

CITY COUNCIL AGENDA

Brainerd, Minnesota
November 5, 2018
7:30 P.M.
Brainerd City Hall
Council Chambers

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

2. **Roll Call**

___ K. Stunek ___ K. Bevans ___ D. Badeaux ___ G. Johnson

___ S. Hilgart ___ J. Lambert ___ 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 15, 2018

Documents:

[20181015_CC draft.pdf](#)

B. **Approval Of Licenses**

1. Contractor Licenses - 4 - New; 2 - Renewals

Documents:

[2018-11-05 License RPT.pdf](#)

C. **Department Activity Reports**

1. Fire Chief

2. Parks Director

Documents:

Fire Chief Report.pdf
Park Director Report.pdf

- D. Minnesota Lawful Gambling Application For Exempt Permit - Submitted By Brainerd Community Action, 213 S 5th St., Brainerd For An Event To Be Held On January 4, 2019 At Roundhouse Brewery, 1551 Northern Pacific Rd., Brainerd.
- E. Minnesota Lawful Gambling Application To Conduct Excluded Bingo - Submitted By Knights Of Columbus, 411 N 10th St., Brainerd. Bingo Events To Be Held At St. Francis Church, 404 N 9th St., Brainerd On January 31, February 7th, February 14th And February 21, 2019.

6. Presentations

- A. Tour Of The Lakes - Mr. Ed Shaw

7. Council Committee Reports

- A. Safety And Public Works Committee

Documents:

20181105_SPW.pdf

- 1. Cuyuna Lakes State Trail Joint Powers Agreement And Next Steps

Documents:

Cuyuna Lakes State Trail JPA and Next Steps.pdf

- 2. Downtown Snow Removal Bids

Documents:

2018-2019 Downtown Snow Removal Bids.pdf

- 3. Local Road Improvement Program - NW 4th Street (Riverside Drive) Next Steps

Documents:

Local Road Improvement Program Funding for NW 4th Street.pdf

- 4. Resolution - Advancing Municipal State Aid Funds FY 2019

Documents:

Res - Advancement of State Aid Street Funds.pdf

B. Personnel And Finance Committee

Documents:

20181105_PF.pdf

1. Approval Of Bills
2. Assistance To Firefighters Grant Application

Documents:

Assistance to Firefighters Grant application.pdf

3. Resignation Of Paid On Call Firefighter Vork

Documents:

2018 Agenda Request Vork.pdf

4. Police Dept Request To Use Drug Forfeiture Funds

Documents:

Request to Use Drug Forfeiture Funds for Less Lethal Equipment.pdf

5. Appointment Of Interim Building Official

Documents:

Authorize Designation of Church Arvidson as Interim Building Official.pdf

6. Authorize Hiring Darrin Deseth For Building Inspector Position

Documents:

Authorize Hiring Darrin Deseth for the Full-time Building Inspector Position.pdf

7. Authorize Hiring David Chanski As Community Development Director

Documents:

Authorize Hiring David Chanski for Community Development Director Position.pdf

8. Funding The Bridges Of Hope Self-Healing Communities Project

Documents:

Bridges of Hope.pdf

9. Deferment Of Assessments

Documents:

Deferred Assessments.pdf

8. **Unfinished Business**

A. **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)

- B. **Public Hearing And Final Reading Of Proposed Ordinance No. 1483
- An Ordinance To Amend Section 1200 Intoxicating Liquor**
- a. Hold Public Hearing
 - b. Consider Testimony and Alternatives

- c. Hold Final Reading of Ordinance (Voice Vote)
- d. Adopt Ordinance (Roll Call)

Documents:

Second Reading ORD 1483.pdf

C. Continuation Of Public Hearing And Resolution - 2018 Nuisance Contested Assessments

- a. Hold Public Hearing
- b. Consider Testimony and Alternatives
- c. Adopt Resolution (Roll Call)

Documents:

Public Hearing and Resolution- Contested Nuisance Assessments.pdf

9. New Business

A. Discussion Of Council Meeting Start Time

Documents:

Council Meetings.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

A. (Added Item) Distributed At Meeting

Documents:

Marohn Document.pdf

11. Staff Reports

(Verbal: Any Updates since Packet)

12. Council Member Reports

13. Adjourn

A. Motion To Closed Session Pursuant To M.S. 13D.03 To Discuss Labor Negotiation Strategy

B. Recess To Joint Meeting With The School District On Thursday, November 8, 2018 At 9:30 A.m. At The Washington Education Services Building 804 Oak Street

C. Recess To Special Council Meeting To Canvass General Election Results And Then To A Budget Workshop On Tuesday, November 13, 2018 At 6:00 P.m.

Note: Safety and Public Works Committee will meet at 7:00 P.M.
Personnel and Finance Committee will meet at 7:00 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 15, 2018**

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

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

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

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

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

A. Approval of the Minutes of the Regular Meeting held on October 1, 2018 - Approved

B. Approval of Licenses - Approved

Contractor Licenses –7– New; 3 – Renewals

C. Department Activity Reports- Approved

1. Police Chief
2. Finance Director

D. Minnesota Lawful Gambling Application for Exempt Permit – Submitted by Central Lakes College Foundation, 501 W College Dr., Brainerd for and Event to be Held on December 21, 2018 - Approved

E. Resolution Adopting Policies and Plans for Small Communities Development Program (SCDP) Grant No. CDAP-17-0019-O-FY18 – Adopted by Resolution No. 48:18

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

Presentations

Bridges of Hope – Self Healing Communities

The Chair recognized Ms. Amy Wyant and Mr. Tom Gonzalez, Project Coordinators for Bridges of Hope who gave a presentation talking about their current project, Self-Healing Communities. They explained the goal of the project is to increase the community’s capacity to come together and solve problems by reducing Adverse Childhood Experiences (ACEs). Mr. Gonzalez explained the ACEs Model pyramid and the effects of each level and how, over time, can affect the life of a person struggling with Adverse Childhood Experiences. The project is

engaging parents and residents and are working on building solutions that are sustainable because they originate from solving problems rather than treating symptoms. They thanked the Council for the opportunity to present.

Comprehensive Plan Committee Presentation

The Chair recognized Ms. Ashley Kaisershot, Sourcewell Planning and Zoning Specialist and Mr. Matthew Kallroos, Regional Planner from Region Five. They gave an update of the Comprehensive Plan progress with a summary of the community engagement process that is taking place. The importance of public participation is a main leading element to creating a Comprehensive Plan. The current goal is to intentionally involve citizens and stakeholders throughout the community and to make people feel heard. Ms. Kaisershot indicated the Steering Committee consists of thirteen strong citizens whose role is to gather information about and from the community and then summarize and prioritize the information they receive. Mr. Kallroos reviewed some of the comments that were received from the online community survey that ended in September and the top concerns of the residents. The Chair thanked them for the presentation.

Council Committee Reports

Personnel and Finance Committee Report

Approval of Bills & Payments to Contractors - Approved

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

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

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

MOVED AND SECONDED BY ALDERMEN JOHNSON AND STUNEK, DULY CARRIED, TO AUTHORIZE OUT-OF-STATE TRAVEL FOR POLICE OFFICER TIM FRIIS TO ATTEND BOMB TECHNICIAN RECERTIFICATION IN HUNTSVILLE, ALABAMA FROM NOVEMBER 25-30, 2018.

City Attorney Contract Renewal - Approved

MOVED AND SECONDED BY ALDERMEN JOHNSON AND HILGART, DULY CARRIED, TO AUTHORIZE STAFF TO ENTER INTO AN AGREEMENT WITH RATWICK, ROSZAK & MALONEY FOR YEARS 2019 AND 2020.

Set Date for Budget Workshop - Approved

MOVED AND SECONDED BY ALDERMEN JOHNSON AND STUNEK, DULY CARRIED, TO ACCEPT STAFF'S RECOMMENDATION TO SET A BUDGET WORKSHOP FOR NOVEMBER 13, 2018 AT 6:00 P.M.

(Added Item) Ratification of Hiring of Ms. Pamela Ziemer for Accounts Payable/Administrative Specialist Position - Approved

MOVED AND SECONDED BY ALDERMEN JOHNSON AND STUNEK, DULY CARRIED, TO RATIFY THE HIRING OF MS. PAMELA ZIEMER FOR THE ACCOUNTS PAYABLE/ADMINISTRATIVE SPECIALIST POSITION STARTING AT A WAGE OF \$20.62 PER HOUR.

Safety and Public Works Committee Report

Fare Increase for Brainerd Transit Services - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND BADEAUX, DULY CARRIED, TO ACCEPT STAFF'S RECOMMENDATION AND APPROVE THE FARE INCREASE, AS PASSED AT THE TRANSPORTATION ADVISORY COMMITTEE, WHICH EQUATES TO A \$.25 INCREASE FOR BRAINERD-TO-BRAINERD AND BRAINERD-TO-BAXTER DIAL-A-RIDE SERVICE, OR FARES OF \$1.25 AND \$2.25 RESPECTIVELY. THIS DOES NOT AFFECT THE EXPRESS ROUTE SERVICE.

Transit Policy Update Regarding Sale of Tickets by Bus Drivers - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT, DULY CARRIED, TO ACCEPT STAFF'S RECOMMENDATION AND APPROVE 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".

Event/Street Closure Application – Turkey Run - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND BADEAUX, DULY CARRIED, TO ACCEPT STAFF'S RECOMMENDATION AND APPROVE THE EVENT/STREET CLOSURE FOR THE TURKEY RUN ON NOVEMBER 22, 2018 WITH THE CONDITION THAT THE APPLICANT WORK WITH THE ENGINEERING STAFF AND POLICE STAFF FOR TRAFFIC CONTROL CONCERNS.

Highway Safety Improvement Program (HSIP) – Authorization to Apply for Funding for NW 4th Street Improvement - Approved

City Engineer Sandy stated a traffic study was completed last year to analyze the NW 4th Street corridor for the City to be able to apply for funds through the Local Road Improvement Program (LRIP) and the Highway Safety Improvement Program (HSIP). Although the City did not receive funding through LRIP at that time, legislature authorized more funding to the program and now previously submitted applications are being considered. City Engineer Sandy explained the details on funding for the HSIP and the application will be for funding in the full amount; if funding is received through the LRIP, the amount for the HSIP would be reduced.

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT, DULY CARRIED, TO ACCEPT STAFF'S RECOMMENDATION AND AUTHORIZE THE SUBMISSION OF THE HIGHWAY SAFETY IMPROVEMENT PROGRAM APPLICATION TO MNDOT. STAFF MAY BE RETURNING TO COUNCIL WITH A RESOLUTION AT THE FIRST MEETING IN NOVEMBER TO INCLUDE IN THE APPLICATION. STAFF WILL CONSULT COUNTY STAFF FOR ANY

LETTERS OF SUPPORT ALONG WITH OTHER EMERGENCY SERVICES PERSONNEL FOR LETTERS OF SUPPORT.

Transportation Alternatives – Authorization to Submit Letter of Intent to Apply for Funds for 28th Street and Downtown Trail Connections - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND BADEAUX, DULY CARRIED, TO ACCEPT STAFF'S RECOMMENDATION AND AUTHORIZE SUBMITTING THE LETTER OF INTENT TO APPLY FOR TRANSPORTATION ALTERNATIVES FUNDING. STAFF WILL BEGIN ADDITIONAL IN-DEPTH PROJECT DEVELOPMENT AND WILL RETURN TO THE COMMITTEE WITH RESOLUTIONS NEEDED TO SUBMIT THE APPLICATION.

Downtown Motel Demolition Quotes - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT, DULY CARRIED, TO ACCEPT STAFF'S RECOMMENDATION AND APPROVE THE QUOTE FROM HENGEL CONSTRUCTION FOR A TOTAL COST OF \$34,100.

Section 425 – Rental Housing Maintenance Discussion - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND BADEAUX TO FORM A SUBCOMMITTEE OF SEVEN MEMBERS, WHICH INCLUDES 1) COUNCIL MEMBER (JAN LAMBERT), 1) LAW ENFORCEMENT, 2) RENTAL PROPERTY OWNERS, 2) TENANTS AND 1) AT LARGE COUNCIL MEMBER TO ADDRESS THE ISSUE USING THE STANDARD CITY BOARD AND COMMISSION APPLICATION FORM.

Committee Chair Bevans indicated he does not agree with the motion, as trying to compile a committee of rental housing property owners has been an ongoing struggle. Mr. Bevans stated many residents have expressed concern about the issue and this will extend the period of time a solution is found.

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

Unfinished Business

Committee Resignations – Accept with Regret - Approved

MOVED AND SECONDED BY ALDERMEN JOHNSON AND HILGART, DULY CARRIED, TO ACCEPT THE RESIGNATION OF MS. MELONIE ELLSTROM FROM THE TRANSPORTATION ADVISORY COMMITTEE, EFFECTIVE OCTOBER 15, 2018.

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

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 – 2 terms (see below) 3 terms– (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)

New Business

Public Hearing – IMP 17-13 Assessments – Adopt Resolution Ordering the Special Assessments – Adopted by Resolution 50:18

City Engineer Sandy explained this is a continuation of the 429 proceedings for ordering special assessments for the improvement project on Brook & South 10th Street.

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

The Chair recognized Mr. John Ward, of which 1602 SE 13th Street is a rental property he owns. Mr. Ward received the first letter on March 5, 2018 and stated he called and inquired about the side yard deduction and he would like clarification. Mr. Ward was unable to attend the first public hearing and is asking for considerations as such: 1) Consider a longer term for no interest (currently through 11/16/18) for that project and 2) A longer period of time to pay from a ten-year deferment to a 20-year timeframe.

City Engineer Sandy indicated the side yard deduction does not apply to Mr. Ward's property, as it is located at the corner of a county road and a city street.

City Engineer Sandy stated that past City Council Members have not considered a term longer than ten years, nor has a longer interest free timeframe been passed.

The Chair recognized Mr. Bob DeSpot, property owner of 830 Brook Street, who complimented staff on a job well done on the Brook Street project.

The Chair closed the Public Hearing at 8:27 p.m.

MOVED AND SECONDED BY ALDERMEN JOHNSON AND HILGART TO ALLOW THE OPTION TO EXTEND THE PAYMENTS TO TWENTY (20) YEARS FOR THIS PROJECT AT ZERO PERCENT INTEREST ON A REQUEST ONLY BASIS.

City Attorney Langel suggested if the policy and existing terms are to be modified, it would be best that they be modified in the same manner for all assessments.

Finance Director Hillman stated assessment income is used to pay back the debt on the project and twenty years is a long time to extend it out.

MOVED AND SECONDED BY ALDERMEN JOHNSON AND HILGART TO AMEND THE ORIGINAL MOTION TO FIFTEEN (15) YEARS AT ZERO PERCENT INTEREST FOR ALL ASSESSED PROJECTS.

Council Member Bevans stated there is a deferment of assessment policy in place and can already be difficult to collect on. He does not agree with changing the policy that was adopted this year.

City Engineer Sandy read the current policy and payment provisions that were adopted at the August 6, 2018 council meeting.

City Attorney Langel stated the policy is in place. If the desire is to make changes, the policy would need to be amended and Council should not operate against the current policy.

City Administrator Torstenson urged Council to keep in mind the proceeds from assessments are used to pay for future road projects.

Council discussion took place.

MOVED AND SECONDED BY ALDERMEN JOHNSON AND HILGART TO AMEND THE AMENDED MOTION TO FIFTEEN (15) YEARS AT 3.3% INTEREST FOR ALL ASSESSED PROJECTS.

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

MOVED AND SECONDED BY ALDERMEN BEVANS AND BADEAUX TO ADOPT RESOLUTION NO. 50:18 ORDERING ASSESSMENTS AS PROPOSED FOR IMPROVEMENT 17-13.

RESOLUTION NO. 50:18

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

Public Hearing – Downtown Special Services, Downtown Snow Removal and 2018 Nuisance Assessments – Adopted by Resolution 51:18

Finance Director Hillman stated these assessments are spread over a period of one year. A resident did call City Hall inquiring about a payment plan for the nuisance assessment on their property and direction is requested.

The Chair opened the Public Hearing at 8:38 p.m.

The Chair recognized Ms. Laura Bisted, business property owner at 608 Front Street stated she is not contesting the snow removal fees. The problem is when snow is plowed and left in the middle of the street for two days, as this hinders customer parking on the street until the snow is removed. She also indicated there is a problem with vehicles parked illegally on

Front Street. She explained there are other issues she would like address: 1) The flowers planted in the planters on Front Street are not as nice as the other areas of downtown. 2) Weeding does not get done and there is no garbage can nearby. 3) A better bike rack that accommodates more bicycles is needed for the residents that rent the apartments on Front Street.

City Engineer Sandy stated they try to address the snow removal as fast as possible. However, when snow is continually falling, it makes more sense to wait until it is done. He will monitor the issue of the center row of snow this winter.

The Chair recognized Mr. Todd Bisted, business property owner at 608 Front Street. Mr. Bisted added when the plows come through the street, they do a poor job of getting close to the curb. This results in people having to walk over snow and ice humps to get to the sidewalk, as well as cars parking on the sidewalk because there is no distinction of the curb.

The Chair recognized Mr. Edwin Menk, business owner of E.L. Menk Jewelers at 623 Laurel Street indicated the assessments for snow removal started approximately 20 years ago after downtown business owners discussed the need for services. Prior to that, the windrows of snow in the center of the street would be there for several days. The City works hard to clean up all the snow and they have a large territory to cover.

The Chair recognized Ms. Aleathea Modlin, property owner of 506 7th Ave NE, who is contesting the nuisances that have been assessed to her property. She stated she is a single mom with two jobs, has experienced medical issues this past two years and tries her best to keep her property cleaned up. She claims she was not notified from the City until this assessment letter came saying she owes \$750 and the wording in the letter is unclear. City Administrator Torstenson and City Engineer Sandy will follow up on the issue.

The Chair recognized Mr. David Braverman, property owner of 1113 Rosewood St. who had obtained a building permit to construct a garage. Since then, he had money stolen from him and could not complete his project in the time allowed. The City has sent him letters regarding the unfinished project as well as junk in the yard. He indicated it is frustrating to get a letter saying money is owed and maybe send a reminder that there are past due amounts before it gets to the point of being assessed. He stated the City needs to understand his rights as a private property owner and he does not appreciate pictures being taken of his property.

The Chair closed the Public Hearing at 8:57 p.m.

Council Member Badeaux stated he would like to revisit the process of assessment letters and the wording used. The goal is to have the property issues taken care of in a timely manner without needing to issue citations.

City Administrator Torstenson stated the timeframe has been extended for the trash and garbage nuisance abatements to a seven-day notice to allow for another trash pickup cycle. She will work with staff on revising the letters and reviewing timelines.

Council Member Johnson indicated it is not the wording of the letters; it is the fact the City is paying someone to drive around taking pictures of petty concerns in people's yards when their neighbors don't even complain about and it's ridiculous.

City Planner Ostgarden stated the results of Community Survey's that have recently taken place are showing residents want better and more enforcement in the community, not less.

MOVED AND SECONDED BY ALDERMEN BEVANS AND JOHNSON TO ADOPT RESOLUTION NO. 51:18 ORDERING THE SPECIAL ASSESSMENTS AS PROPOSED FOR THE DOWNTOWN SPECIAL SERVICES DISTRICT, DOWNTOWN SNOW REMOVAL AND 2018 NUISANCE ASSESSMENTS EXCLUDING THE CONTESTMENTS AT 506 7TH AVE NE AND 1113 ROSEWOOD UNTIL NOVEMBER 5, 2018 TO REVIEW.

RESOLUTION NO. 51:18

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

Vacating a Portion of NW 3rd Street and William Street in West Brainerd – Adopted by Resolution No. 52:18

MOVED AND SECONDED BY ALDERMEN JOHNSON AND BEVANS TO ADOPT RESOLUTION NO. 52:18 TO VACATE A PORTION OF WILLIAM STREET AND NW 3RD STREET.

Council Member Badeaux reviewed some concerns from the last council meeting regarding the public forum and made a formal apology.

RESOLUTION NO. 52:18

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

Public Forum

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

No one came forward.

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

Staff Reports

City Engineer Sandy stated the ribbon cutting event for South 6th Street will take place on October 31st at 11:30 a.m. at the corner of 6th and Laurel Street.

City Planner Ostgarden stated the November Planning Commission meeting may be taking place on a different date due to the Thanksgiving holiday.

City Administrator Torstenson attended the League of MN Cities Regional Meeting and discussed the upcoming legislative session. She stated she has started to arrange meetings with the legislators for beginning topic conversations about the 2019 session. The Citizen's Water Tower Committee is meeting for the first time on Wednesday, October 24th at 5 p.m. in the 2nd floor conference room at City Hall.

MOVED AND SECONDED BY ALDERMEN JOHNSON AND STUNEK, DULY CARRIED, TO EXTEND THE ENDING DATE TO FUNDRAISE FOR THE WATER TOWER TO OCTOBER 24, 2020 TO ALLOW A FULL TWO YEARS.

Mayor Menk announced he attended presentations from the three finalists of the Destination Downtown 2.0 competition at the Chamber of Commerce last week, along with City Administrator Torstenson and Council Member Johnson. The winner will be announced at the Chamber of Commerce on November 15th. He stated since the Parks Department no longer has a lift truck, a decision needs to be made regarding the downtown Christmas décor.

Council Member Reports

Council Member Lambert stated she also attended the League of MN Cities Regional Meeting last week.

Council Member Bevans stated the City is looking for volunteers to be a part of the Rental Housing Ordinance Review Committee, which will consist of two landlords, two tenants and one at-large council member. He announced the Pumpkin Fest at Gregory Park over the weekend had a great turnout.

Council Member Hilgart has been working with the Self-Healing Communities as a volunteer with their project and was happy to have them present to the Council this evening.

MOVED AND SECONDED BY ALDERMEN HILGART AND JOHNSON, DULY CARRIED, TO PROVIDE A \$1,000 CONTRIBUTION TO THE SELF-HEALING COMMUNITIES PROJECT.

Council Member Hilgart stated the Fire Department staff did a great job at their Open House last week.

Council Member Hilgart had the opportunity to screen applications for the Community Development Director with City Administrator Torstenson and HR Coordinator Schubert. It was acknowledged that some are traveling a distance to interview and a \$200 reimbursement for travel expenses and one-night stay in a hotel will be offered.

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.

Motion to Closed Session Pursuant to MN Statutes 13D.05, Subd. 3(B) for Attorney-Client Privilege to Discuss the IAFF V. City of Brainerd Lawsuit

Motion to Closed Session Pursuant to M.S. 13D.03 to Discuss Labor Negotiation Strategy – 9:25 p.m.

The Chair reconvened into open session at 10:34 p.m.

Recess to Facility Discussion Workshop – Wednesday, October 24, 2018 at 6:00
p.m.

The Chair adjourned the meeting at 10:35 p.m.

Cassandra Torstenson
City Administrator

CITY OF BRAINERD
LICENSED CONTRACTORS
CITY COUNCIL MEETING
November 5, 2018
(4 New, 2 Renewals)

CONTRACTOR	TELEPHONE	TYPE	INSURANCE	BOND	STATE NO.
PROFESSIONAL MECHANICAL SERVICES LLC 18983 YORK STREET NW, STE C ELK RIVER, MN 55330 18-0237 (new)	(763) 205-6820	MECH	8/22/2019	8/21/2020	MB003767
EL-JAY MECHANICAL, INC. 520 APOLLO AVENUE NE ST. CLOUD, MN 56304 18-0238	(320) 251-8330	MECH	10/1/2019	1/1/2019	MB659649 PC659649
W. GOHMAN CONSTRUCTION CO. 815 EAST COUNTY ROAD 75 PO BOX 250 ST. JOSEPH, MN 56374 18-0239 (new)	(320) 363-7781	GENL	4/1/2019	12/31/2018	
EXTREME PLUMBING AND HEATING INC 7516 BLUE WATER BEACH ROAD WALKER, MN 56484 18-0240 (new)	(218) 851-2048	PLUM	5/16/2019	12/31/2018	PC716813
MIDWEST MAINTENANCE & MECHANICAL INC 750 PENNSYLVANIA AVE S GOLDEN VALLEY, MN 55426 18-0241 (new)	(763) 513-5582	GENL	3/29/2019	12/31/2018	BC631622 PC691055 MB003341
UP NORTH FIREPLACE GALLERY 29707 394TH PLACE AITKIN, MN 56431 18-0242	(218) 454-1040	MECH	3/1/2019	2/10/2020	MB646415

Brainerd Fire Department

To: Mayor and City Council
From: Tim Holmes, Brainerd Fire Chief
Date: November 1, 2018
Re: October 2018 Activity Report

October was National Fire Prevention month and was filled with fire safety public education events and our annual fire department open house. We interacted with more than 3,500 children and 1,500 adults. We presented fire safety talks at almost every elementary school in the area, and several daycares and learning centers. We participated in the ECFE Touch a Truck and the Home Depot Kids Safety Day, and spoke to a large group of parents about fire safety at ECFE.



We participated in Halloween events at Brainerd Cub Foods and Brainerd Police Department.



All our firefighters were very involved in all our community events and we could not have been at all the events without them. A special thanks to our firefighter families for helping with the open house.



October training included a variety of topics including: EMS, Hose/Nozzle Movement and Deployment, Forcible Entry, and Search and Rescue. Chief Holmes and FM/DC Cox attended the MN State Fire Chiefs Association annual conference in St. Paul. Chief Holmes attended the R5 Summit at Sourcewell. The keynote speaker for the summit was Joe Schmit from KTSP. FM/DC Cox attended Cyber Incident Response training at Sourcewell. Both trainings at Sourcewell were very informative and valuable to attend.

Nick Haglin was selected for the 2018 Distinguished Service Award for 'Outstanding Community Service Provider of the Year'. *Nick has been a member of the Brainerd Fire Department for a little more than 2 years and is an excellent firefighter and member of our organization. He was very driven even before getting on the department as he tested several times before getting hired. Nick is willing to help with extra activities like fire safety in the schools and public education events. Nick is always seeking new training opportunities and has a desire to always be improving himself and his firefighter skills. Nick assists with the department field training program for new firefighters.*



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

Structure Fire	2
Grass Fire	1
Dumpster Fire	1
Motor Vehicle Crash with Injuries	1
Extrication, Rescue	2
Gas Leak/Spill	2
Assist Other Governmental Agency	3
Unauthorized Burning	3
Mutual Aid	1
Good Intent Call	9
Canceled Enroute	11
Sprinkler Activation	1
Alarm System Activation	13
Carbon Monoxide Alarm Activation	1
Total	51

City of Brainerd Incident Report

Structure Fire	1
Dumpster Fire	1
Extrication, Rescue	2
Gas Leak/Spill	2
Assist Other Governmental Agency	3
Unauthorized Burning	3
Good Intent Call	5
Canceled Enroute	6
Sprinkler Activation	1
Alarm System Activation	10
Carbon Monoxide Alarm Activation	1
Total	35

Parks and Recreation Report

November 2018

Submitted by Tony Sailer, Director

- Staff met with Ski Loons president Dr. Chris Dens to discuss concerns of a family that lives on Rice Lake where practices and shows take place. Discussion included limiting practices, moving the dock closer to the public beach, using different angles to get further out into the main body of water, how close the boats/skiers are to neighboring docks, etc. Dr. Dens was asked to consider various possibilities and come up with a plan to limit practices, change angles and having the bi-weekly “beginners” practices moved to a different lake.
- The Brainerd VFW, Disabled American Veterans and Brainerd Eagles Club have expressed interest in purchasing and donating a World War II memorial monument to be placed at Memorial Park. The Park Board approved the project, with staff providing equipment and manpower to install the monument in 2019.



- ^ Matt Soukup, along with volunteers, constructed a pergola in Gregory Park on Oct. 13. The project was the final step needed for Mr. Soukup to earn the rank of Eagle Scout.
- The fall kickball season concluded Oct. 16 and the fall adult softball season ended Oct. 22.
 - The Gregory Park archway is being repaired and new shingles have been installed at Lum Park pavilion #2 and the Mills Field garage.



- ^ The 12th annual Great Pumpkin Festival took place in Gregory Park on Oct. 13. Approximately 200 people braved cool temperatures, wind and occasional mist.
- The maintenance crew spent the past month winterizing water lines, buildings and equipment; reorganizing the storage building, washing and storing garbage containers, painting the sign at Laurel and South 6th streets, storing picnic tables and covering flower beds throughout the park system.

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

November 5, 2018
City Council Chambers
7:00 P.M.

1. Cuyuna Lakes State Trail Joint Powers Agreement and Next Steps
2. Downtown Snow Removal Bids
3. Local Road Improvement Program – NW 4th Street (Riverside Drive) Next Steps
4. Resolution – Advancing Municipal State Aid Funds FY 2019



Brainerd City Council Agenda Request

Requested Meeting Date: November 5, 2018

Title of Item: Cuyuna Lakes State Trail Joint Powers Agreement and Next Steps

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☒ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☒ Direction Requested ☒ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: City Engineer Sandy	Department: Engineering
Presenter (Name & Title): City Engineer Sandy	Estimated Time Needed: 10 Minutes
Summary of Issue: Staff has attached a memo in which outlines the status to date about the potential funds for the Cuyuna Lakes State Trail connection in Brainerd and the next steps to ensure the joint powers agreement can be authorized before the end of the year.	
Alternatives, Options, Effects on Others/Comments: See the attached memo.	
Recommended Action/Motion: Staff would like authorization to work with SEH to formulate a phasing plan and work with the DNR to develop a cooperative agreement for authorization by resolution at the next regular council meeting.	
Financial Impact: Is there a cost associated with this request: ☐ Yes ☒ No What is the total cost, with tax and shipping \$ _____ Is this budgeted? ☐ Yes ☐ No <u>Please Explain:</u>	



MEMO

TO: Safety and Public Works Committee

FROM: City Engineer Sandy

DATE: October 30, 2018

SUBJECT: Cuyuna Lakes State Trail Consideration and Joint Powers Agreement with the DNR

In this memo, staff would like to outline how this process has unfolded thus far and the next steps the committee and council will have to consider, in a short timeframe albeit, in order to secure the funding from the DNR that was left over from the 2014 legislative bonding appropriation for the construction of the Cuyuna Lakes State Trail.

Work Already Completed

On September 10, 2018, DNR staff reached out to City staff to discuss the development of the Cuyuna Lakes State Trail with the funding balance of the 2014 bonding appropriation for the construction of the Trail in Deerwood. Preliminary numbers show that there will be a little more than \$1 million remaining for the construction of the trail connection in Brainerd.

I had a meeting with DNR staff consisting of Kent Skaar, Wade Miller, and Curt Westerman on October 1st to discuss the logistics of the trail and what the DNR would need from the City. At the October 1st council meeting, staff reported the meeting with the DNR and asked the council to consider authorizing staff to send a letter to the DNR in which outlined the City of Brainerd's commitment to the construction of the trail within the Brainerd City limits, and the ultimate designation of portions of the existing trail system to the Cuyuna Lakes State Trail. The letter can be seen attached to this memo. Concurrently, staff also drafted a letter to BNSF railway staff to consider right-of-way acquisition for the placement of the trail on BNSF property. Copies of the letter and the reply from the railroad can be seen attached. The short reply from the railroad is such that they are not in favor of the trail crossing at 13th Street, due to the nature of the trail having to cross 3 active tracks at this location. Since that reply was received, staff has been researching other alignments for the trail consisting of the use of more Highway 210 right-of-way or Kingwood Street. I have attached a diagram for review.

Upon preliminary consideration from the DNR, they concluded that the DNR and the City can move forward with a Joint Powers Agreement between the DNR and the City to utilize the remaining funding from the 2014 bonding appropriation, which is where we are at today. The

DNR has specific requests of the City before moving forward drafting of the resolution and agreement, at the latest to be considered at the November 19, 2018 City Council meeting. It is important to note that this agreement must be in place before the end of the year to ensure the protection of this funding for this purpose.

Next Steps

The DNR is requesting more information to be included in the Joint Powers Agreement, simply through an email from the City. This information includes a phasing plan, estimated costs for each phase, a timeline for design, engineering, right-of-way acquisition, and construction of the preferred route. The current workload in the engineering department does not allow for current staffing to handle a project with this scope with the current staffing. Staff is proposing utilizing Short Elliot Hendrickson to assist staff through the design, engineering, and construction process of this trail, all of which is reimbursable through the funds. A preliminary phasing plan has already been considered with SEH staff including the following:

Phase 1: Preliminary Design – Winter/Spring 2019

Phase 2: Right-of-Way Acquisition – Spring/Summer 2019

Phase 3: Final Design and Bidding – Fall/Winter 2019/2020

Phase 4: Construction – Spring/Summer 2020

Staff has requested SEH staff to provide estimated costs for each phase to be presented to the DNR through an email. Staff and the DNR have a preferred route for the trail, but it is dependent upon right-of-way acquisition along Highway 210 and easement from the railroad in specific areas.

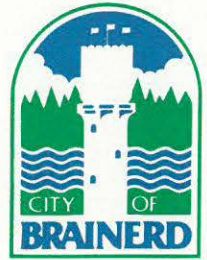
What is before the committee and council tonight is to authorize staff to continue working with SEH and the DNR to formulate a phasing plan, costs, articulated reasons for the preferred route, and drafting of the Joint Powers Agreement, to be presented to the council on November 19, 2018 at the City Council Meeting. Upon conclusion of the agreement and signatures on the document, the City can begin preliminary engineering and encumbering funds to be reimbursed after the Joint Powers Agreement is in place. I have also attached a few previous Joint Powers Agreements that the DNR has formulated with other cities/counties so that the committee and council can have a preliminary look at what will be presented to them on November 19.

This work is very time dependent, and staff is hoping the committee and council will consider staff's request to work with SEH and the DNR to ensure the funds can be used for this purpose and that the Joint Powers Agreement can be executed before the end of the year.

Staff will be available to answer any questions the committee and council may have.

October 2, 2018

Ms. Cathy Clune and Ms. Julie Heyen
JLL – Rail Practice Group
4525 White Bear Parkway, Suite 224
White Bear Lake, MN 55110



www.ci.brainerd.mn.us

Re: Cuyuna Lakes State Trail Connection within City of Brainerd's Corporate Boundaries

Dear Julie and Cathy,

Speaking on behalf of the Brainerd City Council, we would like to express our appreciation for the willingness of you and your team to talk with the city about future opportunities to work together collaboratively in the revitalization of Brainerd's downtown core, the Northern Pacific Center, and the Mississippi riverfront.

City staff were recently invited to a meeting with the Minnesota Department of Natural Resources (MnDNR) to review excess dollars from the 2014 bonding appropriation for the construction of Cuyuna Lakes State Trail. Through conversations with DNR Parks and Trails staff, they have indicated that the legislation left the door open to excess funds being used for the infill segment of the Cuyuna Lakes State Trail within the City of Brainerd as has been discussed with you and your staff, and what can be seen on the attached maps. Concurrently with this letter, the city will be drafting a letter of commitment to the MnDNR expressing the trail segment viability, the commitment of the city to enter into a joint powers agreement to be appropriated the excess funds, and the commitment to future trail maintenance by city personnel on the trail segments constructed and designated as the Cuyuna Lakes State Trail within the corporate limits of Brainerd.

At previous meetings, BNSF provided verbal willingness to provide easement or right-of-way across BNSF property adjacent to Highway 210 between Gillis Avenue and 5th Avenue NE. The potential trail corridor being considered for connection of Brainerd's existing trail system includes the use of easement or right-of-way along BNSF property. While verbal commitment was offered at this previous meeting, the city would like to continue conversations about obtaining easements or rights-of-way on the identified trail corridor consisting of the south side of Trunk Highway 210 from 5th Avenue NE to Gillis Avenue, the west side of 13th Street SE (County State-Aid Highway 45) from Trunk Highway 210 to Laurel Street, and a future connection across the low lying area to the west to connect the trail to our downtown. We have also identified a spur of the trail heading south down the existing spur line to connect into what is considered Buffalo Hills Trail at the intersection of Norwood Street and South 11th Street.

As part of these conversations, we would like to direct your attention to the attached map for the request being made by the City of Brainerd. The request includes obtaining an easement or right-of-way along the south side of the TH 210 corridor from Gillis Avenue to 5th Avenue NE, a potential slope easement on the west side of 13th Street SE from TH 210 and south to the BNSF tracks, permission to

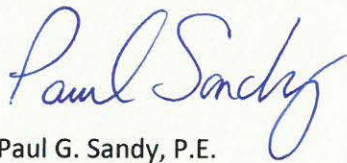
cross the tracks with a multi-use trail on the west side of 13th Street SE at the intersection of the BNSF tracks, trail easement or right-of-way on the west side of 13th Street SE from the BNSF tracks and south to Laurel Street, and trail easement or right-of-way west and south of the platted Laurel Street right-of-way, and a permission to cross the existing Spur Line at the intersection of Laurel Street and 11th Street South. This trail would provide for the connection of the Cuyuna Lakes State Trail through the corporate limits of Brainerd.

The City recognizes this as a great opportunity to work collaboratively with BNSF on a joint and mutually beneficial project for both the City of Brainerd and BNSF Railway. This trail connection is vitally important to all the the concurrent efforts within the city including the River to Rail Initiative, riverfront development, and downtown revitalization. The city appreciates any insight or direction BNSF Railway can provide to the identified trail corridor along with any written commitments to provide the city with the requested property or easement acquisition.

The urgency of this request cannot be understated, as the 2014 appropriation of bonding dollars has a sunset date of December 31, 2018, unless re-appropriated to the City through a joint powers agreement with the MnDNR. The city must enter into a joint powers agreement with the MnDNR before the end of the calendar year, or risk losing the chance of this money being appropriated for this use. The commitment of this property from BNSF Railway will allow the City to continue drafting a joint powers agreement with the MnDNR for the infill segment of trail identified on the attachments along with setting the city up to be competitive in grant writing for future trail funding through MnDOT's Transportation Alternatives program.

Thank you for your time and thought given to this important matter and will look forward to a response from your team.

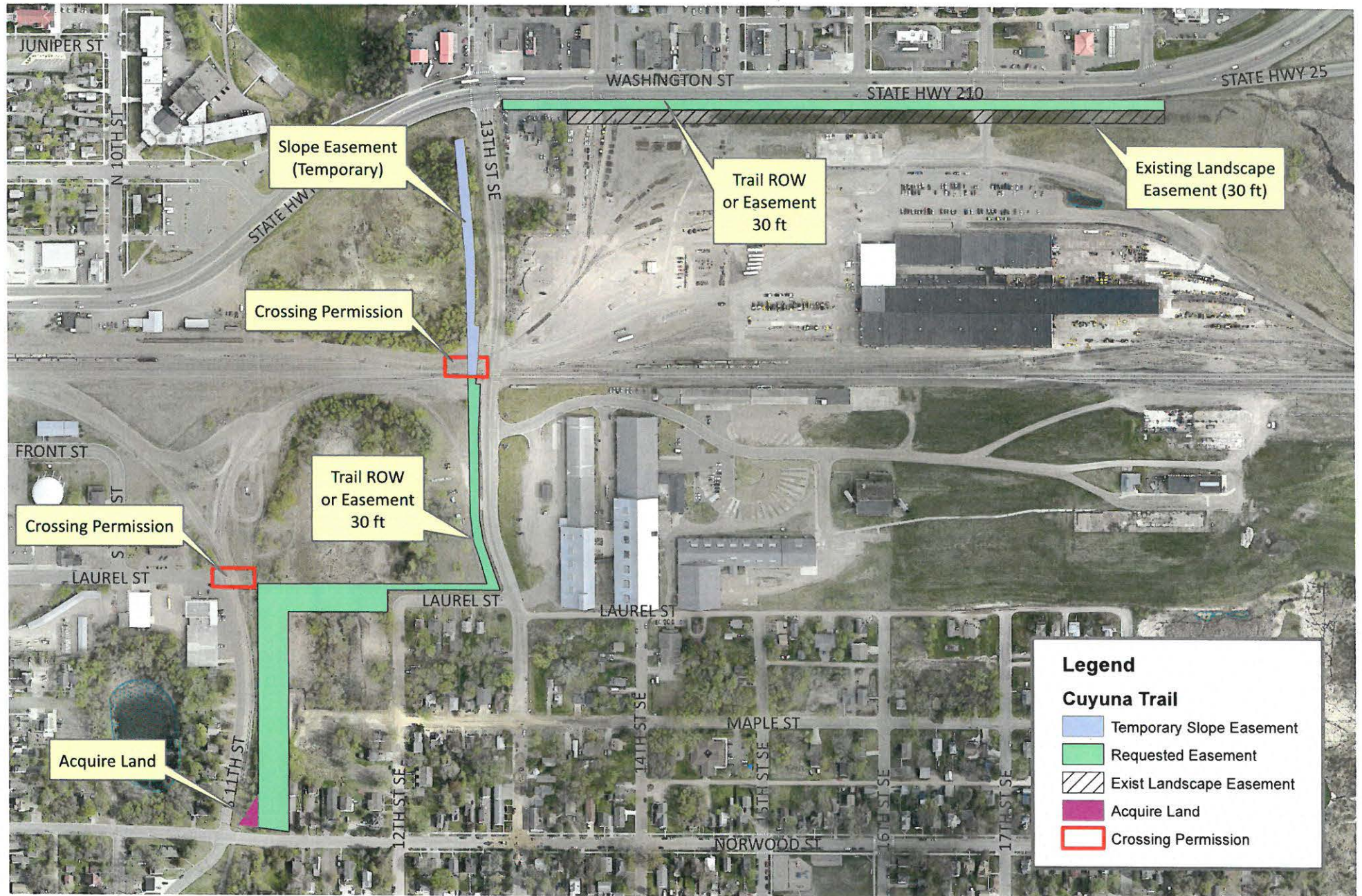
Sincerely,

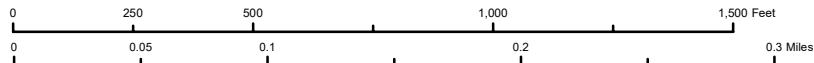
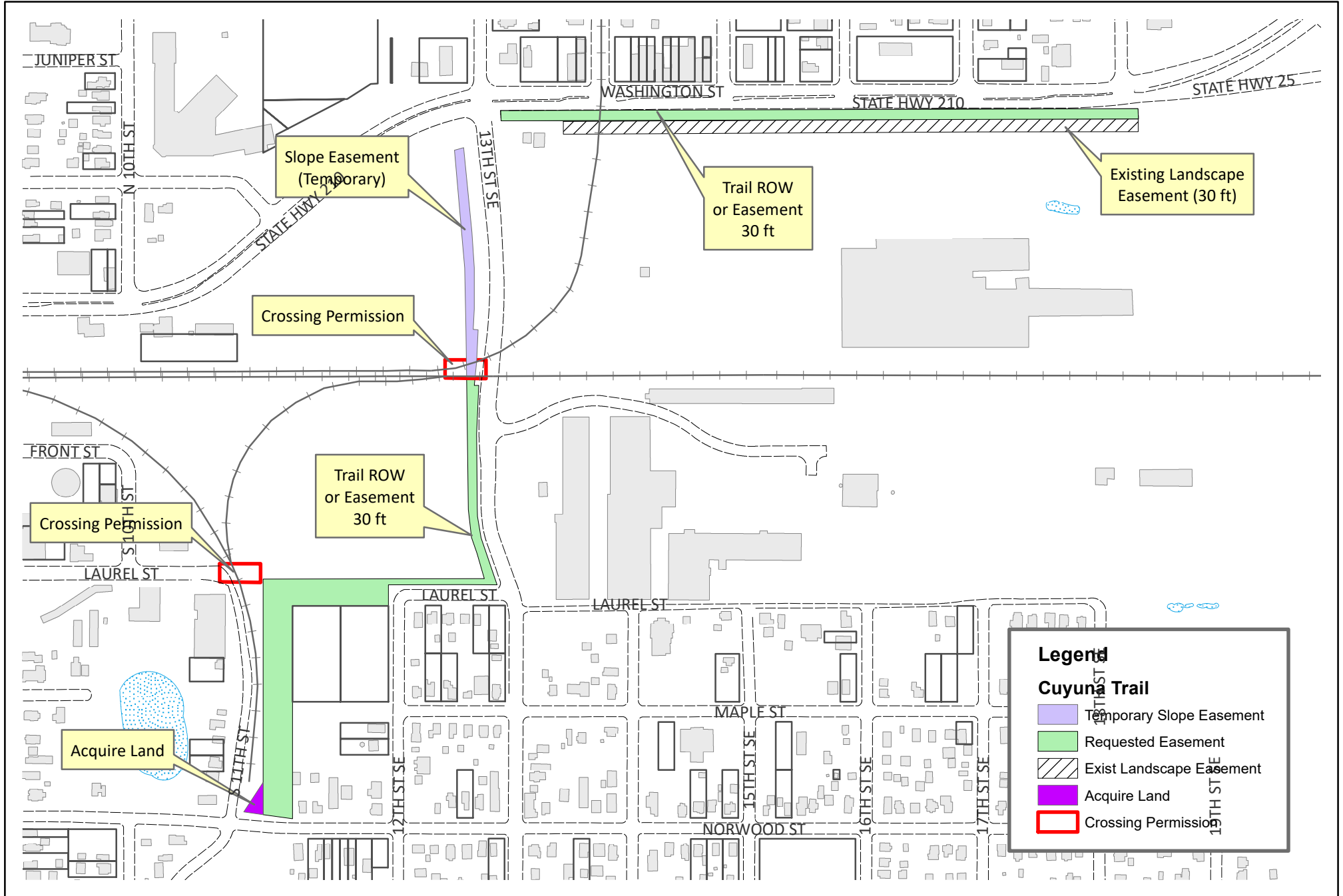
A handwritten signature in blue ink that reads "Paul Sandy". The signature is fluid and cursive, with the first name "Paul" and last name "Sandy" clearly distinguishable.

