CITY COUNCIL AGENDA

Brainerd, Minnesota
April 15, 2019
7:30 P.M.
Brainerd City Hall
Council Chambers

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

2. **Roll Call**

   ___ K. Bevans ___ D. Badeaux ___ S. Hilgart ____ J. Lambert

   ___ K. Stunek ____ D. Pritschet ___ G. Johnson ___ Mayor Menk

3. **Pledge Of Allegiance**

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

5. **Consent Calendar**

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

   A. **Approval Of Minutes**

      1. Regular Meeting Held on April 1, 2019

      Documents:

      20190401_CC draft.pdf

   B. **Approval Of Licenses**

      Contractor Licenses - 1 New; 4 - Renewals

      Documents:

      CONTRACTOR LICENSE REPORT - 2019-04-15.pdf

   C. **Department Activity Reports**

      1. Police Chief
      2. Finance Director

      Documents:

      Police Chief Report.pdf

   D. **Adopt Resolution Accepting Donations & Contributions For The 1st Quarter 2019**

      Documents:

Memo to Council for Donation.pdf

E. **Approval Of Brainerd Fire Relief Association By-Law Changes**

Documents:

By-Laws.pdf

F. **Minnesota Lawful Gambling Application - Adopt A Resolution Authorizing The American Legion, 708 Front St., Brainerd To Conduct Off-Site Gambling On May 2, 2019 At Essentia Health Sports Center, 502 Jackson St., Brainerd**

G. **Temporary On-Sale Liquor License Application - Submitted By The Crossing Arts Alliance, 711 Laurel St., Brainerd For An Event To Be Held June 14, 2019**

6. **Presentations**

A. **Brainerd Lakes Area Economic Development Corporation (BLAEDC) Presentation - Tyler Glynn**

B. **Community Action Presentation - Cassie Carey**

7. **Council Committee Reports**

A. **Safety And Public Works Committee -7:00 PM**

Documents:

20191504_SPW.pdf

1. Event/Street Closure Application - Garfield Elementary Walk-A-Thon

Documents:

Event and Street Closure Application - Garfield Walk-A-Thon.pdf

2. Improvement 18-08 (SAP 108-126-014) And 18-09 (SAP 108-124-008) - College Drive And South 4th Street Mill And Overlay Project Authorization To Bid

Documents:

Imp 18-08 and Imp 28-09 Authorization to Bid.pdf

3. Small Wireless Facility Design And Review Guidelines Policy

Documents:

Small Wireless Facility Design and Review Guideline Policy.pdf

4. Tax Forfeit Non-Conservation Parcels

Documents:

Tax Forfeit Non-Conservation Parcels.pdf

B. **Personnel And Finance Committee - 7:00 P.M.**

Documents:

2019-04-15_PF.pdf

1. Approval Of Bills
2. Transit Operations Specialist

Documents:

Transit Operations Specialist.pdf

3. Brainerd Historic Water Tower Rehabilitation Proposal For Engineering Services - Design And Construction Engineering

Documents:

Historic Water Tower Proposal for Design and Construction Engineering - LHB.pdf

4. Request To Hire Police Officers

Documents:

Request to Hire Police Officers.pdf

5. Wage Adjustment For Community Service Officers (CSO)

Documents:

Wage Adjustment for Community Service Officers (CSO).pdf

6. 2019 Wage Adjustments For Paid On-Call Firefighters

Documents:

2019 Wage Adjustment for Paid on-call Firefighters.pdf

8. **Unfinished Business**

A. **Call For Applicants - Informational**

(Applications Available in Council Chambers, at City Hall or at the City's Website)(*http://www.ci.brainerd.mn.us/*)

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) - 1 term (Expire 2022)
Transportation Advisory Committee - 1 term (Expire 2020)

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

Planning Commission - 2 terms (Expire 2021)

9. **New Business**

A. **Class 2 On-Sale Liquor License (Restaurant)/Sunday Application - Submitted By The Skillet Restaurant, LLC, 121-123 Washington St. NE, Brainerd - Contingent Upon Police And Fire Department Approval**

Documents:

On Sale-Sunday Liquor License.pdf

B. **Police Body Camera Audit**

Documents:

Biennial Body Worn Camera Audit Report.pdf

C. **Council Workshop - April 29, 2019**

Documents:

Council Workshop.pdf

10. **Planning Commission**

A. **Final Reading - Proposed Ordinance No. 1493 - An Ordinance To Rezone Property At 940 And 944 - 28th Street SE And Unaddressed Property On 28th Street From R-1 To R-2 - City Administrator Torstenson Recommends To Dispense With The Actual Reading**

940 and 944 - 28th Street - PIN 09143000005E009
Unaddressed Property - PIN 09143000005H009

- Rezoning requested from an R-1 Single Family Residential District to an R-2 Medium Density Residential District

a. Hold Final Reading (Voice Vote)
b. Adopt Ordinance (Roll Call)

Documents:

Final Reading - 940, 944, and Unaddressed Properties Rezoning.pdf

B. **Final Reading - Proposed Ordinance No. 1494 - An Ordinance To Rezone Property At 1601 And 1609 Oak Street And Neighboring Parcels From B-2 To R-2 - City Administrator Torstenson Recommends To Dispense With Actual Reading**

1601 Oak St. - PIN 09181016007B009
Neighboring Parcel - PIN 09181016008B009
1609 Oak St. - PIN 09181016009Z009
Neighboring Parcel - PIN 09181016008A009

- Rezoning requested from a B-2 Neighborhood Business District to an R-2 Medium Density Residential District

a. Hold Final Reading (Voice Vote)
b. Adopt Ordinance (Roll Call)

Documents:

Final Reading -1601 and 1609 Oak St Rezoning.pdf

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

12. **Staff Reports**

(Verbal: Any Updates since Packet)

13. **Council Member Reports**

14. **Adjourn**

Note: Safety and Public Works Committee will meet at 7:00 p.m.
Personnel and Finance Committee will meet at 7:00 p.m.

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

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

Brainerd, MN
April 1, 2019

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 Johnson.

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

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

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

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

A. Approval of the Minutes of the Regular Meeting held on March 18, 2019 - Approved

B. Approval of Licenses - Approved

Contractor Licenses – 1 – New; 4 – Renewals

C. Department Activity Reports - Approved

1. Fire Chief
2. Parks Director

D. Minnesota Lawful Gambling Application to Conduct Excluded Bingo – Submitted by Lumberjacks and Jills Club, 324 Washington St. NE, Brainerd. Bingo Events to be Held at the Brainerd American Legion Post 255, 708 Front St., Brainerd on April 10, 2019 and November 13, 2019 - Approved

E. Temporary Beer License Application – Submitted by Brainerd Eagles Club #287, 124 Front St., Brainerd for an Event to be Held April 27, 2019 at Memorial Park, 1700 Mill Ave. – Contingent Upon Police Chief Approval - Approved

F. Transit Young Children Rider Policy Revision - Approved

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

Presentations

The Chair welcomed Senior Commander Lowell Kruse, who presented Camp Ripley’s 2019 Community Brief. He explained the mission of Camp Ripley is to provide the best possible support, facilities and resources enabling customers to train in a realistic environment, while maintaining positive community relations. He discussed the 2019 training schedule, the economic impact, accomplishments and projects that took place in 2018 and the environmental

partnerships. The Council and audience had the opportunity to ask questions and the Chair thanked Senior Commander Kruse for his presentation.

Council Committee Reports

Safety and Public Works Committee Report

Transit Service Window Reduction - Approved

City Engineer Sandy explained the service window timeframe is part of the transit system no-show policy, which states that a bus will arrive zero minutes before to 30 minutes after a scheduled pickup time. The service has been doing very well on the 30 minute service window and staff feels it appropriate to shorten the service window to 20 minutes. This will not affect the service but should improve the efficiency of the program.

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET, DULY CARRIED, TO ACCEPT STAFF'S RECOMMENDATION TO MODIFY THE TRANSIT SERVICE WINDOW FROM 30 MINUTES TO 20 MINUTES.

Resolution – Receiving Feasibility Report and Calling for Public Hearing on Improvement 16-09 and 19-07 – Adopted by Resolution No. 19:19

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT TO ACCEPT STAFF'S RECOMMENDATION TO ADOPT A RESOLUTION IN WHICH RECEIVES THE FEASIBILITY REPORT AND SETS THE IMPROVEMENT HEARING FOR 7:30 P.M. ON MAY 6, 2019 DURING THE REGULARLY SCHEDULED COUNCIL MEETING CONSISTENT WITH MINNESOTA STATUTE 429.

RESOLUTION NO. 19:19

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

Resolution – Consolidating Improvement Projects 16-09 and 19-07 – Adopted by Resolution No. 20:19

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET TO APPROVE STAFF'S RECOMMENDATION AND ADOPT A RESOLUTION IN WHICH CONSOLIDATES IMPROVEMENT 16-09 AND 19-07 INTO ONE IMPROVEMENT FOR THE PURPOSE OF MINNESOTA STATUTE 429 PROCEEDINGS.

RESOLUTION NO. 20:19

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

Personnel and Finance Committee Report

Approval of Bills - Approved

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

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

Fire Department Purchase of New Aerial Apparatus - Approved

MOVED AND SECONDED BY ALDERMEN HILGART AND BADEAUX, DULY CARRIED, TO AUTHORIZE FIRE CHIEF HOLMES TO MOVE FORWARD WITH THE PURCHASE OF A NEW AERIAL APPARATUS USING THE SOURCEWELL PURCHASING PROCESS.

Committee Chair Hilgart indicated $456,000 will be from the Fire Capital Fund and the remaining $800,000 from a bond that will be issued.

Union Contract Settlements – Approved and Adopted by Resolutions

MOVED AND SECONDED BY ALDERMEN HILGART AND STUNEK, DULY CARRIED, TO APPROVE THE UNITED STEEL WORKERS LOCAL 9230 UNIT 09 (USW – HYDRO) 2019-2021 TENTATIVE AGREEMENT SUMMARY AND AUTHORIZE SIGNATURES OF CITY OFFICIALS AS NEEDED BASED ON THE SUMMARY.

MOVED AND SECONDED BY ALDERMEN HILGART AND BADEAUX TO ADOPT A RESOLUTION TO APPROVE THE 2019-2021 WAGE GRID AS PRESENTED FOR THE UNITED STEEL WORKERS LOCAL 9230 UNIT 09 (USW – HYDRO).

RESOLUTION NO. 21:19

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

MOVED AND SECONDED BY ALDERMEN HILGART AND STUNEK, DULY CARRIED, TO APPROVE THE IUOE LOCAL #49 (STREET) 2019-2020 TENTATIVE AGREEMENT SUMMARY AND AUTHORIZE SIGNATURES OF CITY OFFICIALS AS NEEDED BASED ON THE SUMMARY.

MOVED AND SECONDED BY ALDERMEN HILGART AND BADEAUX TO ADOPT A RESOLUTION TO SET THE HOURLY WAGES FOR IUOE LOCAL #49 (STREET) UNION AND APPROVE THE 2019-2020 EIGHT-STEP WAGE GRID AS PRESENTED.

RESOLUTION NO. 22:19

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

MOVED AND SECONDED BY ALDERMEN HILGART AND STUNEK, DULY CARRIED, TO APPROVE THE IUOE LOCAL #49 (PARKS) 2019-2020 TENTATIVE AGREEMENT SUMMARY AND AUTHORIZE SIGNATURES OF CITY OFFICIALS AS NEEDED BASED ON THE SUMMARY.

MOVED AND SECONDED BY ALDERMEN HILGART AND BADEAUX TO ADOPT A RESOLUTION TO SET THE HOURLY WAGES FOR IUOE LOCAL #49 (PARKS) UNION AND APPROVE THE 2019-2020 EIGHT-STEP WAGE GRID AS PRESENTED.

RESOLUTION NO. 23:19

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

MOVED AND SECONDED BY ALDERMEN HILGART AND STUNEK, DULY CARRIED, TO APPROVE THE IBEW LOCAL #31 (ADMINISTRATIVE SUPPORT) 2019-2021 TENTATIVE AGREEMENT SUMMARY AND AUTHORIZE SIGNATURES OF CITY OFFICIALS AS NEEDED BASED ON THE SUMMARY.

MOVED AND SECONDED BY ALDERMEN HILGART AND STUNEK TO ADOPT A RESOLUTION TO SET THE HOURLY WAGES FOR IBEW LOCAL #31 (ADMINISTRATIVE SUPPORT) UNION AND APPROVE THE 2019-2020 EIGHT-STEP WAGE GRID AS PRESENTED.

RESOLUTION NO. 24:19

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

MOVED AND SECONDED BY ALDERMEN HILGART AND BADEAUX, DULY CARRIED, TO APPROVE AN INTERNAL JOB POSTING FOR THE NEW ADMINISTRATIVE SPECIALIST 2 GLOBAL POSITION AND THE NEW ADMINISTRATIVE SPECIALIST 2 PAYROLL/HR POSITION.

Committee Chair Hilgart clarified these are not additional positions. The three staff members in the current positions need to submit new application paperwork for the new job classifications.

City-Wide Cleanup Discussion - Approved

MOVED AND SECONDED BY ALDERMEN HILGART AND BADEAUX, DULY CARRIED, TO APPROVE A $10 VOUCHER TO CROW WING COUNTY LANDFILL TO BE MAILED IN MAY THAT WOULD EXPIRE JUNE 30, 2019 FOR A CITY-WIDE CLEANUP.

MOVED AND SECONDED BY ALDERMEN HILGART AND STUNEK, DULY CARRIED, TO UTILITZE FUNDING FROM THE CITY COUNCIL SPECIAL PROJECTS FUND.

Unfinished Business

Final Reading – Proposed Ordinance No. 1492 – An Ordinance Amending City Code Sections 1010, 1015, 425 and 421 – City Administrator Torstenson Recommends to Dispense with the Actual Reading

The Chair opened the Public Hearing at 8:12 p.m.

The Chair recognized Mr. Rob Lewis, 212 S. 9th Street, owner of 9th Street Social Club stated he would like some clarity on the definition of a restaurant versus a bar. He indicated he does not agree that a bar is penalized with an additional $300 and a restaurant is rewarded with a $300 price break. He said as a small business owner with a bar only, he does not have the ability to make the additional income that a restaurant could, and it is unfair.

Finance Director Hillman stated the City has twelve on-sale liquor licenses, which all are issued to current businesses. She said there is the potential of six of them re-classifying as a restaurant which would open six additional on-sale licenses as restaurants do not count in the limit of twelve.

The Chair closed the Public Hearing at 8:18 p.m.

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT, DULY CARRIED, TO HOLD THE FINAL READING OF ORDINANCE NO. 1492 – AN ORDINANCE AMENDING CITY CODE SECTIONS 1010, 1015, 425 AND 421 AS PRESENTED.

Council Member Bevans indicated that the establishments taking the most financial amount of resources are the bars and not the restaurants. He stated more police resources go toward occurrences at bars.

Council Member Hilgart stated the $300 was negotiated as a smaller increase, as originally it was going to be $1,000.

Council Member Badeaux agrees with the $300 difference and the incentive to allow an on-sale establishment to identify as a restaurant or a bar.

MOVED AND SECONDED BY ALDERMEN BEVANS AND BADEAUX TO ADOPT ORDINANCE NO. 1492 – AN ORDINANCE AMENDING CITY CODE SECTIONS 1010, 1015, 425 AND 421 AS PRESENTED.

ORDINANCE NO. 1492

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

Committee Recommendations – Recommended by Mayor Menk

- Transportation Advisory Committee (TAC) – Robert Owens
- Rental Dwelling Board of Appeals – Erica Bjelland
  - General Public Representative
- Rental Dwelling Board of Appeals – Shannon Fortune
  - Residential Rental Housing Advocate Representative

MOVED AND SECONDED BY ALDERMENT PRITSCHET AND HILGART, DULY CARRIED, TO APPOINT THE COMMITTEE MEMBERS AS PRESENTED.

