to be assigned based on the relative life-safety hazard created by the code violation. The table of maximum violation points will be established by the Building Official. The Housing Inspector will use the designated Housing Inspection Form for the purpose of determining the existence of substandard dwellings.

425.1925 Reinspection Fee.

- (a) There shall be no fee charged for an initial inspection to determine the existence of a Rental Housing Maintenance Code violation or for the first reinspection to determine compliance with the Code violation. A reinspection fee, set by City Council resolution, shall be charged for each subsequent reinspection that is conducted for compliance with an order, as determined by the Housing Inspector or the Housing Inspector's designee.
- (b) The reinspection fee prescribed above shall be billed directly to the owner or contact person/agent of the property. Reinspection fees shall be increased by fifty (50) percent when not paid within thirty (30) days after initial billing, to cover administrative costs. Failure to pay such fees shall be grounds for denial, revocation, suspension, or non-renewal of a rental dwelling license. This subsection shall not be considered the exclusive method of collecting reinspection fees and shall not preclude collection by other lawful methods.
- (c) Every notice of violation and order to correct Rental Housing Maintenance Code violations shall contain a clear and conspicuous explanation of the policy in this Section requiring fees for reinspections.
- (d) The Housing Inspector may waive a reinspection fee in case of error, mistake, injustice, or other good cause.

425.1930 Condemned and Boarded Buildings. When a building is condemned as hazardous or unfit for human habitation due to defects in its structure or its electrical, plumbing, or mechanical systems, or boarded under Minnesota Statutes, Section 463.251, requiring a Code compliance inspection prior to re-occupancy, the rental dwelling license shall be revoked on the effective date of the condemnation or boarding. The dwelling shall be eligible to hold a rental dwelling license upon reinspection and correction of any violations that caused the building to be condemned.

425.1935 Housing Inspector's Determination of Noncompliance Notice.

- (a) If the Housing Inspector determines that a building or dwelling unit fails to meet the licensing standards set forth in Section 425.1910, or Section 425.1920, he or she shall mail a notice to the owner or the owner's agent. The notice shall specify the reasons why the building or unit fails to meet the licensing standards in Section 425.1910 or Section 425.1920 and shall include a copy of the inspection report if applicable.

- (b) If the rental dwelling fails to meet one or more of the standards set forth in Section 425.1910, the notice shall indicate that the license holder or applicant has ten (10) days to correct the defects, after which the City Council will take action to deny, refuse to renew, revoke, or suspend the license.
- (c) If the rental dwelling fails to meet the standards set forth in Section 425.1920, the notice shall indicate that the license holder or applicant has up to thirty (30) days to correct the defects causing the building to be substandard, after which the City Council will take action to deny, refuse to renew, revoke, or suspend the license. The Housing Inspector may for good cause authorize additional time to correct defects causing a building to be substandard. If the defects create an imminent hazard to health or safety, the Housing Inspector may proceed immediately for denial, non-renewal, revocation, or suspension under Section 425.1940, or may shorten the deadline for compliance to less than thirty (30) days.
- (d) Whenever a notice of noncompliance is issued under this section, the housing inspector shall also cause a notice to tenants to be prominently posted on the building. The notice shall indicate that a license proceeding has been commenced against the owner because the building has been found to be in violation of the Rental Housing Maintenance Code; that after a stated period of time allowed to bring the building into compliance, the city council may proceed to deny, revoke, or suspend the rental dwelling license for the building; that if the City Council denies, revokes, or suspends the license, tenants may be required to vacate the building; that further information can be obtained from the City of Brainerd Building Department.
- (e) The Housing Inspector shall maintain copies of the notice of noncompliance and send copies of the noncompliance notice to tenants at the time of posting of the notice on the building.

425.1940 Denial; Non-Renewal; Revocation; Suspension. If after any period for compliance under Section 425.1935 has expired, the Housing Inspector determines that the dwelling fails to comply with any of the licensing standards in Sections 425.1910 or 425.1920, or the Housing Inspector has initiated an action to deny, revoke, suspend, or not renew a license pursuant to section 425.2020, the Housing Inspector shall mail the owner a notice of denial, non-renewal, revocation, or suspension of the license. The notice shall state:

- (a) That the Housing Inspector has determined that the building fails to comply with the licensing standards for rental dwellings in Section 425.1910 and Section 425.1920, that the licensee has failed to take appropriate action following conduct by tenants and/or their guests on the licensed premises under Section 425.2020, or that the licensee has failed to submit a written management plan that satisfies the requirements set forth in 425.2020(d).

- (b) The specific reasons why the building fails to meet licensing standards, including copies of applicable inspection reports, or notices sent to licensee of conduct on licensed premises.
- (c) That the Housing Inspector has referred the matter to the City Council with a recommendation to deny, not renew, revoke, or suspend the license.
- (d) That the City Council will deny, refuse to renew, revoke, or suspend the license unless the owner appeals the determination within fifteen (15) days after the date of the notice, in the manner provided in Section 425.1960. The notice shall describe how an appeal may be filed under Section 425.1960.
- (e) That after denial, non-renewal, revocation or suspension, the dwelling or the affected dwelling units therein must be vacated, and shall not be reoccupied until all violations are corrected and a license is granted by the City Council, (except where an extension of time has been granted by the housing inspector due to weather). Further, no license will be re-issued by the City Council until an approved plan to control conduct on premises has been presented and accepted by the City Council if the denial, non-renewal, revocation or suspension was under Section 425.2020.
- (f) The Housing Inspector shall cause a notice to tenants to be mailed or delivered to each licensed dwelling unit and prominently posted on the building. The notice shall indicate that the rental dwelling license for the building has been denied, non-renewed, revoked, or suspended, whichever is applicable; that the action will become final on a specific date unless the building owner appeals and requests a hearing; that tenants may be required to vacate the building when the action becomes final; that further information can be obtained from the City of Brainerd Building Department.

(Amended Ord. 1320 – 2008)

425.1945 Reinstatement Fee. A fee set by City Council resolution must accompany any application for reinstatement of any license that has been denied, non-renewed, revoked or suspended under Section 425.2020. This reinstatement fee is in addition to the license fees imposed pursuant to Section 425.1880.

425.1950 Rental Dwelling License Board of Appeals.

- (a) There is hereby created a Rental Dwelling License Board of Appeals. The Board shall consist of five (5) members who shall be appointed by the City Council. The Board Members shall serve for a period of two (2) years and until its successors have been appointed and qualified. Two (2) members shall be real estate agents or brokers, residential rental property managers, or

residential rental property owners; two (2) members shall be tenants or residential rental housing advocates; one (1) member shall be appointed from the general public. The Fire Chief and the Housing Inspector shall be nonvoting ex officio members of the Board. The Housing Inspector or the Housing Inspector's designee shall serve as the secretary of the Board. A majority of the voting members shall constitute a quorum. The Board shall be subject to the Minnesota Open Meeting Law.

- (b) The Board shall have authority to hear and decide all appeals from the Housing Inspector's recommendation to deny, not renew, revoke, or suspend a rental dwelling license.

425.1960 Appeals Procedure.

- (a) Any person wishing to appeal a determination of the Housing Inspector recommending denial, non-renewal, revocation, or suspension of a license shall file a written notice of appeal with the Building Department within fifteen (15) days after the date of the notice of denial, non-renewal, revocation, or suspension. The notice shall contain a statement of the grounds for the appeal. The notice of appeal shall be accompanied by a fee set by city council resolution.
- (b) The Board shall meet at the call of the chair, to hear appeals. The Board shall notify the owner in writing of the time and place of the hearing.
- (c) At the hearing, the Board shall hear all relevant evidence and argument. The Board may admit and give probative effect to evidence that possesses probative value commonly accepted by reasonably prudent persons in the conduct of their affairs. The Board shall record the hearing and keep a record of documentary evidence submitted.
- (d) The Board shall render its decision in writing within thirty (30) days after the close of the hearing. The decision shall determine whether the building, or dwelling units therein, meets the licensing standards of Sections 425.1910, 425.1920, or 425.2020, and shall specify the factual and legal basis for the determination.
- (e) The Board shall mail a copy of its decision to the license holder or applicant and to each licensed dwelling unit.
- (f) The Board shall refer its decision to the City Council, which shall have final authority to issue, deny, renew, revoke, or suspend the license. The City Council may hear argument from the license holder/applicant, but shall take no further evidence. The City Council may affirm, modify, or reverse the decision of the Board.

- (g) The final decision of the City Council shall be mailed to the license holder or applicant.
- (h) A notice to tenants of the final decision shall be mailed to each occupant and prominently posted on the building. The notice shall indicate the date upon which tenants must vacate the building and shall clearly indicate which dwelling units are affected.

(Amended Ord. 1320 – 2008)

425.1970 Vacation of Affected Dwelling Units. When an application for rental dwelling license has been denied, or a rental dwelling license has been revoked, suspended, or not renewed, or when the owner has not obtained a current rental dwelling license upon proper application as required by this Chapter, the Housing Inspector shall order the dwelling or the affected dwelling units therein vacated, giving tenants a reasonable time to arrange new housing and to move their possessions.

425.1980 Operation of Rental Dwelling Without License a Misdemeanor. A person who allows to be occupied, or lets to another, any dwelling unit, without a license as required by this article, is guilty of a misdemeanor.

425.1985 Unauthorized Removal of Notices a Misdemeanor. Any person who removes, defaces, tampers or in any way interferes with any notice posted pursuant to this article, is guilty of a misdemeanor.

425.1990 Remedies In This Article Not Exclusive. The remedies provided in this Article are not exclusive. They are in addition to, and do not supersede or preempt, other remedies such as condemnation, written violation orders and warnings, criminal charges for violation of substantive provisions of any City or State Code relating to housing maintenance, fire safety, building codes, zoning, health, and the like. Further, the remedies in this Article do not supersede or affect the legal rights and remedies of tenants provided under state law or this Code.

425.2000 Duties of Licensee. Every holder of a rental dwelling license shall:

- (a) Post his or her license certificate when received from the Housing Inspector. The certificate shall be conspicuously posted in a frame with transparent cover in a public corridor, hallway, or lobby of the dwelling for which it is issued. For other than multiple dwellings, the certificate shall be prominently posted at or near the front entrance of the building.
- (b) Maintain a current register of all tenants and other persons with a lawful right of occupancy to a dwelling unit and the corresponding floor number, and unit number and/or letter and/or designation, within the building. The register shall be kept current at all times. The licensee shall designate the person who

has possession of the register. The register shall be available for review by the Housing Inspector or authorized representatives during normal business hours or upon an emergency situation.

- (c) Permit the Housing Inspector and his or her authorized representatives, either voluntarily or pursuant to an administrative or other warrant, to enter upon the premises for the purpose of conducting inspections to verify compliance with the Rental Housing Maintenance Code, and the fire, health, zoning and building Codes of the City. Such inspections shall be made at such frequencies as the Housing Inspector deems appropriate and necessary, and when practical, shall provide reasonable advance notice to the license holder or a managing agent.
- (d) The owner of any dwelling which is required to be licensed by this Chapter shall, prior to the time of sale of said dwelling, notify the buyer in writing of all unabated orders and violation tags issued by the Housing Inspector or Building Department, pertaining to said dwelling, as well as the requirement of law that said dwelling, upon acquisition by a new owner, must be licensed with the Housing Inspector. A copy of the notification shall be mailed to the Housing Inspector within five (5) days of furnishing the notification to the buyer. If the dwelling is owned by a corporation, an officer of said corporation shall carry out the notification required by this Section. If the property is owned by more than one person, a notification by one of the owners shall satisfy this section. For the purposes of this Section, "time of sale" shall be construed to mean when a written purchase agreement is executed by the buyer or, in the absence of a purchase agreement, upon the execution of any document providing for the conveyance of a dwelling required to be licensed.
- (e) Submit current application information as required by Section 425.1840 of this Chapter.

425.2010 Notices. Whenever a notice is required to be sent to or served upon the licensee of a rental dwelling under this Article, notice shall be deemed sufficient if sent by first class mail to the owner or owner's authorized agent at the address specified in the last license application filed in the Building Department under Section 425.1840. If a notice sent to the address specified in the last license application is returned, and the owner or owner's agent cannot be found, then notice shall be sent to the person authorized in the last license application, under subsection 425.1840(c), as responsible for the maintenance and management of the premises, or any other known caretaker or manager, and a notice shall also be posted on the building. Every licensee shall notify the inspections division within fourteen (14) days of any changes in the names, addresses, and other information concerning the persons listed in the last license application filed with the division. Whenever notice is required to be sent or delivered to tenants of a dwelling unit under this article, notice shall be sufficient if sent by first class mail to the tenants or occupants of each licensed dwelling unit at the address specified in the license application or the register that the licensee maintains pursuant to section 425.2000(b).

425.2020 Conduct on Licensed Premises.

- (a) It shall be the responsibility of the licensee to take appropriate action, with the assistance of the Brainerd Police Department, following conduct by tenants and/or their guests on the licensed premises which is determined to be disorderly, in violation of any of the following statutes or ordinances, to prevent further violations.
 - (1) Minnesota Statute 504B.171 which prohibits the following illegal activities: Prostitution, unlawful sale of controlled substances, unlawful possession, transport, sale, or use of weapons, possession of stolen property;
 - (2) Minnesota Statutes, Sections 609.75 through 609.76, which prohibit gambling;
 - (3) Minnesota Statutes, Section 340A.401, which prohibits the unlawful sale of alcoholic beverages;
 - (4) Minnesota Statutes, Section 609.72, which addresses disorderly conduct;
 - (5) Minnesota Statutes, Section 609.33, which addresses disorderly house;
 - (6) Section 2014 of the Brainerd City Code, which addresses noise related issues.
- (b) The Brainerd Police Department shall be responsible for enforcement and administration of Section 425.2020.
- (c) Upon determination by the Brainerd Police Department utilizing established procedures, that a licensed premises was used in a disorderly manner, as described in Subsection (a), the Brainerd Police Department shall notify the licensee by mail of the violation and direct the licensee to take appropriate action with the assistance of the Brainerd Police Department to prevent further violations.
- (d) If another instance of disorderly use of the licensed premises occurs within twelve (12) months of an incident for which a notice in Subsection (c) was given, the Brainerd Police Department shall notify the licensee by mail of the violation. The licensee shall then submit a written management plan to the Brainerd Police Department within ten (10) days of receipt of the notice of disorderly use of the premises. The written management plan shall detail all actions taken by the licensee in response to all notices of disorderly use of the premises within the preceding twelve (12) months. The written management plan shall also detail all actions taken by the licensee to prevent further

disorderly use of the premises. The notice provided to the licensee of the violation shall inform the licensee of the requirement of submitting a written management plan may result in the City Council taking action to deny, refuse to renew, revoke or suspend the licensee.