Paul G. Sandy, P.E.
City Engineer
City of Brainerd

Cc: Amy McBeth – BNSF Railway
Brainerd Mayor and City Council
Cassandra Torstenson – City Administrator
Mark Ostgarden – City Planner

Enclosures (2)







Richard Scott
Manager Public Projects
MN, ND, SD

BNSF Railway Company
80—44th Avenue NE
Minneapolis, MN 55421
Phone: (763) 782-3492
richard.scott2@bnsf.com

October 10, 2018

Paul Sandy, P.E.
City Engineer, City of Brainerd, MN
501 Laurel Street
Brainerd, MN 56401

Re: Brainerd, MN Proposed Cuyuna Lakes State Trail Connection Parallel and Crossing BNSF

Mr. Sandy:

Please find enclosed the formal BNSF position paper regarding At-Grade Trails and Parallel Roadways in response to the City of Brainerd proposed plans for the Cuyuna Lakes State Trail Connection.

In general, parallel roadways and trails are not allowed on BNSF property. BNSF right-of-way is reserved for railroad infrastructure and expansion to ensure that current and future customer demands can be met. BNSF is not in support of parallel trails or grade crossing expansion projects, but is willing to consider them when the project includes the elimination of one or more at-grade railroad crossings within the City or County.

In addition, the trail must meet the guidelines and requirements of the Manual on Uniform Traffic Control Devices (MUTCD), and the trail owner is responsible for entering into the proper licensing agreement with BNSF prior to construction. BNSF may require other features at its discretion as plans are further developed, including fencing, signage, pavement marking, etc.

BNSF will not consider a trail which plans include a new standalone public at-grade pedestrian crossing.

We will continue to work with the City on plans and requirements for accommodating your request.

Should you have any questions, please feel free to contact me.

Sincerely;

Richard Scott
BNSF Railway
Manager Public Projects
MN, ND, SD

BNSF Position on At-Grade Trails and Parallel Roadways

This generally addresses Agency Sponsored projects that include parallel roadways or pedestrian, bicyclist, or multi-use trails on or adjacent to BNSF right-of-way (ROW).

Parallel trails and roadways:

- In general, public parallel roadways or trails are not allowed on BNSF property. BNSF ROW is reserved for railroad infrastructure to ensure that current customer demands are met and to support future expansion needs.
- BNSF's maintenance and inspection roads are for the duties of operating, maintaining, and inspecting track. Public uses of railroad service roads are not acceptable for public roadway or trail use.
- BNSF rail bridges are designed to carry train traffic and are not designed for multimodal use. Trails parallel and/or attached to railroad bridges are not allowed.
- If trail is adjacent to BNSF property, fencing should be installed along the trail to keep users off of BNSF property.
- Trail construction and maintenance shall not reduce the BNSF ROW or adversely impact train operations during construction.
- Increased pedestrian activity adjacent to active track increases exposure points to train movement and potential for trespassing. Efforts to deter trespassing should be included in any trail project.

BNSF will consider accommodating parallel roadways within BNSF ROW when the new roadway will eliminate one or more at-grade crossings.

Trails crossing BNSF tracks at-grade:

- BNSF may accommodate trails that cross the tracks or BNSF ROW.
- Trails crossing the tracks at-grade must cross adjacent to an existing public at-grade crossing. Stand-alone at-grade trail crossings are not allowed.
- The trail should cross the railroad tracks at a 90-degree angle.
- Trail crossing must meet the requirements of the Manual on Uniform Traffic Control Devices, (MUTCD).
- Trail owners must enter into the proper license agreement with BNSF and be responsible for the ownership and maintenance of the trail.
- BNSF may require specific trail features at its discretion.

Trails combined with drainage structures are not allowed. For guidance on grade separated trails, refer to the Union Pacific Railroad – BNSF Railway Guidelines for Railroad Grade Separation Projects.

BNSF publishes position statements to clarify BNSF's position on the subject matter. The information contained in a position statement is neither exhaustive nor exclusive to all circumstances or individuals. The relevance and implementation of these recommendations may be affected by local, state, or federal statutes, other rules or regulations, and differing project conditions. Position statements are not intended to provide any approval of a public agency project. Nothing in this position statement, supersedes or supplements the terms of a governing agency agreement with BNSF. The position statement should not be relied upon as being inclusive of all BNSF's policies on the subject matter, but only as a resource. BNSF takes great care in publishing position statements and reserves the right to rescind or modify these statements at any time.

*Approved by Craig Rasmussen, AVP Engineering Services and Structures
Date Approved: August 16, 2017*

October 2, 2018

Mr. Kent Skaar
Senior Project Manager
Minnesota Department of Natural Resources – Parks and Trails Division
500 Lafayette Road
St. Paul, MN 55155



www.ci.brainerd.mn.us

Re: Cuyuna Lakes State Trail Connection to Paul Bunyan Trail and 2014 Bonding Appropriation

Dear Mr. Skaar

On behalf of the City of Brainerd, the Mayor and the City Council, I am writing this letter to you in reference to the funds for design and construction of the Cuyuna Lakes State Trail (CLST) from the 2014 bonding appropriation, and the re-apportionment of those funds consistent with the 2014 bonding bill by the Legislature to make the connection of the CLST with the Paul Bunyan Trail.

The Brainerd City Council has identified the construction and connection of the CLST within the corporate limits of Brainerd as a priority and a major economic driver in its development of the Mississippi riverfront, the re-development of the Northern Pacific Center, and the revitalization of the Brainerd downtown. Since 2014, the city has been working with BNSF Railway to acquire an easement to the land adjacent to Trunk Highway 210 (TH 210), rail crossing permissions, and other easements necessary for the trail construction and connection to the existing Brainerd trail network. It is the desire of the City, using a Joint Powers Agreement with the DNR, that portions of the existing trail network in Brainerd would be designated as the CLST once the final connection is made within corporate boundaries. These existing trail segment as-built plans have been provided to local DNR staff for review for potential CLST designation.

While working through requests for Transportation Alternatives funding, legislative bonding, and other grant opportunities, the City has identified the most feasible alignment for the construction of the trail connection, along with identifying potential barriers to the construction of the trail. The City has had numerous meetings with Burlington Northern Santa Fe and Jones Lange LaSalle staff and have received verbal commitment from BNSF Railway on easement acquisition on large portions of the potential trail connection. In conjunction with this letter, the City has requested written commitment from BNSF Railway to provide other necessary easements and right-of-way for the construction of the rest of the trail connection. Having a trail network already constructed in Brainerd has been a great asset to the City, and the final connection of this trail segment with existing trails within the City is a win-win for everyone involved.

The segment of infill trail would be constructed between two existing trails in Brainerd. While entering Brainerd from the East along Trunk Highway 210, a multi-use trail adjacent to the Trunk Highway 210 mainline exists on the north side of the road between Lum Park and 5th Avenue NE. While this trail needs some resurfacing and maintenance work, along with necessary ADA improvements, the City has identified this as a low-cost, high-reward project. With the grade already established and the right-of-

way designated for trail use in this area, a simple resurfacing of the existing trail is the most feasible alternative to meet DNR standards. The request for funding of the CLST trail connection in this letter begins at 5th Avenue NE, where it would cross to the south side TH 210 at a relocated signalized intersection. The current signal exists one block to the west and would be proposed to move as a part of this project. The trail alignment would run adjacent to BNSF property following the TH 210 corridor from 5th Avenue NE to 13th Street SE. From this location, the proposed trail alignment would run on the west side of 13th Street SE, cross the tracks south of TH 210, and continue south to Laurel Street, where the trail would use Laurel Street right-of-way and other property obtained from BNSF to ultimately connect to the Buffalo Hills Trail, which currently ends at the intersection of Norwood Street and S 11th Street. A diagram with the alignment identified above can be seen attached to this letter.

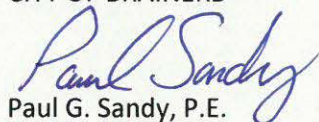
Through the City's identification of alignments, preliminary cost estimates, and discussion with you and local DNR Parks and Trails staff, we have concluded that the excess funds from the 2014 appropriation would cover most, if not all the design and construction of this trail connection and the resurfacing of the existing trails adjacent to TH 210. If the funding potentially received from this request does not cover expenses, or ineligible expenses are realized through the design and construction of the trail, the City Council is committed to cover any costs in excess that this project would encumber, including the necessary easements or right-of-way costs needed to construct the trail.

The City has a dedicated staff of maintenance personnel, along with a comprehensive pavement management system that would analyze pavement conditions of the trails, recommend appropriate pavement management techniques, and apply these techniques to ensure the longevity of the trail within the boundaries of Brainerd. The City has also revised winter maintenance practices to ensure trails are cleared as part of everyday snow removal within the City. While this is not a bare pavement policy, the City ensures that the trails are at least cleared to a state that a pedestrian can use the trail during the winter months without excessive snow accumulations being present.

The City would like to express the utmost commitment to the DNR to use these potentially appropriated funds in the most fiscally responsible way as practical along with using sound engineering practices and judgement through the design and construction of this potential trail connection. The City would also like to express gratitude to the MN DNR and its staff for working with City since the inception of the 2014 bonding appropriation and would also like to thank the MN DNR for this opportunity to request the re-appropriation of the excess funds from the 2014 bonding bill.

Please feel free to contact me with any questions or concerns. I look forward to hearing from you soon.

Sincerely,
CITY OF BRAINERD



Paul G. Sandy, P.E.

City Engineer

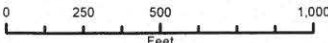
Cc: City Planner Ostgarden, City Administrator Torstenson, Mayor and Brainerd City Council
Curt Westerman and Wade Miller – Brainerd DNR



Legend

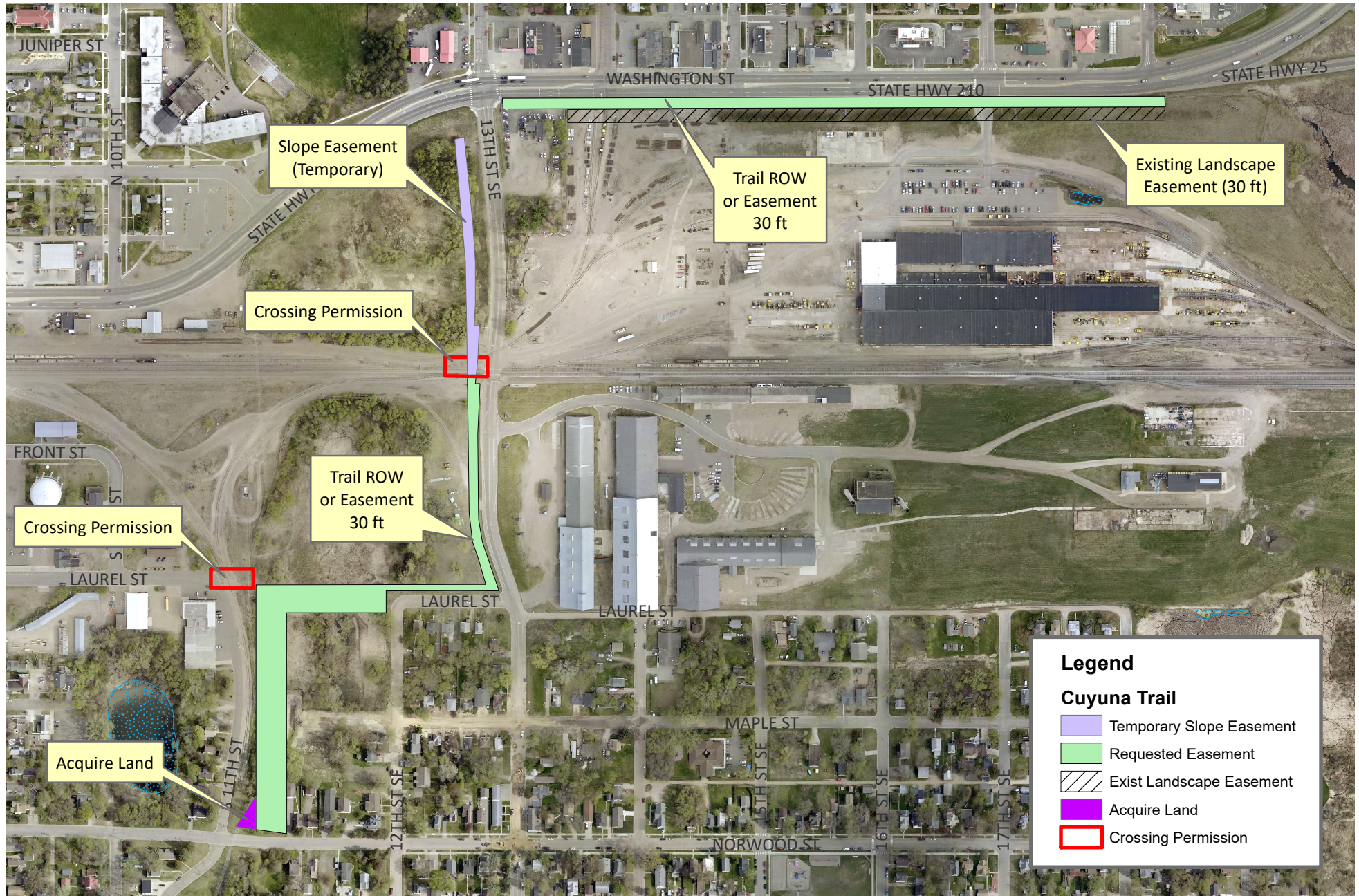
Trails

- Proposed Trail
- Local Trails
- Buffalo Hills Trail



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.

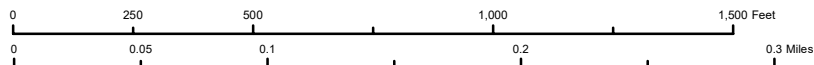


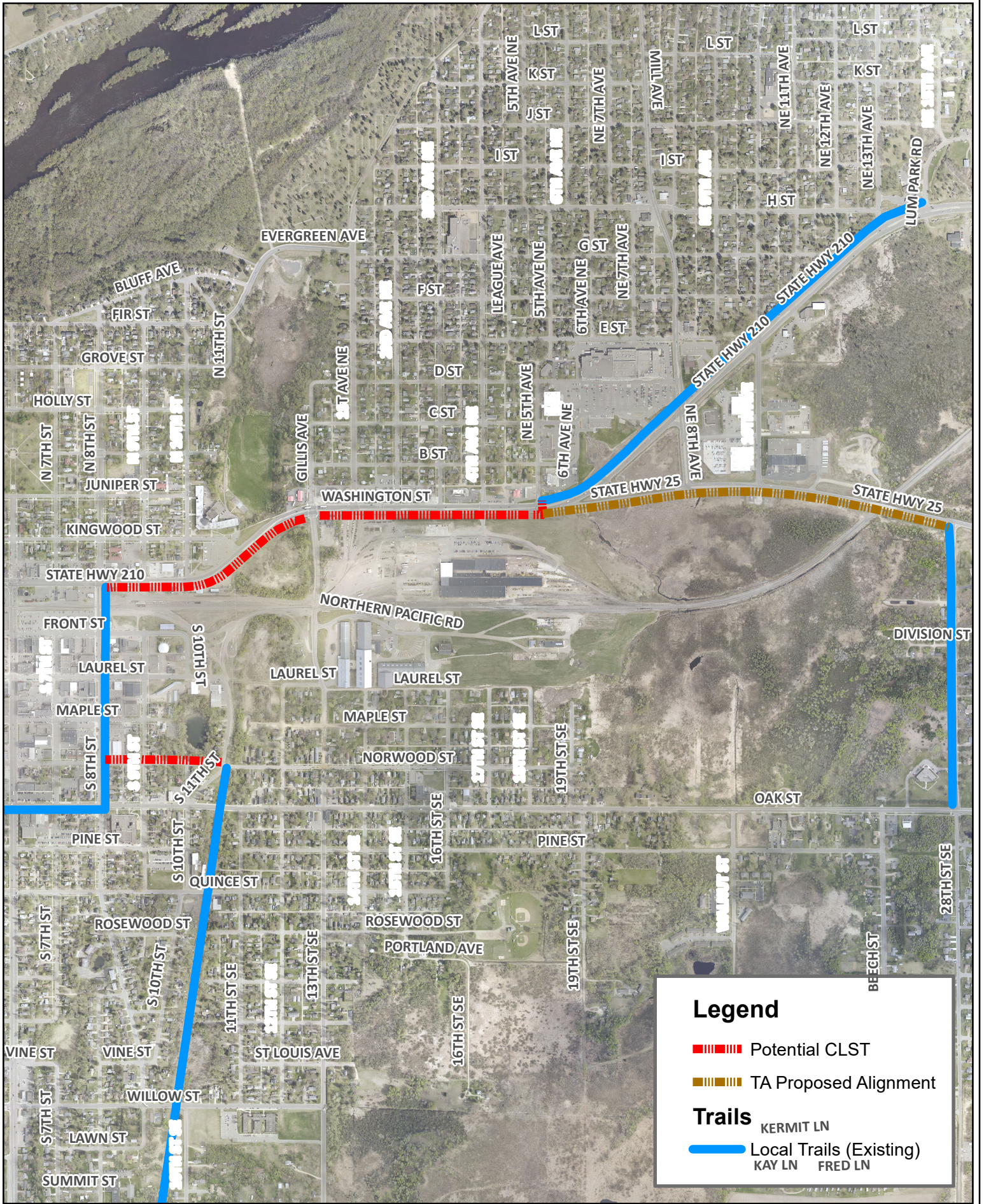


Legend

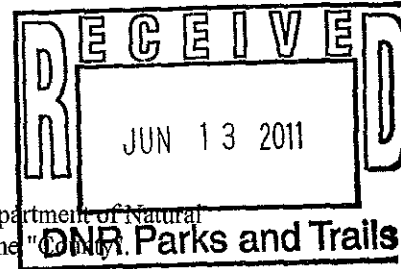
Cuyuna Trail

-  Temporary Slope Easement
-  Requested Easement
-  Exist Landscape Easement
-  Acquire Land
-  Crossing Permission





**CUYUNA LAKES STATE TRAIL
COOPERATIVE AGREEMENT
CONSTRUCTION OF THE CITY OF AITKIN SEGMENT**



This Agreement, between the State of Minnesota, acting by and through the Commissioner of the Department of Natural Resources, hereinafter referred to as the "State" and the County of Aitkin, hereinafter referred to as the "County."

WITNESSETH:

WHEREAS, the Commissioner of Natural Resources has the authority, duty and responsibility under Minnesota Statutes Section 85.015, sub. 24, to establish, develop, maintain and operate the Cuyuna Lakes State Trail; and

WHEREAS, the State and the County are authorized under Minnesota Statutes Section 471.59 to enter into agreements to jointly or cooperatively exercise common powers; and

WHEREAS, the State and County have determined that the development of the three mile segment of the Cuyuna Lakes State Trail located within the City of Aitkin from the Aitkin County Fairgrounds to the City of Aitkin Tank Trails Park is of high priority; and

WHEREAS, the County, the State of Minnesota, and the City of Aitkin, owns and/or has permanent easement upon which this segment of the Cuyuna Lakes State Trail corridor described as: Sections 23, 24, 25, 26, 35, 36, T47N, R27W, as shown in Exhibit A; and

WHEREAS, the County is prepared to construct this segment of the Cuyuna Lakes State Trail located in Aitkin County from the Aitkin County Fairgrounds to the City of Aitkin Tank Trails Park within the City of Aitkin, hereinafter referred to as "the Trail"; a concept corridor and design plan are attached hereto as Exhibit B; and

WHEREAS, the County has applied for and been allocated funding through the 2005 SAFE Transportation Equity Act: A Legacy for Users (SAFETEA-LU) for an amount equal to approximately 80% of the total cost of the construction of the Trail; and

WHEREAS, the County has been appropriated funding allocated by the 2005 SAFETEA-LU for the construction of the Trail; and

WHEREAS, the State has been provided funding by the 2005 Minnesota Legislature to provide the funding match required for the SAFETEA-LU funding and project contingency funding, and

WHEREAS, the County has requested to be the Lead Agency in the design, construction engineering, project administration, and construction of the Trail; and

WHEREAS, the State is willing to allow the County to build the Trail, including Trail design, construction engineering, project administration, and construction as hereinafter set forth; and

WHEREAS, the final design, plans and specifications for the Trail will be developed by the County and approved by the State; and

WHEREAS, upon completion, the Trail shall be the sole responsibility of the State; and

WHEREAS, a resolution or copy of the County Board meeting minutes authorizing the County to enter into this agreement is attached hereto as Exhibit C; and

NOW, THEREFORE, in consideration of the mutual benefits to be derived by the public bodies hereto and for the benefit of the general public, the parties agree as follows:

I. STATE'S DUTIES AND RESPONSIBILITIES

Cuyuna Lakes State Trail
County of Aitkin
MnDNR P&T 25Apr10

- a. The State shall provide technical assistance with the Trail design.
- b. The State shall provide funding assistance with the construction engineering and construction of the Trail. This funding shall be limited to the difference between the SAFETEA-LU funding available to the County and the final contract award costs, including the 20% funding match as required by the SAFETEA-LU.
- c. The State shall review and approve the preliminary and final plans for the Trail as prepared by the County. State plan approval and comment will be provided to the County by the State's designated Project Engineer.
- d. The State has the right to require the County to reject any and all bids for the construction of the Trail. The State will provide the County written notice of the rejection or the requirement for rejection no later than 30 days following upon receipt of a copy of the project low bid and an abstract of all bids.
- e. The County may not award any construction contract for the Trail without approval by the State. Written approval and concurrence to award the construction contract will be provided to the County by the State.
- f. The State reserves the right to inspect the Trail construction at any time to ensure that the County is in compliance with this agreement.
- g. All changes to the plans, specifications and/or special provisions to the Trail construction shall be subject to approval by the State. State approval and comment will be provided to the County by the State's designated Project Engineer.
- h. Upon completion, the State shall manage and administer the Trail, as the Cuyuna Lakes State Trail as established.
- i. The State shall permit the County to review and approve all modifications to the Trail or Trail corridor proposed by the State. County approval and comment will be provided by the County's designated Contact.
- j. The State will provide and install the appropriate signage for the Trail. The State shall also provide all trail related informational signs for the facility as determined by Department of Natural Resources policy.
- k. The State reserves the right to inspect the Trail at any time to ensure that the County is in compliance with this agreement.

II. COUNTY'S DUTIES AND RESPONSIBILITIES

- a. The County shall prepare the necessary plan, specifications, and proposal for the development of the Trail under the supervision of a registered professional engineer. The design shall meet ADA requirements and shall be approved by the State.
- b. The County shall seek reimbursement for all eligible Trail construction costs through its 2005 SAFETEA-LU allocation.
- c. The County shall perform all necessary bid advertisement, contract administration, construction engineering, staking, materials testing, record keeping and construction inspection, and shall administer the terms of the construction contract from contract award to certification of the final payment.
- d. The County has the right to reject any and all bids for the construction of the Trail. The County will provide the State written notice of the rejection or the requirement for rejection no later than 30 days following upon opening of the bids for the Trail construction.
- e. The County shall permit the State to review and approve any changes to the Trail as bid and awarded.

- f. The County shall obtain all rights-of-way, federal and state permits necessary for the construction of the Trail. The County shall provide the State certified copies of all rights-of-way, easement and permits required for the construction and administration of the Trail.
- g. The County shall allow the State to review and approve any alterations to the Trail as constructed.
- h. Upon completion, the County shall transfer all interest in the Trail and all Trail associated improvements to the State.

III. FUNDING

The State shall provide funding for its responsibilities under Article I (b)(h)(j) above, however, the total obligation of the State for the construction of the facility under Article I (b), as referenced in the Plan, not to exceed **\$105,000.00**. The obligation of the State is also limited to the amount of funds legislatively appropriated and administratively allocated to this project.

- a. *Effective Date:* May 15, 2010, or the State obtains all required signatures under Minnesota Statutes Section 16C.05, Subdivision 2, whichever is later.
- b. *Expiration Date:* December 31, 2011, or when all obligations under Article II (a)(c) has been satisfactorily fulfilled, whichever occurs first. No additional funding will be provided, unless agreed upon by all parties and an amendment to this Agreement is completed and executed.

Reimbursement will be due within thirty (30) days of the County's presentation of invoices for services performed and acceptance of such services by the State's authorized representative. The County will not receive payment for work found by the State to be unsatisfactory or preformed in violation of federal, state or local law.

The invoices presented to the State by the County for reimbursement will reflect and document the total State participation and the total 2005 SAFETEA-LU participation. Each invoice shall also be accompanied by a schedule outlining each of the following on the date of the invoice: the total project cost; the total of State matching funds reimbursed and requested; and the total of 2005 SAFETEA-LU funding reimbursed by and requested from the Federal Highway Administration through the Minnesota Department of Transportation.

The County shall seek reimbursement for all eligible Trail construction costs through its 2005 SAFETEA-LU allocation. 2005 SAFETEA-LU funding appropriations received by the County as reimbursement for eligible Trail costs previously paid by the State, shall be reimbursed to the State within 30 days of the County's receipt of the funds.

IV. LIABILITY

Each party agrees that it will be responsible for its own acts and the results thereof to the extent authorized by the law and shall not be responsible for the acts of the other party and the results thereof. The State's liability shall be governed by the provisions of the Minnesota Tort Claims Act, Minnesota Statutes Section 3.736, and other applicable law. The County's liability shall be governed by Minnesota Statutes Sections 466.01-466.15, and other applicable law.

V. TERM

- c. *Effective Date:* May 15, 2010, or the State obtains all required signatures under Minnesota Statutes Section 16C.05, Subdivision 2, whichever is later. The County shall not begin work under this Agreement until it is fully executed and the County has been notified by the State's authorized representative to begin the work.
- d. *Expiration Date:* May 14, 2035, for a period of twenty five (25) years except as otherwise provided herein or agreed to in writing by both parties. This agreement shall renew at the end of the term for an additional five (5) year period unless a party gives three (3) months written notice to the other party to terminate the agreement. This agreement shall continue to automatically renew as the end of each five (5) year period unless the required given notice is given.

VI. AUDIT

Under Minnesota Statutes Section 16C.05, sub. 5, the books, records, documents and accounting procedures and practices of the County relevant to the agreement shall be subject to examination by the Commissioner of Natural Resources, the Legislative Auditor and the State Auditor for a minimum of six years from the end of this agreement.

VII. ANTITRUST

The County hereby assigns to the State any and all claims for overcharges as to goods and/or services provided in connection with this Agreement resulting from antitrust violations that arose under the antitrust laws of the United States and the antitrust laws of the State of Minnesota.

VIII. CANCELLATION

This Agreement may be cancelled by the State at any time with cause or as necessary as provided in Article III, upon thirty (30) days written notice to the County.

This Agreement may also be cancelled by the State if it does not obtain funding from the Minnesota Legislature, or other funding sources, or if funding cannot be continued at a level sufficient to allow for the payment of services covered under this agreement. The State will notify the County by written or fax notice. The State will not be obligated to pay for services provided after the notice is given and the effective date of cancellation. However, the County shall be entitled to payment, determined on a pro-rated basis, for services satisfactorily performed to the extent that funds are available. The State will not be assessed any penalty if the agreement is cancelled because of a decision of the Minnesota Legislature, or other funding source, not to appropriate the necessary funds. The State shall provide the County notice of lack of funding within a reasonable time of the State's receiving that notice.

IX. GOVERNMENT DATA PRACTICES

The County and the State must comply with the Minnesota Data Practices Act, Minn. Stat. Ch. 13, as it applies to all data provided by the State under this agreement, and as it applies to all data created, collected, received, stored, used, maintained, or disseminated by the County under this agreement. The civil remedies of Minn. Stat. 13.08 apply to the release of the data referred to in this clause by either the County or the State.

X. PUBLICITY AND ENDORSEMENT

Any publicity regarding the subject matter of this agreement must identify the State as the sponsoring agency and must not be released without prior written approval from the State's Authorized Representative. For purposes of this provision, publicity includes notices, informational pamphlets, press releases, research, reports, signs, and similar public notices prepared by or for the County individually or jointly with others, or any subcontractors, with respect to the program and services provided from this agreement.

XI. COMPLETE AGREEMENT

This Agreement, and amendments, constitutes the entire agreement between the parties. Any amendment to this agreement must be in writing and will not be effective until it has been executed and approved by the same parties who executed and approved the original agreement, or their successors in office.

XII. OTHER TERMS AND CONDITIONS

NOTICES: Any notice, demand or communication under this Agreement by either party to the other shall be deemed to be sufficiently given or delivered if it is dispatched by registered or certified mail, postage prepaid to:

The State

Minnesota Department of Natural Resources
Trails and Waterway Division Area (1D) Supervisor
1601 Minnesota Drive
Brainerd, MN 56401

The County

County of Aitkin
County Highway Engineer
1211 Air Park Drive
Aitkin, MN 56431

IN WITNESS WHEREOF, the parties have caused the Agreement to be duly executed intending to be bound thereby.

DEPARTMENT OF NATURAL RESOURCES

By: Jonathan L. Bee
Title: Deputy Director
Date: 6/20/11

DEPARTMENT OF ADMINISTRATION
Delegated to Materials Management Division

By: [Signature]
Title: Negotiation Mgr
Date: 7/2/11
(EFFECTIVE DATE)

COUNTY OF AITKIN

By: John Wells
Title: Aitkin County Engineer
Date: 6-9-11

COUNTY OF AITKIN

By: _____
Title: _____
Date: _____

STATE ENCUMBERANCE VERIFICATION

Individual certifies that funds have been encumbered as req.
by Minn. Stat. 16A.15 and 16C.05.

Signed: Rama Ochoa
Date: April 27, 2010
Contract: B 42948 + B42950

Exhibit A



TRAIL ALLOWED BY
MN-DOT LIMITED
USE PERMIT

WESTWOOD DRIVE

RED OAK DRIVE

PRIVATE ROAD

EXISTING 75' R/W

US 169

EXISTING 75' R/W

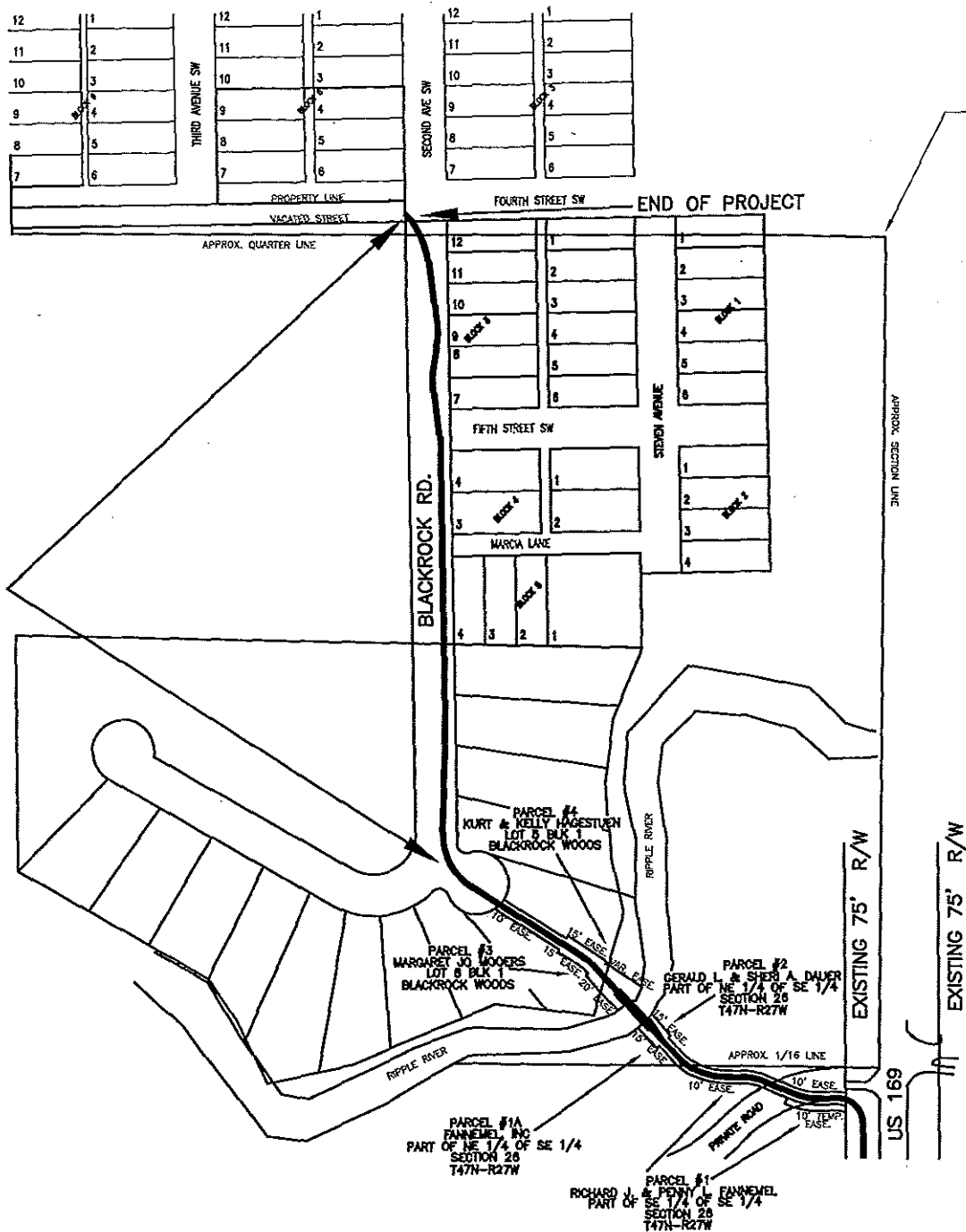
US 169

EXISTING 75' R/W

EXISTING 75' R/W

BEGINING OF PROJECT

AITKIN COUNTY HIGHWAY DEPT.
CUYUNA LAKES STATE TRAIL
SP 001-090-002



AITKIN COUNTY HIGHWAY DEPT.
CUYUNA LAKES STATE TRAIL
SP 001-090-002

**STATE OF MINNESOTA
DEPARTMENT OF TRANSPORTATION**

**LIMITED USE PERMIT FOR
NONMOTORIZED RECREATIONAL TRAIL**

C.S. 0115 T.H. 169
County of Aitkin
LUP # 0115-0022

In accordance with Minnesota Statutes Section 161.434 and 23 C.F.R. 652 also published as the Federal-Aid Policy Guide, a Limited Use Permit is hereby granted to City of Aitkin, Permittee. This permit is for the purpose of constructing, maintaining and operating a nonmotorized recreational trail, (hereinafter called trail), within the right of way of Trunk Highway No(s). 169 as shown in red on Exhibit "A", which is attached hereto and incorporated herein by reference. This permit is executed by the Permittee pursuant to the attached resolution. In addition, the following special provisions shall apply:

SPECIAL PROVISIONS

1. The construction, maintenance, and supervision of the trail shall be at no expense to the Minnesota Department of Transportation.
2. Before construction of any kind, the plans for such construction shall be approved in writing by the Minnesota Department of Transportation, through the District Engineer.
3. No permanent structure(s) or advertising device(s) in any manner, form or size shall be constructed, placed or permitted to be constructed or placed upon the State of Minnesota right of way.
4. No commercial activity or activities shall be allowed to operate upon said State of Minnesota right of way.
5. Any and all maintenance of the trail shall be provided by the Permittee; this includes, but is not limited to, the plowing and removal of snow, and the installation and removal of regulatory signs.

6. This permit is non-exclusive and is granted subject to the rights of others, including, but not limited to public utilities which may occupy said right of way.
7. The Permittee shall preserve and protect all utilities located on the lands covered by this permit at no expense to the Minnesota Department of Transportation and it shall be the responsibility of the Permittee to call the Gopher State One Call System at 1-800-252-1166 at least 48 hours prior to performing any excavation.
8. Any crossings of the trail over the trunk highway shall be perpendicular to the centerline of the highway and shall provide and ensure reasonable and adequate stopping sight distance.
9. The Permittee shall construct the trail at the location shown in the attached Exhibit "A" subject to verification by the Minnesota Department of Transportation District Engineer that the construction geometrics and procedures result in a trail that is compatible with the safe and efficient operation of the highway facility.
10. Approval from Minnesota Department of Transportation District Engineer shall be required for any changes from the approved plan.
11. Upon completion of the construction of the trail, the Permittee shall restore all disturbed slopes and ditches in such manner that drainage, erosion control and aesthetics are perpetuated.
12. This permit does not release the Permittee from any liability or obligation imposed by federal law, Minnesota Statutes, local ordinances, or other agency regulations relating thereto and any necessary permits relating thereto shall be applied for and obtained by the Permittee.
13. Any use permitted by this permit shall remain subordinate to the right of the Minnesota Department of Transportation to use the property for highway and transportation purposes. This permit does not grant any interest whatsoever in land, nor does it establish a permanent park, recreation area or wildlife or waterfowl refuge facility that would become subject to Section 4 (f) of the Federal-Aid Highway Act of 1968, nor does this permit establish a Bikeway or Pedestrian way which would require replacement pursuant to Minnesota Statutes Section 160.264.
14. This permit shall be subject to cancellation and termination by the Minnesota Department of Transportation, with or without cause, by giving the Permittee 90 days written notice of such intent. Upon said notice of cancellation the trail shall be removed within 90 days by the Permittee. Upon cancellation of said permit, or any portion thereof, the Permittee will be required to return and restore the area to a condition satisfactory to the Minnesota Department of Transportation District Engineer. The removal of the trail and the return and restoration of the area shall be at no cost to the Minnesota Department of Transportation and at the sole expense of the Permittee.