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

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) – 1 term (Expire 2022)
Transportation Advisory Committee – 1 term (Expire 2020)

Council President Recommended: (all terms expire 12/31 of said year)
Planning Commission – 2 terms (Expire 2021)

New Business

Public Hearing and Resolution – Request to Vacate a Portion of 16th Street SE from Oak Street to Norwood Street – Adopted by Resolution No. 25:19

City Engineer Sandy explained the school district has been working to obtain all properties along the proposed vacation. The public will benefit from the vacation by incurring less costs as it relates to street maintenance or other future road activities. He indicated the vacation will serve no purpose other than access to the properties owned by ISD#181.

The Chair opened the public hearing at 8:26 p.m.

No one came forward.

The Chair closed the public hearing at 8:26 p.m.

MOVED AND SECONDED BY ALDERMEN LAMBERT AND PRITSCHET TO ADOPT A RESOLUTION IN WHICH VACATES 16TH STREET SE BETWEEN OAK STREET AND NORWOOD STREET.

RESOLUTION NO. 25:19

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

Public Hearing and Resolution – Request to Vacate a Portion of Pine Street Between South 5th Street and South 6th Street – Adopted by Resolution No. 26:19

City Engineer Sandy explained the school district has been working to obtain all properties along the proposed vacation. The public will benefit from the vacation by incurring less costs as it relates to street maintenance or other future road activities.

The Chair opened the public hearing at 8:28 p.m.

No one came forward.

The Chair closed the public hearing at 8:28 p.m.

MOVED AND SECONDED BY ALDERMEN LAMBERT AND BEVANS TO ADOPT A RESOLUTION IN WHICH VACATES PINE STREET BETWEEN SOUTH 5TH STREET AND SOUTH 6TH STREET.

RESOLUTION NO. 26:19

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

Public Hearing and Resolution – Request to Vacate the Westerly 2/3 of the East/West Alley Between Oak Street and Norwood Street Between 16th Street SE and 17th Street SE – Adopted by Resolution No. 27:19

City Engineer Sandy explained the school district has been working to obtain all properties along the proposed vacation. The public will benefit from the vacation by incurring less costs as it relates to street maintenance or other future road activities. He indicated the vacation will serve no purpose other than access to school district property, in which the school district is requesting the vacation of the west 2/3 of the alley. He said it would create a dead end and staff is requesting the applicant to incorporate a turn around or drive through for garbage trucks and other maintenance equipment.

The Chair opened the public hearing at 8:30 p.m.

The Chair recognized Mr.Tim Ramerth, from Widseth Smith Nolting (WSN) and representing ISD#181 who stated he has discussed the issue of the dead end with City Engineer Sandy and they are working towards a possible solution. He indicated there are several other alleys in the City that do not have a turn around and to keep that in mind as they try to resolve the issue.

The Chair closed the public hearing at 8:31 p.m.

MOVED AND SECONDED BY ALDERMEN LAMBERT AND PRITSCHET TO ADOPT A RESOLUTION IN WHICH VACATES THE WESTERLY 2/3 OF THE EAST/WEST ALLEY BETWEEN OAK STREET AND NORWOOD STREET BETWEEN 16TH STREET SE AND 17TH STREET SE.

RESOLUTION NO. 27:19

City Attorney Langel stated the concern with the dead-end should have been resolved prior to the vacation. He said once the resolution is passed, there can be no additional restrictions. He indicated although there are several alleys in the City that are dead-end, we do not want to be creating new dead-end alleys.

Mr. Tim Ramerth replied that the school district will be creating a parking lot and a reasonable solution would be to provide access from the alley to that parking lot. He said another option is to provide a turn around and are more than willing to accommodate the request for a solution. He stated an easement will be created in the process to realign the sanitary sewer and an easement can be included to solve this issue.

Community Development Director Chanski stated the turn around issue could be addressed as part of the Conditional Use Permit (CUP) that will be addressed later in the meeting.

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

Planning Commission

Six Month Waiting Period Waiver – 214 2nd Ave NE Variance - Approved

Community Development Director Chanski explained the petitioner was granted a variance in February to construct a 20' x 17 ½' garage. He stated the petitioner has purchased additional property to increase the size of his lot and has requested the Council waive the six-month waiting period in order to secure the purchase of the property. The petitioner will be requesting a new variance for the desired 24' x 20' garage size.

MOVED AND SECONDED BY ALDERMEN LAMBERT AND BEVANS, DULY CARRIED, TO WAIVE THE SIX-MONTH WAITING PERIOD ON HIS VARIANCE REQUEST APPLICATION AT 214 2ND STREET NE AND ALLOW A VARIANCE RE-APPLICATION FOR CONSIDERATION BY THE PLANNING COMMISSION AT A FUTURE DATE.

First Reading – Proposed Ordinance No. 1493 – An Ordinance to Rezone Property at 940 and 944 – 28th Street SE and Unaddressed Property on 28th Street from R-1 to R-2 - Approved

- 940 and 944 – 28th Street – PIN 09143000005E009
- Unaddressed Property – PIN 09143000005H009

Community Development Director Chanski stated the petitioner has applied for rezoning of his properties at 940 and 944 28th Street and on behalf of the property owner of the unaddressed property in which he is currently purchasing. He indicated the property addressed at 940 and 944 28th Street is a twin home that was built when the area was zoned R-2. He said at some point the zoning was changed to R-1 and the petitioner would like to return it back to the R-2 designation for the purpose of constructing an additional twin home.

MOVED AND SECONDED BY ALDERMEN LAMBERT AND HILGART, DULY CARRIED, TO HOLD THE FIRST READING OF PROPOSED ORDINANCE NO. 1493 – AN ORDINANCE TO REZONE PROPERTIES AT 940 AND 944 28TH STREET AND THE UNADDRESSED PROPERTY FROM AN R-1 SINGLE FAMILY RESIDENTIAL DISTRICT TO AN R-2 MEDIUM DENSITY RESIDENTIAL DISTRICT.

First Reading – Proposed Ordinance No. 1494 – An Ordinance to Rezone Property at 1601 and 1609 Oak Street and Neighboring Parcels from B-2 to an R-2 - Approved

- 1601 Oak St. – PIN 09181016007B009
  - Neighboring Parcel – PIN 09181016008B009
- 1609 Oak St. – PIN 09181016009Z009
  - Neighboring Parcel – PIN 09181016008A009

Community Development Director Chanski stated this proposed ordinance is related to the ISD#181 school project. He indicated the current zoning of B-2 (Neighborhood Business) District does not allow schools, thus rezoning to an R-2 (Medium Density Residential) District is necessary to proceed with the construction projects as well as becoming homogeneous to the rest of the neighborhood.

MOVED AND SECONDED BY ALDERMEN LAMBERT AND BEVANS, DULY CARRIED, TO HOLD THE FIRST READING OF PROPOSED ORDINANCE NO. 1494 – AN

ORDINANCE TO REZONE PROPERTY AT 1601 AND 1609 OAK STREET AND NEIGHBORING PARCELS FROM A B-2 BUSINESS DISTRICT TO AN R-2 MEDIUM DENSITY RESIDENTIAL DISTRICT.

Conditional Use Permit Request – Laine Larson, Superintendent of ISD#181 on Behalf of Brainerd Public Schools – Approved

Community Development Director Chanski stated the purpose of the conditional use permit is to expand onto the properties that the school is purchasing for the Harrison Elementary project. He said the Planning Commission unanimously agreed to recommend approval with the following conditions: 1) The lighting shall be no greater then 13' in height 2) The applicant shall provide street trees of a species with a straight trunk and an upper canopy to frame the edge of Oak Street between the sidewalk and the curb in which the sidewalk will be moved 5' from the curb to accommodate the installation of trees.

Mr. Tim Ramerth addressed the Council to clarify the concerns regarding the sidewalk. He stated the conditions imposed by the Planning Commissions were implemented in the plans that are out for bids and the trees will be planted in 4'x4' sections similar to the downtown area.

MOVED AND SECONDED BY ALDERMEN LAMBERT AND BADEAUX, DULY CARRIED, TO APPROVE THE CONDITIONAL USE PERMIT REQUEST FROM ISD181 WITH THE CONDITIONS RECOMMENDED BY THE PLANNING COMMISSION AND THE APPLICANT WILL PROVIDE AN EXIT OR TURN AROUND OF SUFFICIENT SIZE APPROVED BY THE CITY ENGINEER OR AN ACCESS/EASEMENT ACROSS THE DISTRICTS' PROPERTY AS APPROVED BY THE CITY ENGINEER.

Public Forum

The Chair opened the Public Forum at 8:49 p.m.

The Chair recognized Ms. Laine Larson, superintendent of ISD181, who presented a Bond Improvements Update as of today. She reviewed the design process of the projects and the progress of Harrison Elementary School and Brainerd High School.

The Chair closed the Public Forum at 9:03 p.m.

Staff Reports

City Engineer Sandy stated he was scheduled to speak in St. Paul to give testimony regarding a bill going through the Senate for motor fuels, motor vehicle registration and motor vehicle sales taxes. He said he was told due to time constraints that he would not be able to speak, so he will be sending a letter of his testimony instead.

Fire Chief Holmes stated they are accepting applications for Paid on Call Firefighters, which are due by noon on April 12, 2019. He said there will be an informational session taking place on April 9th at 6:30 p.m. at the fire station if anyone is interested.

City Administrator Torstenson explained training dates have been scheduled for the upcoming Performance Management Training that is mandatory for all employees. She stated there will be an EDA meeting on Thursday, April 4th at 7:30 a.m. and the topic of discussion will be the legal responsibilities of the EDA. She indicated the 2nd Annual Farmers Market will start

June 11, 2019 and we are currently accepting vendor applications. Lastly, the City is working with BLAEDC regarding the Opportunity Zones located in the City by creating a website to attract financial investors interested in the area.

Council Member Reports

Mayor Menk reminded everyone to be safe on the water as the ice is now melting and is becoming thin in many areas.

Mayor Menk and Council Member Lambert will be partnering in the B.U.G. (Bringing Up Grades) program for 4th graders with the Kiwanis Club this year.

Council Member Lambert attended the Remembering the Veterans presentation on March 22nd at the VFW.

Closed Session Pursuant Minnesota Statute 13D.05 Subd. 3(C)(3) to Develop or Consider Offers or Counteroffers for the Purchase or Sale of Property at 1006 Washington Street

Motion to Closed Session Pursuant to MN Statutes 13D.03 to Discuss Labor Negotiation Strategy – 9:00 p.m.

The Chair reconvened into open session 9:15 p.m.

Adjourn

The Chair adjourned the meeting at 9:15 p.m.

Cassandra Torstenson
City Administrator

CITY OF BRAINERD
LICENSED CONTRACTORS

CITY COUNCIL MEETING
April 15, 2019

(1 New - 4 Renewals)

CONTRACTOR	TELEPHONE	TYPE	INSURANCE	BOND	STATE NO.
KEVIN'S PLUMBING & HEATING, LLC 11799 GREGORY DRIVE SW BRAINERD, MN 56401 19-0168	(218) 821-5844	PLUM	7/26/2019	12/31/2019	PC644497
5 STAR HEATING AND AIR LLC 1516 3RD STREET N ST. CLOUD, MN 56303 19-0169	(320) 241-9001	MECH	11/15/2019	6/20/2020	MB682971 PC677163
BORGY'S PLUMBING LLC 13252 WILSON LAKE DRIVE DEERWOOD, MN 56444 19-0170	(218) 820-7758	PLUM	3/5/2020	12/31/2019	PC646061
QUICK CONSTRUCTION, INC. PO BOX 324 PILLAGER, MN 56473 19-0171	(218) 829-6203	GENC	2/22/2020	12/31/2019	BC320749
KINGS PLUMBING & HOME SERVICES INC 4600 HAMPTON ROAD GOLDEN VALLEY, MN 55422 19-0172 (new)	(612) 244-5414	MECH	2/7/2020	3/7/2021	MB721558 PC720573

BRAINERD POLICE DEPARTMENT
MEMORANDUM

TO: Brainerd City Council

FROM: Police Chief Corky McQuiston

DATE: 04-09-19

RE: Monthly Report

Promotion and New Assignments

On March 5th, Investigator **Chad Kleffman** began his promotion to the newly created Lieutenant's position. In addition to being third in charge at the department, Chad's primary duties will be investigation oversight and supervision and case management. Lt. Kleffman will continue to carry a caseload, conduct the majority of our background investigations, take an active role in department social media, and begin developing new crime prevention strategies.

Chad has joined the State Crime Prevention Association and will be attending their annual conference this fall in Duluth. Lt. Kleffman already sits on the Family Advocacy Center review board and he will continue in this role and work closely with Social Services on Child Protection matters.

We also have leadership and supervision training scheduled for Lt. Kleffman during the next few months.

The promotion of Chad Kleffman from Investigator to Lieutenant, and the resignation of Investigator Athman in January, created vacancies in both our Criminal Investigator Assignments.

As reported earlier, Officer **Tim Friis** was assigned to fill the first investigations vacancy on January 23rd.

Tim was a unanimous selection by the police supervisory and administration staff and brings previous experience as an investigator to the position.

Investigator Friis will continue in his role as a Bomb Technician also assigned to the Brainerd-Crow Wing County Bomb Team.

On March 12th, Officer Tony Runde was assigned to fill the second vacancy in the Criminal Investigator Positions.

Tony also as prior experience in this role, filling in several years ago when an investigator was temporarily promoted to Acting Sergeant.

Tony has been with department for nearly 11 years and work for the Crosby Police Department prior to joining our agency.

Tony also has the collateral duty of being the Grant Coordinator for the multi-agency TZD Enforcement Grant.

Field Training Officers

As excited as we were for Officers Friis and Runde to be assigned to Investigations, this created a significant void in our Field Training Officer(FTO) staffing. Both Tim and Tony were heavily relied upon veteran officers taking active primary roles in the Field Training program for our new hires.

With the anticipation of attempting to hire and train new officers to fill our current four vacancies this year, staff identified two new officers to assign to the field training unit. Officers Rachel Boggs and Derek Pallansch were selected to join the field training team. Derek and Rachel, along with FTO Supervisor Sergeant Mike Kulzer attended a Basic 5-Day Field Training Officer course hosted at the Beltrami County Law Enforcement Center in Bemidji from March 11th, through the 15th.

Kaminsky, Sullenberger & Associates, Inc.

This training was conducted by staff from Kaminsky, Sullenberger & Associates Inc. The are based out of Boulder, Colorado and their principal instructor has over 37 years of experience in various aspects of Field Training.

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Domestic Violence Collaborative Training

On March 21st, myself and five other officers attended a three-hour collaborative training with other community domestic violence service partners that the Mid-Minnesota Women's Center hosted at First Lutheran Church.

National subject matter expert Lundy Bancroft conducted the training. Lundy has very extensive experience working with large and small departments along the east coast and has written several articles and best seller books related to understanding and treating domestic violence.

Bancroft's presentation covered data and research that show that arrests in domestic violence have the single biggest affect among all other options to help drive down the rate of domestic assaults and stopped the cyclical nature of this problem.

This presentation was particularly valuable to our staff as it covered Best Police Response Practices including:

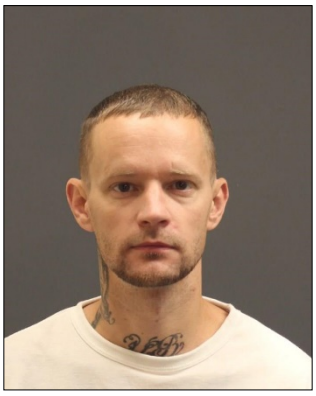
- Arresting the primary aggressor and how to identify this subject
- Avoid arresting the victim
- Thorough evidence gathering
- Providing written information to victim on services for abused women
- Having patience and support for the victim
- Ascertaining whether children were present
- Thorough Report Writing
- Follow-up visits with victims to monitor safety and potentially gather more evidence

We were very fortunate to have the opportunity to have this level of training available to our staff and have joint participation with prosecutors, domestic violence advocates, and other criminal justice partners involved with this issue.

Level 3 Predatory Offender

The Police Department was notified by the Minnesota Department of Corrections of the release of a Level 3 Predatory Offender that would be residing in the Brainerd.

36-year-old Terry Lee Bryant was released from prison on March 25th, 2019. Bryant is residing in the area of Gillis Avenue NE and Washington Street in Brainerd.