- (e) If another instance of disorderly use of the licensed premises occurs within eighteen (18) months, if the premises contains between one (1) and six (6) distinct and separate residential units, or within twelve (12) months, if the premises contains more than six (6) distinct and separate residential units, after the second of any two (2) previous instances of disorderly use for which notices were sent to the licensee pursuant to this section, the rental dwellinglicense for the premises may be denied, revoked, suspended, or not renewed. An action to deny, revoke, suspend, or not renew a license under this Section shall be initiated by the Brainerd Police Department in the manner described in Section 425.1940, and shall proceed according to the procedures established in Sections 425.1950, 425.1960, and 425.1970.
- (f) No adverse license action shall be imposed where the instance of disorderly use of the licensed premises occurred during the pendency of eviction proceedings or after proper notice is given by the licensee to a tenant to vacate the premises, where the disorderly use was related to conduct by that tenant or his/her guests. Eviction proceedings shall not be a bar to adverse license action, however, unless they are diligently pursued by the licensee. A notice to vacate shall not be a bar to adverse license action unless a copy of the notice is submitted to the Brainerd Police Department within ten (10) days of receipt of the violation notice. Further, an action to deny, revoke, suspend, or not renew a license based upon violations of this section may be postponed or discontinued by the Brainerd Police Department at any time if it appears that the licensee has taken appropriate action to prevent further instances of disorderly use.
- (g) A determination that the licensed premises have been used in a disorderly manner as described in Subsection (a) shall be made upon substantial evidence to support such a determination. It shall not be necessary that criminal charges be brought to support a determination of disorderly use, nor shall the fact of dismissal or acquittal of such a criminal charge operate as a bar to adverse license action under this Section.
- (h) The Brainerd Police Department shall review Section 425.2020 three (3) years after the effective date of these revisions to determine its impact upon both landlords and tenants, and to recommend any changes which may be appropriate. The Brainerd Police Department shall keep records of all actions and proposed actions under Section 425.2020 to facilitate the committee review required herein.



Brainerd City Council Agenda Request

Requested Meeting Date: October 15, 2018

Title of Item: Resignation of TAC Member Ellstrom

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☒ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: City Engineer Sandy	Department: Engineering/Transit
Presenter (Name & Title): City Engineer Sandy	Estimated Time Needed: 5 Minutes
Summary of Issue: Melonie Ellstrom has resigned from the Transportation Advisory Committee.	
Alternatives, Options, Effects on Others/Comments: The position is vacant and needs new applicants to fill the vacancy.	
Recommended Action/Motion: Accept with regret the resignation of Melonie Ellstrom from the TAC and open the position to new applicants to fill the vacancy.	
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>	

Melonie Ellstrom
825 28th Street SE
Brainerd, MN 56401

September 14, 2018

Andy Stone, Transit Coordinator
City of Brainerd
501 Laurel Street
Brainerd, MN 56401

Dear Mr. Stone

I would like to inform you that I am resigning from my position as Transportation Advisory Committee member, effective today, September 14, 2018.

Sincerely,

Melonie Ellstrom

A handwritten signature in dark ink, appearing to read 'Melonie Ellstrom', with a long, sweeping horizontal line extending to the right.



Brainerd City Council Agenda Request

Requested Meeting Date: October 15, 2018

Title of Item: PH and Res - Improvement 17-13 - Adopt Assessments

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☒ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☒ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☒ Hold Public Hearing* ☐ Ordinance 1st Reading *provide copy of published hearing notice
Submitted by: City Engineer Sandy	Department: Engineering
Presenter (Name & Title): City Engineer Sandy	Estimated Time Needed: 10 Minutes
Summary of Issue: Attached to this request is a copy of the Notice of Assessment Hearing, the Proposed Assessment Rolls for Improvement 17-13 - Brook Street and S 10th Street Resurfacing Project, and a resolution in which adopts the assessments.	
Alternatives, Options, Effects on Others/Comments: At the public hearing, if there are questions or comments about the proposed assessments, staff will be available to respond. At the conclusion of the hearing, the Council would typically adopt a resolution adopting the assessments. If there are contested assessment amounts, staff would ask that the Council still adopt the assessments to start the 30-day payment clock. Contested assessments would be brought back to the next meeting for discussion.	
Recommended Action/Motion: Staff would recommend holding the public hearing to hear testimony for or against the proposed assessments and also adopt the attached resolution adopting the assessments as proposed for Improvement 17-13.	
Financial Impact: Is there a cost associated with this request: ☐ Yes ☒ No What is the total cost, with tax and shipping \$ Is this budgeted? ☐ Yes ☐ No Please Explain:	

NOTICE OF HEARING ON PROPOSED ASSESSMENT

TO WHOM IT MAY CONCERN:

Notice is hereby given that the City Council of Brainerd, Minnesota will meet in the Council Chambers of the Brainerd City Hall at 7:30 p.m. on October 15, 2018, to pass upon the proposed assessment for the following improvements:

IMPROVEMENT 17-13

Street Resurfacing – Aggregate Base, Bituminous, Concrete Curb and Gutter

South 10th Street from Willow Street to the Dead End
Brook Street from South 8th Street to Southeast 13th Street

The proposed assessment role is on file for public inspection at the City Administrator's Office and the City Engineer's Office.

The total cost for Improvement 17-13 is estimated \$682,657.82 of which \$141,663.41 is proposed to be assessed.

Written or oral objections will be considered at the meeting. No appeal may be taken as to the amount of any assessment unless a signed, written objection is filed with the City Administrator prior to the hearing or presented to the presiding officer at the hearing. The Council may upon such notice consider any objection to the amount of a proposed individual assessment at an adjourned meeting upon such further notice to the affected property owners as it deems advisable.

The amount to be specifically assessed against your particular lot, piece or parcel of land is shown on the attached enclosure. You may at any time prior to certification of the assessment to the County Auditor pay the entire assessment on such property with interest accrued to the date of payment to the City Administrator. No interest shall be charged if the entire assessment is paid within 30 days from the adoption of this assessment. You may at any time thereafter pay to the County Auditor the entire amount of the assessment remaining unpaid with interest accrued to December 31 of the year in which the payment is made. If you decide not to pre-pay the assessment before the date given above, the rate of interest that will apply is three-point three (3.3%) percent per year. The right to partially prepay the assessment pursuant to Section 315 of the Brainerd City Code is available. Further, pursuant to Ordinance 974 deferred assessments may be granted by the City Council where a financial hardship exists and pursuant to Resolution No. 4988, and any amendments thereto, the City Council may defer a special assessment for needy persons. If you feel that you might qualify for such deferments, please discuss this with the City Administrator at your earliest convenience.

The assessments will be spread over a period of ten (10) years.

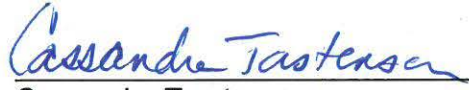
If an assessment is contested or there is an adjourned hearing, the following procedure will be followed:

1. The City will present its case first by calling witnesses who may testify by narrative or by examination and by the introduction of exhibits. After each witness has testified, the contesting party will be allowed to ask questions. This procedure will be repeated with each witness until neither side has further questions.

2. After the City has presented all its evidence, the objector may call witnesses or present such testimony as the objector desires. The same procedure for the questioning of the City's witnesses will be followed with the objector's witnesses.
3. The objector may be represented by counsel.
4. Minnesota Rules of Evidence will not be strictly applied; however they may be considered and argued to the Council as to the weight of the items of evidence or testimony presented to the Council.
5. The entire hearing will be tape-recorded.
6. At the close of the presentation of evidence, the objector and the City may make final presentations to the council based on the evidence and the law. No new evidence may be presented at this point.
7. The Council may adopt the proposed assessment at the hearing.

An owner may appeal an assessment to the District Court pursuant to Minnesota Statutes Section 429.081 by serving notice of the appeal upon the Mayor or Administrator of the City within thirty (30) days after the adoption of the assessment, and by filing such notice with the District Court within ten (10) days after the service upon the Mayor or City Administrator.

Dated this 17th day of September, 2018


Cassandra Torstenson
City Administrator

Any individual needing special accommodations please call 828-2307.

Published September 28, 2018

Client:

CITY OF BRAINERD

Account # 316123 Ad # 2681769

Phone: (218) 828-2307

Fax:

Address: 501 LAUREL STREET
BRAINERD, MN 56401

Sales Rep.:

3804 Ann Windorski

Phone: (218) 855-5804

Fax:

Email: ann.windorski@brainerddispatch.com

Class.: 9960 MINNESOTA LEGALS

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Start Date: 09/28/2018

End Date: 09/28/2018

Nb. of Inserts: 2

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Balance: \$196.85

Page 1 of 1

(Published in the Brainerd Dispatch, September 28, 2018, 1t.)

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The amount to be specifically assessed against your particular lot, piece or parcel of land is shown on the attached enclosure. You may at any time prior to certification of the assessment to the County Auditor pay the entire assessment on such property with interest accrued to the date of payment to the City Administrator. No interest shall be charged if the entire assessment is paid within 30 days from the adoption of this assessment. You may at any time thereafter pay to the County Auditor the entire amount of the assessment remaining unpaid with interest accrued to December 31 of the year in which the payment is made. If you decide not to pre-pay the assessment before the date given above, the rate of interest that will apply is three-point three (3.3%) percent per year. The right to partially prepay the assessment pursuant to Section 315 of the Brainerd City Code is available. Further, pursuant to Ordinance 974 deferred assessments may be granted by the City Council where a financial hardship exists and pursuant to Resolution No. 4988, and any amendments thereto, the City Council may defer a special assessment for needy persons. If you feel that you might qualify for such deferments, please discuss this with the City Administrator at your earliest convenience.

The assessments will be spread over a period of ten (10) years. If an assessment is contested or there is an adjourned hearing, the following procedure will be followed:

1. The City will present its case first by calling witnesses who may testify by narrative or by examination and by the introduction of exhibits. After each witness has testified, the contesting party will be allowed to ask questions. This procedure will be repeated with each witness until neither side has further questions.

2. After the City has presented all its evidence, the objector may call witnesses or present such testimony as the objector desires. The same procedure for the questioning of the City's witnesses will be followed with the objector's witnesses.

3. The objector may be represented by counsel.

4. Minnesota Rules of Evidence will not be strictly applied; however they may be considered and argued to the Council as to the weight of the items of evidence or testimony presented to the Council.

5. The entire hearing will be tape-recorded.

6. At the close of the presentation of evidence, the objector and the City may make final presentations to the council based on the evidence and the law. No new evidence may be presented at this point.

7. The Council may adopt the proposed assessment at the hearing. An owner may appeal an assessment to the District Court pursuant to Minnesota Statutes Section 429.081 by serving notice of the appeal upon the Mayor or Administrator of the City within thirty (30) days after the adoption of the assessment, and by filing such notice with the District Court within ten (10) days after the service upon the Mayor or City Administrator.

Dated this 17th day of September, 2018

Cassandra Torstenson

City Administrator

Any individual needing special accommodations please call 828-2307.

The City Council of the City of Brainerd doth hereby certify and assess and levy upon and against the lots and parcels of land below described, the respective sum of money set opposite each lot or parcel. This assessment is levied to defray the expense of Improvement 17-13.