15. The Permittee, for itself, its successors, and assigns, agrees to abide by the provisions of Title VI Appendix C of the Civil Rights Act of 1964, which provides in part that no person in the United States, shall on the grounds of race, color, or national origin, be excluded from, or denied use of any trail.
16. The State of Minnesota, through its Commissioner of Transportation, shall retain the right to limit and/or restrict the parking of vehicles and assemblage of trail users on the highway right of way over which this permit is granted, so as to maintain the safety of both the motoring public and trail users.
17. No assignment of this permit is allowed.
18. The Permittee shall not dispose of any materials regulated by any governmental or regulatory agency onto the ground, or into any body of water, or into any container on the State's right of way. In the event of spillage of regulated materials, the Permittee shall provide for cleanup of the spilled material and of materials contaminated by the spillage in accordance with all applicable federal, state and local laws and regulations, at the sole expense of the Permittee.
19. The Permittee shall hold harmless and indemnify the State of Minnesota, its Commissioner of Transportation and employees and its successors and assigns, from liability claims for damages because of bodily injury, death, property damage, sickness, disease, or loss and expense arising from the operations of the trail or from the use of the portion of highway right of way over which this permit is granted.
20. The Permittee shall hold harmless and indemnify the State of Minnesota, its Commissioner of Transportation and employees and its successors and assigns from claims arising or resulting from the temporary or permanent termination of trail user rights on any portion of highway right of way over which this permit is granted.
21. The Permittee will hold harmless and indemnify the State of Minnesota, its Commissioner of Transportation and employees from claims resulting from temporary or permanent changes in drainage patterns resulting in flood damages.
22. The Permittee (for itself, its contractors, subcontractors, its materialmen, and all other persons acting for, through or under it or any of them), covenants that no laborers', mechanics', or materialmen's liens or other liens or claims of any kind whatsoever shall be filed or maintained by it or by any subcontractor, materialmen or other person or persons acting for, through or under it or any of them against the work and/or against said lands, for or on account of any work done or materials furnished by it or any of them under any agreement or any amendment or supplement thereto; agrees to indemnify and hold harmless the State of Minnesota from all such liens and claims.

MINNESOTA DEPARTMENT
OF TRANSPORTATION

RECOMMENDED FOR APPROVAL

CITY OF AITKIN

By

Its

Mayor

And

Its

City Clerk

By:

District Engineer

Date

3/30/11

APPROVED BY:

COMMISSIONER OF TRANSPORTATION

By:

Director, Office of Land Management

Date

4/1/11

The Commissioner of Transportation
by the execution of this permit
certifies that this permit is
necessary in the public interest
and that the use intended is for
public purposes.

00007/0000

CERTIFIED COPY OF RESOLUTION OF
CITY COUNCIL, AITKIN, AITKIN COUNTY, MINNESOTA

Adopted March 7, 2011

Council Member Sherman introduced the following resolution and moved its adoption:

RESOLUTION APPROVING A MINNESOTA DEPARTMENT OF
TRANSPORTATION LIMITED USE PERMIT FOR NONMOTORIZED
RECREATIONAL TRAIL

NOW THEREFORE BE IT RESOLVED BY THE COUNCIL, FOR THE CITY OF
AITKIN, that;

1. Limited Use Permit number 0115-0022 for the purpose of a nonmotorized recreational trail within the right-of-way of Highway 169 South is hereby approved.
2. The Mayor and City Clerk are authorized to execute the said permit on behalf of the City of Aitkin.

Council Member Miller seconded the motion, and it was declared adopted upon the following vote: Miller, Sherman, Tibbitts, aye; Nentl, nay.

Office of the City Clerk)
City of Aitkin)ss.
State of Minnesota)

I, Kathy Brophy, Clerk of the City of Aitkin, do hereby certify that I have compared the foregoing with the original resolution filed in my office on March 7th A.D., 2011, and that the same is a true and correct copy of the whole thereof.

WITNESS MY HAND AND SEAL OF OFFICE at Aitkin, Minnesota, this 7th day of March, A.D., 2011.

[seal]

Kathy Brophy
City Clerk

405092

FILED APR 07 '11 AT 9AM

Diane M. Lafferty, County Recorder

Parcel No. 1A

TRAIL EASEMENT

Fannemel, Inc.

Grantor(s) _____, of Aitkin County, Minnesota,and in consideration of one thousand five hundred eighty four and 00/100Dollars (\$1,584.00) receipt of which is hereby acknowledged,hereby convey(s) _____ and warrant(s) _____ to the City of Aitkin
grantee, for "Trail" purposes, together with the unrestricted right to improve the same, free and clear of all
encumbrances, the following described real estate in the City of Aitkin in the State of Minnesota:

Parcel No. 1A

→ As described on back.

And the said grantor(s) _____, for themselves, their heirs, executors and assigns, do _____ covenant never to cut, damage, destroy, or remove any tree or shrub or other natural growth upon the hereinbefore described premises for the continuance of this easement, and does hereby grant and convey to the City of Aitkin all grasses, shrubs, trees, and natural growth now existing on said lands or that may be hereafter planted or grown thereon.

And the said grantor(s) _____, themselves, their heirs, executors, and assigns do _____ hereby release the City of Aitkin its successors and assigns, from all claims for any and all damages resulting through and across the above referenced land affected by this conveyance

for a public "Trail" over and upon and the removal of materials from the premises hereby conveyed and from the uses incident thereto, and the City of Aitkin shall have the right to use and remove all earth and other materials lying within the parcel of land hereby conveyed.

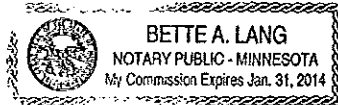
Dated this 9th day of February, 2007, 2011

STATE OF MINNESOTA

County of AitkinThis instrument was acknowledged before me on Feb. 9, 2011

by Richard J. Fannemel and Penny L. Fannemel
the _____ and _____
of Fannemel, Inc., a Minnesota Corporation under the laws of
Minnesota

NOTARIAL STAMP OR SEAL (OR OTHER TITLE OR RANK)



Bette A. Lang
SIGNATURE OF NOTARY PUBLIC OR OTHER OFFICIAL

THIS INSTRUMENT WAS DRAFTED BY (NAME AND ADDRESS):

Aitkin County Highway Department
1211 Air Park Drive
Aitkin, MN 56431

40233

LEGAL DESCRIPTION – For Trail Easement in the Northeast Quarter of the Southeast Quarter of Section 26, Township 47, Range 27, Aitkin County located in the City of Aitkin

That part of the Northeast Quarter of the Southeast Quarter of Section 26, Township 47, Range 27, Aitkin County, Minnesota, described as follows: Commencing at the southeast corner of said Northeast Quarter of the Southeast Quarter; thence North 89 degrees 15 minutes 25 seconds West, assumed bearing, 335.46 feet along the south line of said Northeast Quarter of the Southeast Quarter to the point of beginning of the tract to be described, said point also being point "A", thence continuing North 89 degrees 15 minutes 25 seconds West 6.91 feet along said south line; thence northwesterly 10.83 feet on a non-tangential curve to the right, with a central angle of 05 degrees 38 minutes 33 seconds, a radius of 110.00 feet, and a chord bearing of North 45 degrees 29 minutes 55 seconds West and chord length of 10.83 feet; thence North 42 degrees 40 minutes 39 seconds West 31.88 feet tangent to said curve; thence South 47 degrees 19 minutes 21 seconds West 5.00 feet; thence North 42 degrees 40 minutes 39 seconds West 60 feet, more or less, to the thread of the Ripple River; thence northeasterly 27 feet, more or less, along said thread to its intersection with a line bearing North 34 degrees 15 minutes 25 seconds West from said point "A"; thence South 34 degrees 15 minutes 25 seconds East 113 feet, more or less, to said point "A".

Said parcel contains 1790 square feet (0.04 acres), more or less.

Subject to any easements, reservations or restrictions of record, if any.

County Engineer

no dg

4-7-9

RECORDED
TRACT INDEX
GRANTOR
GRANTEE
COMPARED

COUNTY RECORDER
AITKIN COUNTY, MINNESOTA
FILED
APR 07 2011 9AM

Blair & Co.
As Doc. No.

405092

405093

FILED APR 07 '11 AT 9A M

Diane M. Lafferty, County Recorder

Parcel No. 1

TRAIL EASEMENT

Richard J. Fannemel and Penny L. Fannemel, husband and wifeGrantor(s) _____, of Aitkin County, Minnesota,and in consideration of five thousand one hundred forty eight and 00/100

Dollars (\$5,148.00) receipt of which is hereby acknowledged,

hereby convey(s) _____ and warrant(s) _____ to the City of Aitkin
grantee, for "Trail" purposes, together with the unrestricted right to improve the same, free and clear of all
encumbrances, the following described real estate in the City of Aitkin in the State of Minnesota:**Parcel No. 1****As described on back.**

And the said grantor(s) _____, for themselves, their heirs, executors and assigns, do _____ covenant never to cut, damage, destroy, or remove any tree or shrub or other natural growth upon the hereinbefore described premises for the continuance of this easement, and does hereby grant and convey to the City of Aitkin all grasses, shrubs, trees, and natural growth now existing on said lands or that may be hereafter planted or grown thereon.

And the said grantor(s) _____, themselves, their heirs, executors, and assigns do _____ hereby release the City of Aitkin its successors and assigns, from all claims for any and all damages resulting through and across the above referenced land affected by this conveyance

for a public "Trail" over and upon and the removal of materials from the premises hereby conveyed and from the uses incident thereto, and the City of Aitkin shall have the right to use and remove all earth and other materials lying within the parcel of land hereby conveyed.

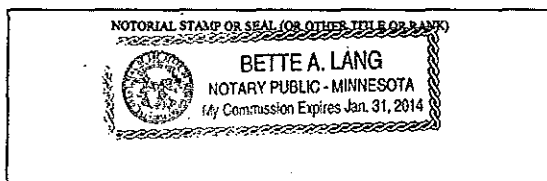
Richard J. Fannemel
Penny L. Fannemel

Affix Deed Tax Stamp Here

STATE OF MINNESOTA

COUNTY OF Aitkin } ss.This instrument was acknowledged before me on Feb. 9, 2011

Date

by Richard J. Fannemel and Penny L. Fannemel,
husband and wife, Grantor (s).

Bette A. Lang
SIGNATURE OF NOTARY PUBLIC OR OTHER OFFICIAL
Check here if part or all of the land is Registered (Torrens) ☐
Tax statements for the real property described in this instrument should be sent to (include name and address of Grantee):

THIS INSTRUMENT WAS DRAFTED BY (NAME AND ADDRESS):

Aitkin County Highway Department
1211 Air Park Drive
Aitkin, MN 56431

405093

LEGAL DESCRIPTION - For Trail Easement in the Southeast Quarter of the Southeast Quarter of Section 26, Township 47, Range 27, Aitkin County located in the City of Aitkin

That part of the Southeast Quarter of the Southeast Quarter of Section 26, Township 47, Range 27, Aitkin County, Minnesota, lying 10 feet on each side of the following described centerline: Commencing at the northeast corner of said Southeast Quarter of the Southeast Quarter; thence North 89 degrees 15 minutes 25 seconds West, assumed bearing, 75.01 feet along the north line of said Southeast Quarter of the Southeast Quarter to a point on the west right-of-way line of Trunk Highway No. 169; thence South 00 degrees 19 minutes 45 seconds East 50.81 feet along said west right-of-way line to the point of beginning of the centerline to be described; thence northwesterly 12.24 feet on a non-tangential curve to the left, with a central angle of 17 degrees 32 minutes 01 seconds, a radius of 40.00 feet, and a chord bearing of North 81 degrees 33 minutes 57 seconds West and chord length of 12.19 feet; thence South 89 degrees 40 minutes 03 seconds West 34.25 feet tangent to said curve; thence northwesterly 43.63 feet on a tangential curve to the right with a central angle of 24 degrees 59 minutes 50 seconds and a radius of 100.00 feet; thence North 65 degrees 19 minutes 49 seconds West 37.61 feet tangent to said curve; thence northwesterly 39.22 feet on a tangential curve to the left, with a central angle of 22 degrees 28 minutes 27 seconds and a radius of 100.00 feet; thence North 87 degrees 48 minutes 03 seconds West 38.04 feet tangent to said curve; thence northwesterly 55.72 feet along said centerline on a tangential curve to the right, with a central angle of 31 degrees 55 minutes 21 seconds and a radius of 100.00 feet to a point on the north line of said Southeast Quarter of the Southeast Quarter and said centerline there terminating.

It is intended to extend or shorten the sidelines of said trail easement so as to terminate at said west right-of-way line of Trunk Highway No. 169 and at the north line of said Southeast Quarter of the Southeast Quarter.

Said easement contains 5200 square feet (0.119 acres), more or less.

Subject to any easements, reservations or restrictions of record, if any.

ALSO

A temporary slope easement in the Southeast Quarter of the Southeast Quarter of said Section 26, being 10 feet in width and lying westerly of the west right-of-way line of Trunk Highway No. 169, and southerly of the following described line: Commencing at the northeast corner of said Southeast Quarter of the Southeast Quarter; thence North 89 degrees 15 minutes 25 seconds West, assumed bearing 75.01 feet along the north line of said Southeast Quarter of the Southeast Quarter to a point on the west right-of-way line of Trunk Highway No. 169; thence South 00 degrees 19 minutes 45 seconds East 61.48 feet along said west right-of-way line to the point of beginning of the line to be described; thence northwesterly 12.40 feet on a non-tangential curve to the left, with a central angle of 23 degrees 40 minutes 57 seconds, a radius of 30.00 feet, and a chord bearing of North 78 degrees 29 minutes 29 seconds West and chord length of 12.31 feet; thence South 89 degrees 40 minutes 03 seconds West 34.25 feet tangent to said curve; thence northwesterly 47.99 feet on a tangential curve to the right with a central angle of 24 degrees 59 minutes 50 seconds and a radius of 110.00 feet and there terminating.

Said easement contains 961 square feet (0.022 acres), more or less.

County Engineer

1/20/07

4-7-9

RECORDED
TRACT INDEX
GRANTOR
GRANTEE
COMPARED

COUNTY RECORDER
AITKIN COUNTY, MINNESOTA
FILED

APR 07 2011 9 AM

Blaine J. Saffery
As Doc. No.

405093

Parcel No. 2

405091 FILED APR 07 '11 AT 9AM Diane M. Lafferty, County Recorder

TRAIL EASEMENT AND MAINTENANCE AGREEMENT

This Agreement entered into this 5th day of April, 2011, by and between the City of Aitkin (hereinafter referred to as "City") and Gerald L. Dauer and Sheri A. Dauer, husband and wife, (hereinafter referred to as "Dauers").

RECITALS

- A. Dauers own a parcel in the City along a proposed trail.
- B. The City would like to purchase an easement referred to as Parcel No. 2, as described on Exhibit A, for \$3,188.00 from Dauers.
- C. Both parties would like to clarify the terms of the easement and future maintenance and liability thereof.

NOW THEREFORE, for good and valuable consideration, the receipt of which is hereby acknowledged, the parties hereto agree as follows:

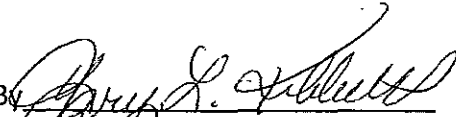
- 1. Dauers hereby grant the City a permanent easement for trail purposes over Parcel No. 2 as set forth in Exhibit A. Payment as set forth above is due upon execution of this Agreement, W-9 form, and Survey Marker Certification form.
- 2. The City shall install a fence, the type of fence to be pre-approved by Dauers, within the easement area to screen the trail from the remaining Dauer parcel. The fence shall be

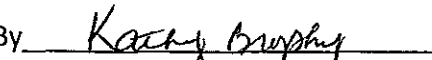
placed no more than three feet from the edge of the paved trail and start at the bridge and extend 10 feet past the SW corner of the motel. All property outside the fence on the Dauers side shall be available for Dauers use. The fence will be located on the City's easement and, therefore, maintenance of the fence is the responsibility of the City.

3. The City shall also restore the remaining Dauer parcel after construction is complete to place the property in the same condition as before construction and shall work with Dauers to replace or relocate trees within this area. All trees impacted by construction or currently within easement lines shall be replaced with the same species and shall be the same size or larger and placed in locations selected by the Dauers. Photographs depicting conditions prior to construction are attached hereto as Exhibit B. The City shall move and replace yard amenities, flowerbeds, swings and rocks as they were prior to construction or at locations selected by the Dauers. Plantings shall be guaranteed for one year. Dauers are responsible for the salvage of all personal property such as fences, gates, etc., from the conveyed parcel(s) prior to construction of the project. Personal property not salvaged by the Dauers shall be removed and obliterated by construction operations.
4. The City shall have sole authority to work with, use, maintain and control all soil, vegetation and other materials within the easement area. The City agrees that there will be no concentrated construction before 8:00 a.m. or after 8:00 p.m. Monday through Friday, nor any time on weekends, on any portion of the trail for which this easement has been granted. This work restriction will not prohibit construction equipment from traveling through the easement area during the stated restricted work hours.
5. The City agrees to indemnify, defend and hold the Dauers harmless from and against any claim, loss or expense arising out of injury, death or property loss or damage occurring on or from the use of said trail.
6. The Dauers will not be responsible for maintenance of the trail constructed within this easement.
7. This Agreement shall be perpetual and binding upon and benefit the parties hereto, their respective heirs, successors and assigns, and shall run with the land.

IN WITNESS WHEREOF, the parties hereto execute this Agreement as of the day and year first above written.

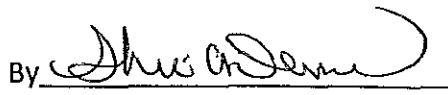
CITY OF AITKIN

By 
Gary Tibbitts, Mayor

By 
Kathy Brophy, City Clerk

GERALD & SHERI DAUER

By 
Gerald L. Dauer

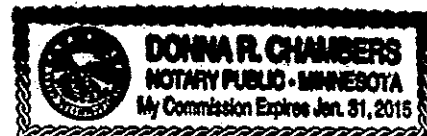
By 
Sheri A. Dauer

STATE OF MINNESOTA)
) ss.
COUNTY OF AITKIN)

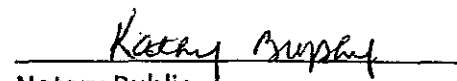
The foregoing instrument was acknowledged before me this 5th day of April, 2011, by Gary Tibbitts and Kathy Brophy, the Mayor and City Clerk, respectively, of the City of Aitkin, a municipal corporation, on behalf of the City.


Notary Public

STATE OF MINNESOTA)
) ss.
COUNTY OF AITKIN)



The foregoing instrument was acknowledged before me this 5th day of April, 2011, by Gerald L. Dauer and Sheri A. Dauer, husband and wife.


Notary Public

THIS INSTRUMENT WAS DRAFTED BY:
J. Brad Person
BREEN & PERSON, LTD.
510 Laurel Street
PO Box 472
Brainerd, Minnesota 56401
218-828-1248



EXHIBIT A

LEGAL DESCRIPTION – For Trail Easement in the Northeast Quarter of the Southeast Quarter of Section 26, Township 47, Range 27, Aitkin County located in the City of Aitkin

That part of the Northeast Quarter of the Southeast Quarter of Section 26, Township 47, Range 27, Aitkin County, Minnesota, lying between lines 1 and 2 as described as follows:

Line 1

Commencing at the southeast corner of said Northeast Quarter of the Southeast Quarter; thence North 89 degrees 15 minutes 25 seconds West, assumed bearing, 342.40 feet along the south line of said Northeast Quarter of the Southeast Quarter to the point of beginning of Line 1; thence North 34 degrees 15 minutes 25 seconds West 113 feet, more or less, to the thread of the Ripple River, and said Line 1 there terminating.

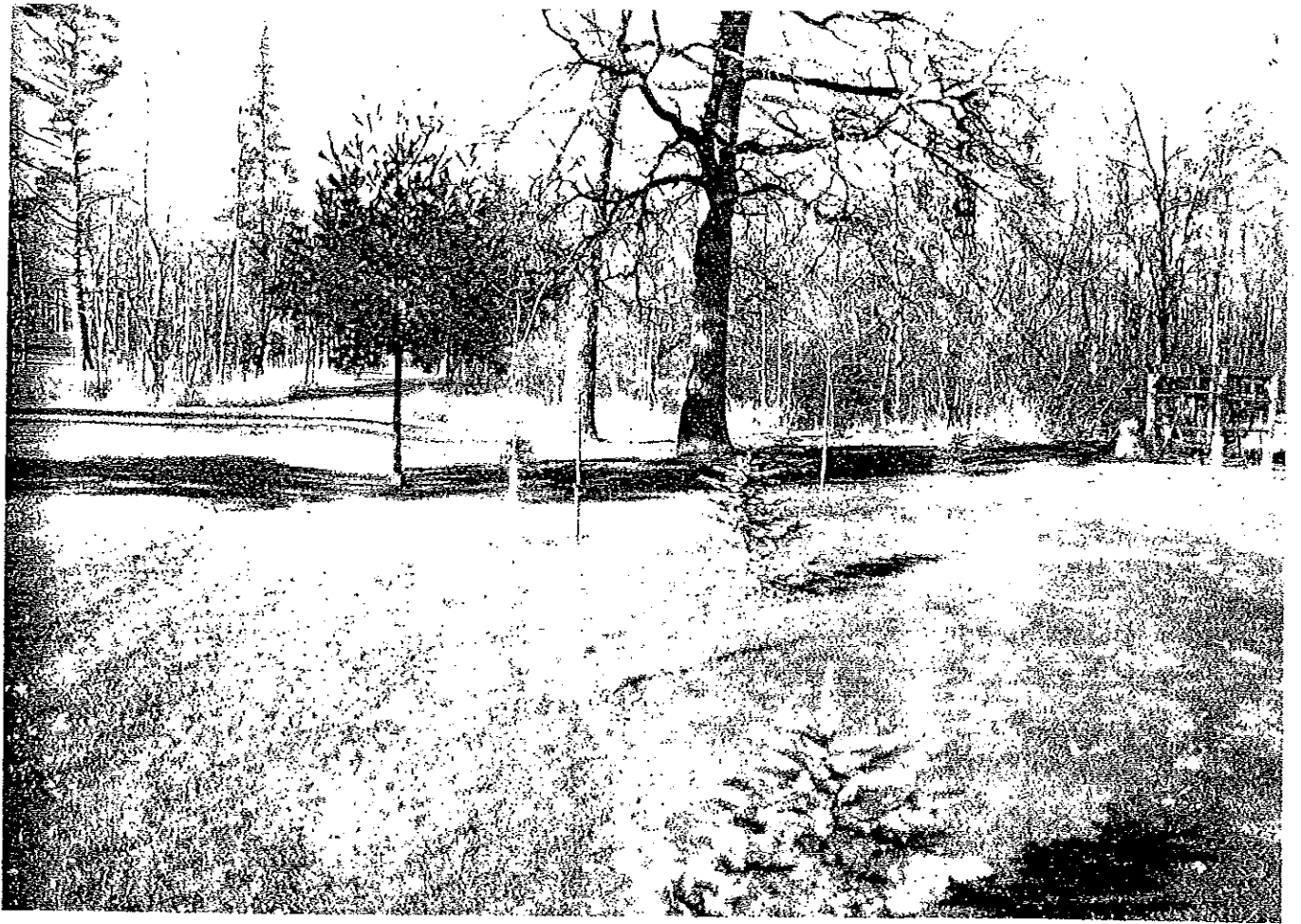
Line 2

Commencing at the southeast corner of said Northeast Quarter of the Southeast Quarter; thence North 89 degrees 15 minutes 25 seconds West, assumed bearing, 304.89 feet along the south line of said Northeast Quarter of the Southeast Quarter to the point of beginning of Line 2; thence northwesterly 37.69 feet on a nontangential curve concave to the northeast with a radius of 90.00 feet and a central angle of 23 degrees 59 minutes 38 seconds and a chord bearing of North 54 degrees 40 minutes 28 seconds West and a chord length of 37.42 feet; thence North 42 degrees 40 minutes 39 seconds West 31.88 feet tangent to said curve; thence North 47 degrees 19 minutes 21 seconds East 5.00 feet; thence North 42 degrees 40 minutes 39 seconds West 65 feet, more or less, to the thread of the Ripple River, and said Line 2 there terminating.

Said easement contains 1175 square feet (0.03 acres), more or less.

Subject to any easements, reservations or restrictions of record, if any.





Parcel No. 3

TRAIL EASEMENT

Margaret Jo Mooers, a single person

Grantor(s) _____, of Aitkin County, Minnesota,

and in consideration of eight thousand four hundred and 00/100

Dollars (\$8,400.00) receipt of which is hereby acknowledged,

hereby convey(s) _____ and warrant(s) _____ to the City of Aitkin
grantee, for "Trail" purposes, together with the unrestricted right to improve the same, free and clear of all
encumbrances, the following described real estate in the City of Aitkin in the State of Minnesota:

Parcel No. 3

→ As described on back.

And the said grantor(s) _____, for themselves, their heirs, executors and assigns, do _____ covenant never to
cut, damage, destroy, or remove any tree or shrub or other natural growth upon the hereinbefore described premises
for the continuance of this easement, and does hereby grant and convey to the City of Aitkin all grasses, shrubs,
trees, and natural growth now existing on said lands or that may be hereafter planted or grown thereon.

And the said grantor(s) _____, themselves, their heirs, executors, and assigns do _____ hereby release the
City of Aitkin its successors and assigns, from all claims for any and all damages resulting through and across
the above referenced land affected by this conveyance

for a public "Trail" over and upon and the removal of materials from the premises hereby conveyed and from the
uses incident thereto, and the City of Aitkin shall have the right to use and remove
all earth and other materials lying within the parcel of land hereby conveyed.

Margaret Mooers

Affix Deed Tax Stamp Here

STATE OF MINNESOTA

COUNTY OF Aitkin } ss.

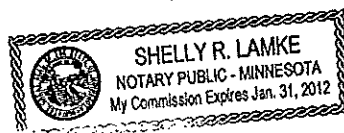
This instrument was acknowledged before me on 25th - June 2010

Date

by Margaret Jo Mooers,
a single person

, Grantor (s).

NOTARIAL STAMP OR SEAL (OR OTHER TITLE OR RANK)



Shelly R. Lamke
SIGNATURE OF NOTARY PUBLIC OR OTHER OFFICIAL

Check here if part or all of the land is Registered (Torrens) ☐

Tax statements for the real property described in this instrument
should be sent to (include name and address of Grantee):

THIS INSTRUMENT WAS DRAFTED BY (NAME AND ADDRESS):

Aitkin County Highway Department
1211 Air Park Drive
Aitkin, MN 56431

LEGAL DESCRIPTION - Trail Easement in Lot 6, Block One of BLACKROCK WOODS
in the City of Aitkin

An easement for trail purposes over and across that part of Lot 6, Block One, of BLACKROCK WOODS, as platted and recorded, Aitkin County, Minnesota, lying easterly and northeasterly of the following described line: Beginning at a point on the northwesterly line of said Lot 6, said point being 20.12 feet southwesterly of the most northerly corner thereof, as measured along a curve with a radius of 50.00 feet and a central angle of 23 degrees 03 minutes 17 seconds and a chord bearing of South 43 degrees 32 minutes 05 seconds West, assumed bearing, and chord length of 19.98; thence South 57 degrees 52 minutes 57 seconds East 121.53 feet, not tangent to said curve; thence South 32 degrees 07 minutes 03 seconds West 5.00 feet; thence South 57 degrees 52 minutes 57 seconds East 36.02 feet; thence southeasterly 22.56 feet on a tangential curve to the right with a radius of 85.00 feet and a central angle of 15 degrees 12 minutes 18 seconds; thence South 47 degrees 19 minutes 21 seconds West 5.00 feet, not tangent to said curve; thence South 42 degrees 40 minutes 39 seconds East 75 feet, more or less, to the shoreline of the Ripple River, and there terminating.

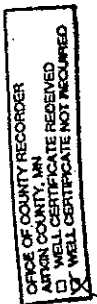
It is intended to terminate the westerly side lines of said easement so as to terminate at the northwesterly line of said Lot 6 and the easterly side lines of said easement to terminate at the west shoreline of said Ripple River.

Said easement contains 0.17 acres, more or less.

Subject to any easements, reservations or restrictions of record, if any.

County Engineer

RECORDED
DEPT INDEX
GRANTOR
GRANTEE
COMPARED



COUNTY RECORDER
AITKIN COUNTY, MINNESOTA
FILED

JUL 08 2010 9AM

Blaine & Son
As Doc. No.

400749

✓
no
7-8-9

405207

FILED APR 15 '11 AT 9AM

Diane M. Lafferty, County Recorder

Parcel No. 4

TRAIL EASEMENT***Kurt Hagestuen and Kelly Hagestuen, husband and wife***Grantor(s) _____, of Aitkin County, Minnesota,and in consideration of three hundred ninety six and 00/100

Dollars (\$396.00) receipt of which is hereby acknowledged,

hereby convey(s) _____ and warrant(s) _____ to the City of Aitkin
grantee, for "Trail" purposes, together with the unrestricted right to improve the same, free and clear of all
encumbrances, the following described real estate in the City of Aitkin in the State of Minnesota:***Parcel No. 4******As described on back.***

And the said grantor(s) _____, for themselves, their heirs, executors and assigns, do _____ covenant never to cut, damage, destroy, or remove any tree or shrub or other natural growth upon the hereinbefore described premises for the continuance of this easement, and does hereby grant and convey to the City of Aitkin all grasses, shrubs, trees, and natural growth now existing on said lands or that may be hereafter planted or grown thereon.

And the said grantor(s) _____, themselves, their heirs, executors, and assigns do _____ hereby release the City of Aitkin its successors and assigns, from all claims for any and all damages resulting through and across the above referenced land affected by this conveyance

for a public "Trail" over and upon and the removal of materials from the premises hereby conveyed and from the uses incident thereto, and the City of Aitkin shall have the right to use and remove all earth and other materials lying within the parcel of land hereby conveyed.

Kurt Hagestuen
Kelly Hagestuen

Affix Deed Tax Stamp Here

STATE OF MINNESOTA

COUNTY OF Aitkin } ss.

This instrument was acknowledged before me on _____

4-4-11

Date

by Kurt Hagestuen and Kelly Hagestuen,
husband and wife

_____, Grantor (s).

NOTARIAL STAMP OR SEAL (OR OTHER TITLE OR RANK)



LORI JEAN PACKER
NOTARY PUBLIC - MINNESOTA
My Comm. Exp. Jan. 31, 2012

Lori Jean Packer
SIGNATURE OF NOTARY PUBLIC OR OTHER OFFICIAL

Check here if part or all of the land is Registered (Torrens) ☐

Tax statements for the real property described in this instrument
should be sent to (include name and address of Grantee):

THIS INSTRUMENT WAS DRAFTED BY (NAME AND ADDRESS):

Aitkin County Highway Department
1211 Air Park Drive
Aitkin, MN 56431

405207

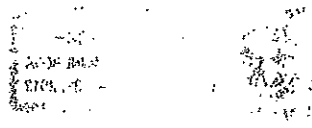
702000

LEGAL DESCRIPTION - Trail Easement in Lot 5, Block One of BLACKROCK WOODS
in the City of Aitkin

That part of Lot 5, Block One, of BLACKROCK WOODS, as platted and recorded, Aitkin County, Minnesota, lying easterly, southwesterly and westerly of the following described line: Beginning at a point on the southwesterly line of said Lot 5, said line having an assumed bearing of South 57 degrees 59 minutes 34 seconds East, and said point being 117.57 feet southeasterly of the southwest corner of said Lot 5, said corner also being the most northerly corner of Lot 6 of said BLACKROCK WOODS, thence North 32 degrees 00 minutes 26 seconds East 5.00 feet; thence South 57 degrees 59 minutes 34 seconds East 73.62 feet; thence South 32 degrees 00 minutes 26 seconds West 5.00 feet to the southwesterly line of said Lot 5 and said line there terminating.

Said easement contains 0.01 acres, more or less.

Subject to any easements, reservations or restrictions of record, if any.



County Engineer

no chg

4-15-9

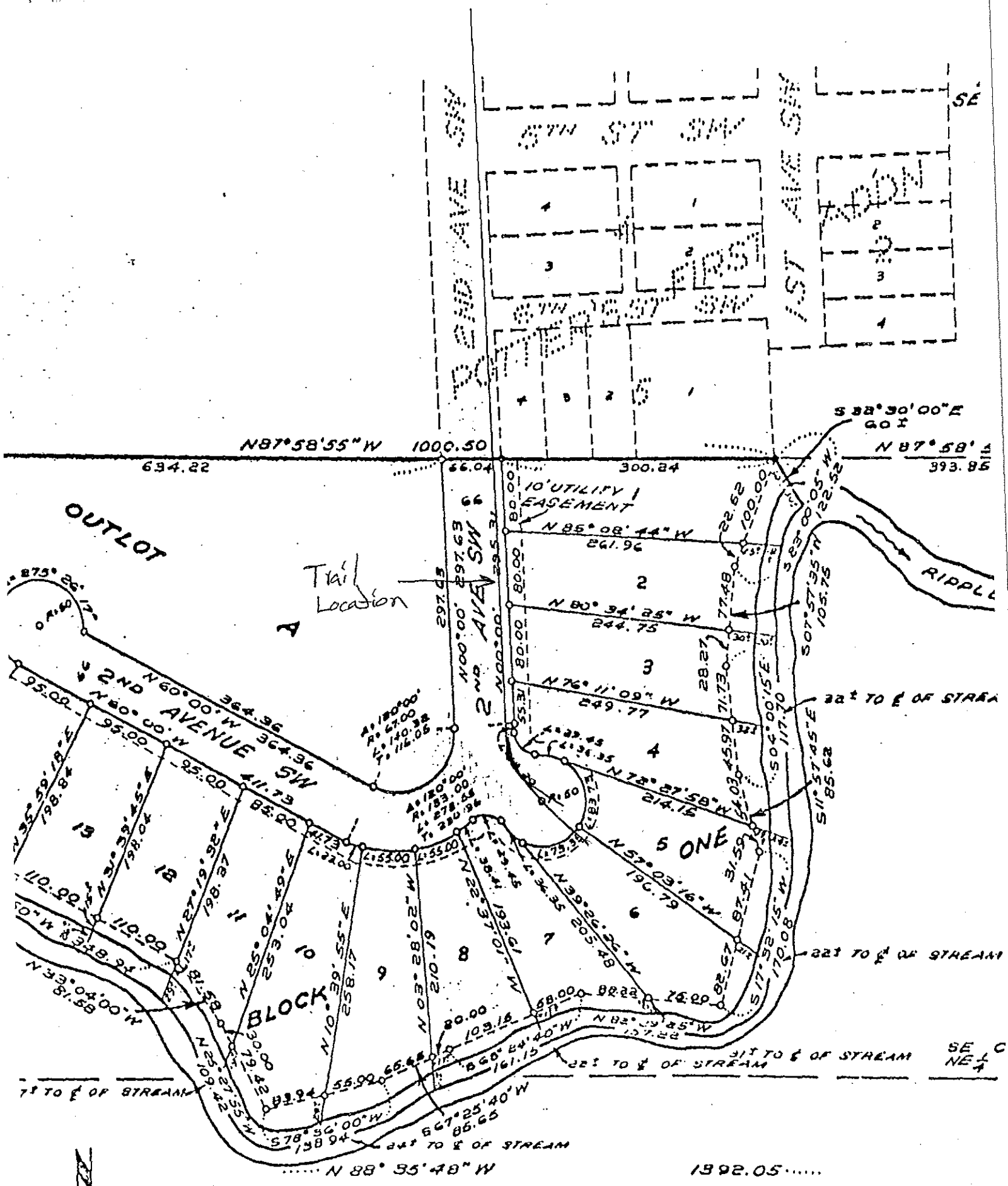
RECORDED
TRACT INDEX
GRANTOR
GRANTEE
COMPARED

COUNTY RECORDER
AITKIN COUNTY, MINNESOTA
FILED

APR 15 2011 9AM

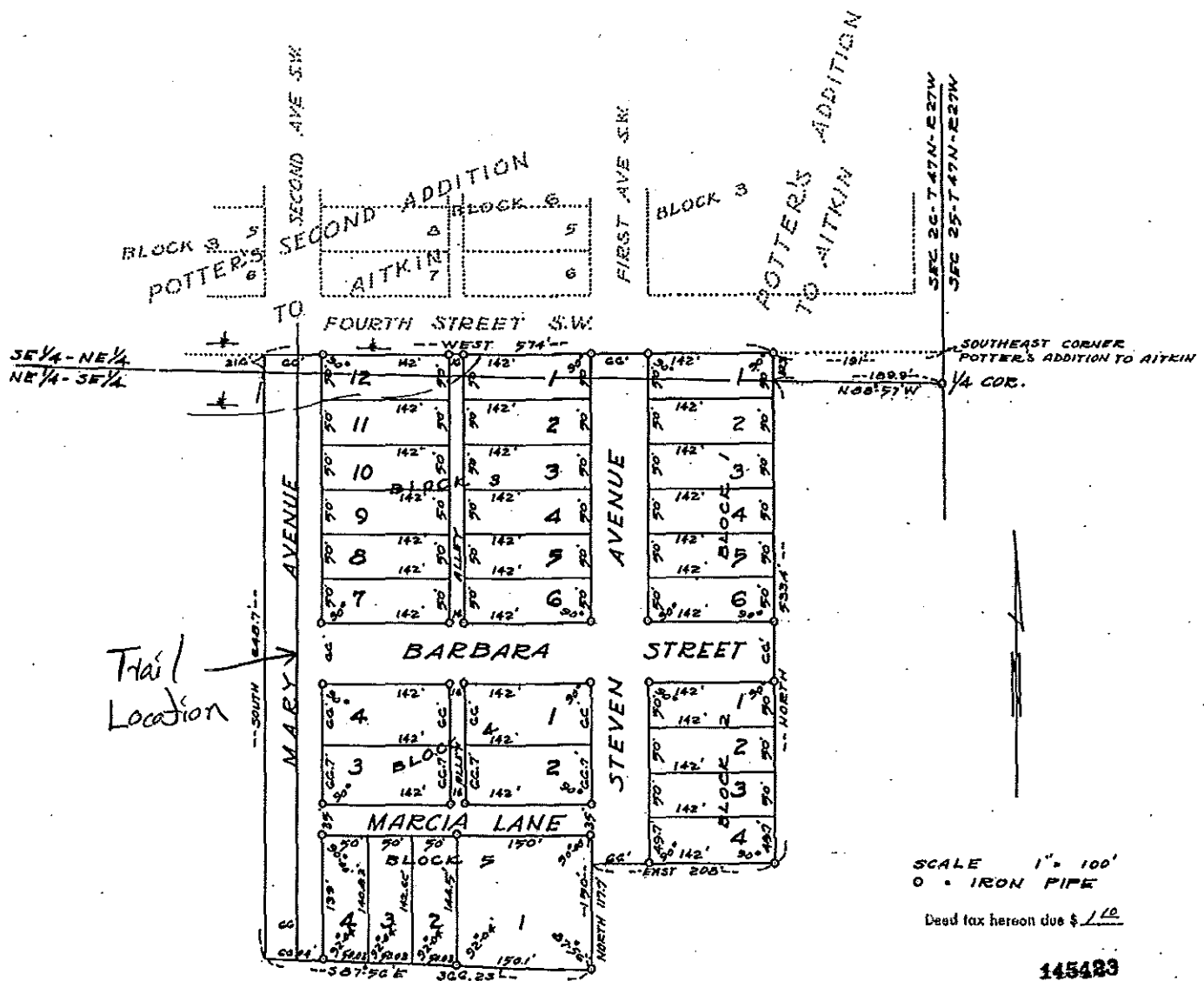
Deane J. Coffey
As Doc. No.

405207



○ IRON MON SET
● IRON MON SET

POTTER'S FIRST ADDITION TO AITKIN TOWNSHIP



SCALE 1" = 100'
0 - IRON PIPE

Dead tax hereon due \$ 1.40

145423

STATE OF MINNESOTA
COUNTY OF AITKIN
I HEREBY CERTIFY THAT THE WITHIN
INSTRUMENT WAS FILED IN MY OFFICE ON
Feb. 15, 1961 AT 9 O'CLOCK A.M.
By: E. C. Kinn
REGISTER OF DEEDS

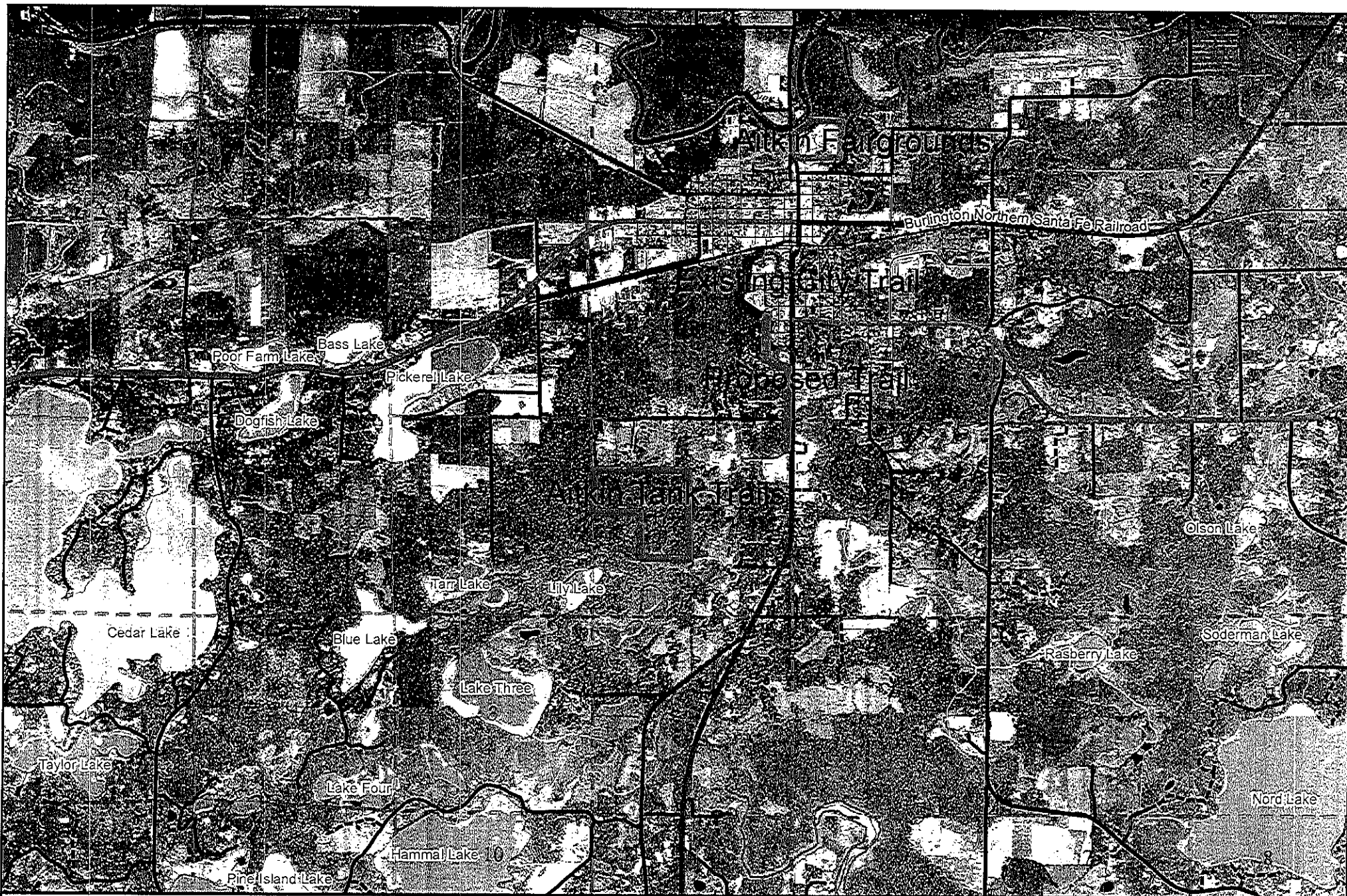
This plat of "POTTER'S FIRST ADDITION TO AITKIN
TOWNSHIP" was filed in my office this
day of 196 at O'clock H.