Bryant has a history of sexual contact with male and female victims under the age of 16. Contact included penetration. Bryant met one of his victims through an online social networking site and then arranged to meet in person.

A community notification meeting about Bryant was held on Thursday, March 21st, at 6 pm at the Brainerd Police Department This meeting was open to the public and police staff with the Minnesota Department of Corrections staff were at the meeting to provide information regarding this and to answer questions. Only one person who was actually from outside of the area attended the meeting.

Public Fact Notification Sheets were available at the Brainerd Police Department and that same information was posted on the Brainerd Police Department Facebook Page.

The Police Department would like to remind people that Bryant is not wanted by police at this time. This notification is not intended to increase fear in the community, but to keep the public informed. Police also ask that the public report criminal activity by this offender or any other individual by calling 911.

Police Pursuit

At about 4:43 pm on Monday, March 11th, police were dispatched to investigate a report of a Hit & Run crash that had just occurred in NW Brainerd. Officers were advised that the person reporting the crash was following the driver who had left the scene, going eastbound on Washington Street in blue 2017 Hyundai Elantra.

An officer located the vehicle eastbound on Washington Street at North 8th Street. When the officer got behind the vehicle, it began to rapidly speed up. The officer turned on the lights and siren, and the vehicle continued to increase speed fleeing from the officer. The vehicle crossed over the median on Washington Street approaching Gillis Avenue into oncoming traffic. There the vehicle went up onto the sidewalk and struck a light pole which caused significant damage to the vehicle and disabled it on the sidewalk.

The driver was identified as 23-year-old Greta Engen of Brainerd. Engen was taken by ambulance from the scene to the hospital. Upon discharge from the hospital, she was transported to jail where she was arraigned on charges of Fleeing a Peace Officer in Motor Vehicle, 4th Degree DWI, and other charges related to the initial Hit & Run crash.

Body Worn Camera Data Report

AXON Evidence.com

Month	Number of Videos	Hours of Videos	GB of Videos	Average MB per Video	Average Time Length of Videos	Average Number of Videos Per Day
February	1319	258 Hours	487 GB	370 MB	12.58 Minutes	47
March	1591	324 Hours	610 GB	383 MB	12.23 Minutes	51

Conduct on Premises Activity Report for March

ICR	Date Reported	Title	Address	Summary C
19002741	03/05/19	Conduct on Premises	922 Broadway	Conduct on Premises
19002820	03/07/19	Conduct on Premises	419 3rd Avenue NE	Written Management Plan Implemented—Eviction Pending.
19003322	03/17/19	Conduct on Premises	419 3rd Avenue NE	“ “ “ “and
19003698	03/25/19	Conduct on Premises	702 ½ South 9th Street	Action Pending on License
19003880	03/28/19	Conduct on Premises	602 James Street	Written Management Plan Requested
19004018	03/31/19	Conduct on Premises	702 South 9th Street	Action Pending on License

Monthly Police Activity

March	2019	2018
Calls	1438	1052
Citations (Inc. Parking)	303	375
Part I and Part II Crimes Reported	193 **	247

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

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

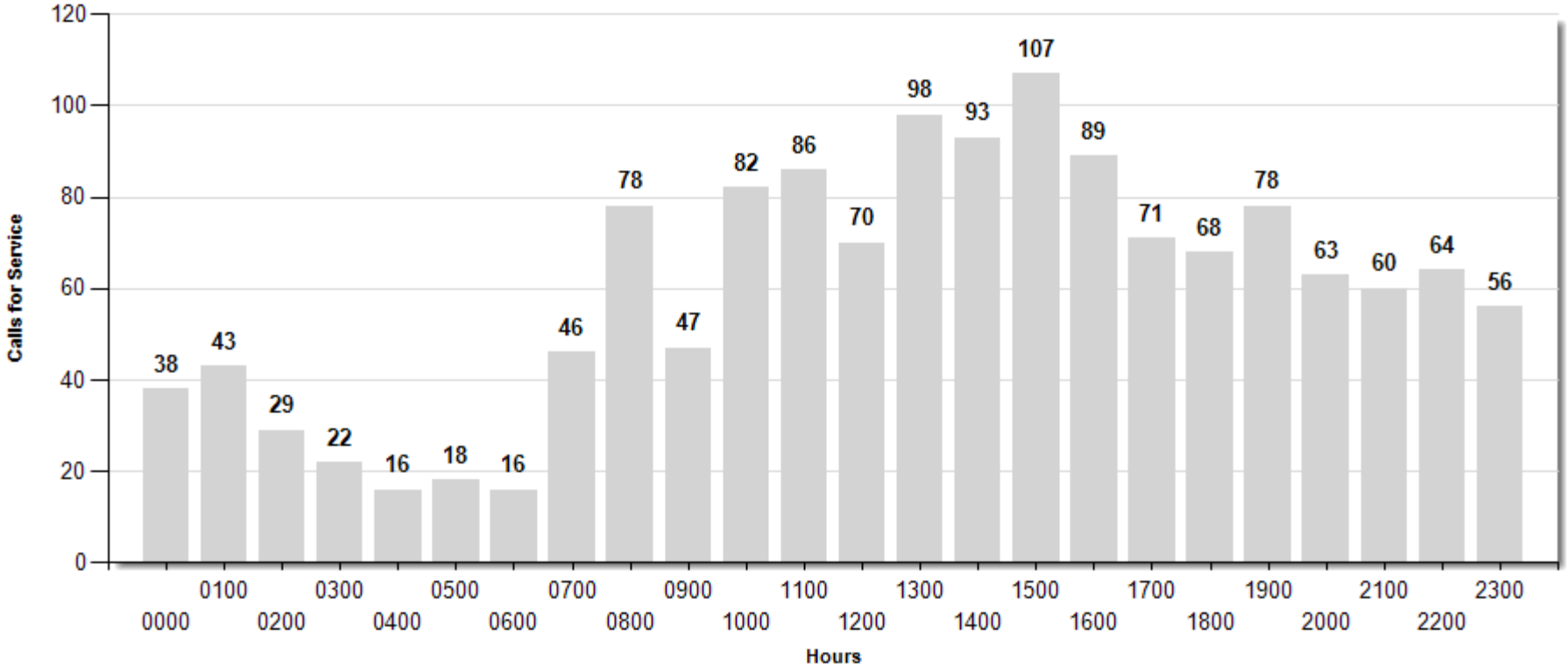
3	Dismissed
1	Business Validations
74	Paid in Full
0	Partial Payments Received
44	No Payment Received

Revenue Recapture Receipts:
To Date: $ 44,610.52
In 2019: $ 3,964.39

Calls for Service Hourly

3/1/2019 to 3/31/2019

Total Calls: **1482**



M E M O

TO: **Mayor and Council**

FROM: **City Administrator Cassandra Torstenson**

DATE: **April 10, 2019**

RE: **Resolution Accepting Donations & Contributions for 1st Quarter 2019**

Attached is a resolution accepting donations and contributions that have been made to the City of Brainerd for the period of January 1 through March 31, 2019. The City is very appreciative to all who have made these contributions. The funds from the donations and contributions will be used as requested by the donor.

A resolution needs to be adopted with a two-thirds vote of the Council. The item appears on the April 15th, 2019 agenda.

If you have any questions, please don't hesitate to contact me.

\pz

RESOLUTION
NO. xx:19

RESOLUTION ACCEPTING DONATIONS AND/OR CONTRIBUTIONS FROM JANUARY 1 THROUGH MARCH 31, 2019

WHEREAS, the City of Brainerd is generally authorized to accept donations of real and personal property pursuant to Minnesota Statutes Sections 465.03 for the benefit of its citizens and is specifically authorized to accept gifts and bequests for the benefit of recreational service pursuant to Minnesota Statutes Section 471:17; and

WHEREAS, the following persons and entities have offered to contribute the gifts and cash sums set forth below to the City:

Name of Donor	Amount	Requested Use of Donation or Contribution

SEE ATTACHED LIST OF DONORS

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BRAINERD, MINNESOTA that all donations and/or contributions described above are hereby graciously accepted by the City of Brainerd and shall be used as requested by the donors or grant requirements.

BE IT FURTHER RESOLVED, that the City Council expresses its gratitude to the donors of the gifts.

Adopted this _____ day of April, 2019

_____
GABE JOHNSON
President of the Council

Approved this _____ day of April, 2019

_____
EDWIN L. MENK
Mayor

ATTEST: _____
CASSANDRA L. TORSTENSON
City Administrator

MEMO

www.ci.brainerd.mn.us

TO: Finance Director Connie Hillman
FROM: Fire Chief Tim Holmes
DATE: April 1, 2019
SUBJECT: 2019 – 1st Quarter Donations

1st Quarter donations for the Brainerd Fire Department are as follows:

• Brainerd Jaycees	$ 300.00	Donation
• Brainerd Jaycees Lil Duckie	$ 100.00	Donation
• NAPA Auto Parts	$ 60.00	Donation

Feel free to contact me with any questions.

Brainerd Parks and Recreation

Contributions and Donations January-March 2019

Received From	Receipt Date	Type of Donation	Amount Received
Buffalo Wild Wings	01/02/19	Donation from fundraiser for youth programs	$250.17
Disabled American Veterans	01/18/19	Donation for WWII Monument at Memorial Park	1,000.00
Brainerd Rotary Foundation	01/25/19	Donation-Special Events-Easter Egg Hunt	600.00
Waste Partners Inc.	02/05/19	Youth team sponsor	175.00
McDonald's	02/06/19	Youth team sponsor	275.00
Paul Bunyan Land	02/06/19	Youth team sponsor (x2)	375.00
Brainerd Jaycees	02/07/19	Youth team sponsor	225.00
E L Menk Jeweler	02/07/19	Youth team sponsor	200.00
Associates in Eyecare	02/11/19	Youth team sponsor	175.00
Hy-Tec Construction	02/11/19	Youth team sponsor	175.00
Mill Avenue Holiday	02/11/19	Youth team sponsor	200.00
Schroeder's Appliance Center	02/11/19	Youth team sponsor	275.00
Anonymous-various donors	02/13/19	Donations designated for Gregory Park Skating Party	64.00
Gull Lake Glass Inc	02/14/19	Youth team sponsor (x2)	450.00
Mattson Lumber Company	02/14/19	Youth team sponsor	175.00
Laurie Hall State Farm Insurance	02/19/19	Youth team sponsor	200.00
Northland Construction	02/19/19	Youth team sponsor	200.00
Lexington Manufacturing Inc	02/19/19	Youth team sponsor	225.00
Arrowwood Lodge Brainerd	02/22/19	Youth team sponsor	200.00
Mill Avenue Holiday	02/22/19	Designated for Memorial Park field improvements	250.00
American National Bank	02/25/19	Youth team sponsor	175.00
MidMinnesota Federal Credit Union	02/25/19	Youth team sponsor	225.00
VFW Auxiliary #1647	02/25/19	Youth team sponsor	225.00
B Johnson & Assoc LTD	02/25/19	Youth team sponsor	275.00
Dondelinger Chevrolet	02/25/19	Youth team sponsor (x2)	350.00
Crow Wing Energized	02/25/19	Grant for "Parks on the Go" program at Operation Sandwich sites	500.00
Widseth Smith Nolting	02/27/19	Youth team sponsor	200.00
Hasskamp Bros Well Drilling	03/01/19	Designated for Memorial Park field improvements	325.00
Minnesota T's Inc.	03/01/19	Youth team sponsor	200.00
CTC	03/04/19	Youth team sponsor	175.00
Anonymous	03/05/19	Donations designated for skate sharpening for Gregory Park	87.00
Kiwanis Club of Brainerd	03/06/19	Youth team sponsor (x2)	400.00
Little Caesars #3	03/06/19	Designated for Memorial Park field improvements	975.00
Eagles Club	03/07/19	Youth team sponsor	225.00
Elks Lodge #615	03/08/19	Youth team sponsor	200.00
Tom Hofius Agency-Farmers Insurance	03/08/19	Youth team sponsor	200.00
Sibbert Drywall LLC	03/08/19	Designated for Memorial Park field improvements	150.00
Neighborhood National Bank	03/11/19	Youth team sponsor	175.00
Hy-Tec Construction	03/11/19	Youth team sponsor	225.00
McDermott Orthodontics	03/11/19	Youth team sponsor	200.00
Clow Stamping Company	03/11/19	Youth team sponsor	200.00
Sather Concrete	03/13/19	Youth team sponsor	175.00
LU 242 IBEW/Twin Ports NECA LLMCC	03/15/19	Designated for Memorial Park field improvements	325.00
Alexander Electric	03/25/19	Youth team sponsor (x4)	925.00
Taco John's (Pencore Holdings Inc)	03/25/19	Youth team sponsor	175.00
Vigilant Guardians Veterans Motorcycle Club	03/26/19	Youth team sponsor	200.00
Party World	03/27/19	Designated for Memorial Park field improvements	150.00
Viking Coca-Cola	02/01/19	Gregory Park Skating Party-beverages-vendor contract	in-kind
Wendy's	02/16/19	Gregory Park Skating Party-chili donated	in-kind
TOTAL			**$13,326.17**

Brainerd City Council
Agenda Request

Requested Meeting Date: April 15, 2019

Title of Item: Approval of Brainerd Fire Relief Association By-Law Changes

☐ 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: Brainerd Fire Relief Association/Administration	**Department:** Administration/Fire
Presenter (Name & Title): N/A	**Estimated Time Needed:**

Summary of Issue:

Attached is the updated Fire Relief Association By-Laws. The updates are highlighted for easy review. The changes basically include, updating the percentages of runs and structure to the Fire Department for determining the pension calculation, and adding schedules so if the pension amount changes and/or the Trustee's pay etc., the entire by-laws will not have to be updated.

Alternatives, Options, Effects on Others/Comments:

The City Attorney did a review of the by-laws and has suggested language changes that will be considered by the Relief Association in the up coming months. If the Relief Association accepts the recommendations and after it goes through their required process, the By-Laws would be presented for Council approval again at a later date.

Recommended Action/Motion:

Authorize the amended by-laws of the Brainerd Fire Relief Association.

Financial Impact:

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

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

Is this budgeted? ☐ Yes ☐ No

Please Explain:

Bylaws of the Brainerd Fire Relief Association

Restated ~~October 27, 2014~~ July 23, 2018

ARTICLE I – NAME and LOCATION

The name of this association is the Brainerd Fire Relief Association.

Section 1. The location of the Brainerd Fire Relief Association is
23 Laurel St.
Brainerd, MN 56401

ARTICLE II - PURPOSE

Section 1. This instrument constitutes the Bylaws of the Brainerd Fire Relief Association, hereinafter referred to as "Association," adopted for the purpose of regulating and managing the internal affairs of the corporation and shall serve as the written pension plan for the relief association. The Association is a governmental entity that receives and manages public money to provide retirement benefits for individuals providing the governmental services of firefighting. The objectives of the plan shall be to provide service pensions and ancillary benefits to Members and dependents of the City of Brainerd Municipal Fire Department, hereinafter "Fire Department". All benefits issued by this association shall be governed by these bylaws and federal and state laws.

ARTICLE III - GENERAL DEFINITIONS

Section 1. Surviving Spouse - The term "Surviving Spouse" means any person who was legally married to the deceased Active Member or retired former Member and living with the Member at the time of the death of the Active Member or retired former Member

Section 2. Fiduciary Responsibility - In the discharge of their respective duties, the Officers and Trustees shall be held to the standard of care and all other statutory requirements enumerated in Minn. Stat. §356A. No Trustee of the Association shall cause the Relief Association to engage in a transaction, if the Fiduciary knows or should know that a transaction constitutes one of the following direct or indirect transactions:

(a) Sale or exchange or leasing of any real property between the Relief Association and a Board Member.

(b) Lending of money or other extension of credit between the Relief Association and a Board Member or Member of the Relief Association.

(c) Furnishing of goods, services, or facilities between the Relief Association and a Board Member.

(d) Transfer to a Board Member, or use by or for the benefit of a Board Member, of any assets of the Relief Association. Transfer of assets does not mean the payment of Relief Association benefits or administrative expenses permitted by law.