OWNER NAME	OWNER ADDRESS	CITY STATE ZIP	RE CODE	LOT, BLOCK	SUBDIVISION	ASSESSMENT
BAKER, WILLIAM T & JACQUELIN M	1806 SE 10TH STREET	BRAINERD MN 56401	09131000003Y009	LOT 3 EX. PART W. OF A LINE DRAWN THROUGH, 150 F	FORCIER ADDITION TO THE CITY OF BRAINERD	\$414.00
KITTLESON, TERRENCE W	1802 S 10TH ST	BRAINERD, MN 56401	091310000020009	LOT 2	FORCIER ADDITION TO THE CITY OF BRAINERD	\$1,552.50
LEONARD, LARRY L & IRENE	1807 S 10TH ST	BRAINERD MN 56401	060361300A00009	PART OF SW1/4 OF NE1/4 DESCRIBED: BEG. AT A POINT ON THE E. LINE OF SAID 1/4 WHICH IS 564.4 FT S. OF THE NE CO		\$3,208.50
BEMENT, HARRY & ARLISS	11279 ASH AVE	BRAINERD, MN 56401	091140010090009	LOT 9 BLOCK 1	BYL'S ADDITION TO THE CITY OF BRAINERD, MINNE	\$1,345.50
LEONARD, KEITH B & GLORIA R	1716 10TH ST S	BRAINERD, MN 56401	09114001007Z009	S. 1/2 OF LOT 7 BLOCK 1 AND ALL OF LOT 8 BLOCK 1	BYL'S ADDITION TO THE CITY OF BRAINERD, MINNE	\$1,863.00
MOEN, SHERRY L	1711 10TH ST S	BRAINERD, MN 56401	09114002007Z009	LOT 7 BLOCK 2 AND LOT 8 BLOCK 2 EX. S. 30.9 FT. THE	BYL'S ADDITION TO THE CITY OF BRAINERD, MINNE	\$1,842.30
MOEN, SHERRY L	1711 10TH ST S	BRAINERD, MN 56401	09114002006Z009	S. 1/2 OF LOT 6 BLOCK 2, EXCEPT MINERALS.	BYL'S ADDITION TO THE CITY OF BRAINERD, MINNE	\$621.00
MESSNER, JOY IRENE	1627 10TH ST S	BRAINERD MN 56401	09114002006Y009	N. 1/2 OF LOT 6 BLOCK 2	BYL'S ADDITION TO THE CITY OF BRAINERD, MINNE	\$621.00
SIMENSTAD, VINCE & DENISE	1708 10TH ST S	BRAINERD, MN 56401	09114001006Z009	LOT 6 BLOCK 1 AND N. 1/2 OF LOT 7 BLOCK 1 EX MINER	BYL'S ADDITION TO THE CITY OF BRAINERD, MINNE	\$1,863.00
MESSNER, JOY IRENE	1627 10TH ST S	BRAINERD MN 56401	09114002004Z009	S. 1/2 OF LOT 4 BLOCK 2 AND ALL OF LOT 5 BLOCK 2	BYL'S ADDITION TO THE CITY OF BRAINERD, MINNE	\$1,863.00
LEONARD, DAVID D & WENDY J	1704 S 10TH ST	BRAINERD MN 56401	09114001004Z009	LOTS 4 AND 5 BLOCK 1	BYL'S ADDITION TO THE CITY OF BRAINERD, MINNE	\$2,484.00
MAIWALD, MELISSA M	1621 10TH ST S	BRAINERD, MN 56401	09114002003Z009	LOT 3 BLOCK 2 AND N. 1/2 OF LOT 4 BLOCK 2	BYL'S ADDITION TO THE CITY OF BRAINERD, MINNE	\$1,863.00
NORTHBURG, GORDON L & NEDRA	1620 S 10TH ST	BRAINERD MN 56401	091140010030009	LOT 3 BLOCK 1	BYL'S ADDITION TO THE CITY OF BRAINERD, MINNE	\$1,242.00
BAHR, JOSHUA R	1617 S 10TH ST	BRAINERD, MN 56401	091140020020009	LOT 2 BLOCK 2	BYL'S ADDITION TO THE CITY OF BRAINERD, MINNE	\$1,552.50
LOSSOW, IRMA	1616 S 10TH ST	BRAINERD MN 56401	091140010020009	LOT 2 BLOCK 1	BYL'S ADDITION TO THE CITY OF BRAINERD, MINNE	\$1,242.00
LOSSOW, RANDY H & MARY A	1614 S 10TH ST	BRAINERD MN 56401	091140010010009	LOT 1 BLOCK 1	BYL'S ADDITION TO THE CITY OF BRAINERD, MINNE	\$1,242.00
AHLGRIM, RONALD D & LORETTA	1615 S 10TH ST	BRAINERD MN 56401	091140020010009	LOT 1 BLOCK 2	BYL'S ADDITION TO THE CITY OF BRAINERD, MINNE	\$1,552.50
CHRISTLE, THOMAS A & KAREN A	1609 S TENTH ST	BRAINERD MN 56401	0911400090B0009	OUTLOT B	BYL'S ADDITION TO THE CITY OF BRAINERD, MINNE	\$414.00
CHRISTLE, THOMAS A & KAREN A	1609 S TENTH ST	BRAINERD MN 56401	09146016004Z009	LOTS 4 AND 5 BLOCK 16	HOWES AND SPALDINGS ADDITION TO THE CITY OF B	\$1,035.00
KAIKKONEN, DARRELL & ROBIN	920 BROOK ST	BRAINERD MN 56401	09146017004Z009	LOTS 4 THRU 6 INCLUSIVE BLOCK 17 AND E. 75 FT OF E	HOWES AND SPALDINGS ADDITION TO THE CITY OF B	\$1,500.75
MATTSON, HENRY H & GLORIA J	1008 BROOK ST	BRAINERD, MN 56401	09146016001Z009	LOTS 1 THRU 3 INCLUSIVE BLOCK 16	HOWES AND SPALDINGS ADDITION TO THE CITY OF B	\$1,552.50
HUMMEL, ROBERT GEORGE & LYNDA G	1520 S 10TH STREET	BRAINERD MN 56401	09146014010Z009	LOTS 10 THRU 12 INCLUSIVE BLOCK 14	HOWES AND SPALDINGS ADDITION TO THE CITY OF B	\$1,552.50
SMUDE, LAWRENCE V & BARBARA J	2677 COUNTY ROAD 113	BRAINERD MN 56401	09146015009Y009	S. 1/2 OF LOT 9 BLOCK 15, AND ALL OF LOTS 10 THRU 1	HOWES AND SPALDINGS ADDITION TO THE CITY OF B	\$1,811.25
MILESKI, KYLE P & JORDAN E	1515 S 10TH ST	BRAINERD, MN 56401	09146015009A009	N. 1/2 OF LOT 9 BLOCK 15	HOWES AND SPALDINGS ADDITION TO THE CITY OF B	\$258.75
HUMMEL, ROBERT GEORGE & LYNDA G	1520 S 10TH STREET	BRAINERD MN 56401	09146014007Z009	LOTS 7 THRU 9 INCLUSIVE BLOCK 14	HOWES AND SPALDINGS ADDITION TO THE CITY OF B	\$1,552.50
MILESKI, KYLE P & JORDAN E	1515 S 10TH ST	BRAINERD, MN 56401	09146015007Z009	LOTS 7 AND 8 BLOCK 15	HOWES AND SPALDINGS ADDITION TO THE CITY OF B	\$1,035.00
HUMMEL, ROBERT GEORGE & LYNDA G	1520 S 10TH STREET	BRAINERD MN 56401	091460140060009	LOT 6 BLOCK 14	HOWES AND SPALDINGS ADDITION TO THE CITY OF B	\$517.50
STUDER, JOSEPH A & CHERYL E	1511 10TH ST S	BRAINERD MN 56401	09146015004Z009	S. 6 FT OF LOT 4 BLOCK 15 AND ALL OF LOTS 5 AND 6 B	HOWES AND SPALDINGS ADDITION TO THE CITY OF B	\$1,159.20
KOWALKE, THOMAS P & JESSICA L	1512 10TH STREET S	BRAINERD, MN 56401	091460140030009	LOTS 3 THRU 5 BLOCK 14 INCLUSIVE, EXCEPT MINERAL	HOWES AND SPALDINGS ADDITION TO THE CITY OF B	\$1,552.50
TURCOTTE, BRANDON C & KATIE A	1503 10TH ST S	BRAINERD, MN 56401	09146015001Z009	LOTS 1 THRU 3 INCLUSIVE BLOCK 15 AND THE N'LY 19 F	HOWES AND SPALDINGS ADDITION TO THE CITY OF B	\$1,945.80
BALFANY, MARY A	1508 10TH ST S	BRAINERD, MN 56401	09146014001Y009	LOTS 1 AND 2 BLOCK 14 INCLUSIVE, AND ALSO INCLUD	HOWES AND SPALDINGS ADDITION TO THE CITY OF B	\$1,863.00
BAYLISS, MISTY L	1423 10TH ST S	BRAINERD, MN 56401	09146006010Z009	LOTS 10 THRU 12 INCLUSIVE BLOCK 6	HOWES AND SPALDINGS ADDITION TO THE CITY OF B	\$1,552.50

DOUCETTE, PATRICK JR	1413 10TH ST S	BRAINERD MN 56401	09146006005Z009	LOTS 5 THRU 9 INCLUSIVE BLOCK 6	HOWES AND SPALDINGS ADDITION TO THE CITY OF B	\$2,587.50
WAYTASHEK, THOEDORE & MARLENE TRUS	1407 10TH ST S	BRAINERD, MN 56401	09146006003Z009	LOTS 3 AND 4 BLOCK 6	HOWES AND SPALDINGS ADDITION TO THE CITY OF B	\$1,035.00
LAKES AREA HABITAT FOR HUMANITY INC	PO BOX 234 1110 WRIGHT ST	BRAINERD, MN 56401	09146007001Z009	LOTS 1 THRU 12 INCLUSIVE BLOCK 7, AND ALSO INCLU	HOWES AND SPALDINGS ADDITION TO THE CITY OF B	\$3,519.00
WEBER, PAUL G	4431 NEWTON AVE N	MINNEAPOLIS MN 55412	09146006001Z009	LOTS 1 AND 2 BLOCK 6	HOWES AND SPALDINGS ADDITION TO THE CITY OF B	\$1,035.00
TAX FORFEITED	CROW WING COUNTY LAND SERV	322 LAUREL ST STE 15	091460040010009	LOT 1 BLOCK 4	HOWES AND SPALDINGS ADDITION TO THE CITY OF B	\$3,105.00
ST ANDREW'S CHURCH	1108 WILLOW ST	BRAINERD MN 56401	09146005001Z009	LOTS 1 THRU 12 INCLUSIVE BLOCK 5	HOWES AND SPALDINGS ADDITION TO THE CITY OF B	\$3,105.00
MINNEGASCO PROPERTY ACCOUNTING	PO BOX 1475	BRAINERD MN 56401	09146020000A889	W. 30 FT OF N. 50 FT OF THAT PART OF VACATED 8TH S	HOWES AND SPALDINGS ADDITION TO THE CITY OF B	\$1,134.90
TORFIN, JEFFREY & GWENDA	1621 S 7TH ST	BRAINERD MN 56401	09146019001Z009	LOT 1 BLOCK 19 & PT OF VACATED S 8TH ST S OF S LIN	HOWES AND SPALDINGS ADDITION TO THE CITY OF B	\$2,837.25
JOHNSON, CARRIE	804 BROOK ST	BRAINERD MN 56401	09146019002Z009	LOTS 2 THRU 4 INCLUSIVE BLOCK 19	HOWES AND SPALDINGS ADDITION TO THE CITY OF B	\$2,837.25
DYREND AHL, MICHELLE AMANDA	810 BROOK ST	BRAINERD, MN 56401	09146019005Z009	LOTS 5 THRU 7 INCLUSIVE BLOCK 19	HOWES AND SPALDINGS ADDITION TO THE CITY OF B	\$2,837.25
GULL LAKE SANDBLASTING & POWDER	818 BROOK ST	BRAINERD, MN 56401	091510010010009	LOT 1 BLOCK 1	LAND O'LAKES ADDITION TO BRAINERD	\$945.75
DESPOT, ROBERT	1302 POISSANT RD	FORT RIPLEY, MN 56449	09146019009Z009	LOTS 9 THRU 12 INCLUSIVE BLOCK 19	HOWES AND SPALDINGS ADDITION TO THE CITY OF B	\$3,783.00
DESPOT, ROBERT	1302 POISSANT RD	FORT RIPLEY, MN 56449	09146018001Z009	LOT 1 BLOCK 18 AND ALL THAT PART OF S. 9TH STR. LY	HOWES AND SPALDINGS ADDITION TO THE CITY OF B	\$3,896.49
WITTSTRUCK, DAVID J & MARIA A BISEK	916 BROOK ST	BRAINERD, MN 56401	09146017001Z009	LOTS 1 THRU 3 INCL BLOCK 17 & OUTLOT A EXC E 75 F	HOWES AND SPALDINGS ADDITION TO THE CITY OF B	\$3,291.21
KAIKKONEN, DARRELL & ROBIN	920 BROOK ST	BRAINERD MN 56401	09146017004Z009	LOTS 4 THRU 6 INCLUSIVE BLOCK 17 AND E. 75 FT OF E	HOWES AND SPALDINGS ADDITION TO THE CITY OF B	\$2,837.25
MATTSON, HENRY H & GLORIA J	1008 BROOK ST	BRAINERD, MN 56401	09146016001Z009	LOTS 1 THRU 3 INCLUSIVE BLOCK 16	HOWES AND SPALDINGS ADDITION TO THE CITY OF B	\$1,386.72
MATHISON, DUANE CURTIS	1206 BROOK ST	BRAINERD MN 56401	060361100E00009	PART OF NE1/4 OF NE1/4 DESCRIBED: BEG. AT THE POINT ON THE S. LINE OF SAID NE1/4 OF NE1/4, WHICH IS 440 FT W. OF		\$3,216.42
HEGRE, CINDY L & JON D	1120 BROOK ST	BRAINERD MN 56401	060361100G00009	THAT PART OF THE NE1/4 OF NE1/4 DESCRIBED AS FOL; COMM. AT A POINT ON THE S. LINE OF SAID NE1/4 OF NE1/4 WH		\$3,177.90
WARD, JOHN E & SALLY	11442 FORESTVIEW DR	BAXTER MN 56425	09132011000Y009	BLOCK 11, EX. S. 120 FT THEREOF, & ALL THAT PART O	FRANK'S ADDITION TO THE CITY OF BRAINERD	\$2,503.80
HUMMEL, ROBERT GEORGE & LYNDA G	1520 S 10TH STREET	BRAINERD MN 56401	09146014010Z009	LOTS 10 THRU 12 INCLUSIVE BLOCK 14	HOWES AND SPALDINGS ADDITION TO THE CITY OF B	\$1,573.20
POWERS, MICHAEL & ANN	2877 CHIPPEWA SHORES RD	BRAINERD MN 56401	060361100K00009	THAT PORTION OF THE NE1/4 OF NE1/4 DESCRIBED AS FOLLOWS: COMM. ON THE S. LINE OF SAID 40 ACRE TRACT, AT A		\$5,508.36
SMUDE, LAWRENCE V & BARBARA J	2677 COUNTY ROAD 113	BRAINERD MN 56401	09146015009Y009	S. 1/2 OF LOT 9 BLOCK 15, AND ALL OF LOTS 10 THRU 1	HOWES AND SPALDINGS ADDITION TO THE CITY OF B	\$2,773.44
HOLMES, JAYME	1523 8TH ST S	BRAINERD, MN 56401	09146012007Z009	W. 50 FT OF LOTS 7 THRU 12 INCLUSIVE BLOCK 12	HOWES AND SPALDINGS ADDITION TO THE CITY OF B	\$1,035.00
ANTUS, MICHAEL	811 BROOK ST	BRAINERD, MN 56401	09146012007Y009	E. 100 FT OF LOTS 7 THRU 12 INCLUSIVE BLOCK 12	HOWES AND SPALDINGS ADDITION TO THE CITY OF B	\$2,070.00
PAULSON, PHILLIP E JR & KATHLEEN	815 BROOK ST	BRAINERD MN 56401	09146012013Z009	W. 75 FT OF LOTS 13 THRU 18 INCLUSIVE BLOCK 12	HOWES AND SPALDINGS ADDITION TO THE CITY OF B	\$1,552.50
KOLLARS, MICHAEL	821 BROOK ST	BRAINERD, MN 56401	09146012013Y009	E. 75 FT OF LOTS 13 THRU 18 INCLUSIVE BLOCK 12	HOWES AND SPALDINGS ADDITION TO THE CITY OF B	\$1,552.50
ARTHUR, JAMES R & JOHN E MATICH	5809 CLEARWATER RD	BAXTER, MN 56425	09146013007Z009	LOTS 7 THRU 12 INCLUSIVE BLOCK 13	HOWES AND SPALDINGS ADDITION TO THE CITY OF B	\$972.90
BETCHER, PAT	13569 SYLVAN DAM RD	PILLAGER, MN 56473	091390000010009	LOT 1	HANSEN'S ADDITION TO THE CITY OF BRAINERD	\$1,203.75
KAPING, GARRETT & SHANNON M	1015 BROOK ST	BRAINERD, MN 56401	091390000020009	LOT 2	HANSEN'S ADDITION TO THE CITY OF BRAINERD	\$1,367.46
LORIMOR, ALAN C	1019 BROOK ST	BRAINERD MN 56401	091390000030009	LOT 3	HANSEN'S ADDITION TO THE CITY OF BRAINERD	\$1,251.90
POHLMAN, WILLARD A & LORETTA	1023 BROOK ST	BRAINERD, MN 56401	091390000040009	LOT 4	HANSEN'S ADDITION TO THE CITY OF BRAINERD	\$1,290.42
CUTKAY, JOE W & TABITHA L	1516 13TH ST SE	BRAINERD, MN 56401	09132008002A009	ALL OF LOTS 2, 3 AND 4 AND LOT 5, LESS THE S 16 FT T	FRANK'S ADDITION TO THE CITY OF BRAINERD	\$2,503.80
HANSON, PETER J	1101 BROOK ST	BRAINERD, MN 56401-4413	060361100JA0009	W 80 FT OF S 240 FT OF FOL: THAT CERTAIN PARCEL OF LAND BOUNDED BY LINES LOCATED DELINEATED & RUN AS FO		\$1,540.80
DOUCETTE, HARVEY D & ROBERTA	1201 BROOK STREET	BRAINERD MN 56401	060361100F00009	THAT PART OF THE NE1/4 OF NE1/4 DESCRIBED AS FOLLOWS: COMM. AT A POINT IN SAID FORTY ACRE TRACT, WHICH I		\$2,359.35
LEE, FRANK C & MELINDA M	1205 BROOK ST	BRAINERD, MN 56401	060361100D00009	PT OF NE1/4 OF NE1/4 DESC: COMM AT A POINT IN SD NENE 440 FT W & 330 FT N OF SE COR OF SD NENE THEN RUN N C		\$2,368.98
MATTES, JAMES L	1117 BROOK ST	BRAINERD MN 56401	060361100I00009	PT OF NE1/4 OF NE1/4 DESC: COMM AT A POINT 650 FT S & 746 1/4 FT W OF NE COR OF SD 40 ACRE TRACT THEN RUN W		\$1,174.86
BARTYLLA, SCOTT A & MONA L	1121 BROOK ST	BRAINERD, MN 56401	060361100H00009	THAT PORTION OF THE NE1/4 OF NE1/4 DESCRIBED AS FOLLOWS: COMM. AT A POINT 650 FT S. AND 685 FT W. OF THE N		\$597.06