This plat of "POTTER'S FIRST ADDITION TO A
TOWNSHIP" was approved by the Board of
Commissioners of Aitkin County, Minne.
this 7th day of February 19

Harold E. J. [Signature]
Chairman of the Board

Register of Deeds
Aitkin County, Minnesota.

Exhibit B



0 800,600 3,200 Feet



Scale: 1:41,138

Exhibit B - Concept Plan

9/13/2010 2:39:43 PM

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

Exhibit C

CERTIFIED COPY OF RESOLUTION OF COUNTY BOARD OF AITKIN COUNTY, MINNESOTA

ADOPTED May 18, 2010

By Commissioner: Napstad

051810-044

CUYUNA LAKES STATE TRAIL CONSTRUCTION AGREEMENT

WHEREAS, Aitkin County is planning to assist the City of Aitkin with the upcoming construction of the Cuyuna Lakes State Trail within the City of Aitkin under S.P. 01-090-02, and

WHEREAS, federal funds will cover 80% of the costs of construction related to this project, and

WHEREAS, state bond funds will be used to pay the remaining 20% of the costs of construction, and

WHEREAS, Aitkin County, as project sponsor, will incur additional costs for construction inspection, material testing, and contract administration.

NOW THEREFORE, BE IT RESOLVED, that Aitkin County enter into a Cooperative Construction Agreement with the Minnesota Department of Natural Resources (DNR) to provide for payment by the DNR to the County for costs related to the construction of the Cuyuna Lakes State Trail within the City of Aitkin.

BE IT FURTHER RESOLVED that the Aitkin County Engineer is authorized to execute the Agreement and any amendments to the Agreement.

Commissioner Westerlund moved the adoption of the resolution and it was declared adopted upon the following vote

FIVE MEMBERS PRESENT

All Members Voting Yes

STATE OF MINNESOTA)
County of Aitkin) ss.
Office of County Auditor,)

I, Kirk Peysar, Auditor, of the County of Aitkin, do hereby certify that I have compared the foregoing with the original resolution filed in my office on the 18th day of May A.D., 2010, and that the same is a true and correct copy of the whole thereof.

WITNESS MY HAND AND SEAL OF OFFICE at Aitkin, Minnesota, this 18th day of May A.D. 2010


KIRK PEYSAR, County Auditor
BY _____, Deputy

AMENDMENT NO.1 TO CONTRACT NO. B44951 (B44953)

Contract Start Date:	<u>October 14, 2010</u>	Total Contract Amount:	<u>\$ 110,000.00</u>
Original Contract Expiration Date:	<u>June 29, 2035</u>	Original Contract:	<u>\$ 110,000.00</u>
Current Contract Expiration Date:	<u>June 29, 2035</u>	Previous Amendment(s) Total:	<u>\$ -</u>
Requested Contract Expiration Date:	<u>Not Applicable</u>	This Amendment:	<u>\$ -</u>

This amendment is by and between the State of Minnesota, through its Commissioner of Department of Natural Resources ("State") and County of Crow Wing, 16589 County Road 142, Brainerd, MN 56401 ("County").

Recitals

1. The State has a contract with the County identified as CFMS Contract Number B44951 & B44953 ("Original Contract") to provide development of two one-half mile trail segments of the Cuyuna Lakes State Trail between Iverson Road and Rowe Road in the city of Riverton and from Croft Mine Historical Park Unit of the Cuyuna Country State Recreation Area to CSAH 31 in the city of Crosby.
2. This agreement is being amended to provide additional time in the funding expiration date to complete the Cuyuna Lakes State Trail segments development project.
3. The State and the County are willing to amend the Original Contract as stated below.

Contract Amendment

REVISION 1. Clause III. b. "FUNDING Expiration Date" is amended as follows:

- b. *Expiration Date:* ~~June 30, 2011~~ **December 31, 2011**, or when all obligations under Article II (a)(b) has been satisfactorily fulfilled, whichever occurs first. No additional funding will be provided, unless agreed upon by all parties and an amendment to this Agreement is completed and executed.

Except as amended herein, the terms and conditions of the Original Contract and all previous amendments remain in full force and effect.

1. STATE ENCUMBRANCE VERIFICATION

Individual certifies that funds have been encumbered as required by Minn. Stat. §§16A.15 and 16C.05.

Signed: *Laura Oke*

Date: *May 11, 2011*

CFMS Contract No. B44951 & B44953

3. STATE AGENCY

Individual certifies the applicable provisions of Minn. Stat. §16C.08, subdivisions 2 and 3 are reaffirmed.

By: *[Signature]*

Title: *Deputy Director*

Date: *6/3/11*

2. COUNTY

The County certifies that the appropriate person(s) have executed the contract on behalf of the County as required by applicable articles, bylaws, resolutions, or ordinances.

By: *[Signature]*

Title: *Crow Wing County Engineer*

Date: *8/25/11*

4. COMMISSIONER OF ADMINISTRATION

As delegated to Materials Management Division

By: *[Signature]*

Date: *7/18/11*

Distribution:
Agency
County
State's Authorized Representative - Photo Copy

**CUYUNA LAKES STATE TRAIL
COOPERATIVE AGREEMENT FOR CONSTRUCTION OF
RIVERTON - ROWE ROAD TO IVERSON ROAD SEGMENT AND
CROSBY - CUYUNA COUNTRY STATE RECREATION AREA CROFT MINE TO CSAH 31 SEGMENT**

This Agreement, between the State of Minnesota, acting by and through the Commissioner of the Department of Natural Resources, hereinafter referred to as the "State" and the County of Crow Wing hereinafter referred to as the "County".

WITNESSETH:

WHEREAS, the Commissioner of Natural Resources has the authority, duty and responsibility under Minnesota Statutes Section 85.015, sub. 24, to establish, develop, maintain and operate the Cuyuna Lakes State Trail; and

WHEREAS, the State and the County are authorized under Minnesota Statutes Section 471.59 to enter into agreements to jointly or cooperatively exercise common powers; and

WHEREAS, the State and County have determined that the development of the approximate one-half mile segment of the Cuyuna Lakes State Trail located adjacent to Crow Wing County Highway 128 in the Town of Irondale between Iverson Road and the proposed parking area near Rowe Road in the City of Riverton is of high priority; and

WHEREAS, the State and County have determined that the development of the approximate one mile segment of the Cuyuna Lakes State Trail from the Croft Mine Historical Park Unit of the Cuyuna Country State Recreation Area (CCSRA) generally following 8th Street NE in Crosby to CSAH 31 in the City of Crosby is of high priority; and

WHEREAS, the County owns and/or has permission to use permanent easements upon which this one-half mile segment of the Cuyuna Lakes State Trail corridor in the Town of Irondale described as: Sections 17 and 18, T46N, R29W, Crow Wing County, as shown in Exhibit A; and

WHEREAS, the County own and/or has permission to use permanent easements upon which this one mile segment of the Cuyuna Lakes State Trail corridor in the City of Crosby described as: Sections 1 and 12, T46N, R29W, Crow Wing County, as shown in Exhibit B; and

WHEREAS, the State owns and/or has permanent easements upon which this one-half mile segment of the Cuyuna Lakes State Trail corridor in the Town of Irondale described as: Sections 17 and 18, T46N, R29W, Crow Wing County, as shown in Exhibit C; and

WHEREAS, the State owns and/or has permanent easements upon which this one mile segment of the Cuyuna Lakes State Trail corridor in the City of Crosby described as: Sections 1 and 12, T46N, R29W, Crow Wing County, as shown in Exhibit D; and

WHEREAS, the County is prepared to construct, including construction engineering and contract administration, of the two segments of the Cuyuna Lakes State Trail located in Crow Wing County between Iverson Road in the Town of Irondale and the proposed parking area near Rowe Road in the City of Riverton and from Croft Mine Historical Park Unit of the CCSRA to CSAH 31 in the City of Crosby, hereinafter referred to as "the Trail Segments"; and

WHEREAS, the County has applied for and been allocated funding through the 2005 SAFE Transportation Equity Act: A Legacy for Users (SAFETEA-LU) for an amount equal to approximately 80% of the total cost of the construction of the Trail Segments; and

WHEREAS, the County has been appropriated approximately 80% of the funding allocated by the 2005 SAFETEA-LU; and

WHEREAS, the State has been provided funding by the 2005 Minnesota Legislature to provide the funding match required for the SAFETEA-LU funding and project contingency funding, and

WHEREAS, the County has requested to be the Lead Agency in the construction engineering, contract project administration, Cuyuna Lakes State Trail-Riverton/Crosby
Crow Wing County
DNR P&T 03Jun10

and construction of the Trail Segments; and

WHEREAS, the State is willing to allow the County to build the Trail Segments, including the construction engineering, contract project administration, and construction as hereinafter set forth; and

WHEREAS, the final design, plans and specifications for the Trail Segments have been developed by the County and approved by the State, as shown in the attached Exhibit E, hereinafter referred to as "the Plans"; and

WHEREAS, upon completion, the Trail Segments shall be the sole responsibility of the State; and

WHEREAS, a resolution or copy of the County Board meeting minutes authorizing the County to enter into this agreement is attached hereto as Exhibit F; and

NOW, THEREFORE, in consideration of the mutual benefits to be derived by the public bodies hereto and for the benefit of the general public, the parties agree as follows:

I. STATE'S DUTIES AND RESPONSIBILITIES

- a. The State shall provide technical and design assistance with the Trail Segments.
- b. The State shall provide funding assistance with the construction of the Trail Segments. This funding shall be limited to the difference between the SAFETEA-LU funding available to the County and the final contract award costs, including the 20% funding match as required by the SAFETEA-LU.
- c. The State shall review and approve the preliminary and final plans for the Trail Segments as prepared by the County. State plan approval and comment will be provided to the County by the State's designated Project Engineer.
- d. The State has the right to require the County to reject any and all bids for the construction of the Trail Segments. The State will provide the County written notice of the rejection or the requirement for rejection no later than 30 days following upon receipt of a copy of the project low bid and an abstract of all bids.
- e. The County may not award any construction contract for the Trail Segments without approval by the State. Written approval and concurrence to award the construction contract will be provided to the County by the State.
- f. All changes to the plans, specifications and/or special provisions to the Trail Segments construction shall be subject to approval by the State. State approval and comment will be provided to the County by the State's designated Project Engineer.
- g. Upon completion, the State shall manage, operate, maintain and administer the Trail Segments as the Cuyuna Lakes State Trail as established.
- h. The State shall permit the County to review and approve all modifications to the Trail or Trail corridor proposed by the State. County approval and comment will be provided by the County's designated Contact.
- i. The State will provide and install the appropriate signage for the Trail. The State shall also provide all trail related informational signs for the facility as determined by Department of Natural Resources policy.
- j. The State reserves the right to inspect the Trail Segments at any time to ensure that the County is in compliance with this agreement. Trail signage placement shall be reviewed and approved by the County.

II. COUNTY'S DUTIES AND RESPONSIBILITIES

- a. The County shall prepare the necessary plan, specifications, and proposal for the development of the Trail Segments under the supervision of a registered professional engineer. The design shall meet ADA requirements and shall be approved by the State.
- b. The County shall perform all necessary bid advertisement, contract administration, construction engineering, staking, materials testing, record keeping and construction inspection, and shall administer the terms of the construction contract from contract award to certification of the final payment.
- c. The County has the right to reject any and all bids for the construction of the Trail Segments. The County will provide the State written notice of the rejection or the requirement for rejection no later than 30 days following upon opening of the bids for the Trail Segments construction.
- d. The County shall permit the State to review and approve any changes to the Trail Segments as bid and awarded.
- e. The County shall obtain all rights-of-way, federal and state permits necessary for the construction of the Trail Segments. The County shall provide the State certified copies of all rights-of-way, easement and permits required for the construction and administration of the Trail Segments.
- f. The County shall seek reimbursement for all eligible Trail Segments construction costs through its 2005 SAFETEA-LU allocation.
- g. The County shall allow the State to review and approve any alterations to the Trail Segments as constructed.
- h. Upon completion, the County shall transfer all interest in the Trail Segments and all Trail Segments associated improvements to the State.

III. FUNDING

The State shall provide funding for its responsibilities under Article I (a)(b)(g)(i) above, however, the total obligation of the State for the construction of the facility under Article I (b), as referenced in the Plan, not to exceed \$110,000.00. The obligation of the State is also limited to the amount of funds legislatively appropriated and administratively allocated to this project.

- a. *Effective Date:* June 30, 2010, or the State obtains all required signatures under Minnesota Statutes Section 16C.05, Subdivision 2, whichever is later.
- b. *Expiration Date:* June 30, 2011, or when all obligations under Article II (a)(c) has been satisfactorily fulfilled, whichever occurs first. No additional funding will be provided, unless agreed upon by all parties and an amendment to this Agreement is completed and executed.

Reimbursement will be due within thirty (30) days of the County's presentation of invoices for services performed and acceptance of such services by the State's authorized representative. The County will not receive payment for work found by the State to be unsatisfactory or performed in violation of federal, state or local law.

The invoices presented to the State by the County for reimbursement will reflect and document the total State participation and the total 2005 SAFETEA-LU participation. Each invoice shall also be accompanied by a schedule outlining each of the following on the date of the invoice: the total project cost; the total of State matching funds reimbursed and requested; and the total of 2005 SAFETEA-LU funding reimbursed by and requested from the Federal Highway Administration through the Minnesota Department of Transportation.

The County shall seek reimbursement for all eligible Trail construction costs through its 2005 SAFETEA-LU allocation. 2005 SAFETEA-LU funding appropriations received by the County as reimbursement for eligible Trail costs previously paid by the State, shall be reimbursed to the State within 30 days of the County's receipt of

the funds.

IV. LIABILITY

Each party agrees that it will be responsible for its own acts and the results thereof to the extent authorized by the law and shall not be responsible for the acts of the other party and the results thereof. The State's liability shall be governed by the provisions of the Minnesota Tort Claims Act, Minnesota Statutes Section 3.736, and other applicable law. The County's liability shall be governed by Minnesota Statutes Sections 466.01-466.15, and other applicable law.

V. TERM

- c. *Effective Date:* June 30, 2010, or the State obtains all required signatures under Minnesota Statutes Section 16C.05, Subdivision 2, whichever is later. The County shall not begin work under this Agreement until it is fully executed and the County has been notified by the State's authorized representative to begin the work.
- d. *Expiration Date:* June 29, 2035, for a period of twenty five (25) years except as otherwise provided herein or agreed to in writing by both parties. This agreement shall renew at the end of the term for an additional five (5) year period unless a party gives three (3) months written notice to the other party to terminate the agreement. This agreement shall continue to automatically renew as the end of each five (5) year period unless the required given notice is given.

VI. AUDIT

Under Minnesota Statutes Section 16C.05, sub. 5, the books, records, documents and accounting procedures and practices of the County relevant to the agreement shall be subject to examination by the Commissioner of Natural Resources, the Legislative Auditor and the State Auditor for a minimum of six years from the end of this agreement.

VII. ANTITRUST

The County hereby assigns to the State any and all claims for overcharges as to goods and/or services provided in connection with this Agreement resulting from antitrust violations that arose under the antitrust laws of the United States and the antitrust laws of the State of Minnesota.

VIII. CANCELLATION

This Agreement may be cancelled by the State at any time with cause or as necessary as provided in Article III, upon thirty (30) days written notice to the County.

This Agreement may also be cancelled by the State if it does not obtain funding from the Minnesota Legislature, or other funding sources, or if funding cannot be continued at a level sufficient to allow for the payment of services covered under this agreement. The State will notify the County by written or fax notice. The State will not be obligated to pay for services provided after the notice is given and the effective date of cancellation. However, the County shall be entitled to payment, determined on a pro-rated basis, for services satisfactorily performed to the extent that funds are available. The State will not be assessed any penalty if the agreement is cancelled because of a decision of the Minnesota Legislature, or other funding source, not to appropriate the necessary funds. The State shall provide the County notice of lack of funding within a reasonable time of the State's receiving that notice.

IX. GOVERNMENT DATA PRACTICES

The County and the State must comply with the Minnesota Data Practices Act, Minn. Stat. Ch. 13, as it applies to all data provided by the State under this agreement, and as it applies to all data created, collected, received, stored, used, maintained, or disseminated by the County under this agreement. The civil remedies of Minn. Stat. 13.08 apply to the release of the data referred to in this clause by either the County or the State.

X. PUBLICITY AND ENDORSEMENT

Any publicity regarding the subject matter of this agreement must identify the State as the sponsoring agency and

must not be released without prior written approval from the State's Authorized Representative. For purposes of this provision, publicity includes notices, informational pamphlets, press releases, research, reports, signs, and similar public notices prepared by or for the County individually or jointly with others, or any subcontractors, with respect to the program and services provided from this agreement.

XI. COMPLETE AGREEMENT

This Agreement, and amendments, constitutes the entire agreement between the parties. Any amendment to this agreement must be in writing and will not be effective until it has been executed and approved by the same parties who executed and approved the original agreement, or their successors in office.

XII. OTHER TERMS AND CONDITIONS

NOTICES: Any notice, demand or communication under this Agreement by either party to the other shall be deemed to be sufficiently given or delivered if it is dispatched by registered or certified mail, postage prepaid to:

The State

Minnesota Department of Natural Resources
Trails and Waterway Division Area (1D) Supervisor
1601 Minnesota Drive
Brainerd, MN 56401

The County

County of Crow Wing
County Highway Engineer
16589 County Road 142
Brainerd, MN 56401

IN WITNESS WHEREOF, the parties have caused the Agreement to be duly executed intending to be bound thereby.

DEPARTMENT OF NATURAL RESOURCES

By: [Signature]

Title: Deputy Director

Date: 8/11/10

COUNTY OF CROW WING

By: [Signature]

Title: Philip J. Trusty, Chairman

Date: 7/13/10

DEPARTMENT OF ADMINISTRATION
Delegated to Materials Management Division

By: [Signature]

Title: AMS

Date: July 14, 2010
(EFFECTIVE DATE)

COUNTY OF CROW WING

By: [Signature]

Title: Timothy J. Houle, Administrator

Date: 7/13/10

STATE ENCUMBRANCE VERIFICATION

Individual certifies that funds have been encumbered as req. by Minn. Stat. 16A.15 and 16C.05.

Signed: Karen Ochs

Date: June 23, 2010

Contract: B44951 & B44953

THE
FEDERAL BUREAU OF INVESTIGATION
UNITED STATES DEPARTMENT OF JUSTICE

MEMORANDUM FOR THE DIRECTOR
FROM THE SAC, NEW YORK
SUBJECT: [Illegible]

On [illegible] at New York, New York, [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]
[illegible] [illegible] [illegible] [illegible] [illegible]

Reference is made to [illegible]

[Illegible handwritten notes and stamps]

[Illegible handwritten notes]

[Illegible handwritten notes]

[Illegible handwritten notes]

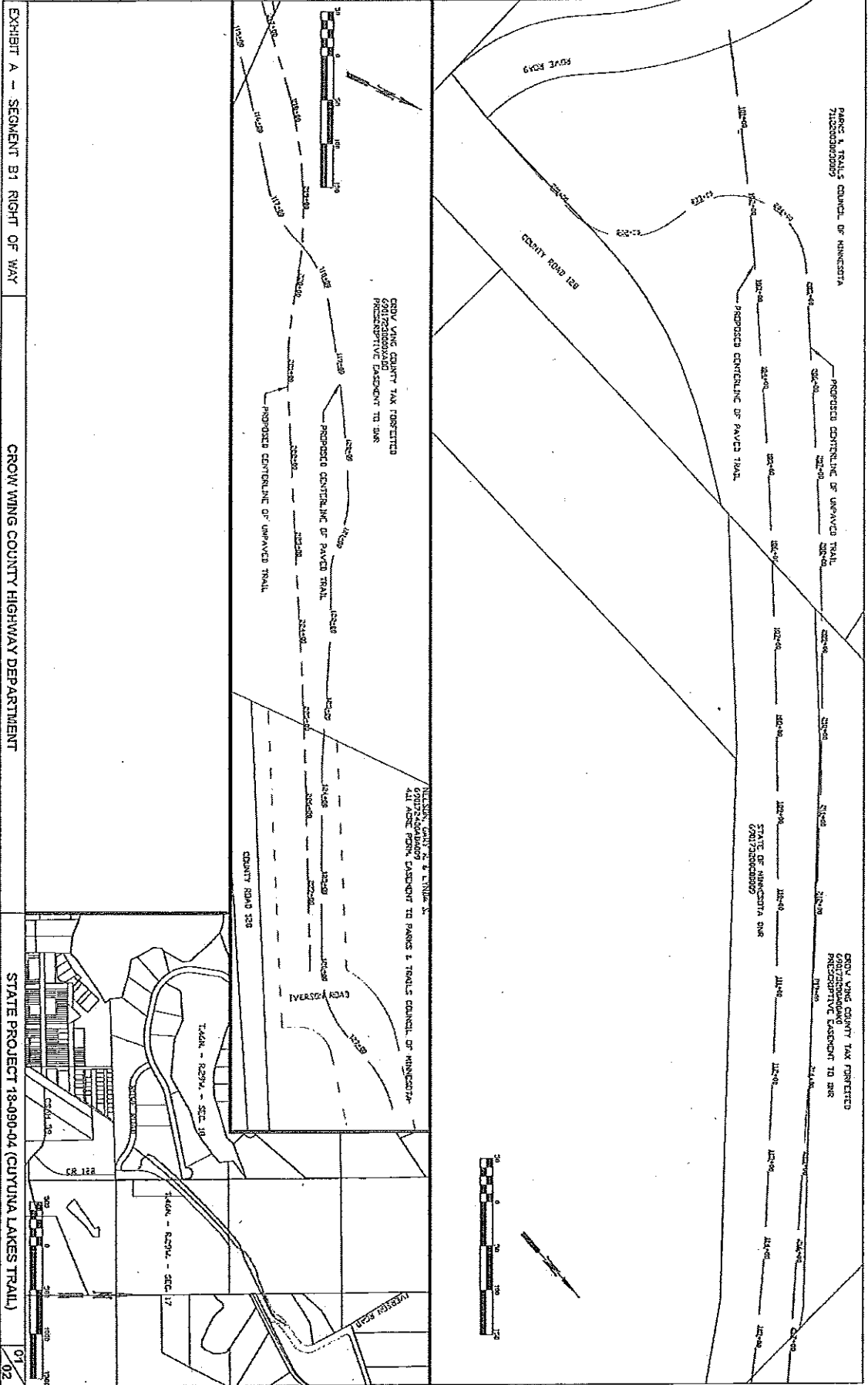
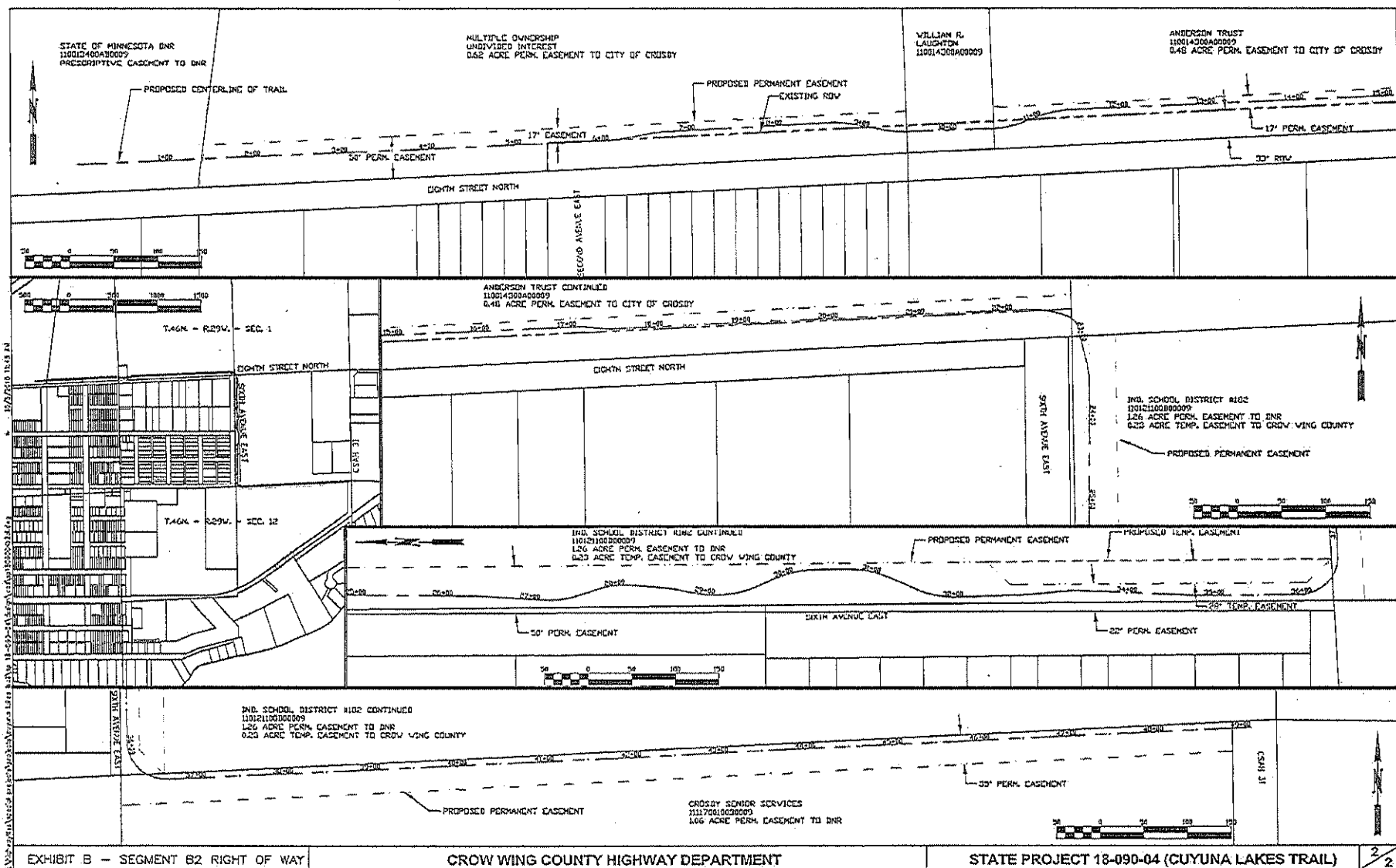


EXHIBIT A - SEGMENT B1 RIGHT OF WAY

CROW WING COUNTY HIGHWAY DEPARTMENT

STATE PROJECT 18-090-04 (CUYUNA LAKES TRAIL)



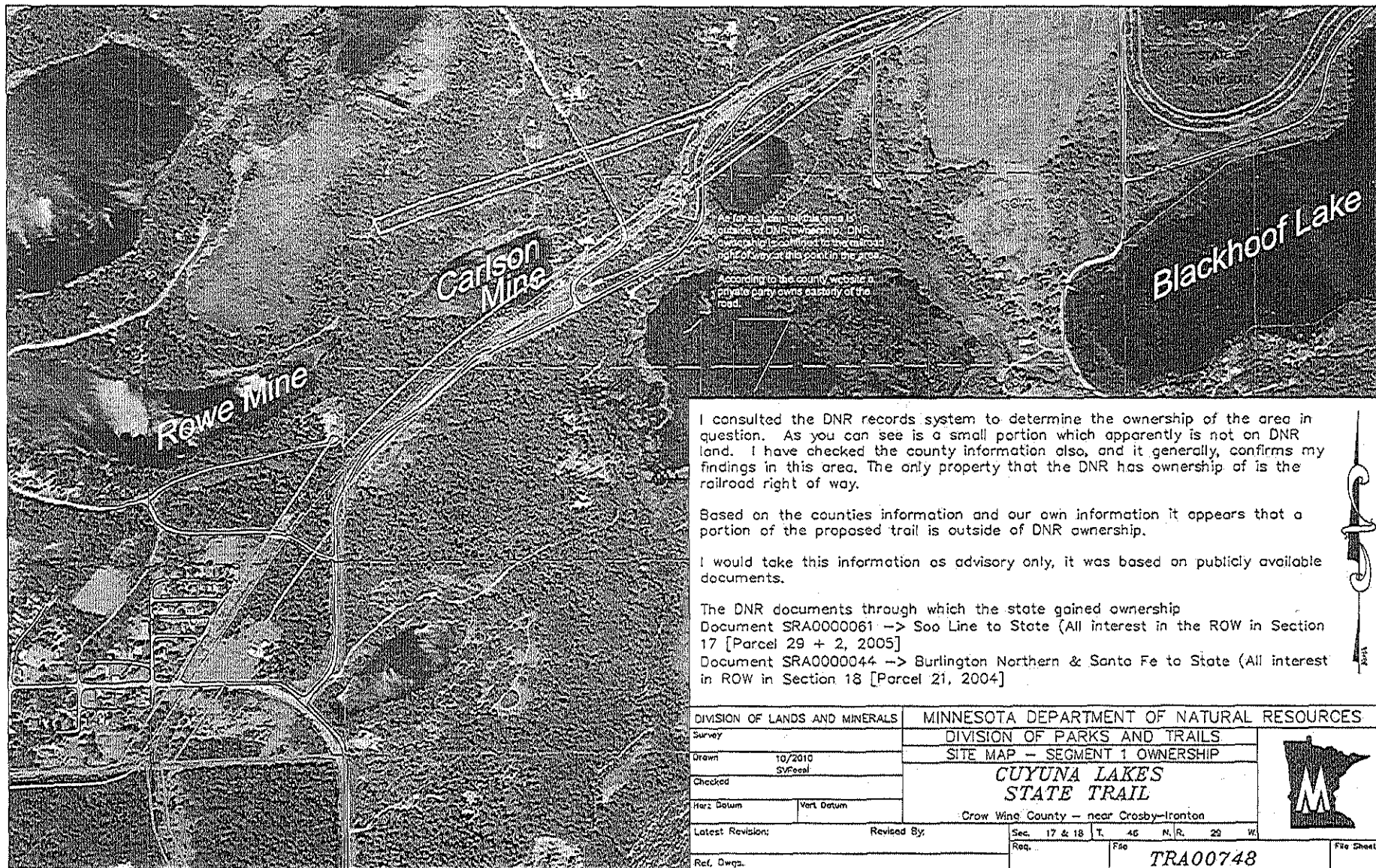


Exhibit C



I consulted the DNR records system to determine the ownership of the area in question. As you can see only a small portion of the proposed alignment is on DNR land. I have checked the county information also and it confirms my findings in this area. I would take this information as advisory only, it was based on publicly available documents.

Document SRA0000061 → Soo Line to State (All interest in the NE-SW and S1/2-SW [Parcel 29 + 2, 2005])

Document SRA0000044 → Burlington Northern & Santa Fe to State (All interest in ROW — nothing in SE-SW Sec.1) [Parcel 21, 2004]

Document SRA0000007 → Croft Mine Joint Powers Board (All interest in property lying west of west ROW in SE-SW Sec.1) [Parcel 14, 2001]

DIVISION OF LANDS AND MINERALS		MINNESOTA DEPARTMENT OF NATURAL RESOURCES	
Survey		DIVISION OF PARKS AND TRAILS	
Drawn 9/2010 DWT/med		SITE MAP — SEGMENT 2: OWNERSHIP	
Checked		CUYUNA LAKES STATE TRAIL	
Map Datum Vert Datum		Crow Wing County — near Crosby-Ironton	
Latest Revision		Revised By	
Ref. Docs.		SRA00302	

EXHIBITS A and B, CUYUNA LAKES TRAIL COOPERATIVE CONSTRUCTION AGREEMENT (ROWE ROAD TO IVERSON ROAD) AND (CROFT MINE TO CSAH 31)

MINNESOTA DEPARTMENT OF TRANSPORTATION CROW WING COUNTY

CONSTRUCTION PLAN FOR GRADING, AGGREGATE BASE, & BITUMINOUS SURFACING

LOCATED ON SOO LINE CORRIDOR BETWEEN ROWE ROAD AND IVERSON ROAD
 FROM 245' WEST AND 1390' NORTH OF THE SOUTH EAST CORNER TO 1656' EAST AND 2058' SOUTH OF THE NORTH WEST CORNER
 SECTION 13 TOWNSHIP 46N RANGE 28W SECTION 17 TOWNSHIP 46N RANGE 28W
 LOCATED ON CITY OF CROSBY BETWEEN CROFT MINE ENTRANCE ROAD AND CSAH 31
 FROM 1320' EAST AND 0' SOUTH OF THE SOUTH WEST CORNER TO 0' EAST AND 1320' SOUTH OF THE NORTH EAST CORNER
 SECTION 5 TOWNSHIP 46N RANGE 29W SECTION 12 TOWNSHIP 46N RANGE 29W
 STATE PROJECT NO. 18-090-04

PAVED TRAIL
 CROSS LENGTH 2923.6 FEET 1.459 MILES
 BRIDGES LENGTH FEET MILES
 EXCEPTIONS LENGTH FEET MILES
 NET LENGTH 2923.6 FEET 1.459 MILES

PROJECT LOCATION
COUNTY: CROW WING
DISTRICT: 1

SPECIFICATIONS

THE 2005 EDITION OF THE MINNESOTA DEPARTMENT OF TRANSPORTATION "STANDARD SPECIFICATIONS FOR CONSTRUCTION" SHALL GOVERN.

THE SUBSURFACE UTILITY INFORMATION IN THIS PLAN IS UTILITY QUALITY LEVEL D. THIS QUALITY LEVEL WAS DETERMINED ACCORDING TO THE GUIDELINES OF CIRCULAR 38-02, ENTITLED "STANDARD GUIDELINES FOR THE COLLECTION AND DEPICTION OF EXISTING SUBSURFACE UTILITY DATA" CALL Gopher STATE ONE CALL 1-800-252-1165

INDEX

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10-12	STORM WATER POLLUTION PREVENTION PLAN
13-14	EROSION CONTROL PLAN
15-18	SEGMENT B2 PLAN & PROFILE
19-23	SEGMENT B2 CROSS SECTIONS
24-25	SEGMENT B1 PLAN & PROFILE
26-29	SEGMENT B2 CROSS SECTIONS
30	PARKING LOT PLAN & PROFILE
31-32	PARKING LOT CROSS SECTIONS

THIS PLAN CONTAINS 32 SHEETS

DESIGN DESIGNATION	ESALS	NA
R VALUE	NA	
ADT 2000	NA	
PRI. ADT 2020	NA	
PRI. HCAOT 2020	NA	
DESIGN	NA	
SHOULDER WIDTH	2	
FUNCTIONAL CLASSIFICATION	BIKE TRAIL	
NO. OF TRAFFIC LANES	0 NO. OF PARKING LANES	
DESIGN SPEED	20 MPH	
BASED ON STOPPING SIGHT DISTANCE		
HEIGHT OF EYE	4.5' HEIGHT OF OBJECT	

DESIGN EXCEPTIONS
 STA 32+70 TO 22+55 MIN. RADIUS
 STA 35+95 TO 30+25 MIN. RADIUS

END SP 18-090-04 (SEG. B1) STA. 127+87 & 227+83

BEGIN SP 18-090-04 (SEG. B2) STA. 0+00

BEGIN SP 18-090-04 (SEG. B1) STA. 100+43 & 200+00

END SP 18-090-04 (SEG. B2) STA. 49+11

STATE PROJ. NO. 18-090-04

CHARGE IDENTIFIER

PLAN 50'

PROFILE 50' HORIZ. 5' VERT.

GENERAL LAYOUT 100'

RECOMMENDED FOR APPROVAL _____ DATE _____

SIGNATURE COUNTY ENGINEER

REVIEWED FOR COMPLIANCE WITH STATE AID RULES/POIC _____ DATE _____

SIGNATURE DISTRICT STATE AID ENGINEER

APPROVED FOR STATE AID AND FEDERAL AID FUNDING _____ DATE _____

SIGNATURE STATE AID ENGINEER

DESIGN ENGINEER: I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

SIGNATURE ROBERT RALL DATE LICENSE NUMBER 20809

STATE PROJECT 18-090-04 (CUYUNA LAKES TRAIL) 1/32

GE TABLE	STATION	STATION
6" 2211 CL-5 AGG. BASE	0+00 to 40+11	100+00 to 127+87
2.5" 2300 WEARING COURSE MK	5.00	5.00
TOTAL GE PROVIDED	11.60	11.60
TOTAL GE REQUIRED	11.60	11.60
TOTAL BIT GE PROVIDED	5.00	5.00
TOTAL BIT GE REQUIRED	5.00	5.00



STATE AID FOR LOCAL TRANSPORTATION
Right-of-Way Certificate No.1

June 2007

RIGHT-OF-WAY CERTIFICATE NO. 1

State Aid Engineer
Department of Transportation
Mail Stop 500 - Transportation Building
395 John Ireland Blvd.
St. Paul, Minnesota 55155

Subject: Right-of-Way Acquisition

Status Certificate

S.P. 18-090-04

Minn. Proj. _____

County/City Crow Wing

I hereby certify that the Right-of-Way for S.P. 18-090-04 for construction of the Cuyuna Lakes Trail in Crow Wing County has been acquired or the right to occupy and use the Right-of-Way has been acquired. All property owners have either been paid, or, if in condemnation, the appraised values have been deposited with the Court and are available to all owners. All Right-of-Way acquisition and relocation has been conducted in accordance with applicable Federal and State Laws and Regulations

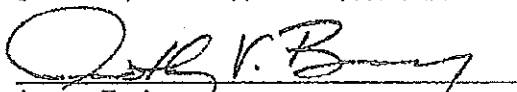
Number of parcels, including easements, on project 9

Estimated total Right-of-Way cost \$6225

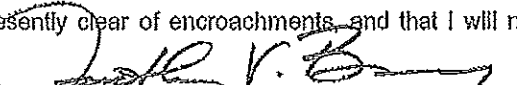
Number of relocations on the Project _____

Number of parcels acquired by condemnation 1

Number of parcels secured by permit and/or Agreement (Attach copy of each) 4


Agency Engineer

I hereby certify that the Right-of-Way is presently clear of encroachments, and that I will not allow future encroachments to occur.


Agency Engineer or Town Board Chairperson

6/21/10
Date

I concur that all Right-of-Way acquisition and relocation has been conducted in accordance with applicable Federal and State Laws and Regulations.