Section 3. Beneficiary - Pursuant to Minn. Stat. 424A.05, the Beneficiary under this plan, that is entitled to receive a benefit following the death of an Active, Disabled, Deferred or Early Vested Member who has not yet received his or her benefit. The benefit shall be paid to the following persons, in the following succession:

(a) The Surviving Spouse, and if no Surviving Spouse.

(b) The surviving child or children in equal shares, and if no surviving child or children.

(c) Any ancillary survivor's benefit shall be paid to the Beneficiary identified in writing, on forms supplied by the Secretary. A designated beneficiary may be a trust created under Chapter 501B if the survivor benefit will be distributed as a one-time lump sum payment, if no Beneficiary is identified.

(d) To the estate.

Section 4. Board of Trustees - The Board of Trustees of the Association as specified under Minn. Stat. §424A.04 shall consist of nine Members. Six Trustees shall be elected from the membership. There shall be three ex-officio Members. The three ex officio Trustees shall be the mayor, the city administrator, and the chief of the municipal fire department.

Section 5. Year of Service - A period of twelve full months of Active Service in the Fire Department as verified by the Fire Chief, beginning on the date when the Member became an Active Member of said Fire Department or on anniversaries of that date. If a Member's period of Active Service is not continuous due to termination, suspension or a leave of absence, any 1 or multiple months (measured as any 30-day period during a calendar year) may be added together to compute full years.

Year of Active Service: For purposes of computing initial account balances under Article XIII, a Year of Active Service shall be defined as a period of twelve full months of Active Service in the Fire Department. Years of Active Service after December 31, 1993 will be prorated monthly (measured as any 30-day period during a calendar year) for fractional Years of Service pursuant to Minn. Stat. §424A.02, subd. 1.

Active Service Credits: The active performance of fire suppression duties or the supervision of fire suppression duties and the requirements of Section 8 (a) of this Article. The Chief shall submit a written certification to the Board of Trustees for each Member. The certification shall include the Member's completed Active Service Credit for the prior year ending on that date.

Service Credit: The period of time a Member is an Active Member. This period shall be uniformly calculated for all Active Members of the Association. Active Members who are employed full time by the City of Brainerd as a firefighter shall not receive service credit for any time served that is classified as full time salaried duty. Non-scheduled overtime performed by full time firefighters of the Brainerd Fire Department that does not qualify as salaried duty shall be classified as paid on-call time eligible for receipt of this Service Credit.

Inactive (Break in Service) Service: A period in which a Member does not meet the requirements for Active Service as established by the Fire Department. This Inactive Service shall cause a Break in Service. Members shall not receive Active Service credit for time that qualifies as Inactive Service. This period shall be accounted for in 30-day increments.

Non-Fire Related Leave of Absence: Leave of Absence must be approved by the Chief of the Department. A Leave of Absence shall constitute Inactive (Break of Service) Service for benefit accrual irrespective of a Leave of Absence for illness or disability (unless fire related) or such other event the Chief shall approve. Leave of Absence shall only be granted in 30-day intervals.

Return to Service: Any member who has ceased to perform or supervise fire suppression and fire prevention duties for at least 60 days (while on an approved leave of absence) shall be eligible to resume active membership in the association should the member resume active firefighting duties with the Fire Department. The member must complete the time equal to the Leave of Absence granted to accrue any additional service credit with the Association. If the member completes the minimum period of resumption service specified in this section prior to a subsequent cessation of firefighting duties, the member shall receive a service pension for all years of active service (and months) calculated at the benefit level in effect on the date of the member's final cessation of duties, however, no members may be paid a service pension twice for the same period of service. If the member does not complete the minimum period of resumption service specified in this Section prior to a subsequent cessation of duties, the member shall receive a service pension for the member's original years of service calculated at the benefit level in effect upon the member's original cessation of duties, with no credit for the subsequent period of active service.

Fire Related Leave of Absence: A fire related Leave of Absence shall only be granted by the Chief of the Department under circumstances related to a fire related injury or disability. A firefighter with a fire related Leave of Absence shall continue to accrue Service Credit. The Chief of the Department and the Association reserves the right to place the firefighter upon the Inactive Service, thereby ceasing accrual of Service Credit.

Section 6. Trustees - The individuals designated as such by Minn. Stat. §424A.04 and by virtue of elected office, as well as those that qualify as the ex-officio Trustee.

Section 7. Domestic Relations Order - Any judgment, decree or order (including approval of a property settlement agreement) that complies with the provisions of Minn. Stat. §518.58, §518.581, or §518.611.

Section 8. Membership Classifications - The following membership classifications shall govern these bylaws:

(a) Active Member (Also may be called a Member) - A member of the Association who is serving as a firefighter in the Fire Department and is not on suspension from the Fire Department or the Association. Such Member shall have the right, and may be required, to attend and participate in such meetings or functions as required by these by-laws and or any other requirements that are not contradictory to any other governmental entity.

An Active Member of the Fire Department shall include an individual who meets the requirements of Firefighter as set forth by the position description of the City of Brainerd and satisfies these additional requirements:

1) The Member responds to ~~an average~~ a minimum of ~~33%~~ 30% of emergency calls per calendar quarter. Quarters for the above calculations are maintained as January 1 thru March 31, April 1 thru June 30, July 1 thru September 30, and October 1 thru December 31.

2) The Member may not be absent from 3 consecutive monthly department meetings and drills without an excused absence. The meetings are generally held the fourth Monday of the month

(a). Excused Absence – An excused absence shall be defined as an absence that is placed in writing and provided to the President of the Department prior to the meeting commencing.

The absences shall be excused for:

1. Fire Related Leave

2. Primary Employment

3. Required Fire Related Event

Failure to satisfy the above standards shall result in an Inactive quarter for which no service credit is accrued

(b) Deferred Member - A person who is a Member of the Association, has at least 10 Years of Service, has been an Active Member of the Association for at least 10 years, has separated from service with the Fire Department, and who has not reached the age of 50 years. Such Member shall have the right to attend all meetings and parades, to take part in all discussion or debates but shall have no vote or accrue any Service Credit.

(c) Inactive Member - A person who may be a Member of the Association and served and/or serves as a firefighter in the Fire Department but who has not satisfied the Active Service requirements. Such Member shall have the right to attend all meetings and parades, to take part in all discussions or debates but shall have no vote or accrue any Service Credit.

(d) Permanently Disabled Member - A person who is a Member of the Association, has resigned or retired from the Fire Department because of a Disability (as defined in Article XII Sec. 2 (b), which the Board of Trustees determines was caused by the Member's activities as a firefighter, and who has not received total distribution of the Member's vested Account. If a Member resigns or retires due to a Disability the individual shall be deemed a Permanently Disabled Member. Such Member shall have the right to attend all meetings and parades, to take part in all discussions or debates but shall have no vote or accrue any Service Credit.

(e) Retired Member - A Member who has retired from the Fire Department and is not deferred, has had ten or more Years of Service in such Fire Department, although such services need not be continuous, has reached the age of 50 years or more, has been a Member of this Association for ten years or more prior to retirement, and has not received total distribution of the Member's vested Account. Such Member shall have the right to attend all meetings and parades, to take part in all discussions or debates but shall have no vote or accrue any Service Credit.

(f) Honorary Member - Honorary Members are those Members of the Association who by a majority vote of those present at a regular meeting of the Department are nominated and elected to this classification. This person shall be a person who has promoted the goals and purposes of the Department or otherwise served to promote firefighting safety, fire prevention, or the protection of persons or property from the hazards of fire. Such Member shall have the right to attend all

meetings and parades and take part in all discussions or debates but shall have no vote or accrue any Service Credit.

(g) Probationary Member - A firefighter who is performing Active Service as a firefighter but has not satisfied 1 year of Active Service or such later time as approved by the Chief of the Department.

(h) Fire ~~Companies~~ Squads - Firefighters of the Brainerd Fire Department shall be assigned to ~~Companies~~ Squads. The Brainerd Fire Department shall consist of 5 ~~Companies~~ Squads identified as ~~Company~~ Squad 1, 2, 3, 4, and 5 ~~the Hook and Ladder Company~~. Squad assignments will be made by the Fire Chief at the time of hire and may change from time to time as deemed necessary.

Purpose of Squads:

1) Carry out fire related duties as set forth by the Chief.

2) Staff special events and carry out fundraising efforts for the Relief Association.

Section 9. Quorum – A quorum is the amount of individuals necessary to conduct business under Roberts Rules of Order. A quorum for the Brainerd Fire Department Relief Association shall consist of attendance of at least 51% of the current membership of the Association.

ARTICLE IV - MEMBERSHIP

Section 1. Membership - Any regular Active Member, as defined by State Statute, Section 424A.02, Subd. 1 and the membership requirements of the Brainerd Fire Department and these by-laws shall be eligible for membership in this Association. Upon approval of the Member's Application, such Member shall accrue service credit for all Active Service.

Section 2. Application for Membership - Application for membership may be made at any regular or special meeting of the Board of Trustees. The application shall be reviewed for compliance with state statutory and plan requirements. If approved, the applicant shall be entered on the membership rolls.

Section 3. Resignation - Resignation or expulsion from the Brainerd Fire Department for moving from the residency requirements of the Brainerd Fire Department shall terminate the membership of the Member so resigning, expelled, or removed. However, any Member who has served for at least the minimum number of years required by Article XV, of these bylaws, may retain their membership in this Association as a Deferred Member, regardless of resignation or removal, and any such other regulations which may be from time to time imposed.

Section 4. Voting - Each Member shall be entitled to one vote on any matter voted upon by the membership. Voting by proxy is not permitted. All votes, unless specified prior to the vote, shall be conducted by a voice vote. If a majority cannot be determined by voice vote, the Officer in charge of the vote shall ask for a show of hands and/or a ballot vote.

Section 5. Vacation - Each Member shall earn non-paid Vacation according to the following schedule;

After 1 Years of Active Service …… 1 week (7 days)
After 3 Years of Active Service …… 2 weeks (14 days)
After 5 Years of Active Service …… 3 weeks (21 days)

Vacation days are considered twenty-four (24) hours in length and are considered to be 00:00 to 24:00 on any given day. Vacation may only be taken in full day increments and vacation days may not accrue from year to year. Vacation excuses a Member from responding to emergencies, and the time is not considered Inactive Service.

ARTICLE V - BOARD OF TRUSTEES

Section 1. Board of Trustees - The Board of Trustees shall be composed of the following: a President, a Vice President, a Secretary, a Treasurer, and two general Trustees, each of who shall be elected and qualified, at the annual meeting of the Association from its Members, and in addition the statutory ex-officio Trustees; the Chief of the Brainerd Fire Department, the Mayor, and the Clerk of the City of Brainerd. An ex-officio Trustee shall have all the rights and duties accorded to any other Trustee except the right to be an officer of the Board of Trustees.

Section 2. Elections and Terms - Two General Trustees shall initially be elected for terms of one year; the President and the Treasurer shall be elected for terms of two years; and the Secretary and the Vice President shall be elected for terms of three years. Thereafter, as their respective terms of office expire, two officers or General Trustees shall be elected for three-year terms at each annual meeting. If a vacancy occurs during the term of office of any officer or General Trustee, the remaining members of the Board of Trustees shall elect a Member of the Association to serve the un-expired term of the vacated position.

Section 3. Fiduciary Duties - The members of the Board shall act as Trustees with a Fiduciary obligation to the State of Minnesota, to the City of Brainerd and to the Members of the Association, as defined by the Public Pension Fiduciary Responsibility Act in State Statute §356A.01 et. seq.

ARTICLE VI - DUTIES OF OFFICERS

Section 1. President - It shall be the duty of the President to attend and preside at all meetings of the Association and the Board of Trustees. He/She shall enforce the due observance of the Articles of Incorporation and the Bylaws; see that the officers properly perform the duties assigned to them. He/She shall sign all checks issued by the Treasurer and all other papers, which require his/her signature. He/She shall be a member of all committees, and shall exercise careful supervision over the affairs of the Association. He/She shall/may receive such salary as may be fixed from time to time by the Board of Trustees, subject to approval of the Association, and payable from the Special Fund of the Association. (See attachment B)

He/She shall be the spokesperson for the Fire Relief Association at all functions requiring the Fire Relief Association participation. These duties may be delegated to other individuals within the allowance of State Statute and/or the approval of the Board of Trustees and/or the membership if deemed necessary.

Section 2. Vice President - It shall be the duty of the Vice President to perform the duties of the President in his/her absence. In the absence of both the President and the Vice President it shall be the duty of the Association to elect a President *pro tem*, who shall perform the duties to the office. The Vice-President shall be responsible for the coordination of all fundraising functions of the Association. The Vice-president shall coordinate these functions with the assistance of the two General Trustees. The Vice President may delegate duties within the allowance of State Statute and/or the approval of the Board of Trustees and/or the membership if deemed necessary. ~~He/She shall/may receive such per diem as may be fixed from time to time by the Board of Trustees, subject to approval of the Association, and payable from the General Fund of the Association.~~ He/She shall/may receive such salary as may be fixed from time to time by the Board of Trustees, subject to approval of the Association, and payable from the Special Fund of the Association. (See attachment B)

Section 3. Secretary - It shall be the duty of the Secretary to keep a true and accurate record of the proceedings of all meetings of the association and of the Board of Trustees. He/She shall keep a correct record of all amendments, alterations and additions to the Articles of Incorporation and Bylaws in a separate book from the minute books of the association. He/She shall cause due notice of all special meetings of the Association and of the Board of Trustees to be given. He/She shall keep a roll of membership, with the date of joining, resignation, discharge, dues and assessments paid and relief or pensions furnished. His/her books shall be at all times open to inspection by the Board of Trustees. He/She shall prepare and file all reports and statements required by law. He/She shall/may receive such salary as may be fixed from time to time by the Board of Trustees, subject to approval of the Association, and payable from the Special Fund of the Association. (See attachment B)

Section 4. Treasurer - It shall be the duty of the Treasurer to receive all monies belonging to the Association and hold them subject to the order of the President and the Board of Trustees. He/She shall keep separate and distinct accounts of the Special and General funds and shall prepare a full and detailed statement of the assets and liabilities of each fund separately prior to the annual meeting of the Association. Failing in his/her obligations, he/her may be impeached and expelled from the Association. He/She shall deliver to his successor in office, or any committee appointed by the Board of Trustees to receive the same, all moneys, books, papers etc., pertaining to his/her office immediately upon the expiration of his/her term of office. He/She shall, prior to entering upon the duties of his office, give a bond equal to at least 10% of the assets of the Association; however, the amount of the bond need not exceed $500,000, and with such sureties as may be required and is payable from the special fund of the Association. He/she shall/may receive salary as may be fixed from time to time by the Board of Trustees, subject to approval of the Association, and payable from the Special Fund of the Association. (See attachment B)

Section 5. General Trustees - The two General Trustees shall be responsible for attending the meetings of the Association as well as staying informed as to the operations of the Association. The two General Trustees shall also be responsible for working with the Vice-President in the coordination and implementation of the fundraising efforts of the Association. They shall/may receive such per diem as may be fixed from time to time by the Board of Trustees, subject to approval of the Association, and payable from the General Fund of the Association. (See attachment B)

Section 6. All Board Members - All Board Members shall have the following responsibilities to their positions:

- Continuing Education related to the Relief Association
- Attendance at meetings
- Clear communication of activities as a Board Member

Section 7. Finance Committee- The Finance Committee will be a standing committee of the Board of Directors and will be chaired by the Board Treasurer. The committee is responsible for reviewing and providing guidance for the Association's financial matters. Specifically, the Finance Committee assures internal controls, independent audit, and financial analysis for the organization. The Finance Committee reviews all financial statements and reports on financial activity to the full board. The Finance Committee will be appointed by the Association Board of Directors. The Finance Committee will consist of five (5) to six (6) members.

Finance Committee's basic responsibilities:

1. Provide direction for the entire Board for fiscal responsibility.
2. Regularly review the organization's revenues and expenditures, balance sheet, investments and other matters related to its continued solvency.

3. Approve the annual budget and submit it to the full Board for approval.
4. Oversee the maintenance of organizational-wide assets, including prudent management of organizational investments.
5. Assist the Board Treasurer and Secretary with the annual audit.
6. Create, update, and submit for approval (as necessary) bylaws that help ensure the assets of the organization are protected.