AHMANN, KELLY	1107 BROOK ST	BRAINERD, MN 56401	060361100J00889	THAT CERTAIN PARCEL OF LAND BND BY LINES LOCATED DELINEATED & RUN AS FOL: COMM AT SW COR OF NE1/4 NE1		\$3,206.79
WLASIUK, JOHN & PATRICIA	1018 BROOK ST	BRAINERD MN 56401	091010000010009	LOT 1	ANDERSON ADDITION TO THE CITY OF BRAINERD	\$1,531.17
WLASIUK, JOHN & PATRICIA	1018 BROOK ST	BRAINERD MN 56401	091010000020009	LOT 2	ANDERSON ADDITION TO THE CITY OF BRAINERD	\$1,637.10
KOSTEK, ADAM ROBERT CHARLES & JENNIFER	1024 BROOK ST	BRAINERD MN 56401	091010000030009	LOT 3	ANDERSON ADDITION TO THE CITY OF BRAINERD	\$1,983.78
CITY OF BRAINERD	501 LAUREL ST	BRAINERD, MN 56401	091310000010009	LOT 1	FORCIER ADDITION TO THE CITY OF BRAINERD	\$1,242.00
CITY OF BRAINERD	501 LAUREL ST	BRAINERD, MN 56401	09114002008Z009	S. 30.9 FT. OF LOT 8 BLOCK 2	BYL'S ADDITION TO THE CITY OF BRAINERD, MINNE	\$621.00
CITY OF BRAINERD	501 LAUREL ST	BRAINERD, MN 56401	060360000A00009	ALL THAT PORTION OF BURLINGTON NORTHERN RAILROAD COMPANYS 100 FT WIDE ROW AT BRAINERD, NOW DISCON		\$4,063.86

TOTAL

\$ 141,728.22

Dated this 15th day of October, 2018

Attest: _____
Cassandra Torstenson
City Administrator

David J. Pritschet
President of Council

Interest Rate - 3.3%
Years Certified - 10 Years

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

RESOLUTION ADOPTING ASSESSMENT

WHEREAS, pursuant to proper notice duly given as required by law, the Council has met and heard and passed upon all objections to the proposed assessments for the improvements of the following described streets, alleys, and utilities in the City of Brainerd:

IMPROVEMENT 17-13

Street Resurfacing

Brook Street from S 8th Street to SE 13th Street

S 10th Street from Willow Street to Dead End

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

1. Such proposed assessment, a copy of which is on file in the offices of the City Administrator and City Engineer, is hereby accepted and shall constitute the special assessment against the lands named therein, and each tract of land therein included is hereby found to be benefited by the proposed improvement in the amount of the assessment levied against it.
2. Such assessment shall be payable in equal annual installments extending over a period of ten years, the first of the installments to be payable on or before the first Monday in January 2019 and shall bear interest at the rate of three and three-tenths (3.3%) percent per annum from the date of the adoption of this resolution. To the first installment shall be added interest on the entire assessment from the date of this resolution until December 31, 2018. To each subsequent installment, when due, shall be added interest for one year on all unpaid installments.
3. The owner of any property so assessed may, at any time prior to certification of the assessment to the Crow Wing County Auditor, pay the whole of the assessment on such property, with interest accrued to the date of payment, to the City Administrator, except that no interest shall be charged if the entire assessment is paid within thirty (30) days from the adoption of this Resolution; and he or she may, at any time thereafter, pay to the City Administrator the entire amount of the assessment remaining unpaid with interest accrued to December 31, of the year in which such payment is made.
4. The City Administrator shall forthwith transmit a certified duplicate of this assessment to the Crow Wing County Auditor to be extended on the property tax list of the County. Such assessment shall be collected and paid over in the same manner as other municipal taxes.

Adopted this _____ day of _____, 2018

DAVID J. PRITSCHET
President of the Council

Approved this _____ day of _____, 2018

EDWIN L. MENK
Mayor

ATTEST: _____
CASSANDRA TORSTENSON
City Administrator



Brainerd City Council Agenda Request

Requested Meeting Date: October 15, 2018

Title of Item: PH and Res - Downtown Special Services, Snow Removal, Nuisances

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☒ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☒ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☒ Hold Public Hearing* ☐ Ordinance 1st Reading *provide copy of published hearing notice
Submitted by: City Engineer Sandy	Department: Engineering
Presenter (Name & Title): City Engineer Sandy	Estimated Time Needed: 10 Minutes
Summary of Issue: Attached to this request is a copy of the Notice of Assessment Hearing and the Proposed Assessment Rolls for the Downtown Special Services District, Downtown Snow Removal, and Nuisance Abatement for 2018 (2017-2018 snow removal), along with a resolution in which adopts the assessments.	
Alternatives, Options, Effects on Others/Comments: At the public hearing, if there are questions or comments about the proposed assessments, staff will be available to respond. At the conclusion of the hearing, the Council would typically adopt a resolution adopting the assessments. If there are contested assessment amounts, staff would ask that the Council still adopt the assessments to start the 30-day payment clock. Contested assessments would be brought back to the next meeting for discussion.	
Recommended Action/Motion: Staff would recommend holding the public hearing to hear testimony for or against the proposed assessments and also adopt the attached resolution adopting the assessments as proposed for the Downtown Special Services District, Downtown Snow Removal, and Nuisance Abatement for 2018 (2017-2018 snow removal).	
Financial Impact: Is there a cost associated with this request: ☐ Yes ☒ No What is the total cost, with tax and shipping \$ _____ Is this budgeted? ☐ Yes ☐ No <u>Please Explain:</u>	

NOTICE OF HEARING ON PROPOSED ASSESSMENT

TO WHOM IT MAY CONCERN:

Notice is hereby given that the City Council of Brainerd, Minnesota will meet in the Council Chambers of the Brainerd City Hall at 7:30 p.m. on October 15, 2017, to pass upon the proposed assessment for the following improvements:

DOWNTOWN SPECIAL SERVICES DISTRICT

Snow Removal, Irrigation Maintenance, Landscaping, Garbage Collection

Laurel Street from South 6th Street to South 8th Street
Front Street from South 6th Street to South 8th Street
South 7th Street from Maple Street to Front Street

NUISANCE ABATEMENT

Nuisance Abatement and Administrative Citations

Miscellaneous properties around the City

The areas proposed to be assessed for these improvements are the properties abutting and/or benefitting from the above described projects.

The proposed assessment role is on file for public inspection at the City Administrator's Office and the City Engineer's Office.

The total cost of Downtown Special Services District is \$81,771.77 of which \$39,347.57 is proposed to be assessed.

The total cost of Nuisance Abatement is \$45,120.00 of which \$45,120.00 is proposed to be assessed.

Written or oral objections will be considered at the meeting. No appeal may be taken as to the amount of any assessment unless a signed, written objection is filed with the City Administrator prior to the hearing or presented to the presiding officer at the hearing. The Council may upon such notice consider any objection to the amount of a proposed individual assessment at an adjourned meeting upon such further notice to the affected property owners as it deems advisable.

The amount to be specifically assessed against your particular lot, piece or parcel of land is shown on the attached enclosure. You may at any time prior to certification of the assessment to the County Auditor pay the entire assessment on such property with interest accrued to the date of payment to the City Administrator. No interest shall be charged if the entire assessment is paid within 30 days from the adoption of this assessment. You may at any time thereafter pay to the County Auditor the entire amount of the assessment remaining unpaid with interest accrued to December 31 of the year in which the payment is made. If you decide not to pre-pay the assessment before the date given above, the rate of interest that will apply three-point three (3.3%) percent per year. The right to partially prepay the assessment pursuant to Section 315 of the Brainerd City Code is available. Further, pursuant to Ordinance 974 deferred assessments may be granted by the City Council where a financial hardship exists and pursuant to Resolution No. 4988, and any amendments thereto, the City Council may defer a special assessment for needy persons. If you feel that you might qualify for such deferments, please discuss this with the City Administrator at your earliest convenience.

The assessments will be spread over a period of one (1) year.

If an assessment is contested or there is an adjourned hearing, the following procedure will be followed:

1. The City will present its case first by calling witnesses who may testify by narrative or by examination and by the introduction of exhibits. After each witness has testified, the contesting party will be allowed to ask questions. This procedure will be repeated with each witness until neither side has further questions.
2. After the City has presented all its evidence, the objector may call witnesses or present such testimony as the objector desires. The same procedure for the questioning of the City's witnesses will be followed with the objector's witnesses.
3. The objector may be represented by counsel.
4. Minnesota Rules of Evidence will not be strictly applied; however they may be considered and argued to the Council as to the weight of the items of evidence or testimony presented to the Council.
5. The entire hearing will be tape-recorded.
6. At the close of the presentation of evidence, the objector and the City may make final presentations to the council based on the evidence and the law. No new evidence may be presented at this point.
7. The Council may adopt the proposed assessment at the hearing.

An owner may appeal an assessment to the District Court pursuant to Minnesota Statutes Section 429.081 by serving notice of the appeal upon the Mayor or Administrator of the City within thirty (30) days after the adoption of the assessment, and by filing such notice with the District Court within ten (10) days after the service upon the Mayor or City Administrator.

Dated this 17th day of September, 2018


Cassandra Torstenson
City Administrator

Any individual needing special accommodations please call 828-2307.

Published September 28, 2018

Client:

CITY OF BRAINERD

Account # 316123 Ad # 2681767

Phone: (218) 828-2307

Fax:

Address: 501 LAUREL STREET

BRAINERD, MN 56401

Sales Rep.:

3804 Ann Windorski

Phone: (218) 855-5804

Fax:

Email: ann.windorski@brainerddispatch.com

Class.: 9960 MINNESOTA LEGALS

Requested By:

Start Date: 09/28/2018

End Date: 09/28/2018

Nb. of Inserts: 2

Dimensions: 2 col. x 8.50 Inches

Publications: Brainerd Dispatch

brainerddispatch.com

Total Price: \$

Paid Amount: \$0.00

Balance:

Page 1 of 1

(Published in the Brainerd Dispatch, September 28, 2018, 1t.)

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Dated this 17th day of September, 2018

Cassandra Torstenson

City Administrator

Any individual needing special accommodations please call 828-2307.

The City Council of the City of Brainerd doth hereby certify and assess and levy upon and against the lots and parcels of land below described, the respective sum of money set opposite each lot or parcel. This assessment is is levied to defray the expense of the Downtown Snow Removal.