Mn/DOT District Right-of-Way Engineer

6/29/10
Date

LEGEND

- BENCHMARK
- SECTION CORNER
- PROPERTY CORNER
- REGISTERED PROPERTY CORNER
- BRIDGE CORNER
- DROP INLET
- CATCH BASIN
- APRON
- SIGN POST
- GATE POST
- DECIDUOUS TREE
- CONIFEROUS TREE
- SOIL BORING
- SANITARY MANHOLE
- SEPTIC TANK
- LIFT STATION
- CLEAN OUT
- WATER MANHOLE
- METER
- DATE VALVE
- WATER SHUT OFF
- SPRINKLER HEAD
- WELL
- HYDRANT
- DRAINAGE MOUNTAIN
- GAS MANHOLE
- GAS VENT
- TELEPHONE MANHOLE
- POLE
- TELEPHONE PEGESTAL
- HANDSICLE
- FIBER OPTIC PEGESTAL
- ELECTRIC MANHOLE
- ELECTRIC OUTLET
- CITY WIRE
- LIGHT POLE

EXISTING

- EDGE OF DRIVING LANE
- EDGE OF GRAVEL
- EDGE OF BITUMINOUS
- EDGE OF CONCRETE
- EDGE OF WATER
- EDGE OF VEGETATION
- CENTERLINE OF STREAM
- FENCE LINE
- RAILROAD RAIL
- CENTERLINE
- STORM SEWER
- GUARD RAIL
- FENCE
- CLARKER
- ROTATING WALL
- BUILDING EDGE
- DRAIN LINE
- TOP OF SLOPE
- SANITARY MANHOLE
- WATER MAIN
- GAS LINE
- TELEPHONE LINE
- FIBER OPTIC LINE
- ELECTRIC LINE
- TRAFFIC LOOP
- RIGHT OF WAY

PROPOSED

- CENTERLINE
- RIGHT OF WAY
- PERMANENT BASEMENT
- CONSTRUCTION BASEMENT
- FILL FENCE
- POLE CHECKS
- REMOVE
- BALANCE
- ADJUST
- STORM SEWER
- SANITARY SEWER
- CULVERT PROTECTION
- INLET PROTECTION

MINNESOTA DEPARTMENT OF TRANSPORTATION

CROW WING COUNTY

CONSTRUCTION PLAN FOR GRADING, AGGREGATE BASE, & BITUMINOUS SURFACING

SEGMENT B1 LOCATED ON 500' LINE CORRIDOR BETWEEN ROWE ROAD AND IVerson ROAD
 FROM 245' WEST AND 1390' NORTH OF THE SOUTH EAST CORNER TO 1656' EAST AND 2058' SOUTH OF THE NORTH WEST CORNER (Legal Description)

SECTION 15 TOWNSHIP 46N RANGE 23W SECTION 17 TOWNSHIP 46N RANGE 23W
 SEGMENT B2 LOCATED ON CITY OF CROSBY BETWEEN CROFT MINE ENTRANCE ROAD AND CSAH 31 (Geographic Description)

FROM 1320' EAST AND 0' SOUTH OF THE SOUTH WEST CORNER TO 0' EAST AND 1320' SOUTH OF THE NORTH EAST CORNER (Legal Description)

SECTION 1 TOWNSHIP 46N RANGE 23W SECTION 12 TOWNSHIP 46N RANGE 23W

STATE PROJECT NO. 18-090-04

PAVED TRAIL

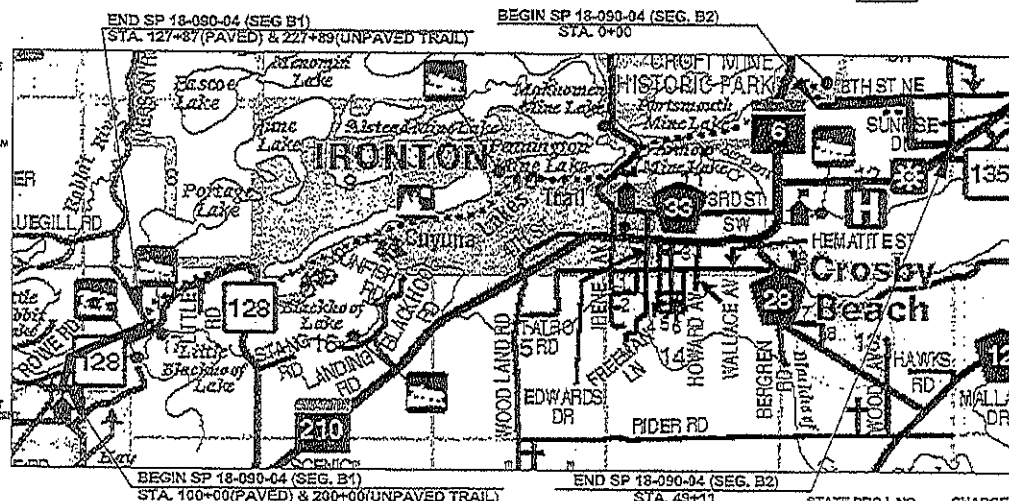
GROSS LENGTH 7522.02 FEET 1.437 MILES
 BRIDGES-LENGTH FEET 0.00 MILES
 EXCEPTIONS-LENGTH FEET 0.00 MILES
 NET LENGTH 7522.02 FEET 1.437 MILES

UNPAVED TRAIL

GROSS LENGTH 2722.02 FEET 0.52 MILES
 BRIDGES-LENGTH FEET 0.00 MILES
 EXCEPTIONS-LENGTH FEET 0.00 MILES
 NET LENGTH 2722.02 FEET 0.52 MILES



PROJECT LOCATION
 COUNTY: CROW WING
 DISTRICT: 3



ITEM	QUANTITY	UNIT
6" 2211 CR-S AGG. BASE	5.00	0.00
2.5" 2350 WEARING COURSE MIX	5.80	5.80
TOTAL GE PROVIDED	11.80	11.80
TOTAL GE REQUIRED	11.80	11.80
TOTAL BIT GE PROVIDED	5.80	5.80
TOTAL BIT GE REQUIRED	5.80	5.80

MINN. PROJ. NO.

SPECIFICATIONS

THE 2005 EDITION OF THE MINNESOTA DEPARTMENT OF TRANSPORTATION "STANDARD SPECIFICATIONS FOR CONSTRUCTION" SHALL GOVERN.

THE SUBSURFACE UTILITY INFORMATION IN THIS PLAN IS UTILITY QUALITY LEVEL D. THIS QUALITY LEVEL WAS DETERMINED ACCORDING TO THE GUIDELINES OF CHASCE 08-02, ENTITLED "STANDARD GUIDELINES FOR THE COLLECTION AND DEPICTION OF EXISTING SUBSURFACE UTILITY DATA" CALL Gopher STATE ONE CALL 1-800-252-1168

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19-23	SEGMENT B2 CROSS SECTIONS
24-28	SEGMENT B1 PLAN & PROFILE
29-30	SEGMENT B1 CROSS SECTIONS
31	PARKING LOT PLAN & PROFILE
32	PARKING LOT CROSS SECTIONS

THIS PLAN CONTAINS 32 SHEETS

DESIGNATION	ESALS
R VALUE	NA
ADT 2000	NA
PRL ADT 2000	NA
PRL HCDT 2000	NA
DESIGN	NA
SHOULDER WIDTH	2'
FUNCTIONAL CLASSIFICATION	BIKE TRAIL
NO. OF TRAFFIC LANES	0
NO. OF PARKING LANES	0
DESIGN SPEED	20 MPH
BASED ON STOPPING SIGHT DISTANCE	
HEIGHT OF EYE 4.5' HEIGHT OF OBJECT 0	

DESIGNATION	ESALS
STA 22+76 TO 22+95	20' RADIUS
STA 35+95 TO 36+08	45' RADIUS

STATE PROJ. NO. 18-090-04

CHARGE IDENTIFIER

SCALES

PLAN 50'
 PROFILE 5' VERT.
 GENERAL LAYOUT 100'

BATH	BY	DATE	REVISION

RECOMMENDED FOR APPROVAL
 SIGNATURE: COUNTY ENGINEER DATE: 5/28/10

REVIEWED FOR COMPLIANCE WITH STATE AID RULES/POLICY
 SIGNATURE: DISTRICT STATE AID ENGINEER DATE:

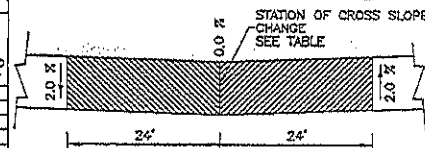
APPROVED FOR FEDERAL AID FUNDING
 SIGNATURE: STATE AID ENGINEER DATE:

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

SIGNATURE: ROBERT HALL DATE: 5/28/10
 LICENSE NUMBER: 5848

STATE PROJECT 18-090-04 (CUYUNA LAKES TRAIL)

32



SUPERELEVATION TRANSITION DETAIL (TYPICAL)

SUPERELEVATION CROSS SLOPE CHANGE LOCATIONS	
STATION	2.0% CROSS SLOPE DIRECTION
0+00	SLOPE LEFT
8+50	SLOPE RIGHT
27+00	SLOPE LEFT
33+00	SLOPE RIGHT
100+43	SLOPE LEFT
102+75	SLOPE RIGHT
117+30	SLOPE LEFT
122+80	SLOPE RIGHT

CONSTRUCTION NOTES

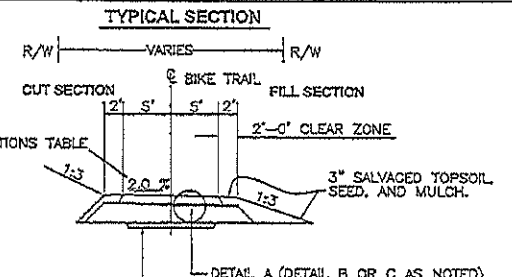
1. IN AREAS WHERE SLOPE IS WITHIN 200' OF CRITICAL AREAS EROSION CONTROL BLANKET SHALL BE USED.
2. SALVAGE ALL TOPSOIL WHICH IS PAID FOR BY COMMON EXCAVATION.
3. EAVING SHALL NOT EXTEND BEYOND THE PROPOSED CONSTRUCTION LIMITS.
4. TOPSOIL SHALL BE PROTECTED FROM PREPARATION AND AGGREGATE BASE SHALL BE OBTAINED BY THE QUALITY COMPACTION METHOD.
5. COMPACTION FOR SITUMINOUS SURFACING SHALL BE OBTAINED BY THE ORDINARY COMPACTION METHOD.
6. PLACE A MINIMUM OF 3" OF TOPSOIL ON ALL AREAS DISTURBED BY CONSTRUCTION.

7. ALL ELEVATIONS ARE TO FINISHED GRADE.
THE FOLLOWING STANDARD PLATES, APPROVED BY THE FEDERAL
HIGHWAY ADMINISTRATION, SHALL APPLY ON THIS PLAN

STANDARD PLATES	
PLATE NO.	DESCRIPTION
3000L	REINFORCED CONCRETE PIPE
3040F	CORRUGATED METAL PIPE
3110G	CONCRETE APPLN FOR REINFORCED CONCRETE PIPE
3123J	METAL APPLN FOR C.S. PIPE
3174R	METAL APPLN CONNECTION
5145F	CONCRETE PIPE TIES
6221L	CORRUGATED STEEL PIPE COUPLING BAND
7039F	PEDESTALIAN CURB RAMP
7160H	CONCRETE CURBS AND GUTTER
7160I	GUTTER CURBS AND GUTTER
7050J	STANDARD BARRIERS

ESTIMATED QUANTITY NOTES

1. PROVIDE FOR SCARPING AND RECOMPACTING THE SUBGRADE TO WIDE TO A DEPTH OF SIX INCHES BELOW PROPOSED SUBGRADE ELEVATION FOR STATION 100+00.
2. ONLY FOR AREAS AT CONSTRUCTION ENTRANCES. ALL OTHER TRACKING AND DEBRIS CAUSED BY CONTRACTOR IS INCIDENTAL.
3. THIS INVOLVES COMING INTO EXISTING MANHOLE AND INSTALLING AN APPROVED BOOT.
4. INSTALL AT DOWNSLOPE OF POND BERM AND OUTLET OF C/S PIPE.
5. MUST USE HAND VIBRATORY COMPACTOR TO COMPACT ASPHALT AROUND TRUNCATED BOOTS.
6. FURNISH & INSTALL 30' O.C. PARKING LOT 7.5" T. T. CENTERLINE WITH 6" GAPS.
7. CONTRACTOR TO DETERMINE LOCATION WITH APPROVAL OF ENGINEER.
8. USE WOOD FENCE PLANK CATEGORY 3 IN DITCH BOTTOMS.
9. M.B.K. 60718E IS OF 2-12-2024.
10. USE FOR EMBANKMENT AND TO STABILIZE SITE.
11. WEILL ON THE TOP OF BRIDGE AND OUTLET OF POND (FILL SECTION OF UNPAVED TRAIL AT STATION 402+25).
12. ROWE ROAD & C.R.E.S. PARKING LOT STRIP.
13. RTRTIES MAY BE PRESENT DURING SUBGRAD PREPARATION FROM STA 100+00 TO STA 117+00
14. REELACEMENT OF WATERWAY & FITTINGS IS INCLUDED IN THIS QUANTITY.
15. 2200 TYP. 1/2" C/S PIPE
16. 2211 AGGREGATE BASE CLASS 3 - 140 USQCY (QUALITY COMPACTION)
17. 2000 TYP 2" 15S WEARING COURSE - 115 LBS/CSQ YDINCH
18. 2700 TYP 7/8" LBS/CSQ SEED MIX 245 3750 LBS/CSQ MULCH 200 LBS/CSQ FERTILIZER



DETAIL A (DETAIL B OR C AS NOTED)

10.0' MIN. SUBGRADE PREPARATION INCLUDES
SCARIFYING TO A DEPTH OF 0.5' BELOW BOTTOM
OF CL 5 (STA. 100+00 TO 117+000).

DETAIL A

- 2 1/2" BITUMINOUS WEARING COURSE
TYPE SP 12.5 WEARING COURSE MIXTURE (2.8)
MN/DOY SPEC. 2350
SOIL STERILANT
6" AGGREGATE BASE CLASS 5 MODIFIED
MN/DOY SPEC. 2211

DETAIL E

CONCRETE SECTION (10' WIDE X 20' LONG XING)

- CONCRETE SECTION (10' WIDE X 20' LONG XING)
 - 5" CONCRETE MN/DOT 3X32 MIX - 4700 PSI, 0.50
 CEMENT-VOID RATIO WITH 0.5% AIR ENTRAINMENT
 AND "FIBERMESH"
 - SOIL STERILANT
 - 3 1/2" AGGREGATE BASE CLASS 5 MODIFIED
 MN/DOT SPEC. 2211
 - COMPACTED SUBGRADE (QUALITY COMPACTION)

DETAIL C
DRIVEWAY CROSSING

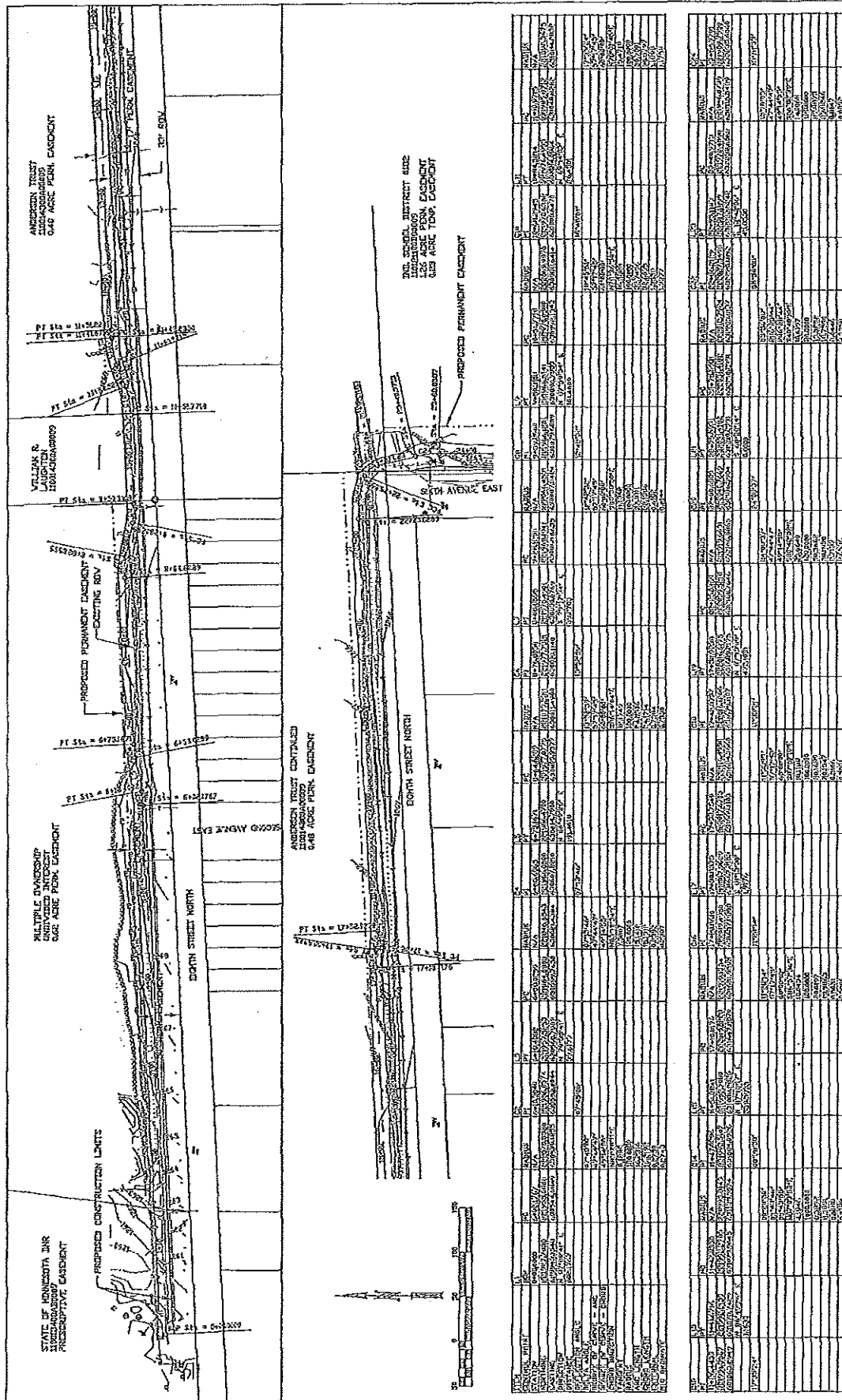
- 3 1/2" BITUMINOUS WEARING COURSE
TYPE SP 12.5 WEARING COURSE MIXTURE (2,B)
MN/DOT SPEC. 2380
SOIL STERILANT
5" AGGREGATE BASE CLASS 3
MN/DOT SPEC. 2211
COMPACTED SUBGRADE (QUALITY COMPACTION)

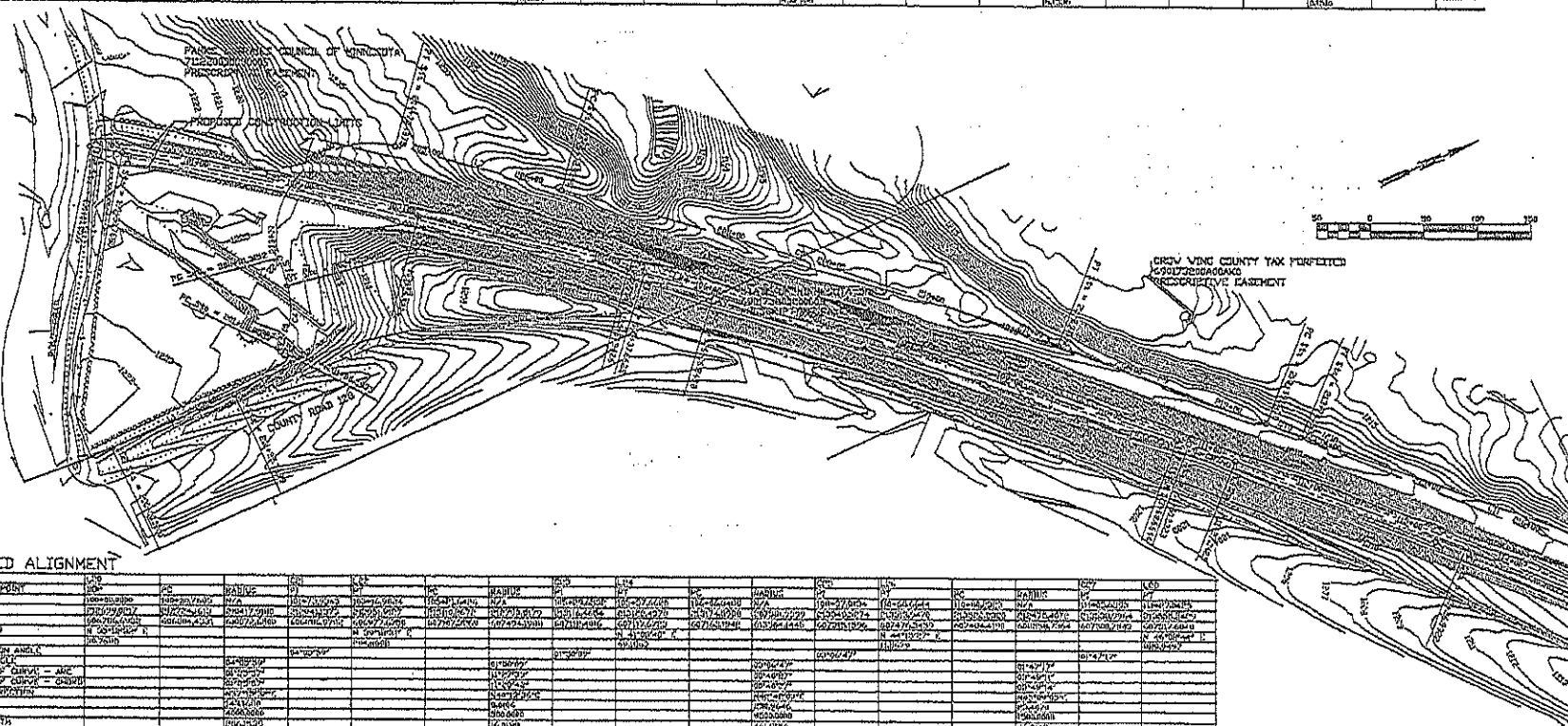
DETAIL D
PARKING LOT SECTION

- 2 1/2" BITUMINOUS WEARING COURSE
TYPE SP 12.5 WEARING COURSE MIXTURE (2.5)
MN/DOT SPEC. 2380
6" AGGREGATE BASE CLASS 5
MN/DOT SPEC. 2211
COMPACTED SUBGRADE (QUALITY COMPACTION)

UNPAVED TRAIL CONSTRUCTION NOTES

1. EXISTING CLEARING AND CONSTRUCTION SHALL BE TO THE SOUTH UNSURFACED PATHWAY 10' WIDE CENTERED ON A 16" WIDE X 12" HIGH CLEARING. CLEARING, GRUBBING AND GRADING SHALL NOT EXTEND BEYOND THIS AREA.
2. PROPOSED DESIGN ELEVATIONS SHALL BE THE ORIGINAL GRADE OF THE ALIGNMENT EXCEPT IN LOCATIONS TO MATCH INTO PROPOSED PAVED TRAIL AND PARKING LOT IMPROVEMENTS. ALL EQUIPMENT MANEUVERING AND STAGING OPERATION SHALL BE CONFINED TO WITHIN THE CUT/FILL AREAS REQUIRED FOR THE CONSTRUCTION OF THE TRAIL.
3. BALANCE CUT/FILL MATERIAL TO PROVIDE A LEVEL CROSS SECTION OF THE TRAIL WHICH IS PAID FOR BY COMMON EXCAVATION. THE EXCESS MATERIAL FROM THE PAVED TRAIL WORK WILL BE USED ON THIS SEGMENT AS NECESSARY.



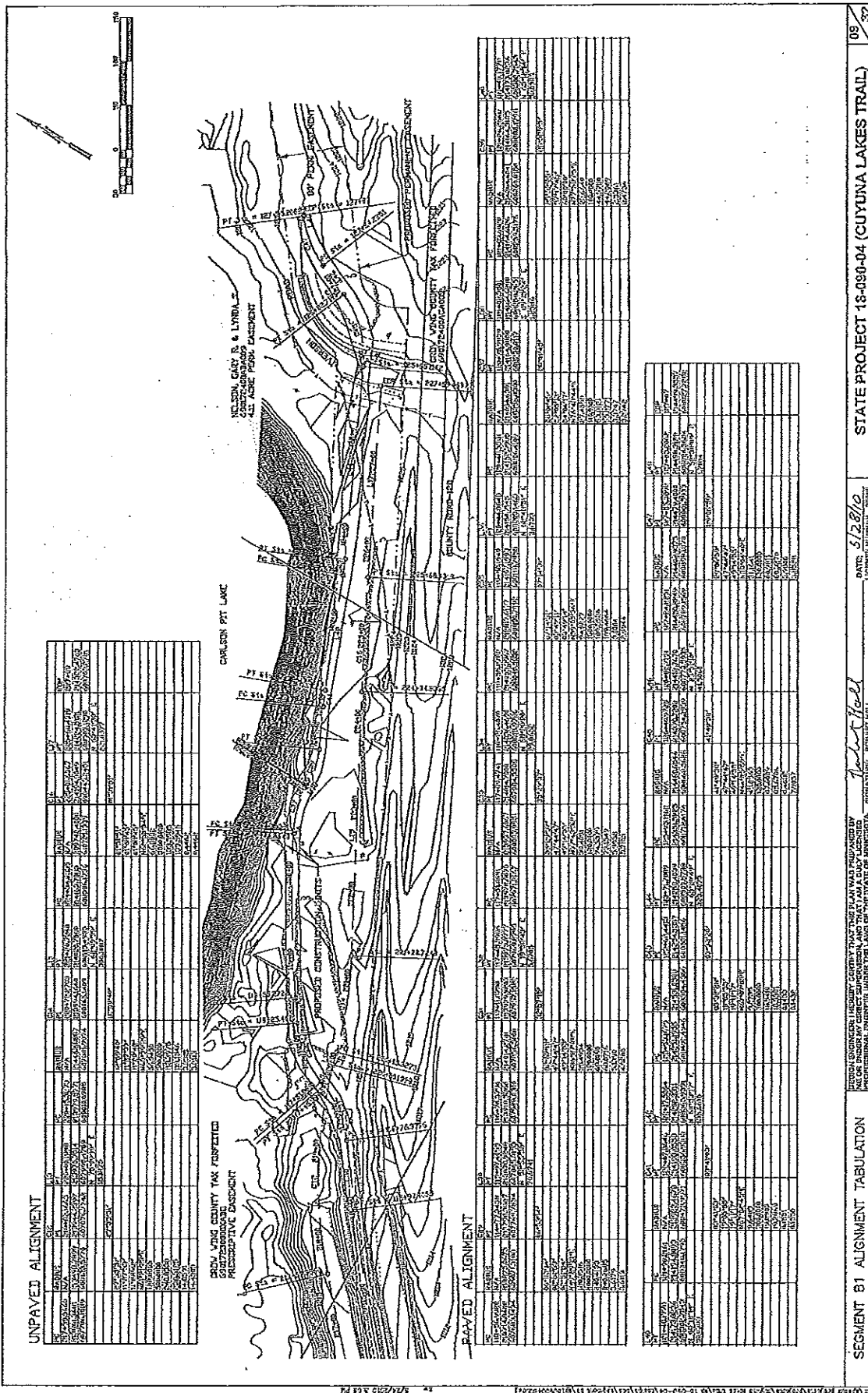
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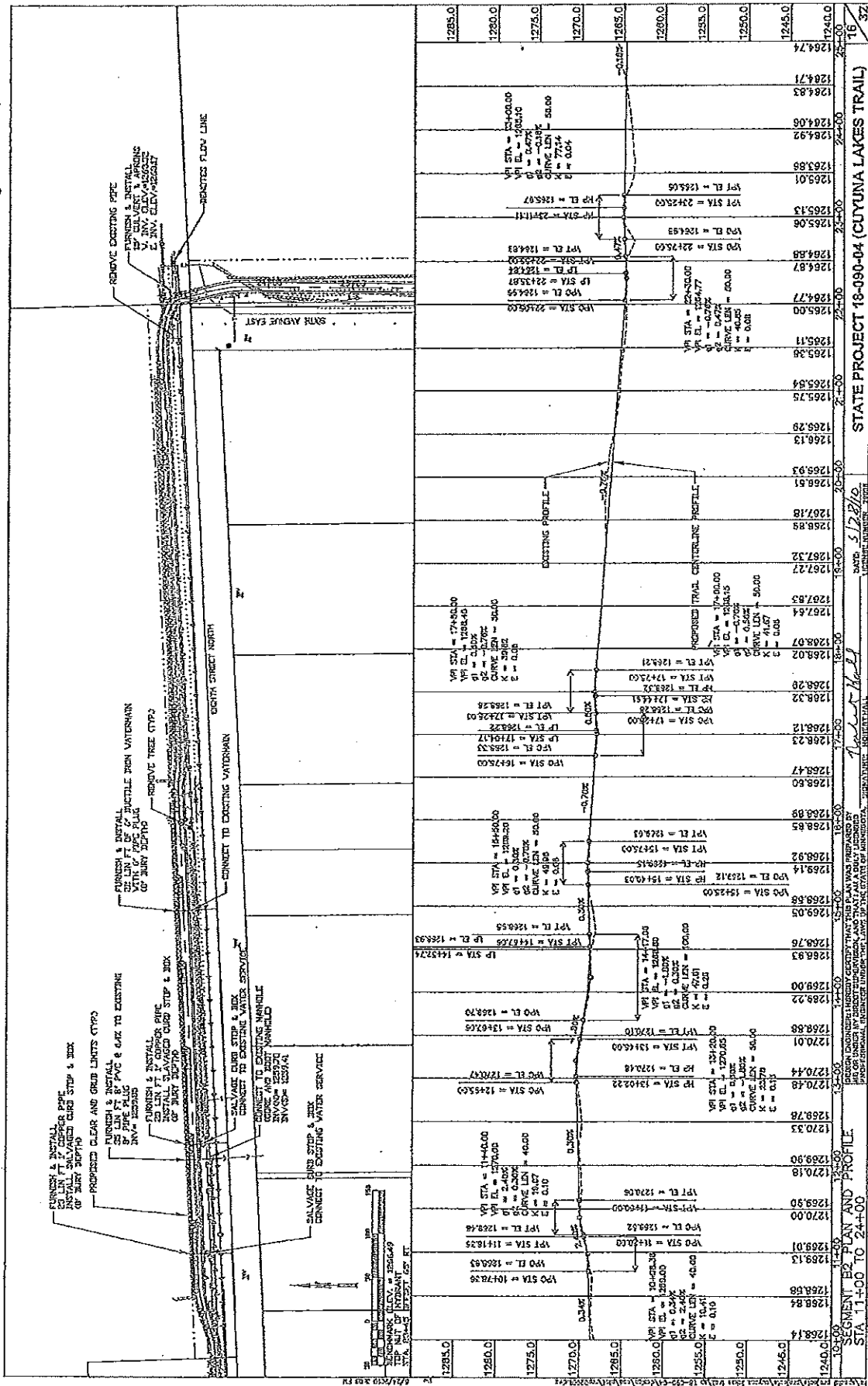
DESIGN ENGINEER I HEREBY CERTIFY THAT THIS PLAN WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION, AND THAT I AM A DULY LICENSED PROFESSIONAL ENGINEER UNDER THE LAWS OF THE STATE OF MINNESOTA.

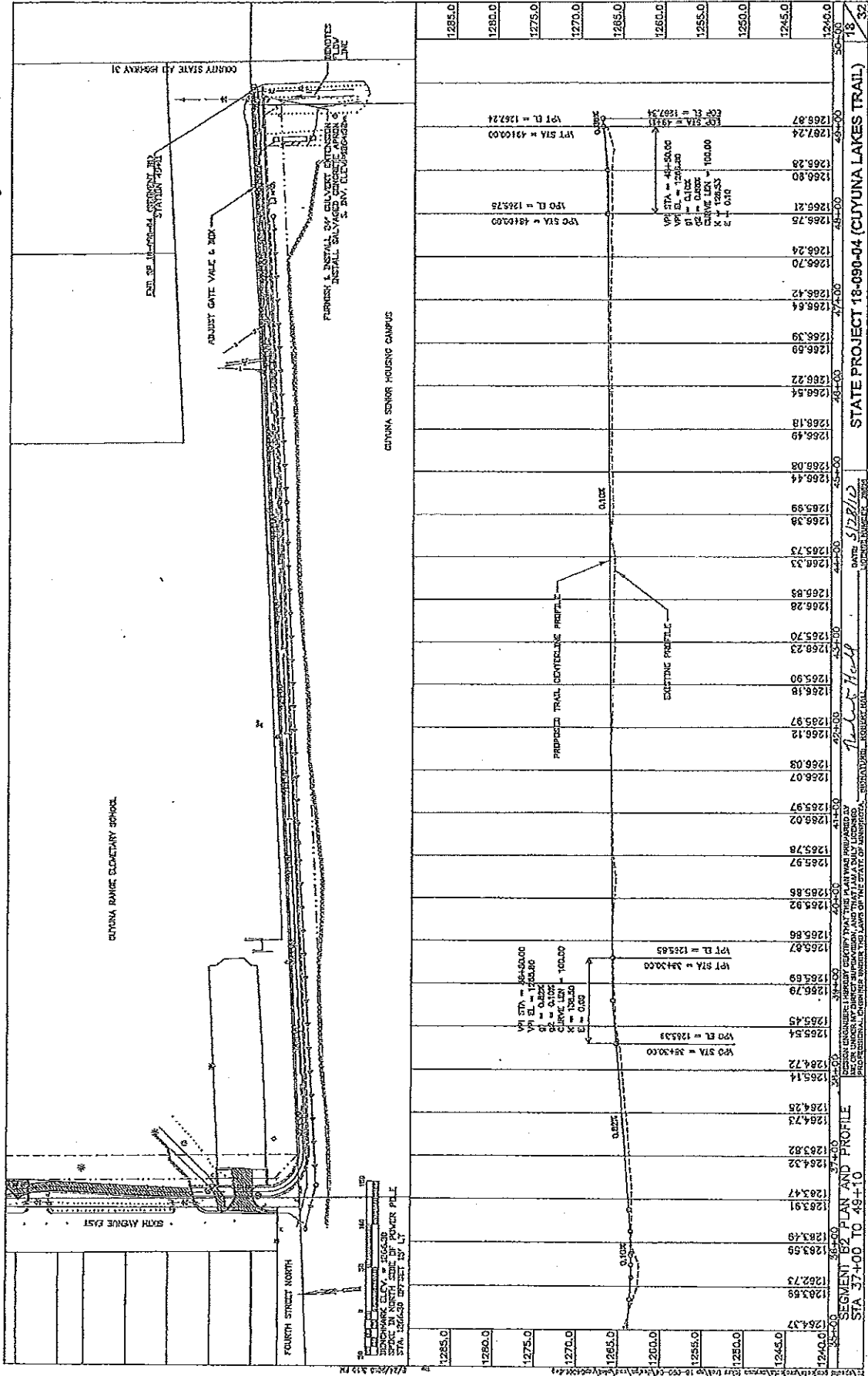
Robert H. H.

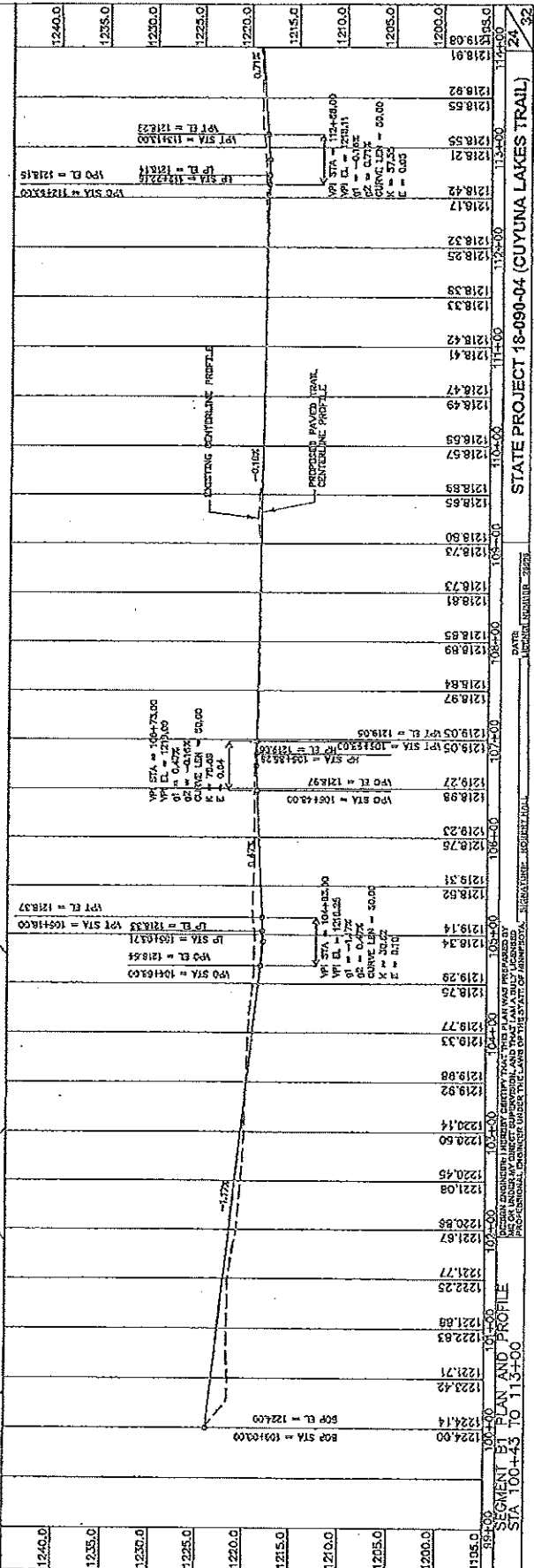
STATE PROJECT 18-090-04 (CUYUNA LAKES TRAIL)

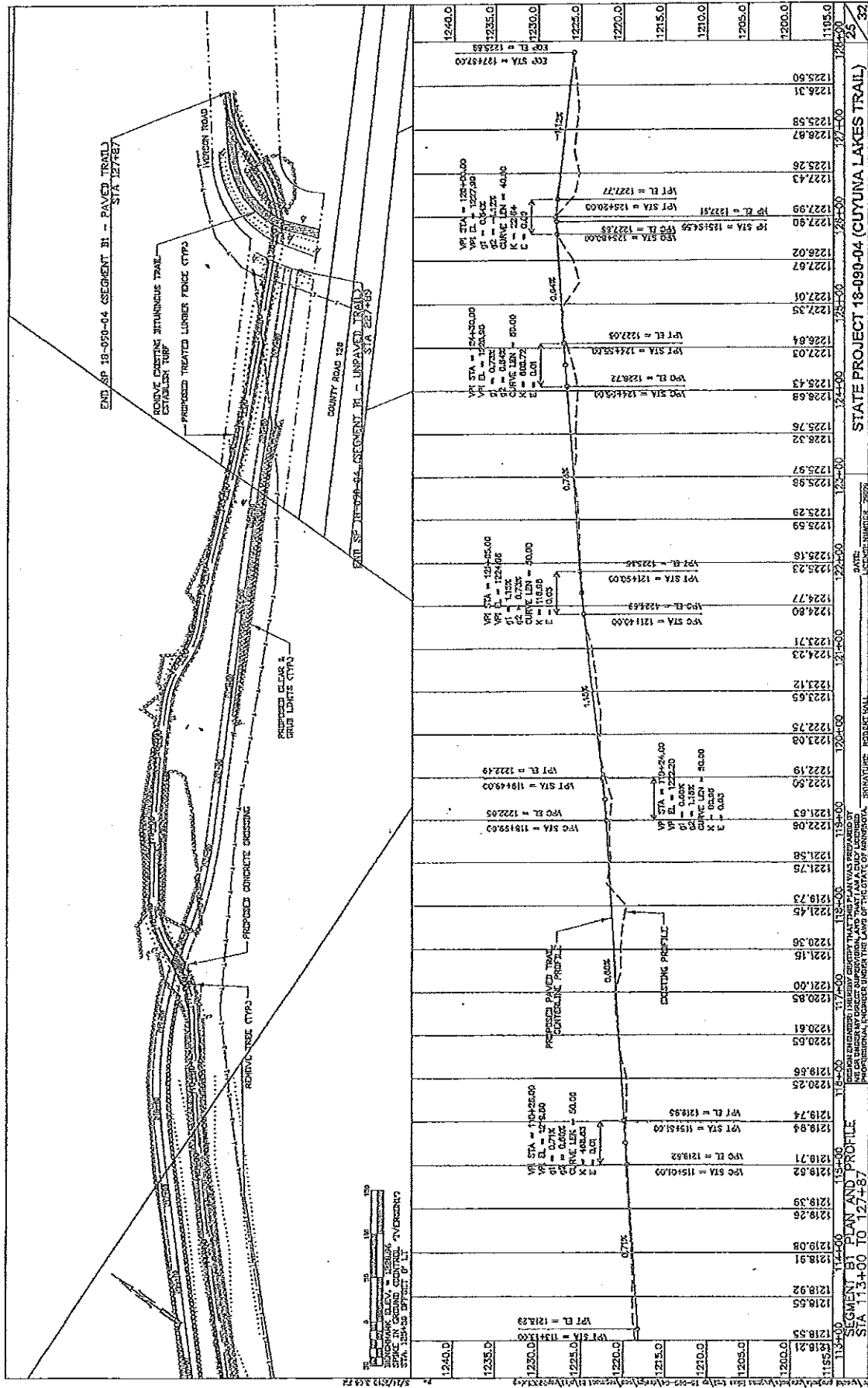
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BOARD OF COUNTY COMMISSIONERS
Crow Wing County, Minnesota

DATE: July 13, 2010

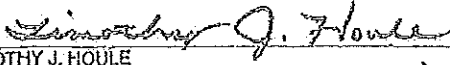
OFFERED BY COMMISSIONERS: Franzen and Nystrom

Entered Into a Cooperative Agreement between the State of Minnesota, acting by and through the Commissioner of the Department of Natural Resources, and Crow Wing County which ensures the DNR will pay the 20% match to federal funding for administering the contract and performing construction engineering on the Cuyuna Lakes State Trail Project, and the Chair and County Administrator are authorized to sign said agreement.

STATE OF MINNESOTA)
COUNTY OF CROW WING) ss

I, Timothy J. Houle, County Administrator, Crow Wing County, Minnesota, hereby certify that I have compared the foregoing copy of the motion of the county board of said county with the original record thereof on file in the Administration Office, Crow Wing County, Minnesota, as stated in the minutes of the proceedings of said board at a meeting duly held on July 13, 2010, and that the same is a true and correct copy of said original record and of the whole thereof, and that said motion was duly passed by said board at said meeting.

Witness my hand and seal this 29th day of July 2010.