ARTICLE VII - MEETINGS

Section 1. Annual Meeting - The annual meeting of the Association for the election of officers and trustees, and other business shall be held the fourth Monday of January in each year. If such day falls on a holiday, such meeting shall be held on the next business day.

Section 2. General Meetings/Drills - The Membership shall hold a monthly meeting and drill generally the fourth Monday of the month. The Department and/or Chief of the Department reserve the right to change and/or add additional training opportunities.

Section 3. Board Meetings - The Board of Trustees shall meet at least four times during each year.

Section 4. Special Meetings of the Board - Special meetings of the Association or of the Board of Trustees may be called by the President, or two members of the Board of Trustees, and shall be called upon written request of six or more Members of the Association. Members or Trustees shall be notified by the Secretary of such special meetings, and the object of the meeting shall be stated in such notice.

Section 5. Board Quorum - A majority of the Board of Trustees then in office and 40 percent of the Members of the Association shall constitute quorum for the transaction of business at their respective meetings. Less than a quorum may adjourn a meeting to a future time, which the Secretary shall make known to all affected Members.

Section 6. Robert's Rules of Order - All meetings shall be conducted according to Robert's Rules of Order, as revised and found in Section 7.

Section 7. Order Of Business:

1. Call to Order
2. Roll Call
3. Reading of minutes of Previous meetings
4. Reading of Reports and Minutes of the Board of Trustees' Meetings
5. Reports of officers
6. Propositions for Membership

7. Reports of Special Committees
8. Elections
9. Unfinished Business
10. Election of Officers and Trustees (Annual Meeting)
11. New Business
12. Adjournment

Section 8. Location of Board Meetings - A meeting of the Board of Trustees shall be held at the registered office of the Association in the City of Brainerd unless noticed for another place within the state, as designated by the Board.

Section 9. Notice of Board Meetings –Under Minnesota Statute 13D.01, a notice of every Board of Trustees meeting shall be sent or delivered by the Secretary to each Trustee including Ex-Officio Trustees, at least 5, but not more than 30 days, before the meeting, excluding the date of the meeting. Such notice shall set forth the date, time, place, and in case of a special meeting, the purpose.

ARTICLE VIII - DUTIES AND RIGHTS OF MEMBERS

Section 1. Suspension - Any Member who shall, in the opinion of the majority of the Board of Trustees, fraudulently claim benefits from, or defraud or attempt to defraud the Association in any way, shall be suspended from membership by the Board, and he shall forfeit all further rights to benefits from the Association.

Section 2. Reinstatement - Any suspended Member can only be reinstated upon his application therefore in writing, presented at a regular or special meeting of the Association.

Section 3. Limitations on Special Fund Expenditures - No money or funds of the Special Fund of the Association shall be disbursed except for those purposes specifically authorized by state statutes.

Section 4. Limitation on General Fund Expenditures - No money or funds of the General Fund of the Association shall be disbursed for any purpose not herein provided for, unless authorized by the favorable vote of two-thirds of the Members present at a regular or special meeting of the Association.

Section 5. Reports - All reports and resolutions shall be submitted in writing and no report from a committee shall be accepted unless it is report of a majority of a committee, provided however, that minority shall be permitted to present its views in writing.

ARTICLE IX - INVESTMENTS

Section 1. Duty of Prudence - Trustees shall discharge their duties in good faith and with that diligence and care which an ordinarily prudent person would exercise under similar circumstances.

Section 2. Duty to Invest - It shall be the duty of the Board of Trustees to prepare modes and plans for the safe and profitable investment of the appropriate funds of the Association and whenever investments are made, to investigate and pass upon the securities offered and to attend to the drawing and execution of necessary papers. The Board shall order an audit of the books and accounts of the Secretary and the Treasurer annually, according to law, and shall submit a written report of the condition of the Association to the Members at the annual meeting. The investment of the funds of the Association shall be in the exclusive control of the Board of Trustees, in conformance with state statutes, the bylaws, and the investment policy. The members of the Board shall act as Trustees with a fiduciary obligation to the State of Minnesota, to the City of Brainerd and the Members of the Association.

Section 3. Investment Committee - The Board of Trustees may designate two or more Association Members to sit on an investment committee. The Treasurer, the President and an Ex-Officio Member shall sit on the committee. The investment committee shall investigate and make recommendations to the Board of suitable investments for Association funds among those permitted by Statute, the bylaws and the investment policy attached hereto.

Section 4. Broker's Certification - The Board of Trustees shall comply with Minnesota Statutes §356A.06, Subd. 8b that requires the Relief Association to provide annually to any brokers, a written statement of investment restrictions pursuant to statute or the investment policy that applies to the special fund. Upon receipt of the written statement of investment restrictions, each broker handling investments of the Association shall acknowledge, in writing annually the receipt of the investment restrictions. The acknowledgment shall contain a statement of the broker’s agreement to handle the Association’s investments pursuant to the written restrictions.

Section 5. Continuing Education - The Board of Trustees shall develop and periodically revise a plan for continuing education for all Members and Officers of the Board of Trustees in order to ensure that Trustees keep abreast of their Fiduciary Responsibilities. New Trustees shall be required to complete twelve (12) hours of continuing education in the Trustee’s first year of office. Thereafter, trustees shall comply with the Board’s plan for continuing education.

Section 6. Diversification of Investments - The allocation of Special Fund asset investments among different asset classifications shall be in accordance with state law and the investment policy, as of the last day of each calendar quarter. Each investment of the Special Fund shall be in investment securities that are authorized under state law and permitted under the Association's investment policy.

ARTICLE X - FUNDS

Section 1. Funds - All money received from the Association shall be kept in two separate funds. Disbursements from the funds shall be in accordance with Minnesota Statutes and Rules and the bylaws of the Relief Association.

Section 2. General Fund Disbursements - The funds received by this Association from dues, fines, initiation fees, entertainment, and other miscellaneous sources shall be kept in the General Fund of the Association on the books of the Treasurer and may be disbursed for any purpose reasonably related to the welfare of the Association or its Members.

Section 3. Special Fund Disbursements - All funds received by this Association qualifying as state aid received pursuant to law, all taxes levied by or other revenues received from the city pursuant to law providing for municipal support for the Relief Association, any moneys or property donated, given, granted or devised excluding fundraiser proceeds, by any person which is specified for the use for the support of the Special Fund, and any interest earned on the assets of the Special Fund, shall be accounted for, in the Special Fund.

Any of the above mentioned revenue sources which may be directly deposited, donated or transferred to said fund, shall be kept in a separate account on the books of the Treasurer known as the Special Fund and shall be disbursed only for the following purposes:

1. Payment of Members' service pension benefits in accordance with these bylaws.

2. Payment of ancillary benefits in accordance with these bylaws.

3. Administrative expenses as limited by Minn. Stat. §69.80.

All other expenses of the Association shall be paid out of the General Fund.

Section 4. Signatures Required - No disbursement of the funds of this association shall be made except by checks drawn by the Treasurer and countersigned by the President or a current member of the Board of Trustees as designated by the President. The exact amount of which has previously been determined and authorized by the Board of Trustees or the Members, no check shall be issued until the claim to which it relates has been approved by the Board of Trustees, and is permitted by State Statute 424A.05, Subd. 3.

Section 5. Deposits - All money belonging to the Association shall be deposited to the credit of the Association in such banks, trust companies, savings and loans associations or other depositories as the Board of Trustees may designate. The Board of Trustees shall make deposits in conformance with state statute and the investment policy, attached hereto and incorporated by reference.

ARTICLE XI - APPLICATION FOR BENEFITS

Section 1. Application Forms - All applications for relief or pension benefits shall be made in writing on forms furnished by the Secretary.

Section 2. Submission to Board - All applications for pensions shall be submitted to the Board of Trustees at a regular or special meeting of the Board. Applications shall be verified by an oath of the applicant and shall state the age of the applicant, the date of retirement from the Brainerd Fire Department, the length of time he has been an Active Member of the Association, and such other information as the Board of Trustees may require.

Section 3. Notice of intent to retire - It shall be the duty of each Member who intends to retire and request a service pension from the association, to file a notice of intent to retire. Such notice shall be in writing and shall be filed the Secretary not less than 3 months (90 days) prior to the date of retirement and submission of Application for service pension. Upon receipt of a notice of intent to retire, the Secretary shall provide any notices to the applicant as required by state or federal law with respect to pension or benefit payments.

Section 4. Board Duty to Review - It shall be the duty of the Board to approve applications for service pensions if the applicant meets all of the eligibility requirements set forth in these bylaws. It shall also be the duty of the Board not to approve the application if any of the eligibility requirements are not met. If an application is not approved, the Board shall return the application to the applicant within 30 days, noting thereon, with particularity, which requirements the applicant does not meet. Thereafter, the applicant shall be furnished with the opportunity to be heard by the full Board, pursuant to the Procedure for Review as provided by Article XVII. If the application is approved, the service pension shall be paid in the manner requested by the applicant pursuant to Article XIV, Timing and Modes of Distribution.

ARTICLE XII - SICK AND DISABILITY BENEFITS

Section 1. Limitations - Following the receipt of a lump sum death benefit neither a Member's survivors, beneficiary or estate is entitled to any other or further financial relief or benefits from the Association.

(a) Eligibility - A Member's Beneficiary shall be eligible to receive a benefit upon the death of a Deferred, Permanently Disabled, Active or Retired Member who has not yet received his or her full retirement benefit.

(b) Benefit - Upon the death of an Active Member or Disabled Member who has not yet received his or her disability benefits, who is in good standing, the Association shall pay to the Member's Beneficiary, the Member's total benefit level.

(c) Benefit after termination from Department - In the event that the death occurs after the Member has terminated or retired from the Fire Department, only the vested portion of the benefit level, as determined under Article XV, shall be distributed.

(d) No Beneficiary - If the Member has no Beneficiary, the entire benefit level of the Member shall be distributed in a lump sum to the estate of the Member.

Section 2. Disability Benefits - A Member who is Permanently Disabled from being an Active Member on the Fire Department may be eligible for a Disability Benefit in lieu of retirement. Upon approval of the Board of Trustees pursuant to this section, the following Disability Benefits will apply. A Member who is Permanently Disabled with a Disability shall be eligible to collect a Disability Benefit in an amount equal to the Member's benefit level. The Member shall be eligible to receive the Disability Benefit upon approval of the Board of Trustees.

(a) Limits - Any such disability benefit paid in accordance with this section shall be in lieu of all rights to further service pension and survivor's benefit.

(b) Disability Defined - Disability is defined as the inability to engage in performance of his\her duties as a firefighter by reason of a medically determinable physical or psychological impairment that is certified by a physician, surgeon or chiropractor acceptable to the Board of Trustees, which can be expected to last for a continuous period of not less than twelve months or can be expected to result in death.

(c) Calculating Disability Benefits – The calculation of the disability benefit shall be the Accrued Benefit in effect at the beginning of the Disability. The Accrued Benefit shall be increased by an amount of interest, compounded annually, at a rate of 5% per year.

(d) Reports Required - No Member shall be paid disability benefits except upon the written report of a physician, surgeon or chiropractor of the Member's choice. This report shall set forth the diagnosis and prognosis of the disability, disease or injury of the Member. Each such report shall be filed with the Association.

(e) Procedure - All Applications for Disability Benefits shall be made within six months after such applicant has ceased to be an Active Member of the Fire Department. Written Application shall be made to the Board setting out the nature and cause of such disability. This Application shall be under oath by the Member or his or her immediate family. The Application shall be tabled until the next meeting so that the applicant may be examined by a physician, surgeon or chiropractor of the Member's choice. The physician, surgeon or chiropractor shall submit a written opinion concerning the diagnosis and prognosis of the applicant's disability and its probable duration of permanence. The Board of Trustees has the discretion to request that another doctor, selected by the Board, examine the applicant. Final determination of disability will be based on the reports of at least one doctor and by a 2/3 majority vote of a quorum of the Board of Trustees present at the subsequent Association meeting.

(f) Proof of Disability - An applicant shall not be considered under a Disability unless the Member furnishes adequate proof of the existence thereof. An applicant's statement as to pain or other symptoms will not alone be conclusive evidence of Disability as defined in this section.

(g) Deduction from Pension - If the disabled Member subsequently recovers and returns to Active Service on the Fire Department, any amount paid to him as a disability pension shall be deducted from his service pension.

(h) Grievance Procedure - If the applicant for Disability Benefits feels the he/she has been aggrieved by any action of Board, the Member shall, within thirty (30) days from notice of such action of the Board, file written objections and the reasons thereof with the Board and shall be allowed to appeal the determination pursuant to the Procedure for Review in Article XVII of these bylaws.

ARTICLE XIII – DEFINED BENEFIT LUMP SUM PENSION

Section 1. Type of Benefit - The exclusive pension provided by the Association for all Members who are Active, Deferred, Permanently Disabled or Retired who have not received distribution of their service pension as of is defined benefit lump sum pension governed under these Bylaws and Minn. State Statute Section 424A.02.

Section 2. Allocation of Benefits - If a Member shall have served for more than 10 years, but less than 20 years as an Active Firefighter in the Brainerd Fire Department, he/she may retire from said Fire Department and be placed on the deferred vested pension roll.

When he/she reaches the age of 50 years, and provided at that time he/she has been a Member of the Association for at least 10 years, he/she shall upon application thereof, be paid in the following manner:

1. For Active Duty of more than 10 years, but less than 11 years, 60 percent of the amount per Year of Service which would have been earned. Had the Member served for 20 years or more;

2. For Active Duty of more than 11 years, but less than 20 years, 4 percent of the amount of service which would have been earned, had the Member served for more than 20 years or more, shall be added to all Years of Service for each additional Year of Service between 11 and 20 years.

Section 3. Current Benefit – The most current benefit payable under section 2 of Article XIII is: (See attachment A)

~~$5,825.00 per Year of Service Effective - 7/13/05~~

~~$6,400.00 per Year of Service Effective - 8/1/06~~

~~$7,400.00 per Year of Service Effective - 8/1/07~~

~~$6,200.00 per Year of Service Effective - 8/1/09 Expires 7/31/10~~

~~$6,825.00 per Year of Service Effective - 8/1/10 Expires 12/31/13~~

~~$7,300.00 per Year of Service Effective - 1/1/14~~

~~$8,500.00 per Year of Service Effective - 8/1/14~~

Section 4. Supplemental Benefit

1. Retired Firefighter

Upon the payment by a firefighters' relief association lump sum distribution to a qualified recipient, the association must pay a supplemental benefit to the qualified recipient. Notwithstanding any law to the contrary, the relief association may pay the supplemental benefit out of its special fund.

The amount of this benefit equals ten percent of the regular lump sum distribution that is paid on the basis of service as a firefighter. In no case may the amount of the supplement benefit exceed $1,000.

2. Survivor Supplemental Benefit

Upon the payment by a relief association of a lump sum survivor benefit to a survivor of a deceased active firefighter, the association may pay a supplemental survivor benefit to the survivor of the deceased firefighter from the special fund of the relief association if its articles of incorporation or bylaws so provide.

The amount of the supplemental survivor benefit is 20 percent of the survivor benefit, but not to exceed $2,000.

ARTICLE XIV - TIMING AND MODES OF DISTRIBUTION

Section 1. Timing - Payments shall begin to the Member no later than 90 days following the last valuation date following the year in which the request for distribution is received by the Secretary.

Section 2. Method - Because of the varying circumstances in each Member's retirement planning, optional benefit payment methods are offered. Selection should occur after consultation with a tax consultant, insurance and/or estate planner, or an attorney. Payment methods on the Application Form shall include:

(a) A single Lump sum check payment payable to the eligible retiree (subject to current income tax withholding requirements).

(b) A Lump Sum payment by the Association to a recognized insurance carrier licensed to do business in this state and approved for this product by the Commerce Commissioner under Minn. Stat. §60A.40.

(c) Installment payments as governed by Article XIV, Section 4.

(d) Rollover to an IRA account pursuant to Article XIV, Section 3.

Section 3. Rollover to IRA - Upon written request from the Retiring Member who has given proper notice of retirement, the Secretary or Treasurer shall directly transfer the service pension amount into an Individual Retirement Arrangement under Section 408(a) of the Internal Revenue Code, as amended.