OWNER NAME	OWNER ADDRESS	CITY, STATE, ZIP	RE CODE	LOT, BLOCK	LOCATION	FOOTAGE AREA	RATE PER FOOT	Assessable
LIVELY AUTO BLDG REAL EST HOLDINGS	512 LAUREL STREET	BRAINERD, MN 56401	060252100F00009	SEC 25 TWP 45 RNG 31	-	225.00	9.13474	\$ 2,055.32
DANNY E. KUHN	24549 COUNTY RD 3	MERRIFIELD, MN 56465	09196041001X889	EAST 50' OF LOT 1 THRU 3 INCLUSIVE BLOCK 41	721 LAUREL ST	50.00	9.13474	\$ 456.74
NJMS PHELPS BLOCK LLC	2200 PRINCETON AVE	ST. PAUL, MN 55105	09196041001Y009	CENTER 26.5' OF LOT 1 THRU 3 INCLUSIVE BLOCK 41	719 LAUREL ST	26.50	9.13474	\$ 242.07
NJMS PHELPS BLOCK LLC	2200 PRINCETON AVE	ST. PAUL, MN 55105	09196041001Z889	WEST 63.5' OF LOT 1 THRU 3 INCLUSIVE BLOCK 41	715 LAUREL ST	63.50	9.13474	\$ 580.06
NLLJ JENSEN, LLC	204 S 8TH ST	BRAINERD, MN 56401	09196041007Z009	LOTS 7 THRU 9 INCLUSIVE BLOCK 41	208 S 8TH ST	75.00	9.13474	\$ 685.11
C & L MIDWEST LLC	P.O. BOX 341	BRAINERD, MN 56401	091960410100009	LOT 10 BLOCK 41	718 FRONT ST	25.00	9.13474	\$ 228.37
C & L MIDWEST LLC	P.O. BOX 341	BRAINERD, MN 56401	09196041011Z009	LOTS 11 THRU 13 INCLUSIVE	-	75.00	9.13474	\$ 685.11
AMERICAN LEGION POST #255	708 FRONT STREET	BRAINERD, MN 56401	09196041014Z009	ALL OF LOT 14 BLOCK 41 AND E 4 FT. OF LOT 16 BLOCK 41 AND	708 FRONT ST	56.00	9.13474	\$ 511.55
VANDEPULTE INVESTMENT PROPERTIES LLC	8194 FAIRVIEW ROAD	BAXTER, MN 56425	09196041016Z889	PART OF LOTS 16 THRU 18 INCLUSIVE BLOCK 41 DESC.	704 FRONT ST	46.58	9.13474	\$ 425.50
DAVID F. PUERINGER INVESTMENTS	616 1/2 FRONT STREET	BRAINERD, MN 56401	09196041017Z889	S. 50 FT. OF LOTS 17 AND 18, AND S 50 FT OF THE W 20 FT OF L	209 S 7TH ST	50.00	9.13474	\$ 456.74
DAVID F. PUERINGER INVESTMENTS	616 1/2 FRONT STREET	BRAINERD, MN 56401	09196041018A889	W 22FT 5 INCHES OF N 80 FT OF LOT 18 BLOCK 41	205 S 7TH ST	102.42	9.13474	\$ 935.58
DAVID F. PUERINGER	616 1/2 FRONT STREET	BRAINERD, MN 56401	09196041019Z009	LOTS 19 AND 22 BLOCK 41	215 S 7TH ST	100.00	9.13474	\$ 913.47
ASH PROPERTIES INC.	722 S 6TH STREET	BRAINERD, MN 56401	09196041023Z889	LOTS 23 AND 24 BLOCK 41	707 LAUREL ST	190.00	9.13474	\$ 1,735.60
EDWIN L. & SUSAN MENK	623 LAUREL STREET	BRAINERD, MN 56401	09196043002Z009	LOTS 1 AND 2 BLOCK 43	623 LAUREL ST	190.00	9.13474	\$ 1,735.60
RICK BJORK	222 S 7TH STREET	BRAINERD, MN 56401	09196043003Z889	LOTS 3 AND 4 BLOCK 43	222 S 7TH ST	50.00	9.13474	\$ 456.74
JON AND DEBRA LUHRS	1524 S 7TH ST	BRAINERD, MN 56401	091960430050009	LOT 5 BLOCK 43	216 S 7TH ST	25.00	9.13474	\$ 228.37
DAVID F. PUERINGER INVESTMENTS	616 1/2 FRONT STREET	BRAINERD, MN 56401	091960430060889	LOT 6 BLOCK 43	214 S 7TH ST	25.00	9.13474	\$ 228.37
DAVID F. PUERINGER INVESTMENTS	616 1/2 FRONT STREET	BRAINERD, MN 56401	09196043010Z889	LOTS 10 THRU 12 INCLUSIVE BLOCK 43	614 FRONT ST	75.00	9.13474	\$ 685.11
612 STATION LLC	612 FRONT ST	BRAINERD, MN 56401	091960430130889	LOT 13 BLOCK 43	612 FRONT ST	25.00	9.13474	\$ 228.37
TODD & LAURA BISTED	608 FRONT ST	BRAINERD, MN 56401	09196043014Z889	LOTS 14 AND 15 BLOCK 43	608 FRONT ST	50.00	9.13474	\$ 456.74
NORTHERN PINES MENTAL HEALTH CENTER	P.O. BOX 367	LITTLE FALLS, MN 56345	09196043016Y009	N 80 FT OF LOT 16 BLOCK 43 AND E 1/2 OF S 50 FT OF LOT 16 BL	606 FRONT ST	25.00	9.13474	\$ 228.37
MASONIC TEMPLE ASSN. OF BRAINERD	PO BOX 81	BRAINERD, MN 56401	09196043016Z889	W 1/2 OF THE S 50 FT OF LOT 16 BLOCK 43 AND ALL OF LOTS 17	205 S 6TH ST	50.00	9.13474	\$ 456.74
BATRA RENTALS LLC	793 S STACY BOULEVARD UNIT 165	TRACY, CA 95376	09196069001Z009	LOTS 1 AND 2 BLOCK 69	619 MAPLE ST	50.00	9.13474	\$ 456.74
JUAN M AND JOANNA I BARBOZA	410 SW 10TH AVENUE	GRAND RAPIDS, MN 55744	09196069003Z009	LOTS 3 THRU 5 INCLUSIVE BLOCK 69	314 S 7TH ST	75.00	9.13474	\$ 685.11
BRIAN L & RHONDA SMITH	PO BOX 391	BRAINERD, MN 56401	09196069008W889	LOTS 1 & 2 C A WALKERS SUBD. OF LOTS 8, 9, 10, 11, 12 BLOCK	624 LAUREL ST	174.00	9.13474	\$ 1,589.44
ASH PROPERTIES INC.	722 S 6TH ST	BRAINERD, MN 56401	09196069013W889	E 50 FT OF LOTS 13 THRU 17 INCLUSIVE BLOCK 69	612 LAUREL ST	50.00	9.13474	\$ 456.74
ASH PROPERTIES INC.	722 S 6TH ST	BRAINERD, MN 56401	09196069013X009	CENTER 50 FT OF LOTS 13 THRU 15 INCLUSIVE BLOCK 69	606 LAUREL ST	50.00	9.13474	\$ 456.74
MAJIK PROPERTIES LLC	12890 MOUNTAIN ASH DR	BAXTER, MN 56425	09196069013Z889	W 50 FT OF LOTS 13 THRU 15 INCLUSIVE BLOCK 69	602 LAUREL ST	50.00	9.13474	\$ 456.74
DAVID F. PUERINGER INVESTMENTS	616 1/2 FRONT STREET	BRAINERD, MN 56401	09196071008X009	E 50 FT OF LOTS 8 THRU 12 INCLUSIVE BLOCK 71	722 LAUREL ST	50.00	9.13474	\$ 456.74
DAVID F. PUERINGER	616 1/2 FRONT STREET	BRAINERD, MN 56401	09196071008Y889	LOTS 8 THRU 12 INCLUSIVE EXCEPT E 50 FT THEREOF AND EXC	718 LAUREL ST	45.00	9.13474	\$ 411.06
BRAINERD LAKES PROPERTIES LLC	718 LAUREL ST	BRAINERD, MN 56401	09196071010Z889	W 45 FT OF LOTS 10 THRU 12 INCLUSIVE BLOCK 71	714 LAUREL ST	45.00	9.13474	\$ 411.06
NILA M PATRICK	710 LAUREL ST	BRAINERD, MN 56401	09196071013Y889	LOTS 13 THRU 15 INCLUSIVE BLOCK 71 EX. THE W'LY 81 1/6 FT	710 LAUREL ST	58.83	9.13474	\$ 537.40
DAVID F. PUERINGER INVESTMENTS	616 1/2 FRONT STREET	BRAINERD, MN 56401	09196071013Z889	W'LY 81 1/6 FT OF LOTS 13 THRU 15 INCLUSIVE BLOCK 71	301 S 7TH ST	156.17	9.13474	\$ 1,426.57
RICHARD & DENISE RATHMAN	305 S 7TH ST	BRAINERD, MN 56401	09196071016Z009	W'LY 79 1/2 FT OF LOTS 16 AND 17 BLOCK 71	305 S 7TH ST	50.00	9.13474	\$ 456.74
BREMER BANK OF BRAINERD	8555 EAGLE POINT BLVD	LAKE ELMO, MN 55042	09196071020Y009	LOTS 19 THRU 24, BLOCK 71	321 S 7TH ST	150.00	9.13474	\$ 1,370.21
MOORES PROPERTIES, INC.	605 LAUREL STREET	BRAINERD, MN 56401	096010000010009	LAUREL CONDOMINIUMS	-	140.00	9.13474	\$ 1,278.86
TOTAL						2,744.00		\$ 25,065.78

Dated this 15th day of October, 2018

Attest: _____

Cassandra Torstenson
City Administrator
City Assessor - 3.3%
Years Certified - 1 Year

David J. Pritschet
President of Council

The City Council of the City of Brainerd doth hereby certify and assess and levy upon and against the lots and parcels of land below described, the respective sum of money set opposite each lot or parcel. This assessment is levied to defray the expense of the Downtown Special Services District.

OWNER NAME	OWNER ADDRESS	CITY, STATE, ZIP	RE CODE	LOT, BLOCK	LOCATION	FOOTAGE AREA	RATE PER FOOT	ASSESSABLE
LIVELY AUTO BLDG REAL EST HOLDING	512 LAUREL STREET	BRAINERD, MN 56401	060252100F00009	SEC 25 TWP 45 RNG 31	-	225.00	5.2047	\$ 1,171.06
DANNY E. KUHN	24549 COUNTY RD 3	MERRIFIELD, MN 56465	09196041001X889	EAST 50' OF LOT 1 THRU 3 INCLUSIVE BLOCK 41	721 LAUREL ST	50.00	5.2047	\$ 260.24
NJMS PHELPS BLOCK LLC	2200 PRINCETON AVE	ST. PAUL, MN 55105	09196041001Y009	CENTER 26.5' OF LOT 1 THRU 3 INCLUSIVE BLOCK 41	719 LAUREL ST	26.50	5.2047	\$ 137.93
NJMS PHELPS BLOCK LLC	2200 PRINCETON AVE	ST. PAUL, MN 55105	09196041001Z889	WEST 63.5' OF LOT 1 THRU 3 INCLUSIVE BLOCK 41	715 LAUREL ST	63.50	5.2047	\$ 330.50
NLLJ JENSEN, LLC	204 S 8TH ST	BRAINERD, MN 56401	09196041007Z009	LOTS 7 THRU 9 INCLUSIVE BLOCK 41	208 S 8TH ST	75.00	5.2047	\$ 390.35
C & L MIDWEST LLC	P.O. BOX 341	BRAINERD, MN 56401	091960410100009	LOT 10 BLOCK 41	718 FRONT ST	25.00	5.2047	\$ 130.12
C & L MIDWEST LLC	P.O. BOX 341	BRAINERD, MN 56401	09196041011Z009	LOTS 11 THRU 13 INCLUSIVE	-	75.00	5.2047	\$ 390.35
AMERICAN LEGION POST #255	708 FRONT STREET	BRAINERD, MN 56401	09196041014Z009	ALL OF LOT 14 BLOCK 41 AND E 4 FT. OF LOT 16 BLOCK 41 AND	708 FRONT ST	56.00	5.2047	\$ 291.46
VANDEPUTTE INVESTMENT PROPERTIES	8194 FAIRVIEW ROAD	BAXTER, MN 56425	09196041016Z889	PART OF LOTS 16 THRU 18 INCLUSIVE BLOCK 41 DESC.	704 FRONT ST	46.58	5.2047	\$ 242.44
DAVID F. PUERINGER INVESTMENTS	616 1/2 FRONT STREET	BRAINERD, MN 56401	09196041017Z889	S. 50 FT. OF LOTS 17 AND 18, AND S 50 FT OF THE W 20 FT OF	209 S 7TH ST	50.00	5.2047	\$ 260.24
DAVID F. PUERINGER INVESTMENTS	616 1/2 FRONT STREET	BRAINERD, MN 56401	09196041018A889	W 22FT 5 INCHES OF N 80 FT OF LOT 18 BLOCK 41	205 S 7TH ST	102.42	5.2047	\$ 533.07
DAVID F. PUERINGER	616 1/2 FRONT STREET	BRAINERD, MN 56401	09196041019Z009	LOTS 19 AND 22 BLOCK 41	215 S 7TH ST	100.00	5.2047	\$ 520.47
ASH PROPERTIES INC.	722 S 6TH STREET	BRAINERD, MN 56401	09196041023Z889	LOTS 23 AND 24 BLOCK 41	707 LAUREL ST	190.00	5.2047	\$ 988.90
EDWIN L. & SUSAN MENK	623 LAUREL STREET	BRAINERD, MN 56401	09196043002Z009	LOTS 1 AND 2 BLOCK 43	623 LAUREL ST	190.00	5.2047	\$ 988.90
RICK BJORK	222 S 7TH STREET	BRAINERD, MN 56401	09196043003Z889	LOTS 3 AND 4 BLOCK 43	222 S 7TH ST	50.00	5.2047	\$ 260.24
JON AND DEBRA LUHRS	1524 S 7TH ST	BRAINERD, MN 56401	091960430050009	LOT 5 BLOCK 43	216 S 7TH ST	25.00	5.2047	\$ 130.12
DAVID F. PUERINGER INVESTMENTS	616 1/2 FRONT STREET	BRAINERD, MN 56401	091960430060889	LOT 6 BLOCK 43	214 S 7TH ST	25.00	5.2047	\$ 130.12
DAVID F. PUERINGER INVESTMENTS	616 1/2 FRONT STREET	BRAINERD, MN 56401	09196043010Z889	LOTS 10 THRU 12 INCLUSIVE BLOCK 43	614 FRONT ST	75.00	5.2047	\$ 390.35
612 STATION LLC	612 FRONT ST	BRAINERD, MN 56401	091960430130889	LOT 13 BLOCK 43	612 FRONT ST	25.00	5.2047	\$ 130.12
TODD & LAURA BISTED	608 FRONT ST	BRAINERD, MN 56401	09196043014Z889	LOTS 14 AND 15 BLOCK 43	608 FRONT ST	50.00	5.2047	\$ 260.24
NORTHERN PINES MENTAL HEALTH CENTER	P.O. BOX 367	LITTLE FALLS, MN 56345	09196043016Y009	N 80 FT OF LOT 16 BLOCK 43 AND E 1/2 OF S 50 FT OF LOT 16	606 FRONT ST	25.00	5.2047	\$ 130.12
MASONIC TEMPLE ASSN. OF BRAINERD	PO BOX 81	BRAINERD, MN 56401	09196043016Z889	W 1/2 OF THE S 50 FT OF LOT 16 BLOCK 43 AND ALL OF LOTS	205 S 6TH ST	50.00	5.2047	\$ 260.24
BATRA RENTALS LLC	793 S STACY BOULEVARD UNIT 1	TRACY, CA 95376	09196069001Z009	LOTS 1 AND 2 BLOCK 69	619 MAPLE ST	50.00	5.2047	\$ 260.24
JUAN M AND JOANNA I BARBOZA	410 SW 10TH AVENUE	GRAND RAPIDS, MN 55744	09196069003Z009	LOTS 3 THRU 5 INCLUSIVE BLOCK 69	314 S 7TH ST	75.00	5.2047	\$ 390.35
BRIAN L & RHONDA SMITH	PO BOX 391	BRAINERD, MN 56401	09196069008W889	LOTS 1 & 2 C A WALKERS SUBD. OF LOTS 8, 9, 10, 11, 12 BLOCK	624 LAUREL ST	174.00	5.2047	\$ 905.62
ASH PROPERTIES INC.	722 S 6TH ST	BRAINERD, MN 56401	09196069013W889	E 50 FT OF LOTS 13 THRU 17 INCLUSIVE BLOCK 69	612 LAUREL ST	50.00	5.2047	\$ 260.24
ASH PROPERTIES INC.	722 S 6TH ST	BRAINERD, MN 56401	09196069013X009	CENTER 50 FT OF LOTS 13 THRU 15 INCLUSIVE BLOCK 69	606 LAUREL ST	50.00	5.2047	\$ 260.24
MAJIK PROPERTIES LLC	12890 MOUNTAIN ASH DR	BAXTER, MN 56425	09196069013Z889	W 50 FT OF LOTS 13 THRU 15 INCLUSIVE BLOCK 69	602 LAUREL ST	50.00	5.2047	\$ 260.24
DAVID F PUERINGER INVESTMENTS	616 1/2 FRONT STREET	BRAINERD, MN 56401	09196071008X009	E 50 FT OF LOTS 8 THRU 12 INCLUSIVE BLOCK 71	722 LAUREL ST	50.00	5.2047	\$ 260.24
DAVID F PUERINGER	616 1/2 FRONT STREET	BRAINERD, MN 56401	09196071008Y889	LOTS 8 THRU 12 INCLUSIVE EXCEPT E 50 FT THEREOF AND	718 LAUREL ST	45.00	5.2047	\$ 234.21
BRAINERD LAKES PROPERTIES LLC	718 LAUREL ST	BRAINERD, MN 56401	09196071010Z889	W 45 FT OF LOTS 10 THRU 12 INCLUSIVE BLOCK 71	714 LAUREL ST	45.00	5.2047	\$ 234.21