TIMOTHY J. HOULE
COUNTY ADMINISTRATOR

	<u>YES</u>	<u>NO</u>
DISTRICT #1 - TRUSTY	<u>X</u>	
DISTRICT #2 - THIEDE	<u>X</u>	
DISTRICT #3 - NYSTROM	<u>X</u>	
DISTRICT #4 - FRANZEN	<u>X</u>	
DISTRICT #5 - HOUGE	<u>X</u>	



Brainerd City Council Agenda Request

Requested Meeting Date: November 5, 2018

Title of Item: 2018/2019 Downtown Snow Removal Bids

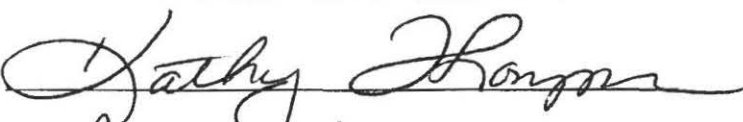
☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☒ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: City Engineer Sandy	Department: Engineering
Presenter (Name & Title): City Engineer Sandy	Estimated Time Needed: 5 Minutes
Summary of Issue: Bids were solicited for the 2018/2019 downtown snow removal and sent to 5 local qualified firms along with being published in the local Brainerd Dispatch.	
Alternatives, Options, Effects on Others/Comments: In total, one contractor responded being Tom's Backhoe Service. The last two quotes for the service can be seen attached for reference. You can see from the 2016/2017 and 2017/2018 bids, there was a 5% contract increase in the service. You can see from the 2017/2018 and 2018/2019 bids, there is a 2.5 % in increase in each of the line items services as per the bid specifications. This seems reasonable from staff's perspective for an increase in the service amount comparable to current inflation rates. Staff still feels this is an important service to the downtown business owners and is a service that could not be accomplished by City forces after a large snow event.	
Recommended Action/Motion: Staff recommends accepting the bids for the 18'/19' downtown snow removal and awarding the contract to Tom's Backhoe Service.	
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>\$30,000</u> <i>Is this budgeted?</i> ☒ Yes ☐ No <i>Please Explain:</i> There is an expense of \$30,000 in the budget for 2018, and proposed the same for 2019.	

CITY OF BRAINERD
16-17 DOWNTOWN SNOW REMOVAL
FORM OF PROPOSAL

DESCRIPTION	UNIT	UNIT PRICE
STREETS, ALLEYS, PARKING LOTS (4" BASE)	LUMP SUM	4,622.75
STREETS, ALLEYS, PARKING LOTS (EACH ADDITIONAL INCH)	INCH	1,296.62
SIDEWALKS (4" BASE)	LUMP SUM	1,071.12
SIDEWALKS (EACH ADDITIONAL INCH)	INCH	225.50

This proposal dated this 1st day of NOV, 2016

Signed


President

Tom's Backhoe Service, Inc
323 Woodland Hills Ln
Brainerd MN 56401

218-828-4232

CITY OF BRAINERD

2017 - 2018 DOWNTOWN SNOW REMOVAL

FORM OF PROPOSAL

DESCRIPTION	UNIT	UNIT PRICE
STREETS, ALLEYS, PARKING LOTS (4" BASE)	LUMP SUM	4,853.88
STREETS, ALLEYS, PARKING LOTS (EACH ADDITIONAL INCH)	INCH	1,361.45
SIDEWALKS (4" BASE)	LUMP SUM	1,124.67
SIDEWALKS (EACH ADDITIONAL INCH)	INCH	236.77

THIS PROPOSAL DATED THIS ^{6th} October DAY OF October, 2017.

SIGNED Kathy Hanson
TITLE President

Tom's BACKhoe Service, Inc
323 Woodland Hills Ln
Brainerd MN 56401
218-828-4232

CITY OF BRAINERD

2018 - 2019 DOWNTOWN SNOW REMOVAL

FORM OF PROPOSAL

DESCRIPTION	UNIT	UNIT PRICE
STREETS, ALLEYS, PARKING LOTS (4" BASE)	LUMP SUM	4,975.23
STREETS, ALLEYS, PARKING LOTS (EACH ADDITIONAL INCH)	INCH	1,395.49
SIDEWALKS (4" BASE)	LUMP SUM	1,152.79
SIDEWALKS (EACH ADDITIONAL INCH)	INCH	242.69

THIS PROPOSAL DATED THIS 15th DAY OF October, 2018.

SIGNED Kathy Thompson
TITLE CFO

Tom's Backhoe Service, Inc.
323 Woodland Hills LN
Brainerd, MN 56401

218-828-4232

SPECIFICATIONS FOR SNOW REMOVAL IN CENTRAL BUSINESS DISTRICT

Description of Work

The intent of this solicitation is to provide snow removal services in the core area of Downtown Brainerd following snow accumulations of 4 inches or more in accordance with the specifications herein described.

Term of Contract

The term of this services agreement shall begin when accepted by the City Council and continue through the end of the plowing season estimated to be mid-March. The City reserves the right to remove the snow with city forces in late winter/early spring when weather conditions are favorable for a quick snow melt.

Description of Snow Removal Area (as shown on attached maps and listed).

Streets: Front Street from South 6th to South 8th
Laurel Street from South 6th to South 8th
South 7th Street from Front Street to Maple Street

Sidewalks: All sidewalks abutting streets listed above

Alleys: All alleys between Front and Maple from South 6th to South 8th Streets.

Parking lots: Parking lots are listed as follows and shown on the attached maps unless noted otherwise:

1. BN parking lot located between S 6th and S 8th North of Front Street.
2. Front Street parking lot located at the corner of Front and S 7th Street
3. Laurel Street parking lot located on Laurel Street between S 6th Street and S 7th Street
4. Alley parking lots located adjacent to the East-West alley from S 6th Street to S 8th Street between Maple and Laurel Streets.

Posting of Streets

Upon declaration of a snow emergency, or when directed by the Engineer, the contractor shall post all affected streets for "No Parking." The "2-Hour Parking" signs on the streets shall be "flipped" to expose the red snow removal message. Alleys are already signed for "No Parking." Parking restriction signs have been removed from the north side of Front Street between South 6th Street and South 8th Street, as a result, the contractor shall post no fewer than 6 portable No Parking signs along the north side of

the street Two additional portable "No Parking" signs shall be posted by the contractor on each side of each block. Additional "No Parking" signs will be furnished by the City.

The contractor may commence snow removal operations at his discretion, however, vehicles will not be towed prior to 3:00 a.m. as posted.

Upon completion of the snow removal, the contractor shall remove the portable "No Parking" signs and return the "flip" snow removal signs to their original position which reads 2-hour parking.

Snow Removal in Parking Lots

Parking will not be restricted in the parking lots during snow removal operations on the streets and sidewalks. The contractor shall remove snow **from parking spaces in the parking lots** as permitted **during the afternoon/evening prior to the street and sidewalk snow removal to provide a place for downtown residents to park.** Upon completion of the snow removal from the streets, **and if necessary,** the contractor shall post the parking lots for "No Parking" and complete the snow removal from the parking lots by 8:00 A.M. the following day.

Ticketing and Towing

The City of Brainerd will arrange for the ticketing and towing of vehicles. Ticketing and towing will only occur when a snow emergency is declared in time to give adequate notice to potential violators. Towing operations will commence at 3:00 a.m.

Progress of Work

Snow removal operations shall begin upon all snow accumulations of 4" or more and when directed by the Engineer. Snow shall be sufficiently removed to provide pedestrian traffic, parking and driveable lanes by 8:00 A.M. on all weekdays and Saturday mornings. Snow accumulations which end on a weekend shall be completely removed by 8:00 A.M., Monday, or, as in all other cases, within 24 hours of the snowfall ending.

Traffic Control

The contractor shall be responsible for traffic control during the snow removal operation.

Equipment

Snow removal on sidewalks, alleys and parking lots may occur by any appropriate mechanical means. Mechanical equipment used to clear snow from sidewalks shall be equipped with a polyurethane cutting edge. Snow removal on the streets, however,

shall be finished with a motor grader capable of cutting off ice and compacted snow.

Protection of Improvements

The contractor shall perform all snow removal in a manner which protects all improvements, both public and private and shall be solely responsible for any damage to said improvements which occurs as a result of the snow removal operation.

Hold Harmless Clause

The contractor shall assume all liability and save the City harmless and indemnify the City from every claim, action, cause of action, liability, damages, expense of payment by reason of any injury to person or persons, including death suffered through any act or omission of the Contractor or any subcontractor or anyone directly or indirectly employed by either of them in the prosecution of the work or any portion thereof included in this contract.

Disposal of Snow

Disposal of snow shall be solely the contractor's responsibility. In previous years there was adequate space in the BN Lot to temporarily stockpile snow. This is no longer the case. Snow in the BN Lot shall be removed within the same timeframes as other parking lots.

Method of Payment

Payment for snow removal shall be at the unit prices bid on the proposal form. Sidewalk snow removal shall be bid separately from street, alleys and parking lots. Payment shall be for a base 4" snowfall, plus the bid amount for each additional inch.

Method of Measurement

Measurement shall be the snowfall depth as measured and recorded by the Department of Natural Resources, **the National Oceanic and Atmospheric Administration, some other competent weather authority**, or as mutually agreed to by the contractor and the engineer.



Brainerd City Council Agenda Request

Requested Meeting Date: November 5, 2018

Title of Item: Local Road Improvement Program Funding for NW 4th 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 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 City of Brainerd was awarded \$800,000 of Local Road Improvement Program funding for the improvements on NW 4th Street, as outlined in the traffic study performed by Bolton and Menk.	
Alternatives, Options, Effects on Others/Comments: The next steps after the award are as follows: 1. Should staff still submit for HSIP Funding (Highway Safety Improvement Program) for the rest of the project cost? At this point, with the way HSIP works, staff could apply for approximately \$298,000 of the \$331,000 left over, however, if awarded HSIP money, this federalizes the whole project and gets us into environmental review and federal requirements such as DBE, wages, etc. From staff and Crow Wing County perspective, we think it would be in our best interest not to go after HSIP. 2. Consultant Selection: Staff recommends selecting Bolton and Menk to design and construct the improvements as laid out in the traffic study, as they have a head start on layouts, cost estimates, preliminary design, and other features of the project. Other options are to solicit RFP's, which may get us to the same result. 3. Cost participation agreement with Crow Wing County: As the project develops, we will need to get a cost participation agreement in order to outline costs each party is responsible for. This will be similar to the 13th Street project. 4. Project kick-off meeting on November 28th with MnDOT staff, Crow Wing County, City, and selected consultant. Project is recommended for construction in 2020.	
Recommended Action/Motion: Staff recommends a motion in which rescinds the intent of the City to submit HSIP funding due to the award of LRIP funding for a majority of the project costs, selecting and requesting Bolton and Menk to provide a proposal for design and construction engineering services, and directs staff to work on a cost participation agreement with Crow Wing County.	
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> Staff will present the proposal when it is received from Bolton and Menk.	

2018 LRIP Funded Projects

LRIP Project Summary		
20	County Projects	\$13,060,000
11	State Aid Projects	\$9,975,000
15	Small City Projects	\$8,642,700
6	Township Projects	\$3,015,000
52	Total Projects	\$34,692,700

District	Applicant	Project Number	Sponsor	Authority	Route	City/Muni	Work Type	Year	Federal	State Aid	Other	LRIP Requested	Total Project Cost	LRIP Approved
1	Rice Lake		St Louis County	Small City	Chicago Ave		Reconstruction - correct safety deficiencies, improve pavement, sight distance, stormwater management	2019	\$0	\$0	\$0	\$470,566	\$470,566	\$470,600
1	Big Fork		Itasca County	Small City	Ash St & Rajala Mill Rd		Reconstruction - restore 10 ton capacity, curb, gutter, sidewalk	2019			\$122,400	\$680,100	\$802,500	\$680,100
1	St Louis County			County	Rice Lake Road (CSAH 4)		Reconstruction - widen, add median, replace signals	2020			\$1,500,000	\$1,000,000	\$2,500,000	\$1,000,000
1	City of Tower		St Louis County	Small City	Pine Street		Reconstruction - total reconstruction	2019			\$186,000	\$420,000	\$606,000	\$420,000
1	Portage Township		St Louis County	Township	Goldmine Road		Reconditioning - improve ditches, add class 5	2019				\$492,500	\$492,500	\$493,000
														\$3,063,700
2	Norman County			County	CSAH 54	McDonaldsville	Reconstruction - grading, base, bituminous, curb & gutter	2019			\$50,000	\$350,000	\$400,000	\$350,000
2	Polk County			County	CSAH 11		Reconstruction - include turn lanes	2019		\$1,250,000		\$1,000,000	\$2,250,000	\$1,000,000
2	Hendrickson Twp		Hubbard County	Township	Old Cemetery Township Rd		Reconstruction - full reconstruction to a gravel surface	2019				\$86,662	\$86,662	\$90,000
2	City of Ada		Norman County	Small City	Park St & 2nd St		Reconstruction - pave existing gravel road, extend road	2019					\$513,354	\$520,000
2	Lake of the Woods County			County	1st Ave NW (CSAH 22)	Spooner Twp	Reconditioning - base, curb, gutter, sidewalk, paving	2020		\$58,220		\$232,880	\$291,100	\$240,000
2	Kittson County			County	CSAH 10		Reconstruction - upgrade to a 10 ton roadway	2019		\$90,000		\$400,000	\$490,000	\$400,000
														\$2,600,000
3	Clearwater Twp		Wright County	Township	150th Street NW		Reconstruction - improve gravel road to 10-ton, improve ditch slopes, widen roadway	2019			\$135,000	\$750,000	\$885,000	\$750,000
3	Cass County			County	CSAH 44/CSAH 1	Barclay/Wilson	Reconstruction - replace intersection with roundabout	2020	\$700,000		\$420,000	\$1,000,000	\$2,120,000	\$700,000
3	Brainerd		Crow Wing County	SA City	CSAH 20/NW 4th St		Reconstruction - safety improvements including roundabout, trail/sidewalk, signals	2020			\$131,000	\$1,000,000	\$1,131,000	\$800,000
3	City of St Stephen		Stearns County	Small City	6th Ave SE	Brockway	Reconstruction - includes widening, shoulders, improving ditch slopes	2019		\$1,264,000		\$750,000	\$2,014,000	\$750,000
3	Todd County			County	CR 83	Staples	Reconstruction - to MSA Standards	2020			\$450,000	\$450,000	\$900,000	\$450,000
3	Crow Wing County			County	CR 145	Jenkins	Reconstruction - reconstruct existing roadway, add shoulders	2019				\$598,000	\$598,000	\$598,000
3	Isanti County			County	CSAH 4	Maple Ridge	Reconditioning - bituminous overlay	2019			\$13,321	\$250,000	\$263,321	\$250,000
3	City of Cass Lake		Cass County	Small City	7th Street		Reconstruction - to a 10 ton pavement structure, walkway	2019			\$78,000	\$436,500	\$514,500	\$436,000
3	Avon Twp		Stearns County	Township	Norway Rd		Reconditioning - full depth reclamation, shoulder pavement improvements	2019				\$736,136	\$736,136	\$737,000
														\$5,471,000

4	Oakport Twp	Clay County	Township	15th Ave N		Reconstruction - upgrade to a 10-ton road	2019			\$520,000	\$520,000	\$520,000
4	Perham	Ottertail County	Small City	7th Ave NE		Reconstruction - full depth widening, access management	2019		\$530,000	\$750,000	\$1,280,000	\$750,000
4	Becker County		County	CSAH 22 (Washington Ave)	Detroit Lakes	Reconstruction - roadway and traffic systems, improve stormwater management, pedestrian facilities	2019	\$1,000,000	\$235,000	\$1,000,000	\$2,235,000	\$1,000,000
4	Alexandria		SA City	44th Ave		Reconstruction - roadway extension, designed to 10-ton and State Aid standards, sidewalk	2019		\$378,000	\$935,900	\$1,313,900	\$900,000
4	Moe Twp	Douglas County	Township	Andes Road		Reconstruction - reconstruct and pave	2019			\$425,000	\$425,000	\$425,000
4	Ottertail County		County	CSAH 34		Reconstruction - to 10-ton and MSA standards, grading, base, bituminous, add turn lanes	2019		\$4,661,900	\$1,000,000	\$5,661,900	\$1,000,000
4	Grant County		County	CSAH 21		Recondition - concrete overlay	2019	\$1,260,000	\$490,000	\$500,000	\$2,250,000	\$500,000
												\$5,095,000
6	Lewiston	Winona County	Small City	Rice Street		Reconstruction - includes curb, gutter and sidewalk	2019		\$260,000	\$639,000	\$899,000	\$640,000
6	Wabasha County		County	CSAH 18	Greenfield	Reconstruction - widening, horizontal and vertical realignment, ditch slopes, improved to 10-ton route	2019	\$1,931,232	\$21,039	\$1,000,000	\$2,952,271	\$800,000
6	City of Kasson		SA City	16th St NE		Reconstruction - upgrade from gravel surface to rural bituminous roadway	2019		\$594,400	\$1,000,000	\$1,594,400	\$1,000,000
6	Northfield		SA City	Jefferson Parkway		Reconstruction - roundabout	2019	\$903,000		\$900,000	\$1,803,000	\$900,000
6	Mower County		County	CSAH 46		Reconditioning - widen including turn lanes, strengthen to maintain 10-ton	2020	\$250,000		\$750,000	\$1,000,000	\$750,000
6	Wabasha	Wabasha County	Small City	8th St/Alleghany Ave		Reconditioning - full depth reclamation	2019			\$100,474	\$100,474	\$101,000
6	Wabasha	Wabasha County	Small City	12th St East		Reconditioning - mill and overlay	2019			\$174,717	\$174,717	\$180,000
												\$4,371,000
7	Blue Earth County		County	CSAH 17		Reconstruction - safety improvements	2019			\$687,000	\$687,000	\$687,000
7	Fairmont		SA City	Winnegabo Ave		Reconstruction - bituminous pavement, curb gutter	2019	\$250,000	\$551,050	\$1,000,000	\$1,801,050	\$1,000,000
7	Sleepy Eye	Brown County	Small City	12th Ave/St Marys St		Reconstruction - new roadway loop including railroad crossing	2019		\$904,700	\$750,000	\$1,654,700	\$750,000
7	Cottonwood County		County	CSAH 7		Reconstruction - full depth reclamation, widening, ditch slopes, horizontal curves	2019	\$251,250	\$2,316,140	\$100,000	\$2,667,390	\$800,000
7	City of Springfield	Brown County	Small City	West Central Street		Reconstruction - bituminous pavement, curb, gutter, sidewalk	2019		\$1,749,650	\$750,000	\$2,499,650	\$750,000
7	Watonwan County		County	CSAH 21	Odin	Reconditioning - overlay, pave shoulders, rumble strips, safety wedge	2019	\$1,725,300	\$274,700	\$500,000	\$2,500,000	\$500,000
												\$4,487,000
8	Chippewa County		County	CSAH 4		Reconstruction - realignment of roadway for safety improvements	2019	\$705,000	\$320,000	\$1,000,000	\$2,025,000	\$1,000,000
8	Montevideo		SA City	1st St W		Reconstruction - base, curb, gutter, sidewalk, bituminous	2019		\$554,000	\$1,000,000	\$1,554,000	\$1,000,000
8	Winsted	McLeod County	Small City	McLeod Ave		Reconstruction - complete reconstruction, narrow roadway for traffic calming, trail	2019		\$1,037,500	\$750,000	\$1,787,500	\$750,000
8	Vesta	Redwood County	Small City	South Street		Reconstruction - grading, surfacing	2019			\$695,000	\$695,000	\$695,000
8	Hutchinson		SA City	South Grade Road		Reconditioning - mill and overlay, intersection improvements, trail	2019	\$500,000	\$660,000	\$600,000	\$1,760,000	\$600,000
8	Lyon County		County	CSAH 11/CSAH 6		Reconstruction - intersection improvements, grading, lighting, turn lanes	2019		\$26,089	\$234,795	\$260,884	\$235,000

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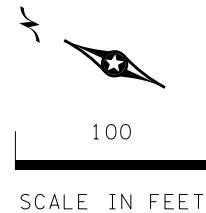
Real People. Real Solutions.

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

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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



Brainerd City Council Agenda Request

Agenda Item #

Requested Meeting Date: November 5, 2018

Title of Item: State Aid Advance Resolution FY 2019

☐ 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: Paul Sandy, City Engineer	Department: Engineering
Presenter (Name & Title): Paul Sandy, City Engineer	Estimated Time Needed: 10 Minutes
Summary of Issue: Attached to this request is a draft resolution advancing Municipal State Aid Street Funds for the reconstruction of Buffalo Hills Lane and H Street, the mill and overlay on College Drive and S 4th Street, and the 20% construction match and engineering for the safe routes to school sidewalk construction on H Street and N Street.	
Alternatives, Options, Effects on Others/Comments: Attached to this request is a memo in which outlines each project justification and the advance request forms required by MnDOT State Aid. Staff will be available to answer any questions about each individual project or the advance process as a whole. Current estimates show the City State Aid account will have approximately \$113,000 as of March 1, 2018. This advancement \$1,987,000 will bring our State Aid balance to \$2,100,000, which will be paid through future years of allotments from State Aid (approximately \$840,000/year). By this match, with this advancement, the State Aid account will be zero again in 2.5 years, or half way through 2022.	
Recommended Action/Motion: Staff recommends adoption of the attached resolution in which advances Municipal State Aid Street funds in the total amount of \$1,987,000.	
Financial Impact: Is there a cost associated with this request: ☒ Yes ☐ No What is the total cost, with tax and shipping \$ <u>1,987,000</u> Is this budgeted? ☒ Yes ☐ No <u>Please Explain:</u> These projects are all a part of the City's 5-year street and sewer capital improvement plan.	



MEMO

TO: Kelvin Howieson, District 3 State Aid Engineer

FROM: Paul Sandy, Brainerd City Engineer

DATE: October 29, 2018

SUBJECT: 2019 Municipal State Aid Advance Request and Justification

This memo will outline the requested attached Municipal State Aid advance of funds requests from the City of Brainerd for construction year 2019.

SAP 108-136-004 – Buffalo Hills Lane Reconstruction from Greenwood Street to Mississippi Drive

The City of Brainerd is requesting \$740,000 in Municipal State Aid advancement for the reconstruction of Buffalo Hills Lane in 2019.

Buffalo Hills Lane was added as a Municipal State Aid Street (MSAS) back in 2009 and has never been constructed to a city standard. The existing road section, in which carries approximately 1,500 veh/day consists of a seal coated road surface in which is experiencing severe distresses including potholing and alligator cracking. Pedestrian accommodations are not currently being provided on the route. The City last proposed to construct this street in 2004/2005, with the construction inevitably falling through. The need for construction on the route is becoming more apparent, and it won't be much longer until the City experiences a complete loss of the road surface.

SAP 108-119-006 – H Street Reconstruction from 8th Avenue NE to 13th Avenue NE

The City of Brainerd is requesting \$585,000 in Municipal State Aid advancement for the reconstruction of H Street. This State Aid project is proposed to be done in conjunction with SP 108-591-005, which includes Safe Routes to School sidewalk being incorporated on the north side of the street.

H Street is currently 44-feet from face-to-face and has excess width according to the City's standard section (to include on street parking). To accommodate the new sidewalk as proposed with SP 108-591-005, the City is proposing to narrow H Street on the north curb line to the standard road width (35-feet face-to-face) while providing a new surface for traffic. Current

roadway distresses include localized potholing and transverse/longitudinal cracking. H Street was last reconstructed in 1968 and has exceeded its life expectancy for the surfacing.

SAP 108-124-008 – S 4th Street Mill and Overlay from College Drive to S 6th Street (TH 371B)

The City of Brainerd is requesting \$215,000 in Municipal State Aid advancement for the mill and overlay on S 4th Street in 2019. This project is being done in conjunction with SAP 108-126-014 which consists of a mill and overlay on College Drive.

S 4th Street extended and from Vine Street to S 6th Street in 1996 so its current alignment and surfacing. The longitudinal centerline seam is beginning to degrade and is now susceptible to localized potholing. This project is being proposed because of the need for a mill and overlay on College Drive because of the loss of surface. Pedestrian ramp improvements are also being proposed as part of this project to follow the Americans with Disabilities Act.

SAP 108-126-014 – College Drive Mill and Overlay from County Road 48 to Quince Street

The City of Brainerd is requesting \$350,000 in Municipal State Aid advancement for the mill and overlay of College Drive in 2019. This project is being done in conjunction with SAP 108-124-008 which consists of a mill and overlay on S 4th Street adjacent to College Drive.

College Drive was reconstructed in 2012 as part of a large federal aid and state aid project in Brainerd. This included the construction of 3 roundabouts at the intersections of Mississippi Parkway, SW 4th Street, and S 4th Street. Since the construction, staff at the City has been analyzing a slow degradation of the surface (top lift of pavement) on the roadway. This loss of surface looks as though there was localized segregation of the final lift of paving, along with a low oil content. These two factors have led to the top layer of oil being stripped off and exposed aggregate on the surface of the roadway. This loss of surface along with freeze thaw cycles have led to localized potholing at random areas on the mat. Through conversations with MnDOT State Aid Pavement Engineer Joel Ullring, we have concluded that a mill and overlay is the most appropriate treatment for this surface.

SP 108-591-005 Garfield Safe Routes to School – H Street Sidewalk from 8th Avenue NE – 13th Avenue NE and N Street Sidewalk from Mill Avenue – 14th Avenue NE

The City of Brainerd is requesting \$210,000 in Municipal State Aid advancement for the 20% match of federal construction funds on the State Aid routes on N Street and H Street along with the full engineering costs of the construction of the sidewalk on these streets.

The City was awarded these federal dollars for the construction of the sidewalks on 9th Avenue NE, N Street, L Street, J Street, H Street, 10th Avenue NE, and G Street in 2019 and 2020. A portion of the project is being advance constructed in 2019.

In total, the City is requesting \$2,100,000 in Municipal State Aid advancement for these identified projects currently in design and being ready to construct in 2019. We appreciate your willingness to provide feedback or comments regarding this memo from the City of Brainerd.

**ADVANCE FUNDING NEEDS
MUNI - CY 2019**

2019 MSAS Candidate Project(s) Sheet *											
Acct Bal	Dist	City	Program (SP/SAP)	Project #	Proj. Description	Estimated \$ Requested	Appr. \$ Adv. (M)	Current Need	Justification For Advance	Allowances	SAF Comments
	3	Brainerd	SAP	108-136-004	Buffalo Hills Lane Reconstruction - Greenwood Street to Mississippi Drive	\$ 740,000.00			See attached justification letter for all projects.		
	3	Brainerd	SAP	108-119-006	H Street Reconstruction and Sidewalk - 1st Ave NE - 4th Ave NE (Sidewalk); 8th Avenue NE - 13th Avenue NE (Reconstruction)	\$ 585,000.00			See attached justification letter for all projects.		
	3	Brainerd	SAP	108-124-008	S 4th Street Bituminous Mill and Overlay, ADA Improvements	\$ 215,000.00			See attached justification letter for all projects.		
	3	Brainerd	SAP	108-126-014	College Drive Bituminous Mill/Overlay	\$ 350,000.00			See attached justification letter for all projects.		
	3	Brainerd	SP	108-591-005	H Street Sidewalk (SRTS) - 8th Avenue NE to 13th Avenue NE; N Street Sidewalk (SRTS) - Mill Avenue - 14th Avenue NE	\$ 210,000.00			20% Federal fund construction match and associated engineering costs on State Aid route.		
					TOTAL	\$ 2,100,000.00	\$0.00	\$0.00			
* This is NOT a formal request for Advances. A formal request must be made separately using the "Request to Reserve Funds" application.											

The Municipality of Brainerd requests that the amount of \$1,987,000 be reserved from the Municipal State Aid Street Construction Fund for the State Aid Project(s) listed below.

Project # SAP 108-136-004

Project # SAP 108-119-006

Project # SAP 108-124-008

Project # SAP 108-126-014

Project # SP 108-591-005

MUNICIPAL APPROVAL

A Municipal Council Resolution authorizing this advance funding is attached or has been previously submitted.

Municipal Engineer

Date

STATE AID APPROVAL

Construction funds in the amount of \$_____ has been approved and reserved from the Municipal State Aid Street Construction Fund.

State Aid Finance

Date

Original retained in SAF Finance file, one copy to Municipal Engineer

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

RESOLUTION FOR THE ADVANCEMENT OF STATE AID STREET FUNDS

WHEREAS, the Municipality of Brainerd is planning to implement Municipal State Aid Street Project(s) in 2018 which will require State Aid funds in excess of those available in its State Aid Construction Account, and

WHEREAS, said municipality is prepared to proceed with the construction of said project(s) through the use of an advance from the Municipal State Aid Street Fund to supplement the available funds in their State Aid Construction Account, and

WHEREAS, the advance is based on the following determination of estimated expenditures:

Account Balance as of date March 1, 2018	\$113,000
Less estimated disbursements:	
Project # SAP 108-136-004	\$740,000
Project # SAP 108-119-116	\$585,000
Project # SAP 108-124-008	\$215,000
Project # SAP 108-126-014	\$350,000
Project # SAP 108-591-005	\$210,000
 Total Estimated Disbursements	 \$2,100,000
Advance Amount (amount in excess of acct balance)	\$1,987,000

WHEREAS, repayment of the funds so advanced will be made in accordance with the provisions of Minnesota Statutes 162.14, Subd. 6 and Minnesota Rules, Chapter 8820.1500, Subp. 10b, and

WHEREAS, the Municipality acknowledges advance funds are released on a first-come-first-serve basis and this resolution does not guarantee the availability of funds.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BRAINERD, MINNESOTA, that the Commissioner of Transportation be and is hereby requested to approve this advance for financing approved Municipal State Aid Street Project(s) of the Municipality of Brainerd in an amount up to \$1,987,000. I hereby authorize repayments from subsequent accruals to the Municipal State Aid Street Construction Account of said Municipality from future year allocations until fully repaid.

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

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

November 5, 2018
City Hall Conference Room
7:00 PM

1. Approval of Bills
2. Assistance to Firefighter's Grant Application
3. Resignation of Paid on Call Firefighter Vork
4. Police Dept Request to Use Drug Forfeiture Funds
5. Appointment of Interim Building Official
6. Authorize Hiring Darrin Deseth for Building Inspector Position
7. Authorize Hiring David Chanski as Community Development Director
8. Funding the Bridges of Hope Self-Healing Communities Project
9. Deferment of Assessments



Brainerd City Council Agenda Request

Requested Meeting Date: November 5, 2018

Title of Item: Assistance to Firefighters Grant Application

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☒ P&F COMMITTEE ☐ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Fire Chief Holmes	Department: Fire
Presenter (Name & Title): Fire Chief Holmes	Estimated Time Needed: 5 minutes
Summary of Issue: Request authorization to apply for the Assistance to Firefighters Grant through FEMA. The application is to replace our Self-Contained Breathing Apparatus (SCBA.)	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion: To authorize the fire department to apply for a fire operations and PPE grant through the AFG program. The total application request will be approximately \$250,000, with a 10% local cost share if the grant is awarded.	
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 Match from fire capital fund. (Approx. \$25,000) <u>Please Explain:</u>	



Brainerd City Council Agenda Request

Requested Meeting Date: November 5th, 2018

Title of Item: Resignation of Paid on Call Firefighter Vork

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☒ P&F COMMITTEE ☐ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Fire Chief Tim Holmes	Department: Fire
Presenter (Name & Title): Fire Chief Tim Holmes	Estimated Time Needed: 5 minutes
Summary of Issue: Paid on Call Firefighter Vork has submitted a letter of resignation due to personal issues. The effective date is October 15th, 2018.	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion: Accept, with regret, the resignation of Tyler Vork from the Brainerd Fire Department effective October 15th, 2018.	
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>	

10-15-2018

Dear Chief Holmes,

I am sad to inform you that due to personal reasons that are now out of my control I will have to step down as being part of the Brainerd Fire Department. I thank you for all the support you have shown me and am sorry for any inconveniences I may cause. Once again, I thank you.

Tyler Vork

Sent from my iPhone



Brainerd City Council Agenda Request

Requested Meeting Date: November 5, 2018

Title of Item: Request to Use Drug Forfeiture Funds for Less Lethal Equipment

☐ 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: 10 MINUTES
Summary of Issue: The Police Department is requesting authorization to utilize approximately \$11,864 of Drug Forfeiture Funds to purchase (3) three tactical ballistic protection shields and (2) two 40 mm less lethal launchers. As we continue to update and re-evaluate our use of force training and practices, we recognized that we need to equip the patrol staff with more and safer less than lethal options for safer out-comes for all involved. These shields will provide the officers with additional protection when dealing with persons in threatening situations, and the less lethal launchers will provide another system covering circumstances where our Tasers are not effective or appropriate to utilize. Both of these devices have a nexus to drug enforcement based on the anticipated nature of when they will be utilized. Also see attachment.	
Alternatives, Options, Effects on Others/Comments: The balance in the Police Department Drug Forfeiture Fund will be approximately \$11,250, once the back-ordered tactical team gas masks billing goes through, however there is approximately \$23,762 pending in the account, awaiting final court dispositions. We are requesting to run the fund into a negative balance of -\$614, anticipating clearing pending funds will eventually cover the deficit. We are also significantly under budget in the squad car capital build-up which as been completed, and the proceeds from the sale of the retired squad cars exceeded estimations by over \$7,000.	
Recommended Action/Motion: Approve a motion: Authorizing the Police Department to utilize approximately \$11,864 of Drug Forfeiture funds for the purchase three tactical ballistic protection shields and two less lethal launchers.	
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>\$11,864</u> <i>Is this budgeted?</i> ☐ Yes ☒ No <u>Please Explain:</u> Request to use Drug Forfeiture Funds for an un-budgeted expense.	



Paraclete ASPIS Hard Ballistic Tactical Shield

Shield:	1,676.80
<u>Transport Case:</u>	<u>150.00</u>
	1,826.80
x3	\$5480.40



Launcher:	1899
Sights:	437
Sling:	50
<u>Case:</u>	<u>122</u>
	\$2508
	<u>x2</u>
	\$5016
Duty Rounds:	318
<u>Training Rounds:</u>	<u>1050</u>
TOTAL:	\$6384



Brainerd City Council Agenda Request

Requested Meeting Date: November 5, 2018

Title of Item: Designate Chuck Arvidson as Interim Building Official

☐ 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: Kris Schubert & Paul Sandy	Department: Administration & Engineering
Presenter (Name & Title): HR Coordinator Kris Schubert	Estimated Time Needed: 2 minutes
Summary of Issue: Staff recommends to designate Chuck Arvidson as the City's Interim Building Official effective November 6, 2018 until a date to be later determined. This will allow our new Community Development Director an opportunity to observe and make a recommendation regarding hiring a replacement after he is on board. Technically our Building Official is not a Department Head; however, Staff recommends to follow guidance from our Employee Policy Manual, Section 6, Subd. 4 - Acting Department Head Policy. Under this policy an Acting or Interim Department Head receives 90% of the base wage for the vacant position. If approved, Mr. Arvidson's adjusted wage during this timeframe would be \$36.11 per hour (longevity will not be taken into consideration). He is currently paid \$28.40 per hour as our Building Inspector.	
Alternatives, Options, Effects on Others/Comments: Per the MN Department of Labor and Industry (MN DLI), every municipality must designate a building official to administer the State Building Code; further, the building official must be certified by MN DLI to be eligible for the designation. If this is not followed, a municipality may not issue building permits. This designation is also required per our City Charter. Mr. Arvidson is currently certified by the MN DLI as a building official to comply with these requirements. Mr. Arvidson will remain an IBEW Administrative Support union member during this temporary assignment. Other than the wage adjustment, all other union contract provisions including overtime eligibility will still apply.	
Recommended Action/Motion: Motion to authorize the designation of Chuck Arvidson as the City's Interim Building Official effective November 6, 2018, until a date to be later determined; further, that he receive 90% of the Building Official base wage or \$36.11 per hour during this Interim assignment.	
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> \$ 2,500 plus benefits <i>Is this budgeted?</i> ☒ Yes ☐ No <i>Please Explain:</i> The 2018 wage difference is approximately \$2,500 plus applicable benefits.	

Notice of Designation or Vacancy Of Certified Building Official

To the Commissioner of Labor and Industry:

According to M.S. §326B.133, Subd. 1, which states:

Each municipality shall designate a building official to administer the code. A municipality may designate no more than one building official responsible for code administration defined by each certification category established in rule. Two or more municipalities may combine in the designation of a building official for the purpose of administering the provisions of the code within their communities.

and further, according to M.S. §326B.133, Subd. 7, which states in part:

In the event that a designated building official position is vacant within a municipality, that municipality shall designate a certified building official to fill the vacancy as soon as possible. The commissioner must be notified of any vacancy or designation in writing within 15 days.

The administrative authority of the municipality of

CITY OF BRAINERD

Hereby notifies you, pursuant to M.S. §326B.133, that it has made one of the following designations (A or B selected):

A.

☒ Municipality has designated

CHARLES L. ARVIDSON

2656

NAME (INCLUDE MIDDLE INITIAL)

CERTIFICATION NUMBER

as the municipality's building official, who in the municipality of

CITY OF BRAINERD

will be known as the

TITLE INTERIM BUILDING OFFICIAL

, effective

DATE NOVEMBER 6, 2018

MUNICIPALITY CONTACT INFORMATION

MUNICIPALITY STREET ADDRESS (do not provide a PO Box)

501 LAUREL STREET

CITY

BRAINERD

STATE

MN

ZIP

56401

PHONE

(218) 828-2307

FAX

(218) 828-2316

E-MAIL

ctorstenson@ci.brainerd.mn.us

MUNICIPAL BUILDING OFFICIAL CONTACT INFORMATION

BUILDING OFFICIAL STREET ADDRESS (do not provide a PO Box)

501 LAUREL STREET

CITY

BRAINERD

STATE

MN

ZIP

56401

PHONE

(218) 828-2307

FAX

(218) 828-2316

E-MAIL

carvidson@ci.brainerd.mn.us

OR B.

☐ Municipality has a vacancy in the building official position. effective

DATE

Statutory definitions from M.S. §326B.103, Subd. 6 *Designate* “the formal designation by a municipality’s administrative authority of a certified building official accepting responsibility for code administration.”

Administrative authority “a municipality’s governing body or their assigned administrative authority.”

Please have person with administrative (appointing) authority sign. Form must be signed.

SIGNATURE OF ADMINISTRATIVE AUTHORITY

TITLE

DATE

**BE AN APPRENTICE****BOILER ENGINEERS****BUILDING OFFICIALS**[Building official certification types](#)[Building official recertification](#)[Designating a building official](#)[Disaster preparedness volunteers](#)[Monthly Inspector meetings](#)[Municipal delegation agreements](#)[Places of public accommodation](#)**ELECTRICIANS AND
ELECTRICAL INSTALLERS****ELEVATOR CONSTRUCTORS****HOMEOWNERS****PIPEFITTERS****PLUMBERS****WORKER RIGHTS AND
PROTECTIONS****WORKERS' COMPENSATION
-- WORKERS**[For workers and the public](#) > [Building officials](#) > Designating a building official

DESIGNATING A BUILDING OFFICIAL

Every municipality must designate a building official to administer the State Building Code.

A municipality may designate no more than one building official responsible for code administration defined by each certification category created by statute or rule. Two or more municipalities may partner to designate a building official for administering the provisions of the code within their communities.

In municipalities where no building official is designated, the state building official may use whichever state employees are necessary to perform the duties of the building official until the municipality makes a temporary or permanent designation. All costs incurred are borne by the municipality and receipts arising from these services must be paid to the Department of Labor and Industry.

Vacancies

In the event that a designated building official position is vacant within a municipality, Minnesota statutes provide the municipality must designate a certified building official to fill the vacancy as soon as possible. Notify us of any [vacancy or designation](#) within 15 days. (M.S.326B.133, Subdivision 7.)

Failure to designate?

If a municipality doesn't designate a building official within 15 days of the vacancy, the state building official may provide employees to serve in that function until the municipality makes a temporary or permanent designation. (M.S.326B.133, Subdivision 7.)

Please note: A building official must be certified by our agency to be eligible for designation. Your municipality may not issue building permits without a designated certified building official.

Building official designation

[Designate a building official or let us know about a vacancy.](#)

Questions?

Contact Doug Nord at 651-284-5838.



Brainerd City Council Agenda Request

Requested Meeting Date: November 5, 2018

Title of Item: Authorize Hiring Building Inspector Darrin Deseth

☐ 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: Kris Schubert & Paul Sandy	Department: Administration & Engineering
Presenter (Name & Title): HR Coordinator Kris Schubert	Estimated Time Needed: 1 minute
Summary of Issue: The City Council, at the October 1, 2018 meeting, authorized an internal job posting for our Building Inspector position. We received one application from our current temporary Trainee Building Inspector Darrin Deseth. Staff recommends to hire Mr. Deseth starting at \$23.435 per hour which is Step A of our Salary Administration Plan with a November 6, 2018, date of hire.	
Alternatives, Options, Effects on Others/Comments: Mr. Deseth has been employed by the City since May serving as our temporary Code Compliance Inspector this summer and as our Trainee Building Inspector this fall. Mr. Deseth is a master plumber with over 20 years of mechanical, plumbing and carpentry experience. He also achieved his Building Official Limited certification this spring. At the October 1, 2018 Council meeting, the Council authorized posting for this full-time position with a December 2018 date of hire. Staff is recommending that his date of hire be effective immediately instead of starting full-time in mid-December since the Department is currently short-staffed.	
Recommended Action/Motion: Motion to authorize the hiring of Darrin Deseth as a full-time Building Inspector starting at \$23.435 per hour (Step A of our Salary Administration Plan) effective November 6, 2018.	
Financial Impact: <i>Is there a cost associated with this request:</i> ☒ Yes ☐ No <i>What is the total cost, with tax and shipping</i> \$ 7,500 plus benefits <i>Is this budgeted?</i> ☐ Yes ☒ No <i>Please Explain:</i> The 2018 anticipated wage cost is approximately \$7,500 plus benefits. This position is currently included in the 2019 budget.	