Section 4. Installment Payments - A Member may elect installment payments as follows:

(a) Irrevocable Election - The election of installment payments shall be irrevocable and shall be made by the Retired Member in writing on a form supplied by and filed with the Secretary of the Relief Association no later than 30 days prior to the commencement of payment of the service pension. The installments shall be paid in equal annual installments, not to exceed three consecutive years.

(b) Death of Member prior to full disbursement – the Retired Member dies before all installments are distributed, the remaining benefit shall be payable as specified in Article III, Section 3.

Section 5. Volunteer separation while fulltime fire department employee. Notwithstanding any by-law to the contrary, the Association may pay or continue paying a service pension or disability benefit to a member who has not separated from active service with the Brainerd Fire Department if:

(a) The person is employed subsequent to retirement as a volunteer firefighter by the Brainerd Fire Department to perform duties within the Brainerd Fire Department on a fulltime basis; and,

(b) The governing body of the Brainerd Fire Department. has filed a determination with the Associations board of trustees that the persons experience with and service to the Brainerd Fire Department in that persons fulltime capacity would be difficult to replace; and,

(c)The person otherwise meets the requirements of Minnesota Statutes, Chapter 424A, including Minnesota Statute 424A.02, subdivision 1, and is authorized to receive a service pension or disability benefit.

ARTICLE XV - VESTING PROVISION

In the event a Member with ten years or more but less than twenty years of Active Service on the Fire Department resigns or otherwise becomes a non-member, that person shall be entitled to the following benefit that represents the non-forfeitable portion of.

Completed Years of Service - Non-forfeitable Percentage of Pension Amount:

10	60 percent
11	64 percent
12	68 percent
13	72 percent
14	76 percent
15	80 percent
16	84 percent
17	88 percent
18	92 percent
19	96 percent
20 and thereafter	100 percent

ARTICLE XVI - DEFERRED PENSION STATUS

Section 1. Deferred Pension Rolls - A Member of the Association who has served as an Active Member in the Fire Department for at least ten (10) years, but has not reached the age of 50 years, may retire from said Fire Department and be placed on the Deferred Pension Roll. Upon reaching the age of 50 years, and provided that membership in the Association has been maintained for at least ten (10) years, upon approval of a valid written Application therefore, such Member shall be paid the amount of the Member's total Benefit Level, reduced pursuant to the vesting schedule in Article XV that are forfeited pursuant to Article XIII. During the time that a Deferred Member maintains a Benefit Level, the Association shall add to the amount interest, compounded annually, at a rate of 5% per year. A Member who is on the Deferred Pension Roll shall not be eligible to receive any of the ancillary benefits provided for in these By-laws except those that are specified in section 2 of this article.

Section 2. Death Prior to Full Distribution - If the Member dies while on the Deferred Pension Roll, the total deferred pension applicable at the time of death shall be paid to the Member's Beneficiary in accordance with Article XII Sick and Disability benefits.

ARTICLE XVII - PROCEDURE FOR REVIEW

Section 1. In the event that the Board of Trustees denies an Application for a service or ancillary pension benefit, the Member shall be entitled to the right to appeal the determination.

Section 2. If an Application is not approved, the Board shall return the Application to the applicant within 30 days, noting thereon, with particularity, which requirements the applicant does not meet. Thereafter, the applicant shall be furnished with the opportunity to be heard by the full Board, on the question of whether the applicant meets all of the eligibility requirements. The Member shall indicate that the Member intends to appeal by furnishing the Board with a written intent to appeal that is filed with the Secretary of the Association within 30 days of receiving an adverse determination. The intent to appeal shall be certified, in writing, by the Member.

Section 3. Upon receipt of the written intent to appeal, the Board of Trustees shall hold a Special Meeting within 60 days of receipt of the written intent to appeal. Timely notice of the meeting shall be given to the Member at least 15 days prior to the Special Meeting. The Member shall have the reasonable opportunity to be heard by the Board of Trustees at the Special Meeting with regard to the negative determination. The Board reserves the right to engage the services of a mediator or arbitrator, acceptable to both parties, at any time during the appeal. The mediator or arbitrator shall be selected from the Rule 114 Supreme Court Roster. The cost of the mediator or arbitrator shall be split in half among both parties.

ARTICLE XVIII - LIMITS ON BENEFITS

Section 1. Domestic Relations Order - A domestic relations order shall be accepted by the plan administrator if in compliance with state and federal law. No benefits shall be paid under a domestic relations order which requires the plan to provide any type or form of benefit, or any option, not otherwise provided under the Plan or under state law.

Section 2. Garnishment, Judgment or Legal Process - No service pension or ancillary benefits paid or payable from the special fund of a relief association to any person receiving or entitled to receive a service pension or ancillary benefits shall be subject to garnishment, judgment, execution, or other legal process, except as provided in Minn. Stat. §518.58, §518.581, or §518.611.

Section 3. No person entitled to a service pension or ancillary benefits from the special fund of a Relief Association may assign any service pension or ancillary benefit payments, nor shall the Association have the authority to recognize any assignment or pay over any sum which has been assigned.

Section 4. Limitations on Ancillary Benefits - Following the receipt of a lump sum death benefit neither a Member's Surviving Spouse or estate is entitled to any other or further financial relief or benefits from the Association.

ARTICLE XIX - AMENDMENTS

Section 1. The bylaws of the Association may be amended at any regular or special meeting of the Association by a favorable vote of two-thirds of the Members present and voting, provided that a quorum is present; and provided further that notice of any proposed amendment or amendments shall be given by reading the same at a regular or special meeting not more than 31 days next preceding the date upon which such amendment or amendments are to be acted upon, and that a notice be mailed to each Member at his last known address not less than 10 days prior to such meeting.

ATTACHMENT A – BENEFIT LEVEL

BENEFIT LEVEL AMOUNT	DATE APPROVED BY RELIEF ASSOCIATION	DATE RATIFIED BY TOWN	EFFECTIVE DATE
$5,825	7-13-2005		8-1-2005
$6,400	8-1-2006		8-1-2006
$7,400	8-1-2007		8-1-2007
$6,200	8-1-2009		8-1-2009
$6,825	8-1-2010		8-1-2010
$7,300	7-22-2013	8-5-2013	1-1-2014
$8,500	~~8-1-2014~~ 7-21-2014	8-4-2014	8-1-2014
$8,750	7-16-2015	7-20-2015	8-1-2015
$9,500	7-24-2017	8-7-2017	8-1-2017

ATTACHMENT B – COMPENSATION

TRUSTEE	SALARY
President (Officer) _____	$1,500 annually
Secretary (Officer) _____	$1,500 annually
Treasurer (Officer) _____	$1,500 annually
Vice President (Officer) _____	$1,500 annually
Trustee #1 _____	$15 per-diem per meeting
Trustee #2 _____	$15 per-diem per meeting

CITY OF BRAINERD
SAFETY AND PUBLIC WORKS COMMITTEE
AGENDA

April 15, 2019
City Council Chambers
7:00 PM

1. Event/Street Closure Application – Garfield Elementary Walk-A-Thon

2. Improvement 18-08 (SAP 108-126-014) and Improvement 18-09 (SAP 108-124-008) – College Drive and South 4th Street Mill and Overlay and ADA Improvements Authorization to Bid

3. Small Wireless Facility Design and Review Guidelines Policy

4. Tax Forfeit Non-Conservation Parcels

Brainerd City Council
Agenda Request

Requested Meeting Date: April 15, 2019

Title of Item: Event/Street Closure Application - Garfield Elementary Walk-A-Thon

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

Summary of Issue:

Attached to this request is an event/street closure application for the Garfield Elementary School Walk-A-Thon to be held on May 17, 2019 from 9:30 am to 2:00 pm.

Alternatives, Options, Effects on Others/Comments:

During this event, the school typically closes 10th Avenue NE from J Street to L Street, 11th Avenue NE from J Street to L Street, J Street from 10th Avenue NE to 11th Avenue NE, and L Street from 10th Avenue NE to 11th Avenue NE. There is some amplification of sound involved during the event. In the past, the school has distributed fliers to the neighboring residents to let them know of the event, although all residences still have access through the alleys on their properties.

Recommended Action/Motion:

Staff recommends approval of the attached application under the condition that the applicant make the request for traffic control 1 week prior to the event so it may be scheduled accordingly.

Financial Impact:

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

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

Is this budgeted? ☐ Yes ☐ No

Please Explain:

SPECIAL EVENT APPLICATION

Date of Application: 4-4-19

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

Type of event:

- [ ] Event – City Parking Lot
- [x] Event with Street Closure
- [ ] Event – City Park
- [ ] Other _____

Name of event: Garfield Walk-A-Thon

Organizer Information

Organizer's Name: Jodi Kennedy

Organizer's Address: 1120 10th St. NE

Event Contact Person: Jodi Kennedy

Event Contact Daytime Phone: 218-454-6452

Event Contact E-mail Address: jodi.kennedy@isd181.org

Contact Name/Number Day of Event: Jodi Kennedy / 701-361-0591

For Profit/Nonprofit Status (type): Nonprofit Status

Applicant information (if different from the event organizer):

Applicant Name: _____

Applicant Address: _____

Applicant Phone: _____

Applicant E-mail Address: _____

Event Information

Event Details (list each date separately)

Event Date	Start Time	End Time	Event Location(s) – see locations listed below
5/17/19	9:30	2:00	streets that perimeter boarder Garfield School

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

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

Description of Activities

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

We are planning an all school Walk-A-Thon fundraiser and are asking that the streets that border the perimeter of Garfield School be closed for the event from 9:30 am-2:00 pm

Site Information

Electrical usage ☑ Yes ☐ No

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

timer clock - school power

Amplified Sound ☑ Yes ☐ No

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

10:00-2:00

Restrooms provided ☑ Yes ☐ No

If yes, how many 6-10 (a ratio of 1 for every 100-150 people is recommended)

Company contracted for restrooms:_____

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

Signs, banners, and/or posters/flyers ☐ Yes ☑ No

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

Trash Receptacle Disposal ☑ Yes ☐ No

Company contracted for trash receptacle disposal: Brainerd Public Schools

Additional Event Information

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

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

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

Street Closure Request Information

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

10th Ave. NE (from J to L), 11th Ave. NE (from J to L), J St. (from 10th to 11th), L St (from 10th to 11th)

Date and time for beginning of street closures: 9:30 am

Date and time for reopening of streets: 2:00 pm

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

We have gone door to door to notify neighbors of this event and requested that they use alley access to accommodate.

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

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

For information regarding a street closure, please contact the City Engineering office at 218-828-2307 or engineer@ci.brainerd.mn.us.

Hold Harmless Agreement and Insurance Information

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

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

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

Signature of Event Applicant

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

Jodi Kennedy

Signature of Applicant

Jodi Kennedy

Print Name

Contacts, Permits, and Fees Checklist

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

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

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

Contact Information

Administration Department:	(218) 828-2307 | admin@ci.brainerd.mn.us
Parks and Recreation Department:	(218) 828-2320 | parks@ci.brainerd.mn.us
Engineering Department:	(218) 828-2307 | engineer@ci.brainerd.mn.us
Planning Department:	(218) 828-2307 | planning@ci.brainerd.mn.us
Police Department:	(218) 829-2805 | police@ci.brainerd.mn.us
Fire Department:	(218) 828-2312 | fire@ci.brainerd.mn.us
MN Commissioner of Revenue:	(651) 282-5225 | www.revenue.state.mn.us
MN Department of Health	(320) 223-7300 | www.health.state.mn.us
MNDOT Baxter Office	(218) 828-5700 | www.dot.state.mn.us

For Official Use Only

Department Sign-offs Required

Department	Date/Initials	Comments
Brainerd Public Utilities	ok	None
City Administration	ok	None
Engineering Department	ok	Please submit traffic Control request 1 week prior to event.
Fire Department	ok	None
Fire Support/EMS	ok	None
Parks Department	ok	No Comments
Planning Department	ok	No issues
Police Department	ok	Will put on schedule so patrol can periodically swing through area.

Event Application Approval

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

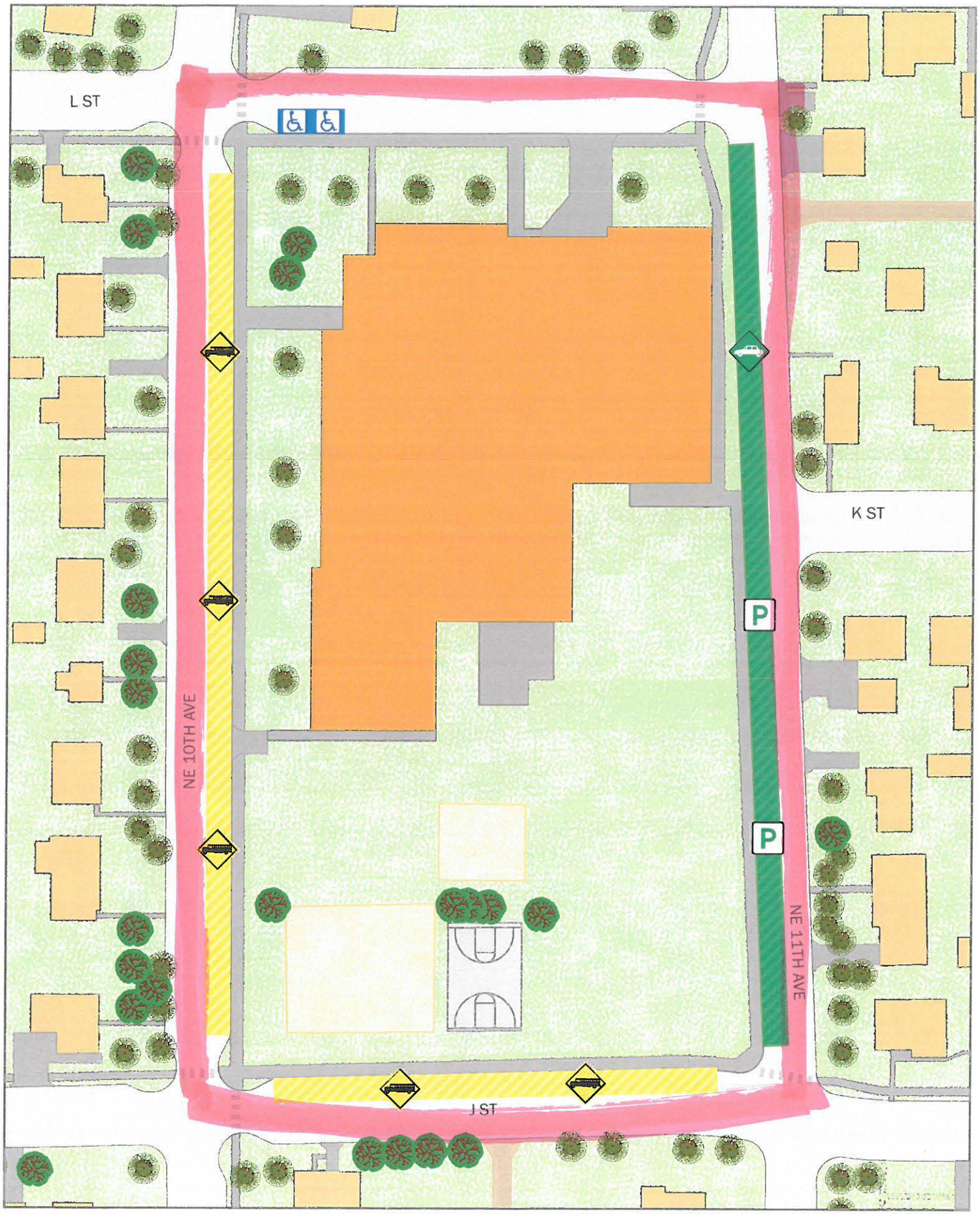
City Administrator or Parks & Recreation Director

Date

Approval Conditions

Certification of Street Closure Approval

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


L ST
K ST
NE 10TH AVE
NE 11TH AVE
J ST
P
P

Brainerd City Council
Agenda Request

Requested Meeting Date: April 15, 2019

Title of Item: Improvement 18-08 and 18-09 - College Drive and S 4th Street Auth. to Bid

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

Summary of Issue:

Attached to this request are construction estimates for Improvement 18-08 (SAP 108-126-014) - College Drive Mill and Overlay Project and Improvement 18-09 (SAP 108-124-008) - South 4th Street Mill and Overlay Project and ADA Improvements.