NILA M PATRICK	710 LAUREL ST	BRAINERD, MN 56401	09196071013Y889	LOTS 13 THRU 15 INCLUSIVE BLOCK 71 EX. THE W'LY 81 1/6 FT OF LOTS 13 THRU 15 INCLUSIVE BLOCK 71	710 LAUREL ST	58.83	5.2047	\$ 306.19
DAVID F PUERINGER INVESTMENTS	616 1/2 FRONT STREET	BRAINERD, MN 56401	09196071013Z889	W'LY 81 1/6 FT OF LOTS 13 THRU 15 INCLUSIVE BLOCK 71	301 S 7TH ST	156.17	5.2047	\$ 812.82
RICHARD & DENISE RATHMAN	305 S 7TH ST	BRAINERD, MN 56401	09196071016Z009	W'LY 79 1/2 FT OF LOTS 16 AND 17 BLOCK 71	305 S 7TH ST	50.00	5.2047	\$ 260.24
BREMER BANK OF BRAINERD	8555 EAGLE POINT BLVD	LAKE ELMO, MN 55042	09196071020Y009	LOTS 19 THRU 24, BLOCK 71	321 S 7TH ST	150.00	5.2047	\$ 780.71
MOORES PROPERTIES, INC.	605 LAUREL STREET	BRAINERD, MN 56401	096010000010009	LAUREL CONDOMINIUMS	-	140.00	5.2047	\$ 728.66
TOTAL						2,744.00		\$ 14,281.79

Dated this 15th day of October, 2018

Attest: _____

Cassandra Torstenson
City Administrator
Interest Rate - 3.3%
Years Certified - 1 Year

David J. Pritschet
President of Council

2018 NUISANCE

OWNER NAME	OWNER ADDRESS	CITY, STATE, ZIP	RE CODE	LOT, BLOCK	SUBDIVISION	LOCATION	NUISANCE TYPE	ASSESSABLE
HARRAH, SAMUEL D & SUSAN E CAIRD	912 10TH ST S	BRAINERD, MN 56401	09117003012Z009	LOTS 12 THRU 14 INCLUSIVE BLOCK 3 (DEED READS	CHIPPAWA ADDITION TO THE CITY OF BRAINERD	912 10TH ST S	UNLICENSED VEHICLE	250.00
HALL, JOSHUA	911 8TH ST S	BRAINERD, MN 56401	09117003023Z009	LOTS 23 AND 24 BLOCK 3	CHIPPAWA ADDITION TO THE CITY OF BRAINERD	911 8TH ST S	JUNK/DEBRIS	1,625.00
BURTON, MARGARET A & LESTER O	21400 SW CLOVER HILLS RD	CLEVELAND, MO 64734	09122009002Z009	S 1/2 OF LOT 2 BLOCK 9 AND ALL OF LOT 3 BLOCK 6	EAST BRAINERD	314 4TH AVE NE	MOWING/ABATEMENT	450.00
HENDRICKSON, TYLER J	23595 BUTTERCUP LN	AITKIN MN 56431	09123007011Z009	S. 55 FT OF LOT 11 BLOCK 7 AND ALL OF LOT 12 BLOCK 8	EAST SIDE ADDITION TO THE CITY OF BRAINERD	602 9TH AVE NE	UNLICENSED VEHICLE	625.00
SNOOK, HAROLD	602 10TH AVE NE	BRAINERD, MN 56401	091230080120009	LOT 12 BLOCK 8	EAST SIDE ADDN TO THE CITY OF BRAINERD	602 10TH AVE NE	GRASS	375.00
HICKMAN, JAMES DANIEL	N15 901 DICKERSON AVE	THORP, WI 54771	091270020110009	LOT 11 BLOCK 2	FAIRVIEW ADDITION TO THE CITY OF BRAINERD	121 GILLIS AVE	MOWING/ABATEMENT	225.00
MESECK, STEPHANIE M & DAVID L MOORE	INVALED ADD 2013 TNT		091280140040009	LOT 4 BLOCK 14	FARRAR AND FORSYTH'S 1ST ADDN TO BRAINERD	409 3RD AVE NE	MOWING	100.00
BOCK, THOMAS C	PO BOX 123	BRAINERD, MN 56401	091280220010009	LOT 1 BLOCK 22	FARRAR AND FORSYTH'S 1ST ADDN TO BRAINERD	623 3RD AVE NE	GRASS/ABATEMENT/UNLICENSED	715.00
PATRICK, GRETCHEN L	12629 30TH ST	BRAINERD, MN 56401	091280280040009	LOT 4 BLOCK 28	FARRAR AND FORSYTH'S FIRST ADDITION TO BRD	717 2ND AVE NE	GARBAGE	375.00
MODLIN, ALEATHEA H	506 7TH AVE NE	BRAINERD, MN 56401	091380090050009	LOT 5 BLOCK 9	HAINE'S ADDITION TO THE TOWN OF EAST BRAINERD	506 7TH AVE NE	UNLICENSED VEHICLE & BRUSH	750.00
XUE, LI	938 28TH ST SE	BRAINERD, MN 56401	09143000005G009	THAT PART OF TRACT 5, DESC AS FOLLOWS; COMMENCEMENT OF SECTION 10	HOLLAND'S FIRST ADDITION TO THE CITY OF BRD	936 28TH ST SE	POSSIBLE RENTAL	125.00
WINDORSKI, ASHLEY	2011 PINE ST	BRAINERD, MN 56401	09145000001D009	N 150 FT OF S 183 FT OF TRACT 1 EX W 66.5 FT THE	HOLLAND'S THIRD ADDITION TO THE CITY OF BRAINERD	2011 PINE ST	MOWING/ABATEMENT	225.00
GOTTWALT, MATTHEW & ERICA	6571 160TH AVE	ROYALTON, MN 56373	09145000026C009	W. 56 1/2 FT. OF N. 140 FT. OF TRACT 26	HOLLAND'S THIRD ADDITION TO THE CITY OF BRAINERD	1812 OAK ST	FAILURE TO ACCESS RENTAL	250.00
COOLEY, GARY	907 9TH AVE	FOLEY, MN 56329	09148003004Z009	S 40 FT OF LOT 4 BLK 3	KOOP & WALKER'S ADDITION TO THE CITY OF BRD	1610 9TH AVE NE	MOWING/GARBAGE REMOVAL	400.00
GOTTWALT, MATTHEW & ERICA	6571 160TH AVE	ROYALTON, MN 56373	091690030010009	LOT 1 BLOCK 3	SCHMELZ'S ADDITION TO EAST BRAINERD	430 C ST NE	FAILURE TO ACCESS RENTAL	250.00
GAKIN, GREGORY SCOTT & DAWN M KAEHLER-GAKIN	923 9TH AVE NE	BRAINERD, MN 56401	09171006005Z009	LOTS 5 AND 6 BLK 6	SCHMELZ'S SECOND ADDITION TO THE CITY OF BRD	923 9TH AVE NE	GARBAGE	425.00
DUROSE, ASHLEY E & DENNIS SANVIG JR	909 11TH AVE NE	BRAINERD, MN 56401	09171008003Z009	LOTS 3 AND 4 BLK 8	SCHMELZ'S SECOND ADDITION TO THE CITY OF BRD	909 11TH AVE NE	MOWING/ABATEMENT	450.00
REES, ANTHONY & NICOLE	303 J ST NE	BRAINERD, MN 56401	091720160120009	LOT 12 BLOCK 16	SCHWARTZ'S ADDN TO THE CITY OF BRAINERD	303 J ST NE	JUNK/DEBRIS/UNLICENSED VEHICLE	500.00
O'CONNOR, JESSE	1005 3RD AVE NE	BRAINERD, MN 56401	09172017002Z009	LOT 2 BLK 17 AND S. 1/2 OF LOT 3 BLK 17	SCHWARTZ'S ADDN TO THE CITY OF BRAINERD	1005 3RD AVE NE	JUNK/DEBRIS	125.00
BECKER, CANDY M	819 4TH AVE NE	BRAINERD, MN 56401	09172029005A009	LOT 5 BLOCK 29	SCHWARTZ'S ADDN TO THE CITY OF BRAINERD	819 4TH AVE NE	UNLICENSED VEHICLE	750.00
PRIBBENOW, DENA DENTI	801 3RD AVE NE	BRAINERD, MN 56401	091720300010009	LOT 1 BLOCK 30	SCHWARTZ'S ADDN TO THE CITY OF BRAINERD	801 3RD AVE NE	UNLICENSED VEHICLE	1,125.00
RIESE, ROBERT & JODI C/O COLIN & AMY MCLAIN	2331 DANCING WIND RD SW	PINE RIVER, MN 56474	09172030009Z009	LOTS 9 AND 10 BLK 30	SCHWARTZ'S ADDN TO THE CITY OF BRAINERD	816 2ND AVE	MOWING/ABATEMENT	225.00
SLATER, DANIEL F	1109 PINE STREET	BRAINERD, MN 56401	09174007007Z009	LOTS 7 AND 8 BLOCK 7	SECOND ADDITION TO BRAINERD	1109 PINE STREET	MOWING/ABATEMENT	225.00
ERICKSON, YVONNE L	NVA DLQ NOTICE		09174007015Z009	LOTS 15 & 16 BLOCK 7	2ND ADDITION TO BRAINERD	1108 OAK STREET	MOWING	290.00
OCWEN LOAN SERVICING LLC	PO BOX 24737	WEST PALM BEACH, FL 33416	09174016009Z009	LOTS 9 AND 10 BLOCK 16	SECOND ADDITION TO BRAINERD	1307 ROSEWOOD ST	GARBAGE REMOVAL/RENTAL	3,700.00
HALVORSON, RONALD D & JEAN S	9919 COVE POINT RD	BRAINERD, MN 56401	09174017017Y009	LOTS 17 & 18 INCLUSIVE BLOCK 17	SECOND ADDITION TO BRAINERD	1212 QUINCE ST	GRASS/ABATEMENT	225.00
KING, JENNIFER A	1421 OAK ST	BRAINERD, MN 56401	091810180110009	LOT 11 BLOCK 18	SLEEPERS ADDITION TO BRAINERD	1421 OAK ST	PROPERTY MAINTENANCE/GARBAGE	2,575.00
SCHULTZ, KALVIN	18312 CRUST RD	BRAINERD, MN 56401	09188006009Z009	LOT 9 BLOCK 6 & ALSO THE N. 7 FT OF THE ADJACENT	ST. PAUL ADDITION TO THE CITY OF BRAINERD	1311 M ST NE	MOWING	100.00
WOOD, MICHAEL JAMES	525 TOWER POND CT	ANOKA, MN 55303	09188006011Z009	LOT 11 BLOCK 6 & ALSO THE N. 7 FT OF THE ADJACENT	ST. PAUL ADDITION TO THE CITY OF BRAINERD	1317 M ST NE	MOWING	100.00
MATTSSEN, TODD	1022 13TH AVE NE	BRAINERD, MN 56401	09188018011Z009	LOTS 11 AND 12 BLOCK 18	ST. PAUL ADDITION TO THE CITY OF BRAINERD	1022 13TH AVE NE	MOWING/GARBAGE REMOVAL	2,525.00
ANDRESEN, JOSEPH A & LULA	1024 12TH AVE NE	BRAINERD, MN 56401	09188019012Z009	L 12 BLK 19 & ALSO E 7 FT OF ADJ VAC 12TH AVE NE	ST. PAUL ADDITION TO THE CITY OF BRAINERD	1024 12TH AVE NE	JUNK/DEBRIS	125.00
RUDOLPH, JOYCE H	1497 COUNTY RD 122	FORT RIPLEY, MN 56449	09193001009Y009	THAT PART OF LOTS 9, 10, 11 & 12 BLOCK 1 LYING	TERRACE PARK ADDITION TO THE CITY OF BRAINERD	1005 BLUFF AVE	JUNK/DEBRIS/UNLICENSED VEHICLE	625.00
MEYER, DAVID W & BRIANNA S HESS	501 8TH ST S	BRAINERD, MN 56401	09196133013Z009	LOTS 13 AND 14 BLOCK 133	TOWN OF BRAINERD & 1ST ADDN TO BRAINERD	501 8TH ST S	JUNK/DEBRIS	1,875.00
WELSAND, LOREN	1018 PINE COVE DR	LEHIGH ACRES, FL 33974-0577	09196133019Z009	LOTS 19 AND 20 BLOCK 133	TOWN OF BRAINERD & FIRST ADDITION TO BRAINERD	513 8TH STREET S	MOWING/ABATEMENT	350.00
WETHERELL, RICHARD B	915 LAUREL ST	BRAINERD, MN 56401	09196137004Z009	LOTS 4 THRU 6 INCLUSIVE BLOCK 137	TOWN OF BRAINERD & 1ST ADDN TO BRAINERD	504 11TH ST S	PROPERTY MAINTENANCE	375.00
KUNSTLEBEN, ERIC M & BETH	12291 RUTHIE CT	BRAINERD, MN 56401	09198055011Z009	S 10FT OF L 11 B 55 & ALL OF L 12 B 55	WEST BRAINERD	423 5TH ST SW	PROPERTY MAINTENANCE/UNLICENSED	250.00
SELLERS, JACOB S & AMBER J	1504 8TH AVE NE	BRAINERD, MN 56401	09201002001A009	W 60 FT OF LOTS 1 2 & 3 BLOCK 2 WILLIS ADDN & ALL	WILLIS' ADDITION TO THE CITY OF BRAINERD	1504 8TH AVE NE	BRUSH/PROPERTY MAINTENANCE	1,500.00
BANKS, TRAVIS E & TRACY L	15359 SHELLISA LN	BRAINERD, MN 56401	091220060070889	LOT 7 BLOCK 6	EAST BRAINERD	201 B ST NE	JUNK/DEBRIS	500.00
CHARPENTIER, PETER R & EMILY S	13712 IRVING AVE S	BURNSVILLE MN 55337-3033	091220070020009	LOT 2 BLOCK 7	EAST BRAINERD	219 4TH AVE NE	JUNK/DEBRIS	125.00
DOUCETTE, DORIS D	214 4TH AVE NE	BRAINERD, MN 56401	091220080030009	LOT 3 BLOCK 8	EAST BRAINERD	214 4TH AVE NE	JUNK/DEBRIS	125.00
O'DAY, JAMES T	316 1ST AVE NE	BRAINERD MN 56401	091220120100009	LOT 10 BLOCK 12	EAST BRAINERD	316 1ST AVE NE	JUNK/DEBRIS/UNLICENSED VEHICLE	1,250.00
STRANGE, MICHAEL & LISA	7387 RACINE RD	BRAINERD, MN 56401	091230030070009	LOT 7 BLOCK 3	EAST SIDE ADDITION TO THE CITY OF BRAINERD	723 9TH AVE NE	GARBAGE	125.00
KAMPEN, TREVOR W	624 9TH AVE NE	BRAINERD MN 56401	091230070070009	LOT 7 BLOCK 7	EAST SIDE ADDITION TO THE CITY OF BRAINERD	624 9TH AVE NE	PROPERTY MAINTENANCE	500.00
VEITH, STEVEN H	9797 LEGIONVILLE RD	BRAINERD, MN 56401	091280140080009	LOT 8 BLOCK 14	FARRAR AND FORSYTH'S FIRST ADDITION TO BRD	408 2ND AVE NE	GRASS/JUNK/DEBRIS	750.00
LEE, GLEN E & BRENDA A	611 2ND AVE NE	BRAINERD, MN 56401	091280210040009	LOT 4 BLOCK 21	FARRAR AND FORSYTH'S FIRST ADDITION TO BRD	611 2ND AVE NE	BRUSH	375.00
BARQUERO, AMANDA	1238 MILL AVE	BRAINERD, MN 56401	091360010050009	LOT 5 BLOCK 1	GUSTAFSON'S ADDITION TO THE CITY OF BRAINERD	1238 MILL AVE	PROPERTY LICENSE	500.00
MCCULLOUGH, NATHAN D	1622 9TH AVE NE	BRAINERD, MN 56401	091480030020009	LOT 2 BLOCK 3	KOOP & WALKER'S ADDITION TO THE CITY OF BRD	1622 9TH AVE NE	UNLICENSED VEHICLE	125.00
MAROHN, JODI I	13021 42ND AVE SW	PILLAGER, MN 56473	091480030080009	LOT 8 BLOCK 3, SUBJECT TO AN EASEMENT OF RECORD	KOOP & WALKER'S ADDITION TO THE CITY OF BRD	1607 10TH AVE NE	UNLICENSED VEHICLE/JUNK	250.00
DEROSIER, MICHAEL & BARBARA	1734 GRAYDON AVE	BRAINERD, MN 56401	091540030090009	LOT 9 BLOCK 3	LYNNWOOD ADDITION TO THE CITY OF BRAINERD	1734 GRAYDON AVE	UNLICENSED VEHICLE	125.00
SAM, QUINTIN	1002 MILL AVE	BRAINERD, MN 56401	091680050080009	LOT 8 BLOCK 5	SABIN'S ADDITION TO THE CITY OF BRAINERD	1002 MILL AVE	GRASS	125.00
CLUEVER, JODY A & MICHAEL	12674 KNOLLWOOD DR	BAXTER, MN 56425	091690010040009	LOT 4 BLOCK 1	SCHMELZ'S ADDITION TO EAST BRAINERD	417 D ST NE	UNLICENSED VEHICLE	250.00
ROMNESS, LAURA	3135 190TH ST	LANSING, IL 60438	091710070120009	LOT 12 BLOCK 7	SCHMELZ'S SECOND ADDITION TO THE CITY OF BRAINERD	904 9TH AVE NE	PROPERTY LICENSE	125.00
GOTTWALT, MATTHEW & ERICA	6571 160TH AVE	ROYALTON, MN 56373	091720240070009	LOT 7 BLOCK 24	SCHWARTZ'S ADDN TO THE CITY OF BRAINERD	924 7TH AVE NE	GRASS/JUNK/DEBRIS	375.00
WETHERELL, RICHARD B	915 LAUREL ST	BRAINERD, MN 56401	091730030010009	LOT 1 BLOCK 3	SECOND ADDITION TO MADISON HEIGHTS	153 PINEVIEW DR	PROPERTY LICENSE	750.00
GOTTWALT, MATTHEW & ERICA	6571 160TH AVE	ROYALTON, MN 56373	091810090090009	LOT 9 BLOCK 9	SLEEPERS ADDITION TO BRAINERD	1211 NORWOOD ST	JUNK/DEBRIS	375.00
KHOKHAR, FAISAL & TATIANA	500 WILLIS ST	ELGIN, IL 60123	091810190040009	LOT 4 BLOCK 19	SLEEPERS ADDITION TO BRAINERD	1314 NORWOOD ST	GRASS	250.00
LINDQUIST, TANNER M	1202 J ST NE	BRAINERD, MN 56401	091880210120009	LOT 12 BLOCK 21	ST. PAUL ADDITION TO THE CITY OF BRAINERD	1202 J ST NE	UNLICENSED VEHICLE	375.00
DOUCETTE, DORIS D	214 4TH AVE NE	BRAINERD, MN 56401	09122008004Y889	CNT 50 FT OF LOT 4 BLOCK 8 & N 20 FT OF W 50 FT	EAST BRAINERD	405 B ST NE	PROPERTY LICENSE	125.00
BANKS, TRAVIS E & TRACY L	15359 SHELLISA LN	BRAINERD, MN 56401	09122012011X009	E 46 2/3 FT OF LOTS 11 & 12, BLK 12	EAST BRAINERD	110 D ST NE	BRUSH	125.00
SAMUELSON, DONALD B & FLADEBO, NICOLE D	624 8TH AVE NE	BRAINERD, MN 56401	09123006007Z009	E. 25 FT OF LOTS 7 & 8 BLOCK 6, EXCEPT THE S. 1/2	EAST SIDE ADDITION TO THE CITY OF BRAINERD	624 8TH AVE NE	UNLICENSED VEHICLE	125.00
OLSON, TIMOTHY & DEBRA	1008 G ST NE	BRAINERD, MN 56401	09123008007X009	E 1/2 OF LOTS 7 & 8 BLOCK 8 (DEED READS E 70 FT	EAST SIDE ADDITION TO THE CITY OF BRAINERD	1008 G ST NE	PROPERTY MAINTENANCE	125.00
GODEJOHN, JUSTIN & BRIAN KARL	1203 10TH AVE NE	BRAINERD, MN 56401	09136003014Z009	L 14 BLK 3 & L 15 BLK 3 EX THE N 25FT THEREOF	GUSTAFSON'S ADDITION TO THE CITY OF BRAINERD	1203 10TH AVE NE	GRASS/BRUSH	750.00
HEINLEN, PAUL & MELINDA	14143 KIMBERLEE CT	BAXTER, MN 56425	09143000004F009	(PARCEL B) THE S. 65.39 FT OF THE N 130.78 FT OF	HOLLAND'S FIRST ADDITION TO THE CITY OF BRD	828 28TH ST SE	PROPERTY LICENSE	125.00
MCKEAG, JONATHAN P & HEIDI J	1814 OAK ST	BRAINERD MN 56401	09145000026B009	N. 140 FT. OF W. 50 FT. OF E. 100 FT. OF TRACT 26	HOLLAND'S THIRD ADDITION TO THE CITY OF BRAINERD	1814 OAK ST	UNLICENSED VEHICLE	125.00
ARTHUR, JAMES R & JOHN E MATICH	5809 CLEARWATER RD	BAXTER, MN 56425	09146013007Z009	LOTS 7 THRU 12 INCLUSIVE BLOCK 13	HOWES AND SPALDINGS ADDITION TO THE CITY OF	823 BROOK ST	UNLICENSED VEHICLE	125.00
BETTSCHEN, ROBERT D & MELISSA L	509 E ST	BRAINERD, MN 56401	09156012009Z009	E. 1/2 OF LOT 9 BLK 12 AND ALSO LOTS 10 AND 11 B	MCCAIG & BENHAMS SUBD OF S2 BLK 12 HAINES A	509 E ST NE	BRUSH	125.00
JEFFREY, ELFRIEDA (LIFE ESTATE) C/O SCOTT & DAVI	22271 N KINGSTON DR	MARICOPA, AZ 85138	09166002008Z009	LOTS 8 AND 9 BLOCK 2	RIVERSIDE ADDITION TO THE CITY OF BRAINERD	413 1ST ST NE	PROPERTY LICENSE	750.00