Brainerd City Council Agenda Request

Requested Meeting Date: November 5, 2018

Title of Item: Authorize Hiring David Chanski as Community Development Director

☐ 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: Kris Schubert	Department: Administration
Presenter (Name & Title): HR Coordinator Kris Schubert	Estimated Time Needed: 2 minutes
Summary of Issue: City Council member Sue Hilgart, City Administrator Cassandra Torstenson and myself conducted Community Development Director interviews on October 24th. We invited three individuals to be interviewed and one person withdrew prior to the interview. Per Council action on August 6, 2018, the Interview Panel made a conditional job offer for our Community Development Director position to David Chanski at Step 2 of our new pay grid or \$6,529.50 per month. His date of hire will be December 31, 2018. This date allows Mr. Chanski to be eligible for health insurance coverage effective 1/1/19.	
Alternatives, Options, Effects on Others/Comments: The panel felt that offering a starting wage at Step 2 with up to \$2,000 in moving expenses was acceptable. The panel also recommends that after six months of employment, Mr. Chanski receive a performance review and based on his performance, could be eligible to receive an increase of ½ of a step in salary. At one year of employment, he would be eligible to move to the next full step subject to meeting performance expectations. To illustrate: He would start at Step 2; at six months he could move to Step 2½; and after 12 months he could move to Step 3. This process follows our new pay philosophy and gives credit for completing the initial learning curve.	
Recommended Action/Motion: Motion to authorize the hiring of David Chanski as our Community Development Director starting at Step 2 of the Wage Grid or \$6,529.50 per month effective December 31, 2018; further, to authorize up to \$2,000 in moving expenses.	
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> This position is currently included in the 2019 budget. Mr. Chanski's starting 2018 wage is \$1.39 per hour less than our current City Planner's wage.	



Brainerd City Council Agenda Request

Requested Meeting Date: November 5, 2018

Title of Item: Funding the Bridges of Hope Self Healing Communities Project

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☒ P&F COMMITTEE ☐ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Connie Hillman	Department: Finance
Presenter (Name & Title): Finance Director Hillman	Estimated Time Needed: 5 Minutes
Summary of Issue: At the October 15, 2018 council meeting, the Council approved a \$1,000 contribution to the Bridges of Hope Self Healing Communities Project. Any expenditure by a city has to have a public purpose, benefit the community as a body and directly related to a function of government, and does not have as its primary objective the benefit of a private interest.	
Alternatives, Options, Effects on Others/Comments: Base on the opinion of our City Attorney, and base on the information provided, it is felt that the contribution to Bridges of Hope is not in the nature of how public funds can be used. As shown in the information that is attached, a city must have authority by either Charter or Statute, and it does not appear that the authority exists in this example.	
Recommended Action/Motion: Information item or a formal motion to rescind the approval for a \$1,000 contribution to the Bridges of Hope Self Healing Communities Project.	
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>	

RELEVANT LINKS:

[Minn. Stat. § 465.50.](#)

[Minn. Stat. § 471.93.](#)
[Section II-R, *Historical*.](#)

[Minn. Stat. § 471.935.](#)
[Minn. Stat. §§ 471.15-.191.](#)
[Office of State Auditor,](#)
[Statement of Position:](#)
[Expenditure of Public Funds](#)
[to Schools and Senior](#)
[Programs, Oct. 14, 2016.](#)

[Minn. Stat. § 412.221, subd.](#)
[34.](#)

[A.G. Op. 59-a-22 \(Dec. 4,](#)
[1934\).](#)

[MN State Auditor, Statement](#)
[of Position Public](#)
[Expenditure: Donations and](#)
[Dues.](#)

[Minn. Stat. § 469.191.](#)

[Handbook, *Community*](#)
[Development and](#)
[Redevelopment.](#)

2. Memorial Day observances

All cities have the authority to spend money for Memorial Day observances in commemoration of the noble and valiant deeds of the nation's dead soldiers. Cities may spend up to \$300 annually for each 75,000 of population.

3. Centennial and historical celebrations

The statutes do not specifically authorize cities to spend money for city centennial celebrations.

An argument can be made, however, that cities may spend money on such local celebrations under a statute allowing cities to spend money to commemorate important historical events that occurred in the city. A later section of this memo discusses this authority in more detail.

H. Community centers

Any city may appropriate money to support the facilities, programs, and services of a public or private nonprofit senior citizen or youth center. No specific authority expressly allows cities to finance other community centers, but many cities have done so through the state recreation statutes.

I. Decorations

Statutory cities may spend money on decorations, signs, plaques, and attached accessories for public streets, buildings, and parks. Cities should use caution to ensure that decorations, such as those for the Christmas holidays, are not primarily religious in nature.

J. Donations

Cities often get asked to make donations to organizations operating for good causes. Generally, without express authority by charter or statute, cities do not have authority to appropriate or give away public funds as donations to any person, corporation or private institution. This does not mean, however, that a city can never contribute to an association or a corporation; but, to do so, the expenditure must further a public purpose and must be authorized by a statute or charter. Indeed, some statutes specifically allow support for certain organizations and causes.

For example, a specific state law exists that allows cities to give donations (of up to \$50,000 per year) to any incorporated developmental society or organization.

RELEVANT LINKS:

A.G. Op. 59-a-3 (May 21, 1948).
A.G. Op. 218-r (Aug. 15, 1951).
A.G. Op. 59-a-22 (Aug. 7, 1951).
A.G. Op. 476-b-2 (Apr. 20, 1944).
A.G. Op. 218-r (Feb. 10, 1942).
A.G. Op. 476-b-2 (Apr. 29, 1954).
Office of State Auditor,
Statement of Position:
Expenditure of Public Funds
to Schools and Senior
Programs, Oct. 14, 2016.

Minn. Stat. § 412.221, subd. 2.
Minn. Stat. § 349.213.
Minn. Stat. § 349.12.

Minn. Stat. § 471.941.

Also, various statutory economic development tools make it possible for cities to make certain contributions toward development and redevelopment. Again, cities should consult with their city attorneys or bond attorneys regarding allowable expenditures for development.

1. Nonprofit organizations in general

The attorney general and the state auditor, over the years, have considered the question of whether cities can donate public funds to various groups. Public expenditures to the following groups or organizations do not have statutory authority and are invalid:

- Supporting the Boy Scouts.
- Sponsoring a local bowling team.
- Sponsoring a local kittenball team (like softball).
- Helping the American Legion build a Legion Hall.
- Supporting the Red Cross.
- Supporting a campaign to stop expansion of a neighboring city airport.
- Supporting schools.

Cities have other options to support nonprofits. For example, the city could use its contracting power to indirectly support nonprofits, such as contracting with a club to spend a Saturday cleaning up public grounds in exchange for money. Also, if a city maintains a fund created from gambling proceeds, those proceeds may be used for many types of charitable contributions that further a lawful purpose. The city should consult with its city attorney to ensure that the use of gambling proceeds complies with the statutory requirements of a lawful purpose expenditure.

2. Artistic organizations

Counties, cities, and townships may appropriate money to support artistic organizations. The governing body may divide the appropriation among multiple artistic organizations in proportions determined by the governing body.

An association, corporation, or other group that provides an opportunity for people to participate in the creation, performance, or appreciation of artistic activities qualifies as an “artistic organization”. The statute provides examples of “artistic activities” that cities can support; however, it, by no means, represents an exclusive list.

RELEVANT LINKS:

Minn. Stat. § 469.191.
A.G. Op. (June 27, 1997)
(informal letter opinion to
Staples).
Section II-K, *Dues*.

Minn. Stat. § 465.039.
Minn. Stat. § 465.037.
Minn. Stat. § 469.191.
Sections II-S, *Hospitals and
EMS* and II-L, *Economic
development*.

Minn. Stat. § 343.11.

Minn. Stat. § 465.90.

3. Incorporated development societies or organizations

State law authorizes cities “to appropriate not more than \$50,000 annually to any incorporated development society or organization of the state for promoting, advertising, improving, or developing the economic and agricultural resources of the city.” Because of the limitations regarding donations, cities interested in donating up to \$50,000 in any given year to an incorporated development society or organization should consult their city attorney. For example, the attorney general’s office has opined that, while this authority allows a city to contribute up to \$50,000 annually to a chamber of commerce, it does not allow a city to become a member of the chamber of commerce, or to pay dues to it.

4. Community food shelves

Any city, town, or county may appropriate an amount to provide grants to nonprofit organizations that operate community food shelves and provide food to the needy without charge. Authority also exists to provide public money to support hospitals and certain economic development organizations. These circumstances are discussed in more detail in a later part of this memo.

5. Prevention of cruelty to animals

If a city has a society for the prevention of cruelty to animals (“SPCA”), it may appropriate monies, not otherwise appropriated, for the maintenance and support of that SPCA “in the transaction of the work for which they are organized”.

However, no part of such an appropriation may go to pay the salary of any officer of the society.

6. Solicitation of donations by firefighters

Despite any law or ordinance to the contrary, any city may, by resolution, allow full-time firefighters employed by the city and while on duty, or volunteer firefighters serving the city while not on duty, to solicit charitable contributions from motorists. A city that wishes to do this must follow certain strict requirements set forth in the statute, including restrictions on type of charitable organization, frequency and time frame of solicitations and proof of insurance.

RELEVANT LINKS:

[Minn. Stat. § 471.3459.](#)

[Donation of Surplus City Equipment to a Nonprofit Organization, LMC Model Policy.](#)

[A.G. Op. \(June 27, 1997\) \(informal letter opinion to Staples\).](#)

[MN State Auditor, Statement of Position Public Expenditure: Donations and Dues.](#)

[Minn. Stat. § 471.96.](#)

[Minn. Stat. § 465.58.](#)

[Minn. Stat. Ch. 469.](#)

7. Surplus city equipment

In 2016, the Minnesota Legislature passed a law allowing a “local government,” including statutory and home rule charter cities, to donate “surplus equipment” to a “nonprofit organization.” Surplus equipment includes equipment used by a local government public works department, and also includes cellular phones, emergency medical and firefighting equipment no longer needed by the local government (because the phones or equipment no longer meet industry standards for emergency medical services, police, or fire departments; have minimal value; or have no resale value). Before donating surplus equipment, a city must adopt a policy on how it will determine what qualifies as surplus eligible for donation and how it will select nonprofit organizations eligible to receive donations. One caveat worth mentioning—the policy “must address the obligations of the local government to disclose to the nonprofit that the surplus equipment may be defective and cannot be relied upon for safety purposes.”

K. Dues

According to the attorney general, cities cannot join or become members of “private” organizations, absent specific statutory authority—even if there is specific authority to contribute to the organization. Without authorization for membership, cities do not have authority to pay for membership.

All cities, counties, and towns may appropriate money for membership in county, regional, state, and national associations of a civic, educational, or governmental nature. The associations must have, as their purpose, the betterment and improvement of municipal governmental operations. This authorization also allows these public entities to participate in the meetings and activities of these associations.

All cities and urban towns in Minnesota may appropriate money to pay dues to become members of the League of Minnesota Cities.

L. Economic development

A number of statutes empower cities to provide money or real property for economic development purposes under various programs, including up to \$50,000 to an incorporated development society or organization discussed in II(J)(3) above. An analysis of the economic development statutes and their requirements fall outside the scope of this memo; however, cities should know that, in certain circumstances, the statutes permit contributions for economic development.



STATE OF MINNESOTA

OFFICE OF THE ATTORNEY GENERAL

HUBERT H. HUMPHREY III
ATTORNEY GENERAL

June 27, 1997

GOVERNMENT SERVICES SECTION
325 PARK STREET
SUITE 300
ST. PAUL, MN 55103-2106
TELEPHONE: (612) 297-2040

Hans B. Borstad
Staples City Attorney
208 North Fourth Street
Staples, MN 56479

Re: Staples Chamber of Commerce Membership

Dear Mr. Borstad:

I am in receipt of your letter asking whether the City of Staples is authorized to pay membership dues to the Staples Chamber of Commerce. After reviewing prior opinions of the Attorney General on this issue as well as the relevant Minnesota statutes, it is my opinion that, while the City of Staples would be authorized by statute to appropriate up to \$50,000 annually to the Staples Chamber of Commerce in certain circumstances, the City would not be permitted to contribute this money in the form of membership dues absent specific authority to do so in the City Charter.

It is well settled in this state that a municipal corporation has only such powers as are expressly conferred upon it by statute or its charter, or necessarily implied therefrom. It has no inherent power. Borgelt v. City of Minneapolis, 271 Minn. 249, 135 N.W.2d 438 (1965), see generally 13A Dunnell, Minn. Digest 2d Municipal Corporations § 3.01a (3rd Ed. 1981). This longstanding principle was relied upon by our office in Op. Atty. Gen. 63-b-1, May 11, 1944, which concluded that the City of New Ulm, a home rule charter city, was without authority, under state law or local charter provision, to subscribe and pay for one or more memberships in a civic and commerce association which was a reorganization of a businessmen's association. Similarly, in Op. Atty. Gen. 218r, February 24, 1949 (1950 Attorney General Report No. 103), we concluded that the Village of Buffalo (now a statutory city) could not join or pay dues to a local chamber of commerce since no such power was conferred upon it by statute. In connection with this issue, your letter refers to three statutes as potential sources of authorization to take the action you describe.

Minn. Stat. § 469.189 (1944), authorizes the governing body of certain cities to appropriate money to advertise the municipality, its resources and advantages. This Office has taken the position that there is a distinction between statutory authorization to appropriate and use money for a purpose, and authorization to contribute money to a body generally committed to advancing a purpose. See, e.g., Op. Atty. Gen. 59a3, January 15, 1959, wherein we determined that statutory authority for a city to "appropriate money" for purposes of historical preservation and observances permitted the city to contract with the county historical society for specific services, but not to donate funds to the society to expend in its own discretion. For the

same reasons, we conclude that section 469.189 (1996) does not authorize the city to donate funds or purchase a "membership" in the local chamber of commerce.

Minn. Stat. § 469.191 (1996) provides:

A home rule or statutory city or town described in section 368.01, subdivision 1 or 1a, may appropriate not more than \$50,000 annually out of the general revenue fund of the jurisdiction to be paid to any incorporated development society or organization of this state for promoting, advertising, improving, or developing the economic and agricultural resources of the city or town.

It is our understanding that this section was first enacted in 1989 primarily to allow small rural towns to participate in an organization called the Minnesota Initiative Fund, an organization which received grants from the McKnight Foundation matching certain contributions from towns and cities. However, contemporaneous legislative history indicates an understanding by the legislature that this law would also allow a city or town to contribute up to \$50,000 annually to a local chamber of commerce. This seems to be a reasonable interpretation of the language of Minn. Stat. § 469.191, and it is my opinion that this provision would authorize the City of Staples to contribute up to \$50,000 annually to the Staples Chamber of Commerce.

Authority to contribute does not necessarily permit membership, however. In general, it has been our view that authority of local units of government are not authorized to form or join "private" organizations absent specific statutory authority. See, e.g., Op. Atty. Gen. 92a-30, January 29, 1986; 733, July 29, 1988. For example, Minn. Stat. § 144.581 (1996), which is mentioned in those opinions, authorizes hospital authorities to join and sponsor memberships in certain organizations.

In addition, the Legislature has addressed the authority of municipalities to provide for municipal membership in certain local, state and national associations. In addition, cities are expressly authorized by Minn. Stat. § 465.58 (1996) to pay annual dues in the League of Minnesota Cities and the expenses of delegates attending the meetings thereof. Neither of these sections would apply to your situation, however.

A broader grant of authority is found in Minn. Stat. § 471.96, subd. 1 (1996), which provides as follows:

The governing bodies of cities, counties, and towns are hereby authorized to appropriate necessary funds to provide membership of their respective municipal corporations or political subdivisions respectively in county, regional, state, and national associations of a civic, educational, or governmental nature which have as their purpose the betterment and improvement of municipal

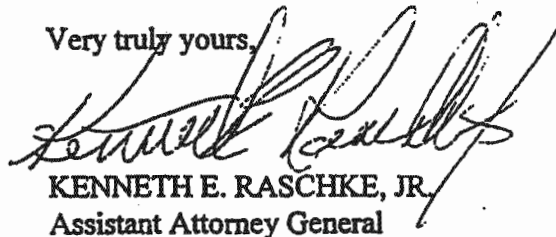
governmental operations. Cities, counties, and towns are also authorized to participate through duly designated representatives in the meetings and activities of such associations, and the governing bodies of cities, counties and towns respectively are authorized to appropriate necessary funds to defray the actual and necessary expenses of such representatives in connection therewith. For purposes of this section, the governing body of a town is the town board.

From our understanding of the nature of such organizations, it does not appear that chambers of commerce can be characterized as "associations of a civic, educational, or governmental nature which have as their purpose the betterment and improvement of municipal government operations" within the purview of this statute, even though their interests may include such objectives.

Subdivision 2 goes on to provide that the statute does not affect "any statutory, charter or common law power of cities" to provide for membership and participation in state and national associations. I am aware of no general statutory or common law power on the part of cities to provide for membership.

For the foregoing reasons, we conclude that the city lacks statutory authority to purchase membership in the local chamber of commerce. While it is possible that such authority might be contained in the City's Charter, your letter does not refer to any such charter provision, and we do not ordinarily undertake in our opinions to construe provisions of local charters. See Op. Atty. Gen. 629a, May 9, 1975.

Very truly yours,



KENNETH E. RASCHKE, JR.
Assistant Attorney General

(612) 297-1141



Brainerd City Council Agenda Request

Requested Meeting Date: November 5, 2018

Title of Item: Deferment of 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 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 City has received three deferment applications. Two of the three applicants meet the hardship items listed in number 4 of the attached resolution, with the exception of the interruption of item 4B. The third applicant is filing a deferment based on being retired by virtue of a total or permanent disability (house value is over the EMV per the resolution). Staff received a letter in October of 2017 from the applicant's doctor per number 5 of the resolution. All three of these assessments have been deferred in previous years.	
Alternatives, Options, Effects on Others/Comments: The only question that staff has is if the annual amount of the deferment is to be greater than \$300 or if it the assessment as a whole.	
Recommended Action/Motion: Approve or deny the deferment for the applicants for assessment payable in 2019 for one or all of the applicants.	
Financial Impact: Is there a cost associated with this request: ☒ Yes ☐ No What is the total cost, with tax and shipping \$ <u>958.67</u> for 2019 Is this budgeted? ☐ Yes ☐ No <u>Please Explain:</u>	

RESOLUTION
NO. 54:16

WHEREAS, Minnesota Statutes 435.193 through 435.195 authorizes the City of Brainerd to defer the payment of special assessments against any homestead property for certain citizens; and

WHEREAS, said deferment of assessment may be permitted at the discretion of the City Council; and

WHEREAS, the City Council of the City of Brainerd finds and determines that deferral of special assessments for certain citizens is in the public interest; and

WHEREAS, it is necessary and proper that the City Council set forth its general policies and guidelines for granting said deferrals of special assessments for citizens.

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

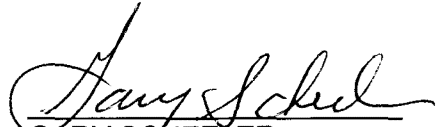
1. That the City Council does endorse the principle of deferment of special assessments for citizens where the payment of said special assessments constitutes hardship.
2. The Council, in accordance therewith, may defer the payment of any special assessment on homestead property when payment of the assessment would create a hardship upon the property owner as defined herein.
3. The deferment may be granted upon an application by the owner on a form prescribed by the County Auditor supplemented by the City Administrator to establish the qualifications of the owner for said deferment. All deferments shall be subject to renewal each following year upon the filing of a similar application not later than August 15. The Council shall either grant or deny the deferment, and if it grants the deferment, the deferred assessment shall bear interest at the rate established in the Resolution adopting the assessment. If the Council grants the deferment, the City Administrator shall notify the County Auditor who shall, in accordance with Minnesota Statute 435.194, record a notice of the deferment with the County Recorder setting forth the amount of the assessment.
4. A hardship shall be deemed prima facie to exist when all of the following apply:
 - A. The applicant's spouse and family combines shall not have an annual gross income in excess of the low income limits established by the Housing and Redevelopment Authority of the City of Brainerd in effect at the time of application. All data necessary to confirm applicant's income shall be furnished to the City Administrator.
 - B. The special assessments to be deferred exceed \$300.00.

- C. The total assets of the applicant and spouse, exclusive of the homestead, do not exceed \$25,000.00.
- D. The Crow Wing County Assessor's estimated market value of the applicant's homestead is less than \$110,000.

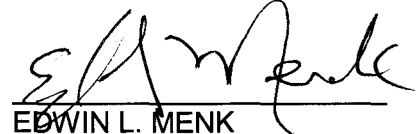
Notwithstanding the foregoing provisions of this paragraph, the City Council may consider exceptional and unusual circumstances pertaining to an applicant not covered by the above standards; but any determination shall be made in a non-discriminatory manner and shall not give the applicant an unreasonable preference or advantage over the other applicants.

- 5. Retirement by reason of permanent and total disability shall be deemed prima facie to exist when the applicant presents a sworn affidavit by a licensed medical doctor attesting that the applicant is unable to be gainfully employed because of a permanent and total disability.
- 6. The option to defer the payment of special assessments shall terminate and all amounts accumulated plus applicable interest shall become due upon the occurrence of any of the following events:
 - A. The death of the owner when there is no spouse who is eligible for deferment;
 - B. The sale, transfer, or subdivision of all or any part of the property;
 - C. Loss of homestead status on the property;
 - D. Determination by the Council for any reason that there would be no hardship to require immediate or partial payment; or
 - E. Failure to file a renewal application with the time prescribed by Paragraph 3.
- 7. This Resolution supersedes Resolution No. 06:05 adopted on February 22, 2005.

Adopted this 21st day of November, 2016


GARY SCHEELER
President of the Council

Approved this 22nd day of November, 2016


EDWIN L. MENK
Mayor

ATTEST:


JAMES M. THOREEN
City Administrator

RECEIVED

OCT 30 2018

CITY OF BRAINERD
ADMINISTRATION

DEFERRED ASSESSMENTS
CITY OF BRAINERD

APPLICATION AND AUTHORIZATION FOR DELAYED PAYMENT OF TAX ON SPECIAL ASSESSMENT FOR
SENIOR CITIZENS OR DISABLED PERSONS HOMESTEAD MS. 435.193, MS. 435.194 AND/OR WHERE A FINANCIAL
HARDSHIP EXISTS - RESOLUTION NO 54:16.

TO: Cassandra Torstenson, City Administrator, City of Brainerd, Minnesota

NAME Garry & Alex Schwartz	I am (check one)
ADDRESS 1212 Maple St _ Brainerd, MN 56401	☐ At least 65 years of age ☒ Retired by virtue of a total or permanent disability ☒ Financial hardship exists
R.E. CODE OF PROPERTY: _091810090040009_	
LEGAL DESCRIPTION OF PROPERTY: Lot 4 Block 9, Sleepers Addition to Brainerd _	

I, the undersigned, declare under penalties of perjury:

That I, my spouse and family combined shall not have an annual gross income in excess of the low income limits established by the Housing and Redevelopment Authority of the City of Brainerd in effect at the time of the application (see attached).

That the special assessments to be deferred exceed \$300.00.

That my total assets including my spouse's exclusive of the homestead do not exceed \$25,000.00.

That the Crow Wing County Assessor's estimated market value of my homestead is less than \$110,000.

That my interest in the ownership of the above property was acquired on May 9, 1986, and is as follows (check one):

☐ Sole ownership

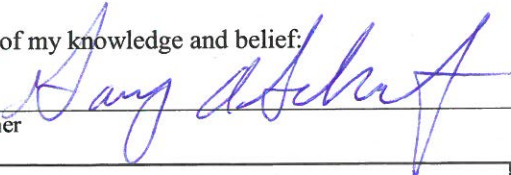
☒ Joint tenancy, held with Alex Schwartz (Deceased)

☐ Other (specify) _____

That on January 2, 2017, I owned and occupied the above property as my homestead and such occupancy began on June 1, 1986.

That the taxes for improvements on the special assessments adopted by Resolution No. 50:16 on October 17, 2016, by the City of Brainerd, which have been allocated against the subject property, would create undue personal hardship on my behalf and I respectfully request that payment be so deferred for the installments payable in the year 2019. (NOTE: Application for deferment shall be made each year.)

I declare under penalties of perjury that the above information is correct to the best of my knowledge and belief:

Signed X 
Owner

I, Cassandra Torstenson, City Administrator of the City of Brainerd, Crow Wing County, State of Minnesota, do hereby certify that the application of Garry & Alex Schwartz, above named, has been duly reviewed and that in accordance with the minutes of official record for the meeting held _____, 2018, in said city council chambers, was duly APPROVED or DENIED.

That in accordance with approval granted, that the assessment on the affiant's subject property levied for annual collection composed of principal \$235.10 and interest, which is based on the unpaid principal balance payable in the year 2018 should be so deferred with interest at the annual rate of 4.25%, until such time as it is deemed the applicant no longer qualifies or the property loses its eligibility.

Date: _____ 2018.

City Administrator

Imp 14-08

Total assessment was \$2,351, principal and interest payable in 2019 would be \$315.03.

**DEFERRED ASSESSMENTS
CITY OF BRAINERD**

APPLICATION AND AUTHORIZATION FOR DELAYED PAYMENT OF TAX ON SPECIAL ASSESSMENT FOR SENIOR CITIZENS OR DISABLED PERSONS HOMESTEAD MS. 435.193, MS. 435.194 AND/OR WHERE A FINANCIAL HARDSHIP EXISTS - RESOLUTION NO 54:16.

TO: Cassandra Torstenson, City Administrator, City of Brainerd, Minnesota

NAME Margaret O'Rourke ADDRESS 928 10th Avenue NE _____ Brainerd, MN 56401	I am (check one) ____ At least 65 years of age ____ Retired by virtue of a total or permanent disability <u> X </u> Financial hardship exists
R.E. CODE OF PROPERTY: 091680010020009 _____ LEGAL DESCRIPTION OF PROPERTY: Lot 2 Block 1, Sabin's Addition to the City of Brainerd	

I, the undersigned, declare under penalties of perjury:

That I, my spouse and family combined shall not have an annual gross income in excess of the low income limits established by the Housing and Redevelopment Authority of the City of Brainerd in effect at the time of the application (see attached).

That the special assessments to be deferred exceed \$300.00.

That my total assets including my spouse's exclusive of the homestead do not exceed \$25,000.00.

That the Crow Wing County Assessor's estimated market value of my homestead is less than \$110,000.

That my interest in the ownership of the above property was acquired on January 1, 2012, and is as follows (check one):

 X Sole ownership
____ Joint tenancy, held with _____
____ Other (specify) _____

That on January 2, 2014, I owned and occupied the above property as my homestead and such occupancy began on January 1, 2012.

That the taxes for improvements on the special assessments adopted by Resolution No. 57:14 on October 20, 2014, by the City of Brainerd, which have been allocated against the subject property, would create undue personal hardship on my behalf and I respectfully request that payment be so deferred for the installments payable in the year 2019. (NOTE: Application for deferment shall be made each year.)

I declare under penalties of perjury that the above information is correct to the best of my knowledge and belief:

Signed

Margaret O'Rourke
Owner

I, Cassandra Torstenson, City Administrator of the City of Brainerd, Crow Wing County, State of Minnesota, do hereby certify that the application of Margaret O'Rourke, above named, has been duly reviewed and that in accordance with the minutes of official record for the meeting held _____, 2018, in said city council chambers, was duly APPROVED or DENIED.

That in accordance with approval granted, that the assessment on the affiant's subject property levied for annual collection composed of principal \$329.00 and interest, which is based on the unpaid principal balance payable in the year 2018 should be so deferred with interest at the annual rate of 5%, until such time as it is deemed the applicant no longer qualifies or the property loses its eligibility.

Date: _____ 2018

City Administrator

**DEFERRED ASSESSMENTS
CITY OF BRAINERD**

APPLICATION AND AUTHORIZATION FOR DELAYED PAYMENT OF TAX ON SPECIAL ASSESSMENT FOR SENIOR CITIZENS OR DISABLED PERSONS HOMESTEAD MS. 435.193, MS. 435.194 AND/OR WHERE A FINANCIAL HARDSHIP EXISTS -RESOLUTION. NO. 54:16.

TO: Cassandra Torstenson, City Administrator, City of Brainerd, Minnesota

NAME Tamara Haberle ADDRESS 318 3 rd Ave NE Brainerd, MN 56401	I am (check one) At least 65 years of age ☒ Retired by virtue of a total or permanent disability Financial hardship exists
R.E. CODE OF PROPERTY: 091220100110009 LEGAL DESCRIPTION OF PROPERTY: Lot 11 Block 10, East Brainerd	

I, the undersigned, declare under penalties of perjury:

That I and family combined shall not have an annual gross income in excess of the low income limits established by the Housing and Redevelopment Authority of the City of Brainerd in effect at the time of the application (see attached).

That the special assessments to be deferred exceed \$300.00.

That my total assets do not exceed \$25,000.00.

That the Crow Wing County Assessor's estimated market value of my homestead is less than \$110,000.

That my interest in the ownership of the above property was acquired in November 1994 and is as follows (check one):

- ☒ Sole ownership
☐ Joint tenancy
☐ Other (specify)

That on January 1, 2010, I owned and occupied the above property as my homestead and such occupancy began in November 1994.

That the taxes for improvements on the special assessments adopted by Resolution No. 51:10 on October 18, 2010 by the City of Brainerd, which have been allocated against the subject property, would create undue personal hardship on my behalf and I respectfully request that payment be so deferred for the installments payable in the year 2019. (NOTE: Application for deferment shall be made each year.)

I declare under penalties of perjury that the above information is correct to the best of my knowledge and belief:

Signed Tamara Haberle
Owner

I, Cassandra Torstenson, City Administrator of the City of Brainerd, Crow Wing County, State of Minnesota, do hereby certify that the application of Tamara Haberle, above named, has been duly reviewed and that in accordance with the minutes of official record for the meeting held _____, 2018, in said City Council Chambers, was duly APPROVED or DENIED.	
That in accordance with approval granted, that the assessment on the affiant's subject property levied for annual collection composed of principal \$201.55 and interest, which is based on the unpaid principal balance payable in the year 2018 should be so deferred with interest at the annual rate of 3.57%, until such time as it is deemed the applicant no longer qualifies or the property loses its eligibility.	
Date: _____ 2018	_____ City Administrator

Imp. 08-11

Total assessment was \$2,015.50, principal and interest payable in 2019 would be \$215.94.



Brainerd City Council Agenda Request

Requested Meeting Date: November 5, 2018

Title of Item: Public Hearing and Final Reading Ordinance 1483 - City Code Section 1200 - Liquor Ordinance Review

☐ 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 2 nd Reading <i>*provide copy of published hearing notice</i>
Submitted by: Administration, Finance, City Attorney and Planning	Department: Same
Presenter (Name & Title): Same	Estimated Time Needed: 10-20 minutes
Summary of Issue: Staff was directed to review Section 1200 to consider options for addressing inconsistent and ambiguous code language, consider options to geographically limit on sale liquor licenses, revise the restaurant definition, and address the off street parking requirement.	
Alternatives, Options, Effects on Others/Comments: Attached is a draft revision of Section 1200 that addresses each of the above issues.	
Recommended Action/Motion: Motion by _____ 2nd by _____ to consider 2nd reading of Ordinance 1483 revising City Code Section 1200 - Intoxicating Liquor.	
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> \$ 0 _____ <i>Is this budgeted?</i> ☐ Yes ☐ No <i>Please Explain:</i>	

**ORDINANCE
NO. 1483**

**AN ORDINANCE AMENDING BRAINERD CITY CODE
SECTION 1200 INTOXICATING LIQUOR**

THE CITY COUNCIL OF THE CITY OF BRAINERD DOES ORDAIN:

SECTION ONE: That Section 1200.03 – License Required shall be amended to read:

Subd. 2. - On-Sale Licenses. On-sale licenses shall be issued only to hotels, clubs, **BOWLING CENTERS**, restaurants, and exclusive liquor stores and permit on-sale of liquor only.

- a) In order to hold an on-sale license, a restaurant must meet the requirements of Minnesota Statutes section 340A.101, subdivision 25, have facilities for serving not less than 30 guests at one time, and maintain a Category 3 food establishment license as defined in Minnesota Statutes section 157.16, subdivision 3. ~~Any on-sale license issued to said restaurant shall be designated a Division 2 license, as defined below.~~
- b) Recipients of on-sale licenses are divided into three classes:
 - i. Class 1: bars, pubs and taverns.
 - ii. Class 2: restaurants.
 - iii. Class 3: other (e.g., clubs, bowling centers, and hotels).
- c) The number of Class 1 on-sale licenses (for bars, pubs and taverns) that may be issued by the City cannot exceed 12.
- d) All applicants for an on-sale license shall submit plans and specifications of their proposed building for Council approval.

Subd. 3. On-Sale Wine Licenses. On sale wine licenses shall be issued only to restaurants meeting the qualification of Minnesota Statutes, Section 340A, 404, Subdivision 5, ~~and permit only the sale of wine not exceeding 14% alcohol by volume, for consumption on the licensed premises only, in conjunction with the sale of food.~~

Subd. 7(a) – Sunday On-Sale License. Special on sale licenses for the sale of intoxicating liquor on Sunday shall be issued only to **BOWLING** centers and to hotels, restaurants, and clubs as defined in Minnesota Statutes 340A.101. All sales at such establishments shall be in accordance with Minnesota Statutes 340A.504, Subd. 3.

SECTION TWO: That Section 1200.21 – On-Sale Liquor Zones and License Limitations On sale intoxicating liquor licenses may be issued in the following areas and under the following limitations be removed in its entirety.

~~**Subd. 1.** This Subdivision shall only apply to that portion of the City of Brainerd bounded on the west by the west line of Fourth Street South; on the north by the centerline of the Burlington Northern Santa Fe Railway Company right of way; on the east by the east line of Ninth Street South; on the south by the south line of Maple Street; and, Lots 16 thru 24 inclusive Block 37 excepting that part of Lots 19 and 20 desc as follows; beg at the NW corner of said Lot 19, then N 89 deg 57 min 40 sec E, assumed bearing, along N line of said Lot 19, 79.79 ft, then S 00 deg 07 min 58 sec E 45.14 FT, then S 89 deg 52 min 02 sec W 79.88 ft to the W line of~~

~~said Block 37, then N 00 deg 01 min 06 sec W along said W line of Block 37, 45.27 ft to the point of beg subject to easements of record. Not more than six (6) on sale liquor licenses that are not excluded from license limits under Minnesota Statutes section 340A.413, subdivision 4, do not comply with subdivision 4 of this Section shall be issued in this zone. Subject to all other provisions of this Ordinance, all existing on sale liquor licenses within this zone on January 1, 2001, shall continue to be allowed unless current liquor licensing for such business fails to be maintained. If current licensing for such a business shall lapse or expire without a timely renewal, any future license applications for that business within this zone will be subject to the limitations of this Subdivision. Nothing in this Subdivision shall prevent existing licenses issued prior to January 1, 2001, from being transferred to new owners at the same site. Further, the City Council shall be allowed to grant requests for existing licenses to be moved from one location in the area of the City covered by this subdivision to another location within the area covered by this subdivision without meeting the requirements of Subdivision 4 of this Section. Upon the grant of said license at a new location, the licensee shall return to the City their license granted for the former location at which time the license shall be cancelled at that location. However, the City Council may take action to grant approval of a new license at the former location. These restrictions shall not apply to clubs and shall only apply when six (6) or more on sale licenses are issued within this zone.~~

Subd. 2. ~~The Commercially Zoned property located 200 feet north and south of Washington Street from the west edge of the Mississippi River Bridge to the west City Limits and the Commercially Zoned property located 150 feet north and south of Washington Street from the east City Limits to the east edge of the Mississippi River Bridge.~~

Subd. 3. ~~Subd. 3. The following described realty: That part of the SE 1/4 SW 1/4 of Sec. 19, Twp. 45 North, Rge. 30 West, described as follows: Commencing at the Northeast corner of Block 13, "East Side Addition To The City Of Brainerd"; thence West, assumed bearing, along the North line of said Block 13 and said North line extended, 560.15 feet; thence South 267.25 feet to the place of beginning; thence South 55 feet; thence East 34 feet; thence North 55 feet; thence West 34 feet to the place of beginning.~~

~~a) Lot 1, Block 1, Rademacher's Commercial Addition~~

~~b) Lots 1 and 2, Block 1, Haines Addition to the Town of East Brainerd and that part of adjacent vacated Ash Street~~

~~c) Lots 4, 5, 6, 7, 8 & 9, Block 2, Millers Addition to East Brainerd, along with the —vacated north/south alley in Block 2, Millers Addition to East Brainerd~~

Subd. 4. ~~One half (1/2 or more of all on sale liquor licenses shall be issued to bona fide restaurants, eating establishments, or other eligible facilities (such as hotels, hotels, convention centers, bowling alleys, etc) where the serving and sale of liquor is only incidental to the principal business use. In furtherance of this objective.~~

~~a) A restaurant or eating establishment must provide a seating capacity in the dining area for at least ____ persons.~~

~~b) The bar area for a restaurant, eating or other establishment shall be not more than 49% of the size of the dining area or principle use of the establishment.~~

~~c) Said establishments shall further provide off street parking to accommodate motor vehicles of its patrons. Off street parking spaces shall be provided at the ratio of~~

~~one parking stall for every three units of seating capacity in the dining area of restaurant or eating establishments. Other establishments shall comply with the parking regulations contained in the Zoning Code. Said motor vehicle parking area shall be located adjacent or contiguous to the facility or, if this is not feasible, in a nearby area, which shall be subject to Council approval.~~

~~**Subd. 5.** All applicants for an on-sale liquor license shall submit plans and specifications of their proposed building including the proposed off street parking area for Council approval.~~

~~**Subd. 6.** The following described realty: All that part of the Southwest Quarter of the Southeast Quarter (SW1/4SE1/4) and of the Southeast Quarter of the Southwest Quarter (SE1/4SW1/4) of Section 19, Township 45 North, Range 30 West, and Lots 1, 2, and 3, Block 13, East Side Addition to the City of Brainerd; and Lots 1, 2 and 3, Block 16, Lots, 1, 2, 3, 4, 5, and 6, Block 15, and Lots, 1, 2, and 3, Block 14, Haines Addition to the Town of East Brainerd; Fractional Block 3, and Lots 1, 2 and 3, Block 2, Millers Addition to East Brainerd; Lots 10, 11 and 12, Block 2, Millers First Addition to the City of Brainerd and the vacated streets and alleys included within the following described tract; Beginning at the Northeast corner of Lot 3, Block 13, said East Side Addition to the City of Brainerd; thence West 885 feet along the South line of E Street to the Northwest corner of said Lot 3, Block 14, Haines Addition to the Town of East Brainerd; thence South 150 feet along the West line of said Lot 3 to the North line of the alley South of said Block 14; thence East 72.2 feet along the North line of said alley; thence South 20 feet across said alley; thence West 50 feet along the South line of said alley to the Northwest corner of Fractional Block 3, Millers Addition to East Brainerd; thence South 142 feet along the West line of said Fractional Block 3 to the North line of D Street; thence East 50 feet along the North line of said D Street; thence South 66 feet to the South line of D Street; thence West 190 feet along the South line of said D Street to the Northwest corner of said Lot 3, Block 2, Millers Addition to East Brainerd; thence South 300 feet to the Southwest corner of Lot 10, Block 2, Millers First Addition to the City of Brainerd on the North line of C Street; thence East 40 feet along the North line of said C Street; thence South 66 feet to the South line of said C Street, thence West 100 feet to the Northwest corner of Lot 4, Block 3, Millers First Addition to the City of Brainerd; thence South 140 feet to the Southwest corner of said Lot 4; thence East 150 feet to the Southeast corner of Lot 2, Block 3, Millers First Addition to the City of Brainerd; thence South 160 feet to the Southwest corner of Lot 12, Block 3, Millers First Addition to the City of Brainerd on the North line of B Street; thence East 50 feet along the North line of B Street to the Southeast corner of said Lot 12, thence South 66 feet to the right of way line for Highway No. 210, thence East 215.66 feet along said right of way line; thence North 48 degrees 08 minutes East 506.12 feet continuing along said right of way line; thence North 1 degree 17 minutes West 429.74 feet; thence North 89 degrees 54 minutes East 301.19 feet to the Westerly right of way line for Trunk Highway No. 25; thence North 3 degrees 56 minutes West 192.55 feet along said right of way line; thence West 8.3 feet to the Southeast corner of Lot 1, Block 13, East Side Addition to the City of Brainerd; thence North 150 feet along the East line of said Block 13 to the place of beginning. Except the following described property: Lots 1, 2 and 3, Block 3, Millers First Addition to the City of Brainerd, except any portion of the vacated part of C Street which lies adjacent to and Northerly of said Lots 1 and 2, and that portion of the vacated 20 foot alley in said Block 3 which lies between said Lots 1, 2 and 3 and Lots 10, 11 and 12, Block 3, Millers First Addition to the City of Brainerd.~~

~~Lots 1, 2 and 3, Block 2, Millers Addition to East Brainerd;~~

~~Lots 10, 11 and 12, Block 2, Millers First Addition to the City of Brainerd;~~

~~Lot 12, Block 3, Millers First Addition to the City of Brainerd;~~

~~Lot 4, Block 3, Millers First Addition to the City of Brainerd.~~

~~Subd. 7. Lot 1 Block 1, Northern Pacific Center~~

SECTION THREE: That Section 1200.23 – Off-Sale Liquor Zones and License Limitations: Intoxicating off-sale liquor licenses ~~may be issued in the following areas and under~~ **ARE SUBJECT TO** the following limitations:

~~Subd. 1. All on-sale liquor zones as described in Section 1200.21.~~

~~Subd. 2. Lots 1 and 2, Block 8, Willis Addition to the City of Brainerd~~

~~Subd. 3. Lots 7 through 9, Block 3, Miller's First Addition to the City of Brainerd~~

~~Subd. 4. Lot 1, Block 1, Jake's Warehouse Foods.~~

~~Subd. 5. That part of the Southeast quarter of the Northwest quarter (SE $\frac{1}{4}$ NW $\frac{1}{4}$) of Section Twenty-nine (29), Township Forty-Five (45) North, Range Thirty (30) West described as follows: Commencing at a point on the South line of said SE $\frac{1}{4}$ NW $\frac{1}{4}$ which is 1760.40 feet East of the West quarter corner of said section 29; thence North 50 feet to the Northerly right-of-way (ROW) line of Oak Street; thence East along said Northerly ROW line 225.00 feet to the Point of Beginning (POB); thence North 33 degrees 21 minutes 06 seconds East 566.65 feet to the Westerly ROW line of State Highway 25; thence South 34 degrees 44 minutes 21 seconds East along said Westerly ROW line 276.00 feet; thence South 27 degrees 37 minutes 43 seconds West 278.26 feet to the Northerly ROW of Oak Street; thence West along said Northerly ROW line 339.76 feet to the POB. Subject to easements, reservations, or restrictions of record. Parcel address: 3325 Oak Street, Brainerd.~~

~~Subd. 6 Off-sale liquor licenses may be issued subject to the following conditions:~~

~~SUBD. 1 Every off-sale license holder shall have a place of business with solid walls, floor to ceiling, with no interior openings and with a separate exterior entrance.~~

~~SUBD. 2 Off-street parking shall be provided to accommodate not less than five motor vehicles contiguous to said place of business or, if this is not feasible, in a nearby area, which shall be subject to Council approval.~~

~~Subd. 3. All applicants for an off-sale liquor license shall submit plans and specifications of their proposed building including the proposed off-street parking area for Council approval.~~

SECTION FOUR: All other provisions of Section 1200 shall remain in full force and effect.