Alternatives, Options, Effects on Others/Comments:

Estimated construction costs for the two projects are $403,488.00 and $109,929.50 respectively. Total estimated construction costs is $513,417.50. At the November 5, 2018 City Council meeting, the Council adopted a resolution in which advanced $515,000 in Municipal State Aid funds to cover the project costs. This project will consist of a 1.5" mill and overlay on College Drive from Quince Street to County Road 48 and on South 4th Street from College Drive and South 6th Street. ADA pedestrian ramps are being upgraded on South 4th Street to meet ADA standards. College drive pedestrian ramps already meet ADA standards. Staff is proposing night work on this project.

Recommended Action/Motion:

Staff recommends authorization to bid Improvement 18-08 (SAP 108-126-014) and Improvement 18-09 (SAP 108-124-008).

Financial Impact:

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

What is the total cost, with tax and shipping $ Approx. 514,000

Is this budgeted? ☑ Yes ☐ No

Please Explain: State Aid funds are advanced and this project is a part of the 5-year street and sewer capital plan.

City of Brainerd
Engineer's Estimate

Project Number: SAP 108-126-014
Project Title or Road Number: College Drive Mill & Overlay
Work Type: Mill and Overlay

Item No.	Description	Units	Base Bid / Alternate	Quantity	Unit Price	Total Price
College Drive Mill & Overlay						
2021.501	MOBILIZATION	LS	Base Bid	0.81	$25,000.00	$20,250.00
2102.503	PAVEMENT MARKING REMOVAL	L F	Base Bid	360.00	$5.00	$1,800.00
2104.503	SAWING BITUMINOUS PAVEMENT	L F	Base Bid	637.00	$5.00	$3,185.00
2232.504	MILL BITUMINOUS SURFACE (1.5")	S Y	Base Bid	35,819.00	$2.50	$89,547.50
2360.509	TYPE SP 9.5 WEARING COURSE MIX (2,C)	TON	Base Bid	3,409.00	$55.00	$187,495.00
2504.602	ADJUST VALVE BOX-WATER	EACH	Base Bid	10.00	$250.00	$2,500.00
2506.502	ADJUST FRAME & RING CASTING	EACH	Base Bid	23.00	$250.00	$5,750.00
2563.601	TRAFFIC CONTROL	LS	Base Bid	0.81	$10,000.00	$8,100.00
2563.602	RAISED PAVEMENT MARKER TEMPORARY	EACH	Base Bid	475.00	$2.00	$950.00
2573.501	EROSION CONTROL SUPERVISOR	LS	Base Bid	0.81	$5,000.00	$4,050.00
2573.502	STORM DRAIN INLET PROTECTION	EACH	Base Bid	79.00	$200.00	$15,800.00
2582.503	4" SOLID LINE MULTI COMP GR IN	L F	Base Bid	3,430.00	$0.60	$2,058.00
2582.503	24" SOLID LINE MULTI COMP GR IN	L F	Base Bid	140.00	$12.00	$1,680.00
2582.503	4" BROKEN LINE MULTI COMP GR IN	L F	Base Bid	1,460.00	$0.60	$876.00
2582.503	4" DBLE SOLID LINE MULTI COMP GR IN	L F	Base Bid	1,945.00	$1.50	$2,917.50
2582.503	4" DOTTED LINE MULTI COMP GR IN CONT	L F	Base Bid	252.00	$2.00	$504.00
2582.503	24" SOLID LINE PREF THERMO GR IN	L F	Base Bid	35.00	$25.00	$875.00
2582.503	12" DOTTED LINE PREF THERMO GR IN	L F	Base Bid	219.00	$15.00	$3,285.00
2582.518	PAVT MSSG PREF THERMO GR IN	S F	Base Bid	1,153.00	$25.00	$28,825.00
2582.518	CROSSWALK PREF THERMO GR IN	S F	Base Bid	1,206.00	$15.00	$18,090.00
2582.618	PAVEMENT MARKING SPECIAL	S F	Base Bid	198.00	$25.00	$4,950.00
					Total College Drive Mill & Overlay	**$403,488.00**
					Total	**$403,488.00**

Certified By: Paul Sacky **License No.** 53635

Date: 4/9/19

City of Brainerd
Engineer's Estimate

Project Number: SAP 108-124-008
Project Title or Road Number: South 4th Street Mill & Overlay
Work Type: Mill and Overlay

Item No.	Description	Units	Base Bid / Alternate	Quantity	Unit Price	Total Price
S 4th Street Mill & Overlay						
2021.501	MOBILIZATION	LS	Base Bid	0.19	$25,000.00	$4,750.00
2104.502	REMOVE CASTING	EACH	Base Bid	1.00	$250.00	$250.00
2104.503	SAWING CONCRETE PAVEMENT (FULL DEPTH)	L F	Base Bid	24.00	$7.00	$168.00
2104.503	SAWING BIT PAVEMENT (FULL DEPTH)	L F	Base Bid	135.00	$5.00	$675.00
2104.503	REMOVE CURB & GUTTER	L F	Base Bid	211.00	$7.00	$1,477.00
2104.504	REMOVE BITUMINOUS DRIVEWAY PAVEMENT	S Y	Base Bid	31.00	$5.00	$155.00
2104.518	REMOVE CONCRETE SIDEWALK	S F	Base Bid	859.00	$5.00	$4,295.00
2104.618	REMOVE AND REPLACE BITUMINOUS PAVEMENT	S F	Base Bid	469.00	$10.00	$4,690.00
2105.507	COMMON EXCAVATION	C Y	Base Bid	11.00	$20.00	$220.00
2211.509	AGGREGATE BASE CLASS 5	TON	Base Bid	6.00	$25.00	$150.00
2232.504	MILL BITUMINOUS SURFACE (1.5")	S Y	Base Bid	6,598.00	$2.50	$16,495.00
2360.509	TYPE SP 9.5 WEARING COURSE MIX (2,C)	TON	Base Bid	752.00	$55.00	$41,360.00
2504.602	ADJUST VALVE BOX-WATER	EACH	Base Bid	1.00	$250.00	$250.00
2506.502	CASTING ASSEMBLY	EACH	Base Bid	1.00	$300.00	$300.00
2506.502	ADJUST FRAME & RING CASTING	EACH	Base Bid	3.00	$250.00	$750.00
2521.518	6" CONCRETE WALK	S F	Base Bid	901.00	$10.00	$9,010.00
2531.503	CONCRETE CURB & GUTTER DESIGN B624	L F	Base Bid	211.00	$20.00	$4,220.00
2531.618	TRUNCATED DOMES	S F	Base Bid	64.00	$50.00	$3,200.00
2563.601	TRAFFIC CONTROL	LS	Base Bid	0.19	$10,000.00	$1,900.00
2563.602	RAISED PAVEMENT MARKER TEMPORARY	EACH	Base Bid	50.00	$2.00	$100.00
2573.501	EROSION CONTROL SUPERVISOR	LS	Base Bid	0.19	$5,000.00	$950.00
2573.502	STORM DRAIN INLET PROTECTION	EACH	Base Bid	8.00	$200.00	$1,600.00
2574.507	COMMON TOPSOIL BORROW	C Y	Base Bid	13.00	$30.00	$390.00
2575.501	TURF ESTABLISHMENT	LS	Base Bid	1.00	$1,000.00	$1,000.00
2575.523	RAPID STABILIZATION METHOD 3	MGAL	Base Bid	0.06	$250.00	$15.00
2582.503	4" SOLID LINE MULTI COMP GR IN	L F	Base Bid	135.00	$0.60	$81.00
2582.503	4" BROKEN LINE MULTI COMP GR IN	L F	Base Bid	130.00	$0.60	$78.00
2582.503	4" DBLE SOLID LINE MULTI COMP GR IN CONT	L F	Base Bid	667.00	$1.50	$1,000.50

2582.518	PAVT MSSG PREF THERMO GR IN	S F	Base Bid	92.00	$25.00	$2,300.00
2582.518	CROSSWALK PREF THERMO GR IN	S F	Base Bid	540.00	$15.00	$8,100.00
					Total S 4th Street Mill & Overlay	**$109,929.50**
					Total	**$109,929.50**

Certified By: Paul Sandy **License No.** 53635

Date: 4/9/19

Brainerd City Council
Agenda Request

Requested Meeting Date: April 15, 2019

Title of Item: Small Wireless Facility Design and Review Guideline Policy

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

Summary of Issue:

Attached to this request is a draft policy for Committee and Council consideration.

Alternatives, Options, Effects on Others/Comments:

Minnesota Statute 237.163 outlines the use and regulation of the public right-of-way by telecommunication users, including the deployment of small cell wireless facilities. Currently, statute exempts the City of Brainerd from allowing small cell deployment in the public right-of-way due to being served by a municipal electric utility. New federal FCC regulations have recently been deployed, and are currently being litigated on whether the FCC regulations preempt the State regulations and the exemption in Statute. Because of the FCC rules in place, and the current litigation on-going, the League of Minnesota Cities recommends that all cities, whether exempt from the deployment of small cell technology or not, put into place aesthetic requirements for small cell technology on or before April 15, 2019. These regulations manage the look of small cell facilities in the public right-of-way, give recommendations on location, and applicability to state and federal law. If the federal government prevails, then the City would be required to accommodate small cell technology in the public right-of-way, and would not be subject to the exemption in statute. This means we would not be able to strictly prohibit small cell deployment, or put undue burden upon wireless providers to locate facilities in the right-of-way. This policy helps to outline aesthetic standards, preferred deployment locations and regulations, and other limitations on small cell technology. It is important to note that we currently have 8 of these facilities in Brainerd, in which BPU has co-location agreements in place on BPU owned light poles (5 at College, 2 at High School, and 1 at Westgate Mall).

Recommended Action/Motion:

Staff recommends approval of the attached design and review guideline policy for small cell wireless facilities.

Financial Impact:

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

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

Is this budgeted? ☐ Yes ☐ No

Please Explain:

City of Brainerd, Minnesota
Small Wireless Facility Design and Review Guideline Policy

A. PURPOSE AND COMPLIANCE

The City Council of the City of Brainerd (the "City") finds that in order to protect the public health, safety and welfare of its citizens and to reasonably manage and protect the public rights-of-way (the "ROW") and its uses in the City, it is in the best interest of the City and its residents and businesses to establish Small Wireless Facility Design and Review Guidelines (the "Guidelines") to provide the aesthetic requirements and other specifications and reasonable conditions that small wireless facilities installed within the public ROW must meet prior to installation and following installation within the City. Although small wireless facilities installed outside of the ROW are not bound by these Guidelines, they may be used to inform their installations.

The objective of these Guidelines is to strike a balance between preserving and protecting the character of the City through careful design, siting, and camouflaging techniques to blend these facilities into their surrounding environment and provide other reasonable conditions upon such placement and use of the ROW, while enhancing the ability of small wireless facilities carriers to deploy small wireless facilities in the City effectively and efficiently so that residents, businesses, and visitors benefit from ubiquitous and robust wireless service availability.

These Guidelines apply to requests to locate small wireless facilities in the ROW and ongoing use of the ROW for such purposes. These Guidelines are established pursuant to Section 800 of Brainerd City Code and applicable law. These Guidelines are administered through the permitting process contained therein as conducted by the City Department of Engineering.

Placement or modification of a small wireless facilities and/or wireless support structures shall comply with these Guidelines at the time the permit for installation or modification is approved and as amended from time to time. Wireless service providers and permittees are required to comply with the Brainerd City Code.

B. AESTHETIC REQUIREMENTS

PHOTO SIMULATIONS

1. For all applications to locate small wireless facilities in the ROW, photo simulations from at least three reasonable line-of-site locations near the proposed project site. The photo simulations must be taken from the viewpoints of the greatest pedestrian or vehicular traffic. Angle of photo simulation separation must be at least 90 degrees or greater and provide a full profile depiction. Photo simulations must be included in the application packet.

SMALL WIRELESS FACILITY ANTENNAS

1. Each small wireless facility antenna ("antenna") shall be located entirely within a shroud or canister type enclosure.
2. The diameter of the antenna or antenna enclosure should not exceed the diameter of the top of the wireless support structure pole, and to the maximum extent practical, should appear as a seamless vertical extension of the pole. In no case shall the maximum diameter of the shroud be wider than one and one half times the diameter of the top of the pole. Where maximum shroud diameter exceeds diameter of the top of the pole, the shroud shall be tapered to meet the top of the pole. The enclosure shall not exceed six cubic feet in volume.
3. Mounting Location
    a. All antenna shall be mounted to the top of the wireless support structure pole, aligned with the centerline of the wireless support structure.
4. Tree "topping" or the improper pruning of trees is prohibited. Any proposed pruning or removal of trees, shrubs or other landscaping already existing in the ROW must be noted in the application and must be approved by the City.

CABLES AND WIRES

1. All cables, wires and connectors related to the small wireless facility must be fully concealed on the wireless support structure and shall match the color of the wireless support structure. There shall be no external cables and wires related to the small wireless facility hanging off or otherwise exposed on the wireless support structure.

COLORS

1. All colors shall match the background of any wireless support structure that the facilities are located upon. In the case of existing wood poles, finishes of conduit shall be zinc, aluminum or stainless steel, or colored to match those metal finishes and equipment cabinets shall be the color of brushed aluminum. Ground mounted equipment cabinets shall be the color of brushed aluminum.

EQUIPMENT ENCLOSURES/CONCEALMENT

1. Equipment enclosures, including electric meters, shall be as small as possible. Ground- mounted equipment shall incorporate concealment elements into the proposed design matching color and materials of the wireless support structure unless other materials or colors are approved by the City. Concealment may include, but shall not be limited to, landscaping, strategic placement in less obtrusive locations and placement within existing or replacement street furniture.

2. Radio equipment shall be fully enclosed within an equipment cabinet or concealed within the antenna shroud enclosure matching color and materials of the wireless support structure unless other materials or colors are approved by the City.

3. Landscape screening should be provided and maintained around exterior equipment enclosures unless otherwise approved by the City. The planting quantity and size should be such that 100% screening is achieved within two years of installation.

SIGNAGE/LOGOS/LIGHTS/DECALS/COOLING FANS

1. Signage: The small wireless facility operator/permittee shall post its name, location identifying information, and emergency telephone number in an area on the cabinet of the small cell facility that is visible to the public. Signage required under this section shall not exceed 4 inches x 6 inches, unless otherwise required by law (e.g. RF ground notification signs) or the City. If no cabinet exists, the signage shall be placed at the base of the pole.

2. Lights: New small wireless facilities and wireless support structures shall not be illuminated, except in accord with state or federal regulations, or unless illumination is integral to the camouflaging strategy such as design intended to look like a street light pole.

3. Logos/Decals: The small wireless facility operator/permittee shall remove or paint over unnecessary equipment manufacturer decals. The color shall match or shall be as approved by the City. Small wireless facilities and wireless support structures shall not include advertisements and may only display information required by a federal, state or local agency. The small wireless facility operator/permittee shall utilize the smallest and lowest visibility radio-frequency (RF) warning sticker required by government or electric utility regulations. Placement of the RF sticker shall be as close to the antenna as possible.

4. Cooling Fans: In residential areas, the small wireless facility operator/permittee shall use a passive cooling system. In the event that a fan is needed, the small wireless facility operator/permittee shall use a cooling fan with a low noise profile.

EXAMPLE ACCEPTABLE VS UNACCEPTABLE SMALL CELL INSTALLATION ON LIGHT POLES

Unacceptable

Acceptable

C. LOCATION REQUIREMENTS

MOST PREFERABLE LOCATIONS

The following are the most preferred areas for new small wireless facilities in the order of preference (1 being most preferable):

1. *Industrial Districts* if not adjacent to a park, residential district or historic district.

2. *Highway Rights of Way* areas if not adjacent to a park, residential district or historic district.

3. *Retail and Commercial Districts* if not adjacent to a park, residential district or historic district.

COLLOCATION PREFERENCE

It is the City's strong preference that whenever an applicant proposes to place a new small wireless facility that the applicant collocate the same on existing wireless support

structures.