The City Council of the City of Brainerd doth hereby assess and levy upon and against the lots and parcels of land below described, the respective sums of money set opposite each lot or parcel.
This assessment is levied to defray the expense of lot cleaning, grass, mowing, garbage removal, and administrative citations in the City of Brainerd on various parcels.

2018 NUISANCE								
OWNER NAME	OWNER ADDRESS	CITY, STATE, ZIP	RE CODE	LOT, BLOCK	SUBDIVISION	LOCATION	NUISANCE TYPE	ASSESSABLE
HAUSKEN, GEORGE R & PATRICIA S	1217 7TH AVE NE	BRAINERD, MN 56401	09172002005Z009	LOTS 5 AND 6 BLK 2	SCHWARTZ'S ADDN TO THE CITY OF BRAINERD	1217 7TH AVE NE	JUNK/DEBRIS	125.00
BENEDICT, MICHAEL J & HEIDE A	901 5TH AVE NE	BRAINERD, MN 56401	09172021001Z009	LOTS 1 AND 2 BLK 21	SCHWARTZ'S ADDN TO THE CITY OF BRAINERD	901 5TH AVE NE	UNLICENSED VEHICLE/PROP	2,750.00
PINTOK, LYNN	1519 PINE ST	BRAINERD, MN 56401	09174003003Z009	LOTS 3 & 4 BLOCK 3	SECOND ADDITION TO BRAINERD	1519 PINE ST	JUNK/DEBRIS	125.00
RALPH ALLAN PROPERTIES LLC	11610 ANDREW ST	BRAINERD, MN 56401	09174014000Q009	PART OF BLK 14 66 FT. E. FROM THE SE COR. OF BL	SECOND ADDITION TO BRAINERD	1501 ROSEWOOD ST	UNLICENSED VEHICLE	500.00
KINDER, TERRY D	17037 GREGORY WAY	BRAINERD, MN 56401	09174015018Z009	LOTS 18 THRU 22 BLOCK 15 INCLUSIVE	SECOND ADDITION TO BRAINERD	1420 QUINCE ST	GRASS	125.00
BRAVERMAN, DAVE	1113 ROSEWOOD ST	BRAINERD, MN 56401	09174018006Z009	OTS 6 AND 7 BLOCK 18	SECOND ADDITION TO BRAINERD	1113 ROSEWOOD ST	JUNK/DEBRIS	125.00
PAPLOW, DWANA C	2357 31ST ST	FULDA, MN 56131-9591	09174019015Z009	LOTS 15 THRU 17 BLOCK 19 INCL	SECOND ADDITION TO BRAINERD	1020 QUINCE ST	JUNK/DEBRIS	125.00
CK PROPERTIES OF BRAINERD LLC	12610 CAMWOOD TRAIL	BAXTER MN 56425	09181009005A009	N 100 FT OF LOT 5 BLK 9	SLEEPERS ADDITION TO BRAINERD	1208 MAPLE ST	PROPERTY MAINTENANCE	250.00
OLSON, LISA A	1207 14TH ST NE	BRAINERD, MN 56401	09188010011Y009	N 70 FT OF LOTS 11 & 12 BLOCK 10	ST. PAUL ADDITION TO THE CITY OF BRAINERD	1207 14TH AVE NE	JUNK/DEBRIS	125.00
WETHERELL, RICHARD B	915 LAUREL ST	BRAINERD, MN 56401	09196037001Z009	LOTS 4 THRU 6 INCLUSIVE BLOCK 137	TOWN OF BRAINERD & 1ST ADDN TO BRAINERD	504 11TH ST S	UNLICENSED VEHICLE/PROP	875.00
RYAN, ANNE THERESE	223 5TH ST N	BRAINERD MN 56401	09196048001Z009	LOTS 1 AND 2 BLOCK 48	TOWN OF BRAINERD & FIRST ADDITION TO BRAINERD	223 5TH ST N	GRASS/ABATEMENT	225.00
NASH, PATRICK V & REBECCA L	303 5TH ST N	BRAINERD, MN 56401	09196070001Z009	LOT 1 & 2 BLOCK 70	TOWN OF BRAINERD & FIRST ADDITION TO BRAINERD	303 5TH ST N	JUNK/DEBRIS	375.00
LANOGA CORP, C/O UBC C/O RYAN TAX COMPLIANCE	16220 NORTH SCOTTSDALE RD STE 450	SCOTTSDALE, AZ 85254	09196075005Y009	LOTS 5 THRU 12 INCLUSIVE, AND LOTS 15 THRU 20	TOWN OF BRAINERD & FIRST ADDITION TO BRAINERD	UNAVAILABLE ADDRESS OR VACAN	GRAFFITI	125.00
WEISS, RICHARD A	319 9TH ST N	BRAINERD, MN 56401	09196078009Z009	N1/2 OF LOT 9 BLOCK 78 AND ALL OF LOT 10 BLOCK	TOWN OF BRAINERD & FIRST ADDITION TO BRAINERD	319 9TH ST N	PROPERTY MAINTENANCE	375.00
SANDBERG, KATIE K	507 9TH ST N	BRAINERD, MN 56401	09196140003Z009	LOTS 3 AND 4 BLOCK 140	TOWN OF BRAINERD & FIRST ADDITION TO BRAINERD	507 9TH ST N	JUNK/DEBRIS	375.00
PARKHILL, MATTHEW P & CHRISTINE A	12965 243RD AVE	ZIMMERMAN, MN 55398	09196153019Z009	LOTS 19 AND 20 BLOCK 153	TOWN OF BRAINERD & FIRST ADDITION TO BRAINERD	613 9TH ST S	GRAFFITI	125.00
DEROSIER, MITCHELL E II	708 PINE ST	BRAINERD, MN 56401-4100	09196189022X009	E. 70 FT OF LOTS 22 THRU 24 INCLUSIVE BLOCK 188	TOWN OF BRAINERD & FIRST ADDITION TO BRAINERD	708 PINE ST	JUNK/DEBRIS	625.00
WILLIAMS, BRET	704 LAUREL ST	BRAINERD MN 56401	09196200005Z009	N. 1/2 OF LOT 5 BLOCK 200 AND ALL OF LOT 6 BLOC	N. 1/2 OF LOT 5 BLOCK 200 AND ALL OF LOT 6 BLOC	713 9TH ST N	PROPERTY MAINTENANCE	250.00
GOTTWALT, MATTHEW & ERICA	6571 160TH AVE	ROYALTON, MN 56373	09196204011Y009	N. 100 FT OF LOTS 11 AND 12 BLOCK 204	TOWN OF BRAINERD & FIRST ADDITION TO BRAINERD	1004 FIR ST	PROPERTY MAINTENANCE	125.00
DR SPODEN INVESTMENTS LLC C/O MIKE & JULIE DEG	10935 GULL RIVER RD	EAST GULL LAKE, MN 56401	09196217013Y009	E 35 FT OF LOTS 13 THRU 15 INCLUSIVE BLOCK 217	TOWN OF BRAINERD & FIRST ADDITION TO BRAINERD	610 QUINCE ST	JUNK/DEBRIS	125.00
GARDNER, TINA	922 7TH ST S	BRAINERD, MN 56401	09196239001Z009	LOTS 1 & 2 BLOCK 239	TOWN OF BRAINERD & FIRST ADDITION TO BRAINERD	922 7TH ST S	JUNK/DEBRIS	125.00
WENDEL PROPERTIES LLC	17122 STATE HWY 371	BRAINERD, MN 56401	09201008011Y009	ALL LOT 11 BLOCK 8 & LOT 12 BLOCK 8, EXCEPT TH	WILLIS' ADDITION TO THE CITY OF BRAINERD	1413 8TH AVE NE	GRASS	125.00
SOMMERS, JESSICA	1319 NE 11TH AVE	BRAINERD, MN 56401	09201012006Y009	LOTS 6 & 7 BLOCK 12, & THE N. 1/2 OF ADJACENT V	WILLIS' ADDITION TO THE CITY OF BRAINERD	1319 11TH AVE NE	UNLICENSED VEHICLE	125.00
TOTAL								43,280.00

Dated this 15th day of October, 2018

David J. Pritschet
President of Council

Attest: Cassandra L. Torstenson
City Administrator

Interest Rate - 3.3%
Years Certified - 1 year

RESOLUTION
NO. _____

RESOLUTION ADOPTING ASSESSMENT

WHEREAS, pursuant to proper notice duly given as required by law, the Council has met and heard and passed upon all objections to the proposed assessment for 2017-2018 snow removal and special services and nuisance abatement concerning the properties abutting on the following:

DOWNTOWN SNOW REMOVAL AND SPECIAL SERVICES DISTRICT

Snow Removal, Irrigation Maintenance, Landscaping, Garbage Collection

Laurel Street from South 6th Street to South 8th Street
Front Street from South 6th Street to South 8th Street
South 7th Street from Maple Street to Front Street

NUISANCE ABATEMENT

Nuisance Abatement and Administrative Citations

Misc properties around the City

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

1. Such proposed assessment, a copy of which is on file in the offices of the City Administrator and City Engineer, is hereby accepted and shall constitute the special assessment against the lands named therein, and each tract of land therein included is hereby found to be benefited by the proposed improvement in the amount of the assessment levied against it.