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

Adopted this ____ day of ____, 2018

DAVID J. PRITSCHET
President of the Council

Approved this ____ day of ____, 2018

EDWIN L. MENK
Mayor

ATTEST: _____
CASSANDRA TORSTENSON
City Administrator

Summary Published: One Time, ____, 2018



Brainerd City Council Agenda Request

Requested Meeting Date: November 5, 2018

Title of Item: Public Hearing and Resolution- Contested Nuisance 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 are two agenda requests and supporting information for each request pertaining to the contested assessments relating to 2018 Nuisance Abatement from the October 15, 2017 meeting.	
Alternatives, Options, Effects on Others/Comments: During the hearings, we will hear testimony for or against each contested assessment.	
Recommended Action/Motion: At the conclusion of the hearing, and once decisions on all the assessments are made, staff recommends adoption of the resolution to adopt the contested assessments that were heard at the hearing.	
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>	



Brainerd City Council Agenda Request

Requested Meeting Date: November 5, 2018

Title of Item: Public Hearing - Contested Assessment - 1113 Rosewood 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: The owner of 1113 Rosewood Street had 1 citation relating to junk (mattresses and other miscellaneous debris) needing to be cleaned up. The assessment amount was \$125.00.	
Alternatives, Options, Effects on Others/Comments: The junk and debris has been abated on the property, but after the citation was issued.	
Recommended Action/Motion: Staff recommends continuation of the public hearing that was adjourned on the October 15, 2018 meeting to hear testimony for or against the proposed assessment. There are two options for the council to consider on this assessment: 1. Waiving the assessment 2. Upholding all assessment	
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>	

03/27/2018

DAVE BRAVERMAN
1113 ROSEWOOD ST
BRAINERD, MN 56401-

ORDER TO CORRECT ADMINISTRATIVE VIOLATION

Dear Property Owner(s),

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

Property Address: 1113 ROSEWOOD ST
Real Estate Code: 09174018006Z009

Violation: Nuisances/Junk/Blight
Ordinance: 2010

Description: 2010.09 Junk. No person, firm, or corporation of any kind shall permit the accumulation of junk that includes but is not limited to any of the following: waste material, trash, rubbish, refuse, or litter of any kind upon any land or inside or under any building or structure which may provide harborage or breeding places for mosquitoes, vermin, or rats.

No person, firm, or corporation of any kind shall permit on a property the accumulation of: batteries; paper; lumber or salvaged wood; boxes or containers; bottles; cans; discarded chemicals; bricks; stones; old or scrap copper, brass, iron, steel, or other metals; old and/or inoperable appliances; tanks; barrels; cages; clothing; pallets; wire/cable; dismantled, abandoned or inoperable vehicles, farm equipment, construction equipment, campers, recreation vehicles, boats, or parts thereof; rope; rags; glass; rubber; construction debris; plumbing fixtures; furniture; brush piles; cut down trees and branches; pulled stumps; leaf piles not in a composting container; or other similar objects and materials which may provide harborage or breeding places for mosquitoes, vermin, or rats. Useful items such as firewood and building materials may be stored in compliance with Section 24 of the Zoning Ordinance provided they are stored in a manner that will not create any danger or threat to public health.

Corrective action is required; 14 days are allowed from the date of this letter.

To review City Codes on the web, go to [www.ci.brainerd.mn.us Administration/Documents/City Codes](http://www.ci.brainerd.mn.us/Administration/Documents/City%20Codes).

Action must be taken on or before 04/10/2018

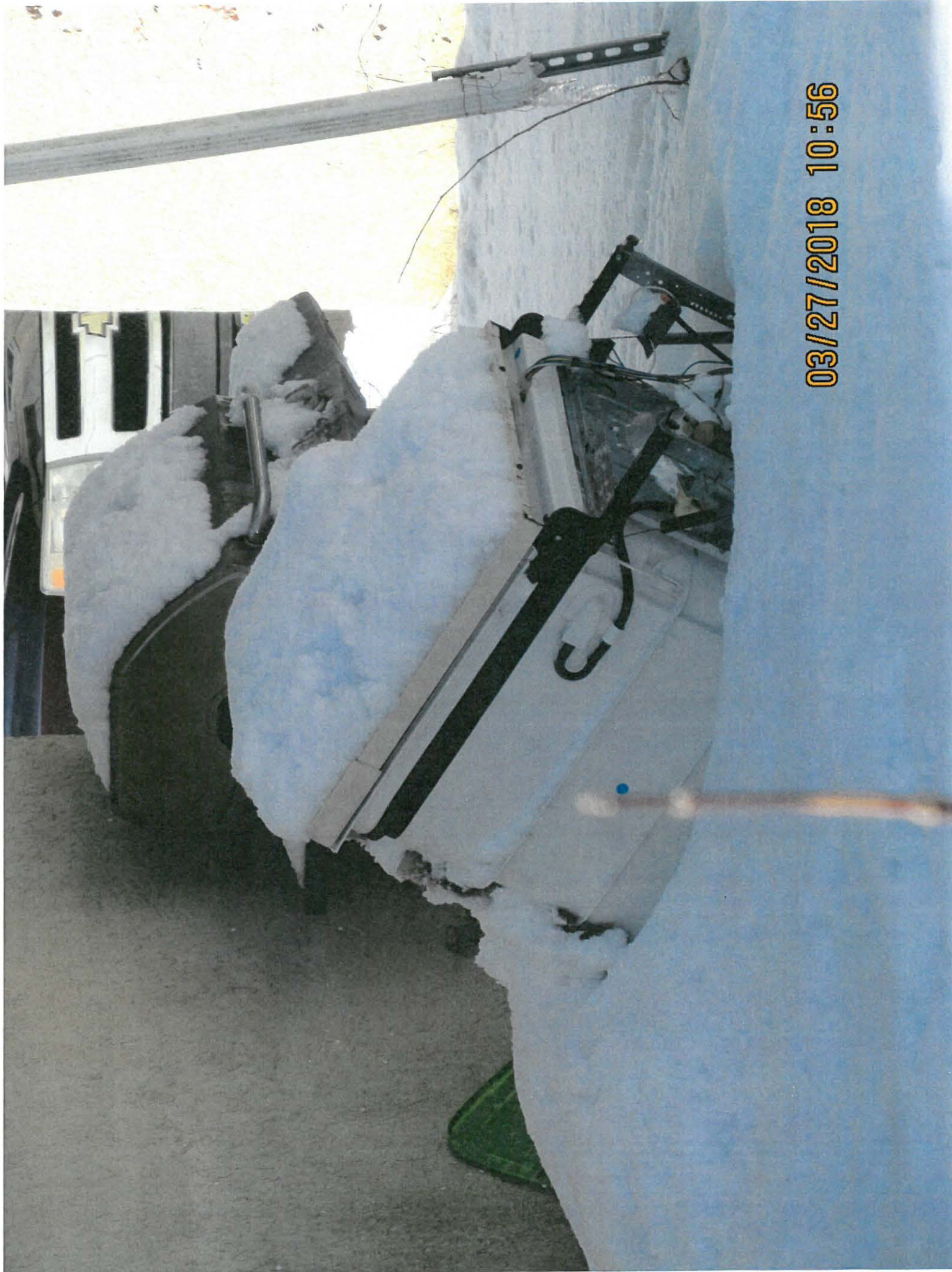
Failure to make the corrections can result in a citation with a fine of \$100. Per above-mentioned code section, failure to comply with this ordinance will result in a citation and corrective action by the City to abate the nuisance at the expense of the owner.

If you are unable to make the corrections in the required time or believe this violation is in error, you will need to call this office to make other arrangements. Office hours are 7:30 to 4:30, Monday through Friday. Please contact Jason at 218/454-3416 if you have questions.

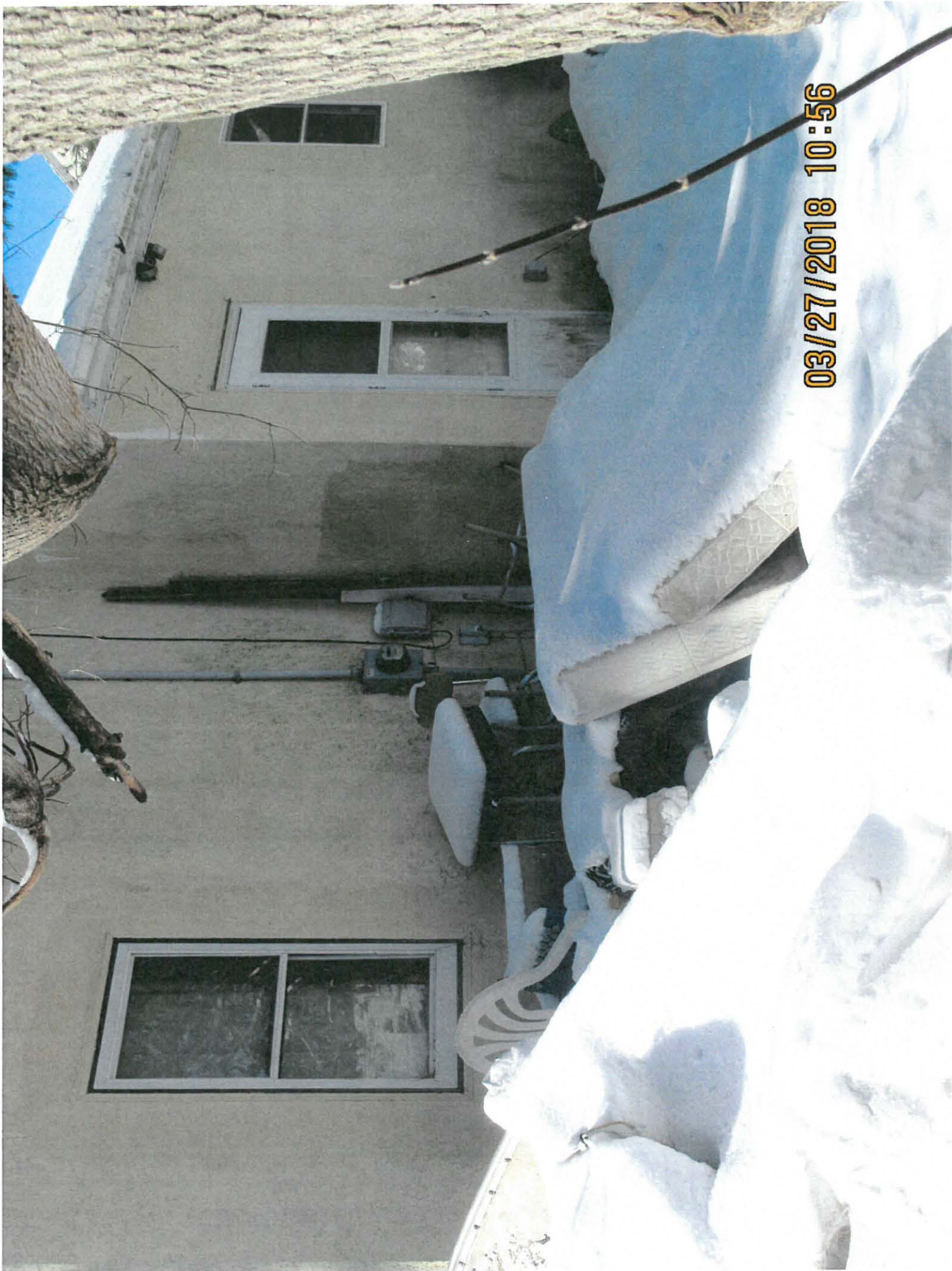
Respectfully,

By Order of:

THE CITY OF BRAINERD



03/27/2018 10:56



03/27/2018 10:56



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

THIS IS THE ONLY NOTICE YOU WILL RECEIVE

Administrative Citation

Department of Building Safety – 218/828-2309

JD2018-00013

Date of Violation: 04/11/2018

Parcel ID: 09174018006Z009

Violator(s): DAVE BRAVERMAN
1113 ROSEWOOD ST
BRAINERD, MN 56401-

Location/Address of Violation: **1113 ROSEWOOD ST**

VIOLATION

Section	Subdivision, Chapter or Article	Complaint	Fine
2010	Nuisances/Junk/Blight	<i>Junk and Debris</i>	\$100.00

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

Citation Amount Due: \$100.00

Payment Due By: 05/17/2018

Payment may be presented in person or by way of First Class Mail in the form of cash, check or money order, payable to:
City of Brainerd, submitted to the Department of Building Safety, City Hall - 501 Laurel Street; Brainerd, MN 56401.

Re-inspection Date: 04/18/2018

For uncorrected or continued violations, the City may correct the violation and assess the charges for doing so. An additional citation will be issued if the violation is not corrected by the re-inspection date. Failure to pay the fine will result in it being assessed against the property as provided in Minnesota Statute 429. Unpaid fines, including an administrative charge of \$25.00 plus interest of the total balance, will be assessed against the property of the owner charged with the violation.

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

Representative: Tim Caughey, City Building Official

Date: 4/11/18

Representative's Signature: Tim Caughey

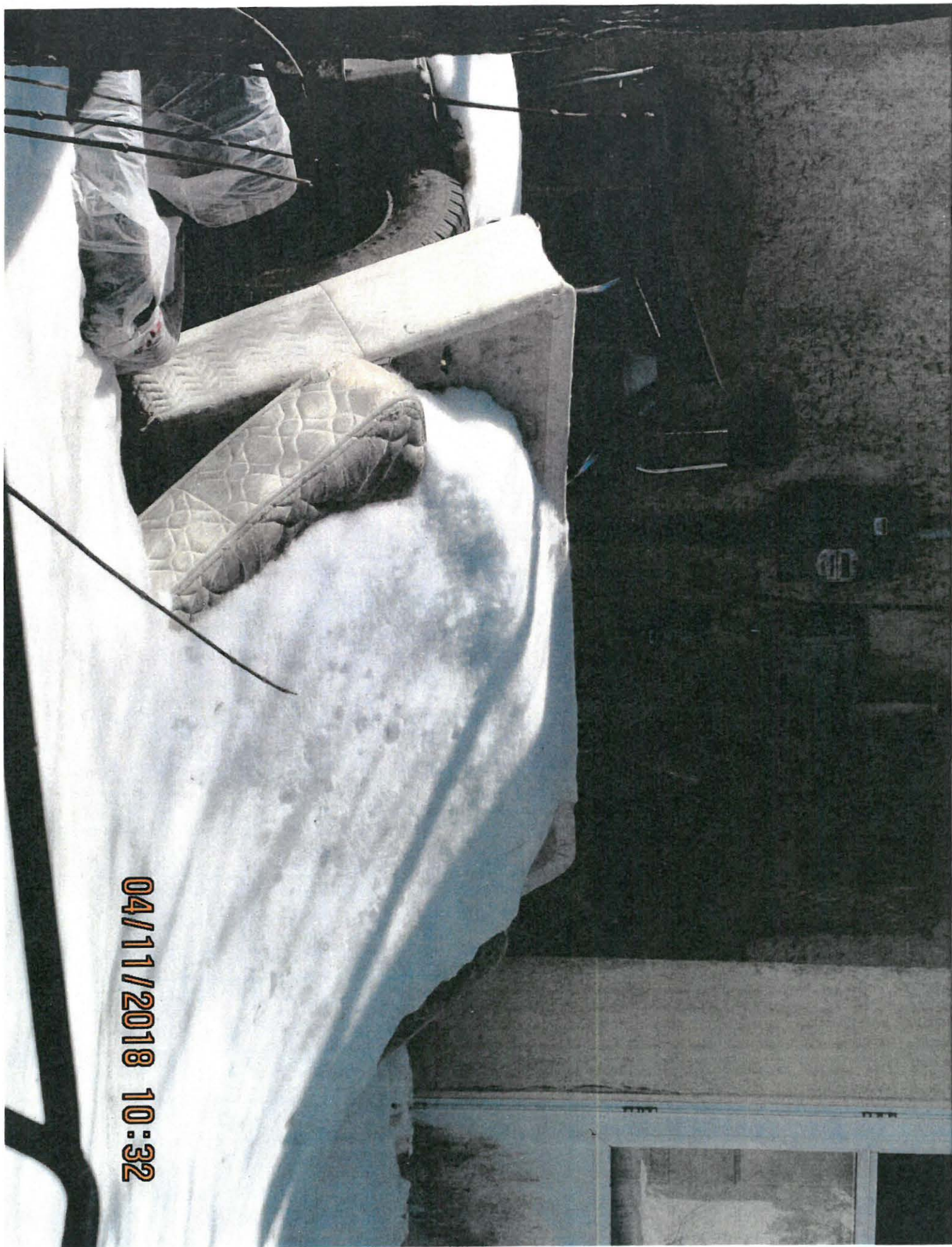
(served via first class mail)



04/11/2018 10:32

PCL XL error
Error:
IllegalOperatorSequence
Operator: 0xc0
Position: 3056

04/11/2018 10:32





Brainerd City Council Agenda Request

Requested Meeting Date: November 5, 2018

Title of Item: Public Hearing - Contested Assessment - 506 7th Avenue NE

☐ 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 owner of 506 7th Avenue NE had 6 citations relating to junk (brush and other miscellaneous debris) and disposition of motor vehicle (unlicensed since 2016). The assessment amount was \$750.00. The trail of letters and citations can be seen attached. It is important to note that this specific property has had a substantial past history of different violations, which can be seen directly after this request.	
Alternatives, Options, Effects on Others/Comments: The brush and junk has been abated on the property, however, the motor vehicle now has a garbage can blocking the license plate so staff cannot see if the motor vehicle has been licensed. Thus, no further citations have been issued. This happens quite often with the motor vehicle citation in that, instead of licensing the vehicle, some property owners will buy a cover or place something in front of the license plate.	
Recommended Action/Motion: Staff recommends continuation of the public hearing that was adjourned on the October 15, 2018 meeting to hear testimony for or against the proposed assessment. There are three options for the council to consider on this assessment: 1. Waiving the assessment 2. Upholding all assessment 3. Waiving portions the assessments.	
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>	

Case #	Date Opened	Property Owner	Street #	Street	Unit	Complainant	PIN	Status	Complaint
UV2017-00194	11/28/2017	ALEATHEA H MODLIN	506	7TH AVE NE		Jason Stockinger	091380090050009	C	Unlicensed/Inoper
NU2013-00023	6/26/2013	ALEATHEA H MODLIN	506	7TH AVE NE		Scott Sadusky	091380090050009	C	Address Numbers
JD2018-00441	9/24/2018	ALEATHEA H MODLIN	506	7TH AVE NE		Jason Stockinger	091380090050009	C	Junk and Debris
JD2017-00093	6/26/2017	ALEATHEA H MODLIN	506	7TH AVE NE		Jason Stockinger	091380090050009	C	Junk and Debris
JD2014-00213	10/28/2014	ALEATHEA H MODLIN	506	7TH AVE NE		Scott Sadusky	091380090050009	C	Junk and Debris
JD2014-00036	5/15/2014	ALEATHEA H MODLIN	506	7TH AVE NE		Scott Sadusky	091380090050009	C	Junk and Debris
JD2013-00056	6/26/2013	ALEATHEA H MODLIN	506	7TH AVE NE		Scott Sadusky	091380090050009	C	Junk and Debris
GR2018-00211	9/6/2018	ALEATHEA H MODLIN	506	7TH AVE NE		Jason Stockinger	091380090050009	C	Long Grass and W
BR2017-00026	11/28/2017	ALEATHEA H MODLIN	506	7TH AVE NE		Jason Stockinger	091380090050009	C	Brush Pile
BR2016-00098	10/26/2016	ALEATHEA H MODLIN	506	7TH AVE NE		Jason Stockinger	091380090050009	C	Brush Pile



OK

11/28/2017

ALEATHEA H MODLIN
506 7TH AVE NE
BRainerd, MN 56401-

ORDER TO CORRECT ADMINISTRATIVE VIOLATION

Dear Property Owner(s),

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

Property Address: 506 7TH AVE NE
Real Estate Code: 091380090050009

Violation: Disposition of Motor Vehicles
Ordinance: 2011
Description: 2011.03 Storing, parking or leaving dismantled or other such motor vehicles declared nuisance exceptions. The presence of an abandoned, wrecked, dismantled, inoperative, unlicensed, junked, or partially dismantled motor vehicle or a motor vehicle lacking vital component parts or parts of a motor vehicle on private or public property is a public nuisance.

Corrective action is required; 14 days are allowed from the date of this letter.

To review City Codes on the web, go to [www.ci.brainerd.mn.us/Administration/Documents/City Codes](http://www.ci.brainerd.mn.us/Administration/Documents/City%20Codes).

Action must be taken on or before 12/12/2017

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

If you are unable to make the corrections in the required time or believe this violation is in error, you will need to call this office to make other arrangements. Office hours are 7:30 to 4:30, Monday through Friday. Please contact Jason at 218/454-3416 if you have questions.

Respectfully,

By Order of:

THE CITY OF BRAINERD



11/27/2017 14:27



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

THIS IS THE ONLY NOTICE YOU WILL RECEIVE.

Administrative Citation

Department of Building Safety – 218/828-2309

UV2017-00194

Date of Violation: 12/22/2017

Parcel ID: 091380090050009

Violator(s): ALEATHEA H MODLIN
506 7TH AVE NE
BRAINERD, MN 56401-

Location/Address of Violation: **506 7TH AVE NE**

VIOLATION

Section	Subdivision, Chapter or Article	Complaint	Fine
2011	Disposition of Motor Vehicles	Unlicensed/Inoperable Vehicle	\$100.00

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

Citation Amount Due: \$100.00

Payment Due By: 01/18/2018

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

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Representative: Tim Caughey, City Building Official

Date: 12/22/17

Representative's Signature: _____

Tim Caughey

(served via first class mail)



12/22/2017 10:57



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

THIS IS THE ONLY NOTICE YOU WILL RECEIVE.

Administrative Citation

Department of Building Safety – 218/828-2309

UV2017-00194

Date of Violation: 01/04/2018

Parcel ID: 091380090050009

Violator(s): ALEATHEA H MODLIN
506 7TH AVE NE
BRAINERD, MN 56401-

Location/Address of Violation: **506 7TH AVE NE**

VIOLATION

Section	Subdivision, Chapter or Article	Complaint	Fine
2011	Disposition of Motor Vehicles	Unlicensed/Inoperable Vehicle	\$100.00

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

Citation Amount Due: \$100.00

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Representative: Tim Caughey, City Building Official

Representative's Signature: _____

Date: 1/4/18

(served via first class mail)



01/02/2018 12:23



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Citation Amount Due: \$100.00

Payment Due By: 02/11/2018

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Representative: Tim Caughey, City Building Official

Date: 1-12-18

Representative's Signature: *Jason Hedemijns*
C/O Tim Caughey

(served via first class mail)



01/12/2018 11:05

11/28/2017

ALEATHEA H MODLIN
506 7TH AVE NE
BRainerd, MN 56401-

ORDER TO CORRECT ADMINISTRATIVE VIOLATION

Dear Property Owner(s),

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

Property Address: 506 7TH AVE NE
Real Estate Code: 091380090050009

Violation: Nuisances/Junk/Blight
Ordinance: 2010
Description: 2010.09 Junk. No person, firm, or corporation of any kind shall permit the accumulation of junk that includes but is not limited to any of the following: waste material, trash, rubbish, refuse, or litter of any kind upon any land or inside or under any building or structure which may provide harborage or breeding places for mosquitoes, vermin, or rats.

No person, firm, or corporation of any kind shall permit on a property the accumulation of: batteries; paper; lumber or salvaged wood; boxes or containers; bottles; cans; discarded chemicals; bricks; stones; old or scrap copper, brass, iron, steel, or other metals; old and/or inoperable appliances; tanks; barrels; cages; clothing; pallets; wire/cable; dismantled, abandoned or inoperable vehicles, farm equipment, construction equipment, campers, recreation vehicles, boats, or parts thereof; rope; rags; glass; rubber; construction debris; plumbing fixtures; furniture; brush piles; cut down trees and branches; pulled stumps; leaf piles not in a composting container; or other similar objects and materials which may provide harborage or breeding places for mosquitoes, vermin, or rats. Useful items such as firewood and building materials may be stored in compliance with Section 24 of the Zoning Ordinance provided they are stored in a manner that will not create any danger or threat to public health.

Corrective action is required; 14 days are allowed from the date of this letter.

To review City Codes on the web, go to [www.ci.brainerd.mn.us/Administration/Documents/City Codes](http://www.ci.brainerd.mn.us/Administration/Documents/CityCodes).

Action must be taken on or before 12/12/2017

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

If you are unable to make the corrections in the required time or believe this violation is in error, you will need to call this office to make other arrangements. Office hours are 7:30 to 4:30, Monday through Friday. Please contact Jason at 218/454-3416 if you have questions.

Respectfully,

By Order of:

THE CITY OF BRAINERD



11/27/2017 15:21



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

THIS IS THE ONLY NOTICE YOU WILL RECEIVE.

Administrative Citation

Department of Building Safety – 218/828-2309

BR2017-00026

Date of Violation: 12/22/2017

Parcel ID: 091380090050009

Violator(s): ALEATHEA H MODLIN
506 7TH AVE NE
BRainerd, MN 56401-

Location/Address of Violation: **506 7TH AVE NE**

VIOLATION

Section	Subdivision, Chapter or Article	Complaint	Fine
2010	Nuisances/Junk/Blight	Brush Pile	\$100.00

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

Citation Amount Due: \$100.00

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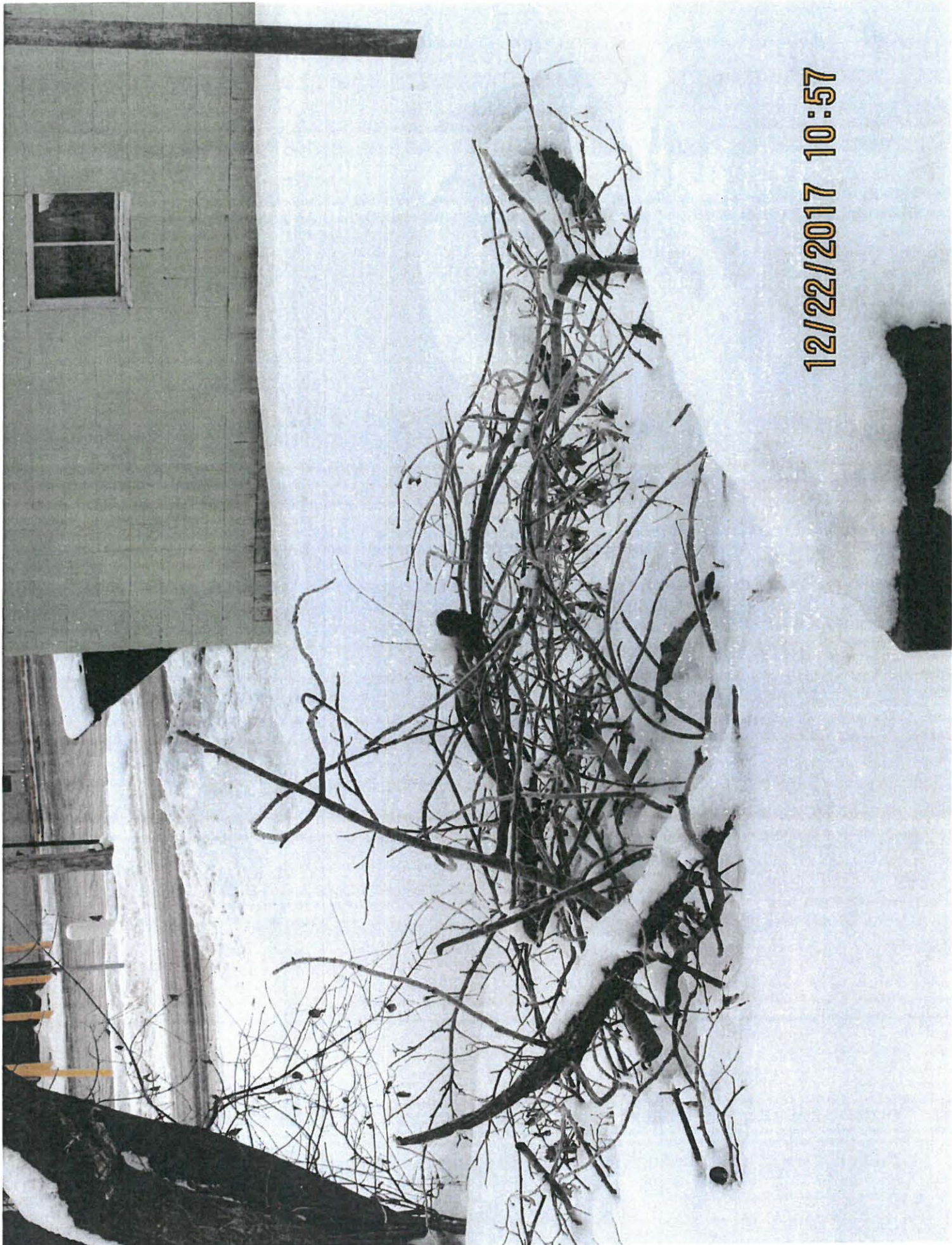
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Date: 12/22/17

Representative's Signature: Tim Caughey

(served via first class mail)



12/22/2017 10:57



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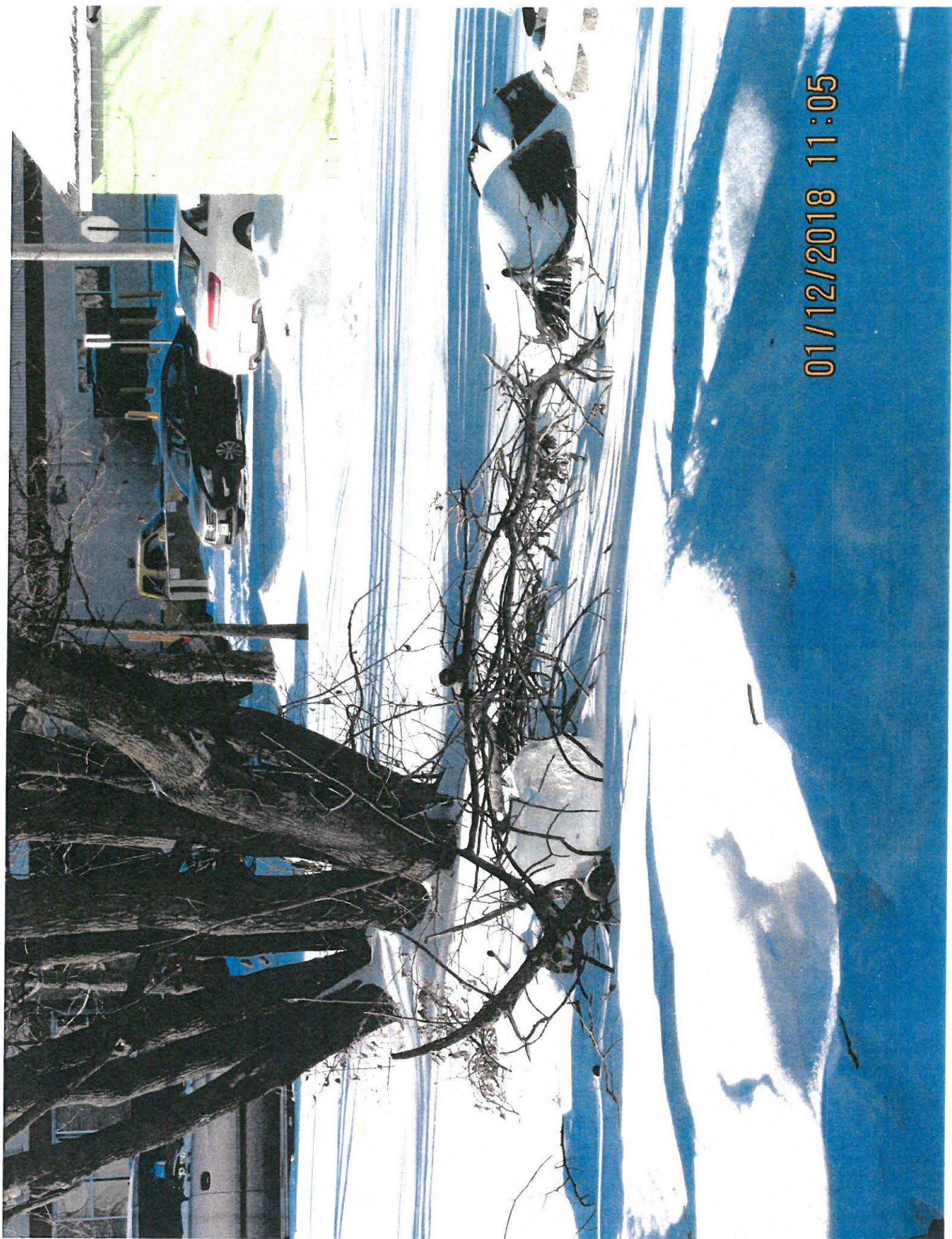
Representative: Tim Caughey, City Building Official

Date: 1-12-18

Representative's Signature: _____

For Shookins
C/O Tim Causley

(served via first class mail)



01/12/2018 11:05

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 nuisance abatement concerning the properties listed and abutting on the following:

CONTESTED NUISANCE ABATEMENT ASSESSMENTS

PID 09174018006Z009
PID 091380090050009

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 11 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: November 5, 2018

Title of Item: Discussion of Council Meeting Start Time

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☒ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☒ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Cassandra Torstenson	Department: Administration
Presenter (Name & Title): City Administrator Torstenson	Estimated Time Needed: 5-10 Minutes
Summary of Issue: It has been requested to review the city council meeting start time. We could start the meetings before 7:30, but then we would have to start P&F and S&PW meetings earlier. Another option would be to have the committee meetings at another time all together.	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion: Discussion item.	
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>	

Document provided to the City Council prepared by and provided by Chuck Marohn during public forum.

11/5 Distributed at meeting

Talking Points on Surface Parking for Neighborhood Schools

Points of Consensus

- We all want our neighborhood schools to be successful places for students to learn.
- We all want our students and families to live in neighborhoods that are prosperous.
- We all want our neighborhood school sites to be safe and secure.

Potential Points of Divergence

- Improving traffic flow does not improve safety.
 - ISD 181 consultants have cited highway design standards for their approach to Lowell, Harrison, Garfield and BHS. These standards *may* apply to Forestview and the new school in Baxter, but they **do not** apply to Brainerd's neighborhood schools.
 - "Improving traffic flow" could also be described as speeding up traffic. Faster traffic speed is the opposite of safe.
 - The best thing for safety is to slow down vehicles within the school zone. This creates an inconvenience for parents and staff wishing to speed through, but that's one of the tradeoffs of a neighborhood school.
- On street parking improves safety.
 - The safest thing for people walking on a sidewalk is to have a row of parked cars as a barrier between them and the traffic stream.
 - Parallel parking is sometimes not as convenient for drivers as parking in a surface lot, but the complexity of on-street parking slows traffic and heightens awareness, both of which improve safety.
- Surface parking does not improve safety.
 - Substituting surface parking for on-street parking is a strategy to simplify the site for drivers by giving everyone their own channel to flow through. This allows a concentration of cars to flow out of the parking lot at a designated time and along designated corridors.
 - Simplifying the site and concentrating the flow allows site planners to manage conflicts (keep people walking away from people driving). This *may* work on sites like Forestview where there is lots of room for

separation and few reasons for anyone to deviate from their designated space.

- For an urban school like Harrison, Lowell, or Garfield, this approach gives drivers a false sense of security, inducing them to drive faster and be less aware of their surroundings.
- The complexity of an urban neighborhoods defies simplification. The theory being used at Forestview doesn't apply. It will make things more dangerous for students.
- This is a peak problem. We should not over-engineer for the peak condition.
 - Safety concerns are most acute during morning arrival and afternoon departure times. Together, this is 60 to 75 minutes per weekday.
 - When we overdesign for peak conditions, we create a false sense of security, and induce higher speeds and less awareness among drivers, during the remaining ~23 hours each weekday and during all non-school days.
 - Along with designs that slow speeds within the school zone, there are temporary measures the schools are already taking – crossing guards, placards, etc... – that have made these neighborhood schools much safer for everyone.
- Students would be best served by not having to be driven to school in a car.
 - The most common cause of fatality for children 15 and younger is automobile collisions¹.
 - ISD 181 policy forces students within walking distance of neighborhood schools to walk, bike, or be driven, even in the harshest weather conditions.
 - Busing is only provided to students who live more than a mile from school. This induces a lot of local traffic, especially during bad weather and icy road conditions.
 - By imposing a suburban, auto-centric design on our neighborhood schools, and by not providing busing to students in some of our most distressed neighborhoods, we are inducing a lot more people to drive.

¹ National Center for Injury Prevention and Control.

- Needlessly removing tax-paying properties impairs the city's tax base and the ability of the city to provide services.
 - Removing tax-paying properties from the city reduces the amount of tax revenue the city collects. It creates financial strain on the city and a financial burden for other taxpayers.
 - Removing tax-paying properties should only be done as a last resort, when no other feasible approach exists.
 - Eminent domain should only be used once all other alternatives for accomplishing the same goal have been exhausted.
- Surface parking degrades the value of the neighborhood.
 - Parking lots are not good neighbors. When not in use, they create a sense of desolation and pose an invitation to criminal activity.
 - Properties adjacent to surface parking lots, specifically in neighborhoods with excess on-street parking capacity, experience depressed property values as a result of the lot placement².
 - Even factoring in peak events, the surface parking lots proposed for our neighborhood schools will be vacant 85% of the time.
 - Even if the parking lots are built today with quality lighting and landscaping, the school district has demonstrated that maintaining these facilities over time is not a high priority, particularly when compared to classroom needs.
- The quality of the neighborhood has an impact on the learning potential of the student.
 - Children who grow up in deprived neighborhoods underperform at school and later in life³.
 - Harrison, Lowell, and Garfield are located in already distressed neighborhoods, where median homes values and median household incomes are below the school district median.
 - Actions that depress property values and further distress these neighborhoods will have a detrimental impact on our student's preparedness to learn.
- The convenience of staff and faculty parking is a low priority compared to other urgent needs of the neighborhood.

² *Parking in Residential Areas*, American Planning Association

³ *Neighborhood Quality and Student Performance*, Journal of Urban Economics, July 2014

- Blueprint 181 documents indicated that one of the reasons for parking was staff prioritization.
- ISD 181 requires children as young as kindergarten to walk up to a mile to arrive at school, if they are unable to obtain a ride, regardless of the weather conditions.
- In light of our expectation of grade school students, expecting the able-bodied staff at neighborhood schools to walk a block or even two to get to and from their vehicle is not an unreasonable burden.
- Expecting able-bodied visitors to walk two or more blocks during peak events is not an unreasonable burden.

Goals for the City

- Work with ISD 181 to find ways to accommodate their needs and objectives while respecting the neighborhoods the school are located in.
- Retain the neighborhood character of our schools, not transform them into suburban campuses.
- Have our neighborhoods be so nice that a sizable percentage of ISD 181's teachers and administrators desire to live there.

Potential Outline for a Resolution

Offered for discussion, these are steps that could be taken to synthesize the objectives of the city and the school district.

1. Instead of spending money acquiring properties, demolishing structures, and constructing surface parking lots, spend those funds right-sizing the streets and intersections around the neighborhood schools to slow vehicle traffic.
2. Identify areas for buses to load/unload at each site. Design approaches and departures to eliminate turning movements within the school zone.
3. Identify parent pick up and drop off locations, as well as vehicle queuing areas. Design approaches to maintain slow speeds. Educate parents on best practices for pick up and drop off. Mobilize district staff in mornings and evenings to reinforce accepted practices.
4. Identify convenient on-street parking areas for handicap access and short-term visitors. Designate these spaces with signage and coordinate with the city of Brainerd for enforcement.

- Note: During non-peak times, some of these may coincide with school bus pick up and drop off areas.
5. Work to reduce the number of vehicles accessing the site during school hours.
 - Reconsider busing policy, especially during winter months, to reduce the number of students being driven short distances during peak times.
 - Encourage carpooling among the staff by providing a monthly prize lottery for those who ride together.
 - Establish walking school buses to overcome the safety concerns of some parents whose kids could walk, but don't.
 - Meet with neighborhood families to identify ways to overcome burdens for students walking and biking.
 - More....
 6. Properly calculate the total number of parking stalls needed.
 - Collect field data on the demand for parking during regular hours. Use this data to determine the base number of parking stalls needed.
 - Collect field data on the demand for parking during peak events (conferences, award ceremonies, celebrations, etc...). Use this data to determine the peak number of parking stalls needed.
 - Count all available parking spots within a one-block walk of the school site. Compare this to the base number of stalls needed to identify the parking excess or deficiency.
 - Count all available parking spots within a two-block walk of the school site. Compare this to the peak number of stalls needed to identify the parking excess or deficiency.
 7. Construct enough off-street parking to handle only the parking shortfalls identified with data. Ensure off-street parking uses an urban design to minimize impacts to the neighborhood.
 8. ISD 181 must become serious about implementing the Safe Routes to School plan as part of the school expansions.
 9. The city of Brainerd must become serious about implementing the Safe Routes to School plan throughout all neighborhoods.

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