2. Such assessment shall be payable in full within 30 days from the adoption of this Resolution without interest at the office of the City Administrator. Thereafter, the entire amount of the assessment shall be payable to the Crow Wing County Auditor with interest at the rate of three and three-tenths (3.3%) percent.

3. The City Administrator shall forthwith transmit a certified duplicate of this assessment to the Crow Wing County Auditor to be extended on the property tax list of the County. Such assessment shall be collected and paid over in the same manner as other municipal taxes.

Adopted this ____ day of _____, 2018

DAVID J. PRITSCHET
President of the Council

Approved this ____ day of _____, 2018

EDWIN L. MENK
Mayor

ATTEST: _____
CASSANDRA TORSTENSON
City Administrator



Brainerd City Council Agenda Request

Requested Meeting Date: October 15, 2018

Title of Item: Res - Petition to Vacate a Portion of NW 3rd Street and William Street

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☒ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☒ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: City Engineer Sandy	Department: Engineering
Presenter (Name & Title): City Engineer Sandy	Estimated Time Needed: 5 Minutes
Summary of Issue: Attached to this request is the original executed petition to vacate, the notice of hearing published in the Brainerd Dispatch, the resolution adopted on September 5, 2018 declaring the sufficiency of the petition, an aerial map describing the proposed vacation, and a resolution in which vacates a portion of William Street and NW 3rd Street, as described in the description.	
Alternatives, Options, Effects on Others/Comments: To vacate a street, there must be sufficient evidence that the street does not hold a public benefit. In this specific circumstance, NW 3rd Street north of William Street has been previously vacated by the City Council, in which leaves William Street from NW 3rd Street to NW 4th Street, more or less, a dead end public street. NW 3rd Street south of William Street is dedicated public right-of-way, but the street itself has never been constructed. From staff's perspective, this proposed vacation is in the best interest of the public, as William Street, as it currently exists, dead ends into private property owned by the school district. Cost savings in maintaining the street and potentially reconstructing or resurfacing the street in the future are to the public's benefit. While the street would be vacated if this resolution was adopted, the City would maintain easement on the vacated street to maintain its storm sewer, sanitary sewer, and water facilities, as we do in all proposed vacations of streets and alleys. Staff recommends adopting the attached resolution, in which would vacate portions of William Street and NW 3rd Street, as presented. Also attached is a response from the school district, as requested by the City Council.	
Recommended Action/Motion: Staff recommends adopting the attached resolution in which vacates portions of William Street and NW 3rd Street.	
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;

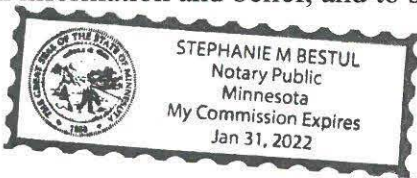
That portion of Northwest 3rd Street lying southeasterly of the of northeasterly projection of the southwesterly right-of-way line of Williams Street and lying northwesterly of a line parallel with and 75.0 feet normally distant and northwesterly from BNSF Railway Company's (formerly Northern Pacific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

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;

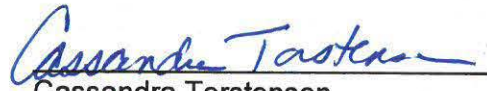
That portion of Williams Street lying northeasterly of the southeasterly projection of the northeasterly right-of-way line of Northwest 4th Street, according to the recorded plat of West Brainerd, Minnesota and subject to previous vacations of Williams Street on record, and;

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

Client:

CITY OF BRAINERD

Account # 316123 Ad # 2676221

Phone: (218) 828-2307

Fax:

Address: 501 LAUREL STREET
BRAINERD, MN 56401

Sales Rep.:

3804 Ann Windorski

Phone: (218) 855-5804

Fax:

Email: ann.windorski@brainerddispatch.com

Class.: 9960 MINNESOTA LEGALS

Requested By:

Start Date: 09/07/2018

End Date: 09/14/2018

Nb. of Inserts: 10

Dimensions: 1 col. x 5.50 Inches

Publications: Brainerd Dispatch

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Total Price:

Paid Amount:

Balance:

Page 1 of 1

(Published in the Brainerd Dispatch,
September 7, 14, 2018, 2t.)

NOTICE OF HEARING

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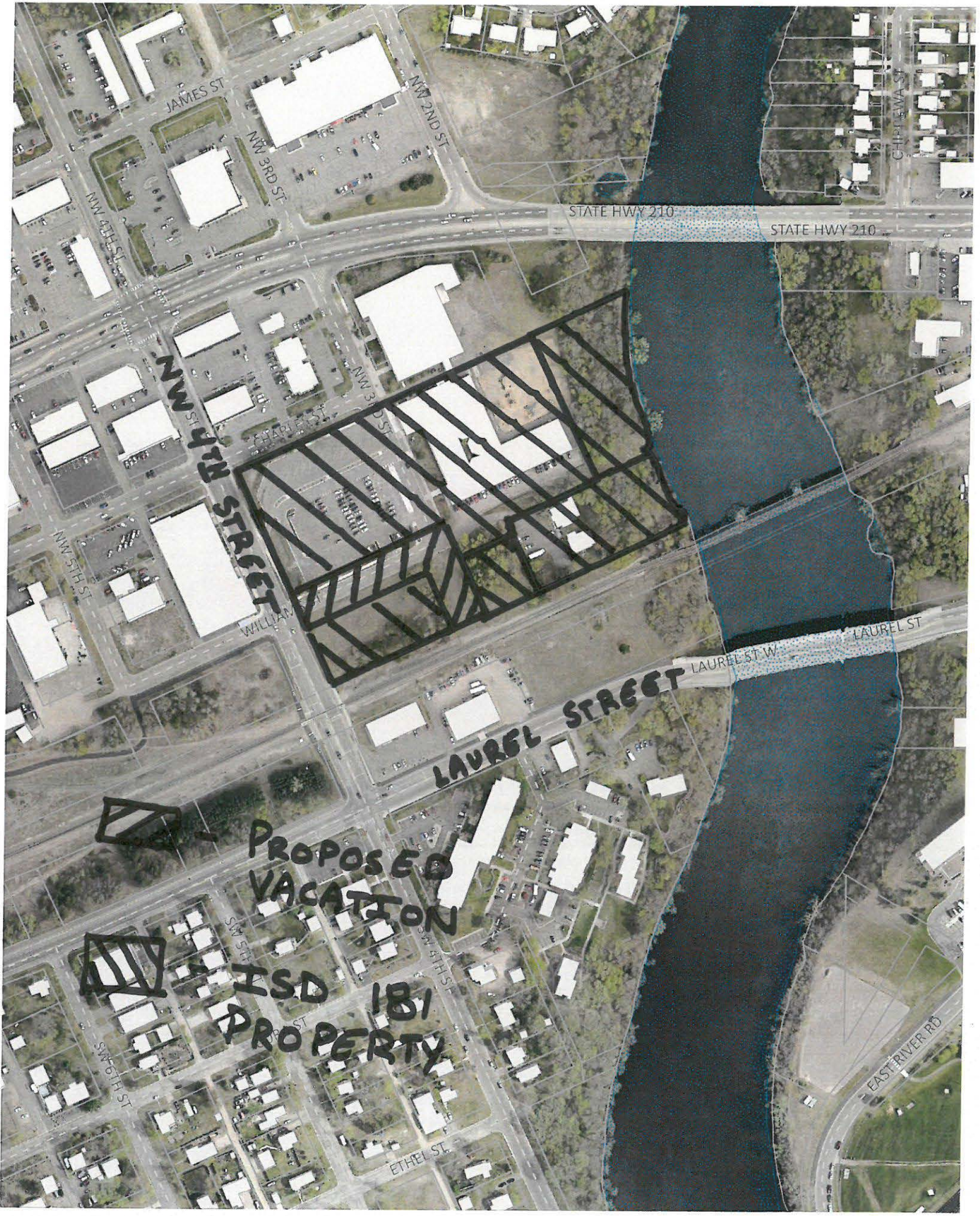
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That portion of Northwest 3rd Street lying southeasterly of the of northeasterly projection of the southwesterly right-of-way line of Williams Street and lying northwesterly of a line parallel with and 75.0 feet normally distant and northwesterly from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

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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



JAMES ST

NW 3RD ST

NW 2ND ST

STATE HWY 210

STATE HWY 210

CHIEF LEWIS ST

NW 4TH STREET

NW 3RD ST

WILLIAM

LAUREL STREET

LAUREL ST W

LAUREL ST

PROPOSED VACATION

ISD 181 PROPERTY

EAST RIVER RD

ETHEL ST

**RESOLUTION
NO 45:18**

**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.

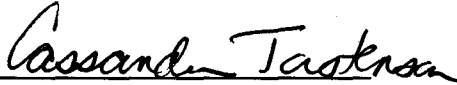
Adopted this 4th day of September, 2018

DAVID J. PRITSCHET
President of the Council

Approved this 5th day of September, 2018



EDWIN L. MENK
Mayor

ATTEST: 
CASSANDRA TORSTENSON
City Administrator



Brainerd Public Schools

Opportunity. Innovation. Success.

Washington Educational
Services Building
804 Oak Street
Brainerd, MN 56401

Phone: (218) 454-6900

Fax: (218) 454-5549

www.isd181.org

October 10, 2018

Brainerd City Council
c/o Cassandra Torstenson
City Administrator
501 Laurel Street
Brainerd, MN 56401

Dear Brainerd City Council Members:

On behalf of the Brainerd Public Schools Board of Education, we write in response to your request for a letter addressing a closed session the Board conducted in February 2018. This request was communicated to us in an October 8, 2018 e-mail from City Administrator Torstenson. Please know that the Board values its relationship with the City Council and regrets that a procedural oversight has complicated what would otherwise be a straightforward request to vacate portions of public roads.

The Board of Education does not have much to add on the topic of the February 12, 2018 closed meeting regarding the District's potential acquisition of BNSF property near Riverside Elementary. The District's administration already provided a statement on this issue to the *Brainerd Dispatch*, which was quoted in an October 5, 2018 piece by Theresa Bourke. The District's legal counsel also provided City Attorney Joe Langel with a complete copy of a closed session recording previously provided to Jeff Czczok in response to a data request.

As noted in the statement to the *Brainerd Dispatch*, the District acknowledges it made a procedural error when the BNSF property was not identified on the record before the Board went into closed session at the February 12, 2018 meeting. This was not intentional. The Board otherwise complied with the Open Meeting Law's requirements for closed sessions related to the potential purchase of real estate. As you know, the law specifically allows the Board and the City Council to use a closed session to discuss potential real estate transactions in a closed session. No one has accused the Board of using the February 12, 2018 closed session at issue to discuss information that should have been discussed in a public meeting.

It is unfortunate, and in our view very disingenuous, that Mr. Czczok did not play the full recording he received from the District at the October 1, 2018 City Council meeting. The full recording, which is just under 17 minutes long, provides the proper context for comments the District's former Business Services Director Steve Lund made during the closed session, including his reference to keeping the BNSF property

acquisition on the "down low" with respect to discussions with the City. Mr. Lund's comment was a reference to the fact that it would have been premature as of February 2018 for the District to approach the City with a request to vacate portions of Williams Street and NW Third Street because it was not clear if the District would be able to acquire the BNSF property. When the acquisition was approved by the Board, the approval was made at a public meeting on April 16, 2018. The minutes from the April 16, 2018 meeting document the District's intention to pursue the closure of a portion of Williams Street for safety and security purposes.

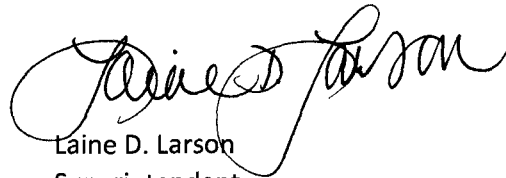
We expect this letter to be more than sufficient in addressing the Council's concerns regarding the February 12, 2018 closed session. We also ask that the Council consider the fact that the Board of Education and District administration have gone to great lengths to hold community meetings and public discussions on the issue of facilities planning. The public record shows the Board and administration have been very transparent regarding the District's future facilities needs. Moreover, the majority of voters in the community are satisfied with the direction the District is heading in terms of facilities as evidenced by the results of the referendum earlier this year.

We look forward to continuing to work with you on building a future for the City of Brainerd and surrounding area that is even brighter than it already is.

Sincerely,

A handwritten signature in black ink, appearing to read "Ruth Nelson", with a stylized flourish at the end.

Ruth Nelson
Board Chair

A handwritten signature in black ink, appearing to read "Laine D. Larson", with a large, elegant loop at the end.

Laine D. Larson
Superintendent

**RESOLUTION
NO.**

RESOLUTION VACATING STREET

WHEREAS, a hearing was duly held on October 1, 2018 for the proposed vacation of the following described Street:

That portion of William 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 William 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 William 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

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

1. That the Street as previously described is hereby vacated.
2. The City of Brainerd, however, specifically reserves unto itself an easement for utilities over, under, and upon said portion of the vacated street.

Adopted this ____ day of October 2018

DAVID J. PRITSCHET
President of the Council

Approved this ____ day of October 2018

EDWIN L. MENK
Mayor

ATTEST: _____
CASSANDRA TORSTENSON
City Administrator