LEAST PREFERABLE LOCATIONS

The following are the least preferred areas for new small wireless facilities in the order of preference (3 being least preferable).

1. *Residential Districts*
2. *Parks*
3. *Historic Districts*

CONSIDERATION OF ALTERNATE LOCATIONS

The City reserves the right to propose an alternate location for a small wireless facility and/or wireless support structure to the one proposed in the application within one hundred feet of the proposed location or within a distance that is equivalent to the width of the ROW in or on which the small wireless facility and/or wireless support structure is proposed, whichever is greater, which the operator shall use if it has the right to use the alternate location on reasonable terms and conditions and the alternate location does not impose technical limits or additional costs.

GUIDELINES ON PLACEMENT

The City desires to promote cleanly organized and streamlined facilities using the smallest and least intrusive means available to provide wireless services to the community.
Generally, a small wireless facility and/or wireless support structure shall match and be consistent with the materials and finish of the wireless support structure, adjacent City poles, and of the surrounding area adjacent to their location. In the absence of adjacent City poles, the wireless support structure shall match the materials and finish of the adjacent utility poles.

Small wireless facilities are strongly discouraged from locating within the historic downtown district and more specifically Laurel Street from S 6th Street to S 8th Street, Front Street from S 6th Street to S 8th Street, Maple Street from S 6th Street to S 8th Street, S 7th Street from Maple Street to Front Street, and S 8th Street from Maple Street to Front Street.

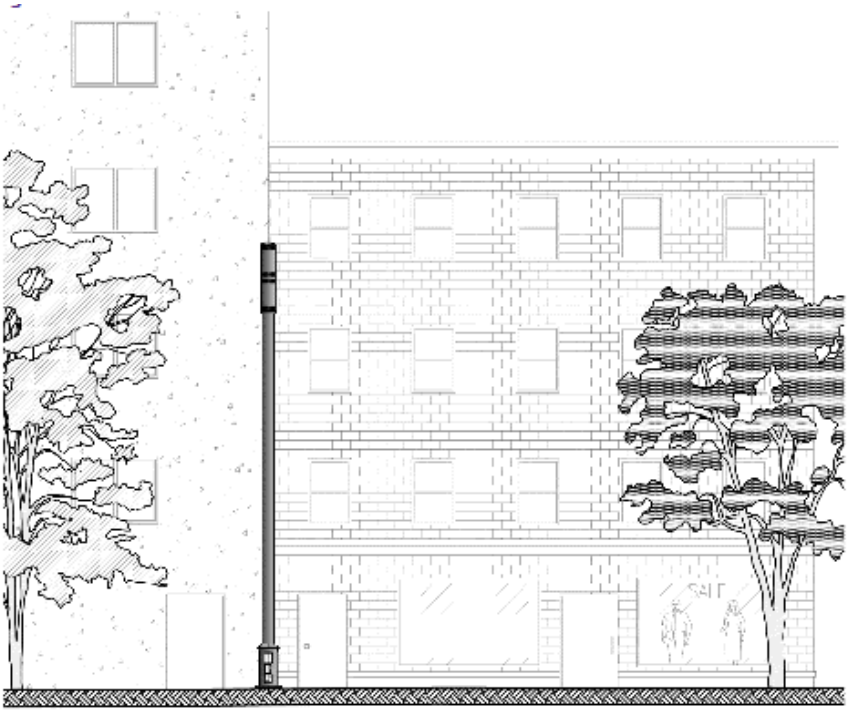
The following additional guidelines on placement shall apply:

1. Small wireless facilities and wireless support structures shall be located no closer than 250 feet away, radially, from another small wireless facility and wireless support structure.

2. A combination wireless support structure and streetlight pole should only be located where an existing pole (typically Brainerd Public Utilities) can be removed and replaced, or at a new location where it has been identified that a streetlight is necessary.
3. In a manner that does not impede, obstruct, or hinder usual public pedestrian or vehicular travel or public safety on a ROW.
4. In a manner that does not obstruct the legal use of a ROW by a utility provider.
5. In a manner that does not violate or conflict with the City's ROW Code, Chapter 800 or these guidelines.
6. In a manner that does not violate the federal Americans with Disabilities Act.
7. In a manner that does not negatively impact the structural integrity of the associated wireless support structure.
8. In alignment with existing trees, utility poles, and streetlights.
9. Equal distance between trees when possible, with a minimum of 15 feet separation such that no proposed disturbance shall occur within the critical root zone of any tree.
10. With appropriate clearance from existing utilities.
11. So as not to be located along the frontage of a Historic building, deemed historic on a federal, state, or local level.
12. Not within sight triangles at street intersections.

Example of Acceptable Location Between Residential Homes

Example of Acceptable Location Between Commercial Buildings



D. LIMITATIONS

While the City fully intends to have small cell facilities meet these guidelines established in this policy, there may be times when not every specific guideline may be met. In these cases, City Staff will use these guidelines in approval of small cell wireless permit applications.

E. EFFECTIVE DATE OF POLICY

This Policy will be effective as of April 15, 2019. Modifications of the Policy will be effective on the date said modifications are approved by the City Council.

Brainerd City Council
Agenda Request

Requested Meeting Date: April 15, 2019

Title of Item: Tax Forfeit Non-Conservation Parcels

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

Summary of Issue:

Attached is a notice staff received from Crow Wing County regarding four parcels within the City of Brainerd that are tax-forfeited and Crow Wing County is asking if the City would like to hold these parcels in conservation for purchase by the City for public use.

Alternatives, Options, Effects on Others/Comments:

This is a standard process that Crow Wing County goes through pursuant Minnesota Statute 282.01. If the City wishes to not hold these parcels in conservation, staff will return a letter stating so with any assessments on the parcel and all zoning information regarding the parcels. Staff sees no benefit at this time in obtaining these parcels for future public use. We would typically hold parcels in conservation if we foresee future public use, such as stormwater retention, local trail or sidewalk connections, or other public spaces.

Recommended Action/Motion:

Staff recommends agreeing with the non-conservations status of these parcels and authorizing Crow Wing County to sell these parcels once the said tracts are listed as "non-conservation".

Financial Impact:

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

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

Is this budgeted? ☐ Yes ☐ No

Please Explain:

CROW WING COUNTY
MINNESOTA

Land Services Department
218-824-1010

322 Laurel Street
Brainerd Minnesota 56401

RECEIVED
MAR 25 2019
CITY OF BRAINERD
ADMINISTRATION

March 21, 2019

Cassandra Torstenson
City of Brainerd
501 Laurel St
Brainerd, MN 56401

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

Dear Ms. Torstenson:

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

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

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

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

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

Maps have been enclosed to aid in your review.

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

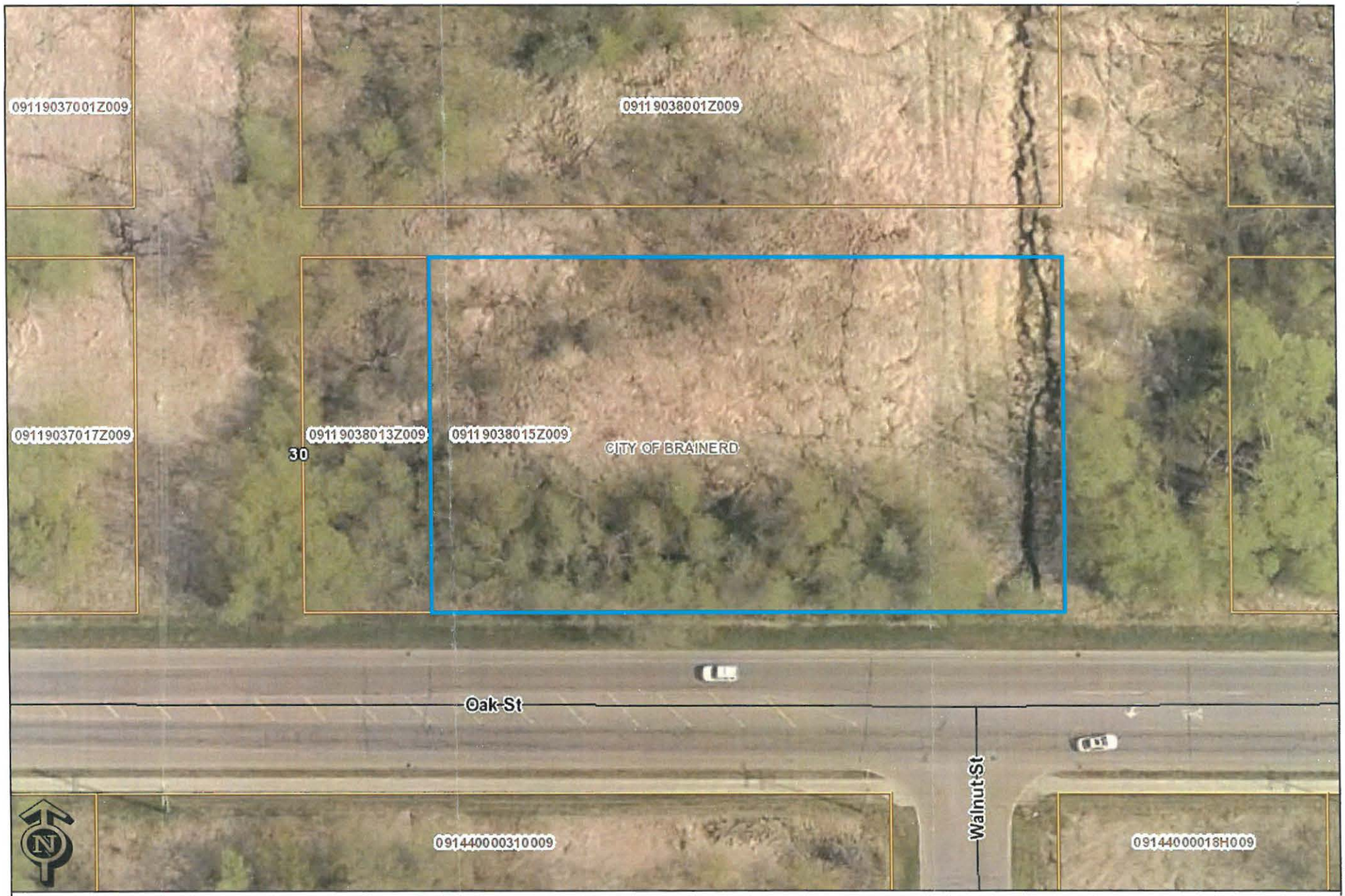
Sincerely,

Heather Becker

Heather Becker
Assessment Specialist

Enclosures

CITY OF BRAINERD								
Tract	Description	Approx. Lot Size (acres)	RE Code(s)	Remarks	Specials	Judgement Year	Forfeited	Zoning
	LOTS 15 THRU 24 BLOCK 38 INCLUSIVE. EX. HWY., CUYUNA RANGE ADDITION TO BRAINERD	0.80	09119038015Z009			2014	9/13/2018	
	W. 60 FT OF E. 180 FT OF THE N. 300 FT OF THAT PART OF TRACT 15, EXCEPT THE N. 150 FT THEREOF., HOLLAND'S FIRST ADDITION TO THE CITY OF BRD	0.21	09143000015M009			2014	9/13/2018	
	LOTS 19 THRU 24 INCL BLOCK 77 & PT OF N1/2 OF ADJ VACATED MAPLE STREET, TOWN OF BRAINERD & FIRST ADDITION TO BRAINERD	0.52	09196077019Z009			2012	9/13/2018	
	LOT 5 BLOCK 3, SERENE PINES	0.46	092820030050009			2014	9/13/2018	
	LOT 7 BLOCK 20, FARRAR AND FORSYTH'S FIRST ADDITION TO BRD	0.16	091280200070009			2014	9/13/2018	
	LOT 5 BLOCK 29 & ALSO THE W. 7 FT OF THE ADJACENT VACATED 12TH AVE NE, ST. PAUL ADDITION TO THE CITY OF BRAINERD	0.15	09188029005Z009			2012	9/13/2018	
	LOTS 15 & 16 BLOCK 7, SECOND ADDITION TO BRAINERD	0.16	09174007015Z009			2012	9/13/2018	

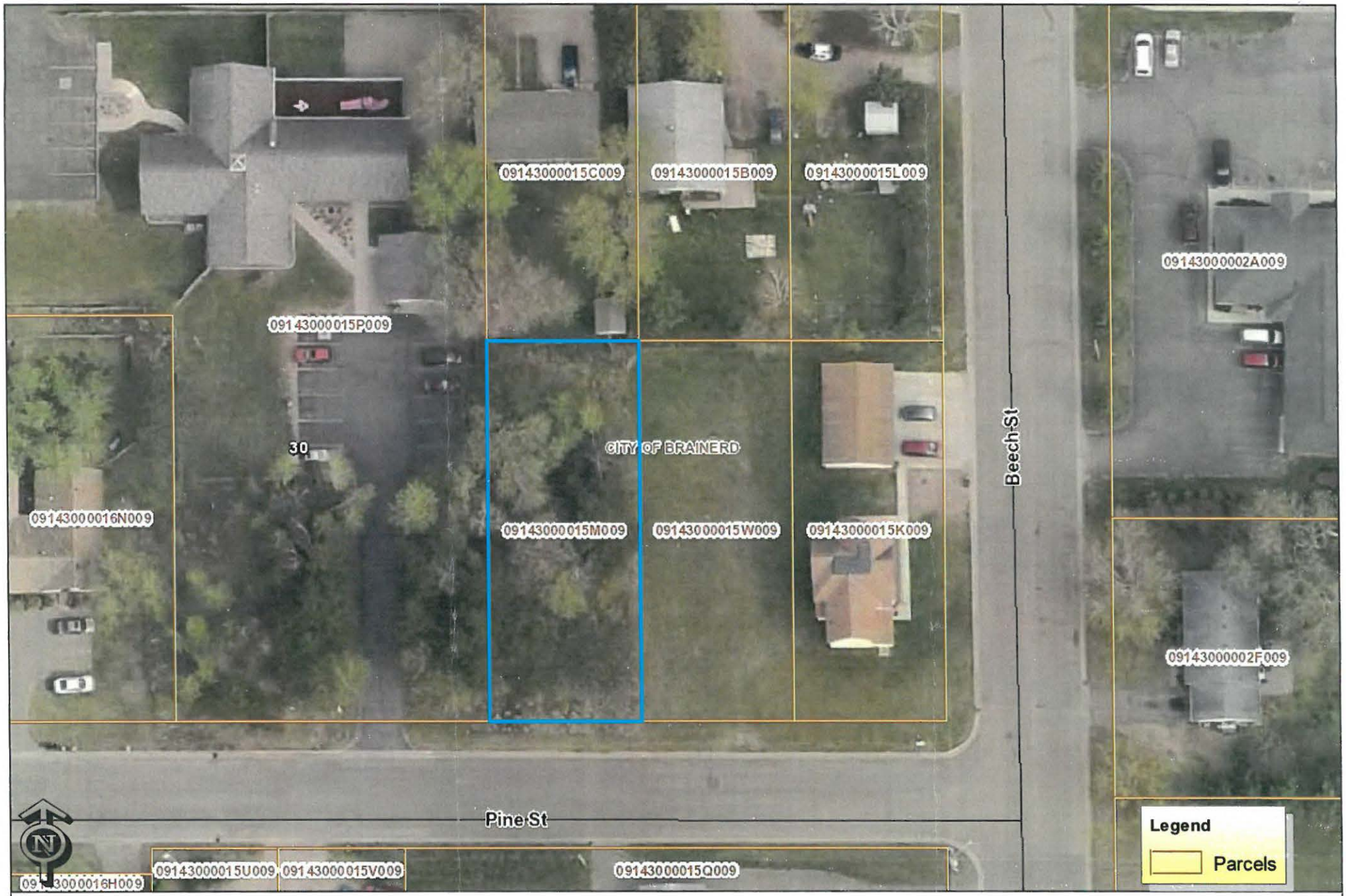


These data are provided on an "AS-IS" basis, without warranty of any type, expressed or implied, including but not limited to any warranty as to their performance, merchantability, or fitness for any particular purpose.

09119038015Z009

CROW WING COUNTY MINNESOTA

Date: 3/22/2019 Time: 10:26:28 AM

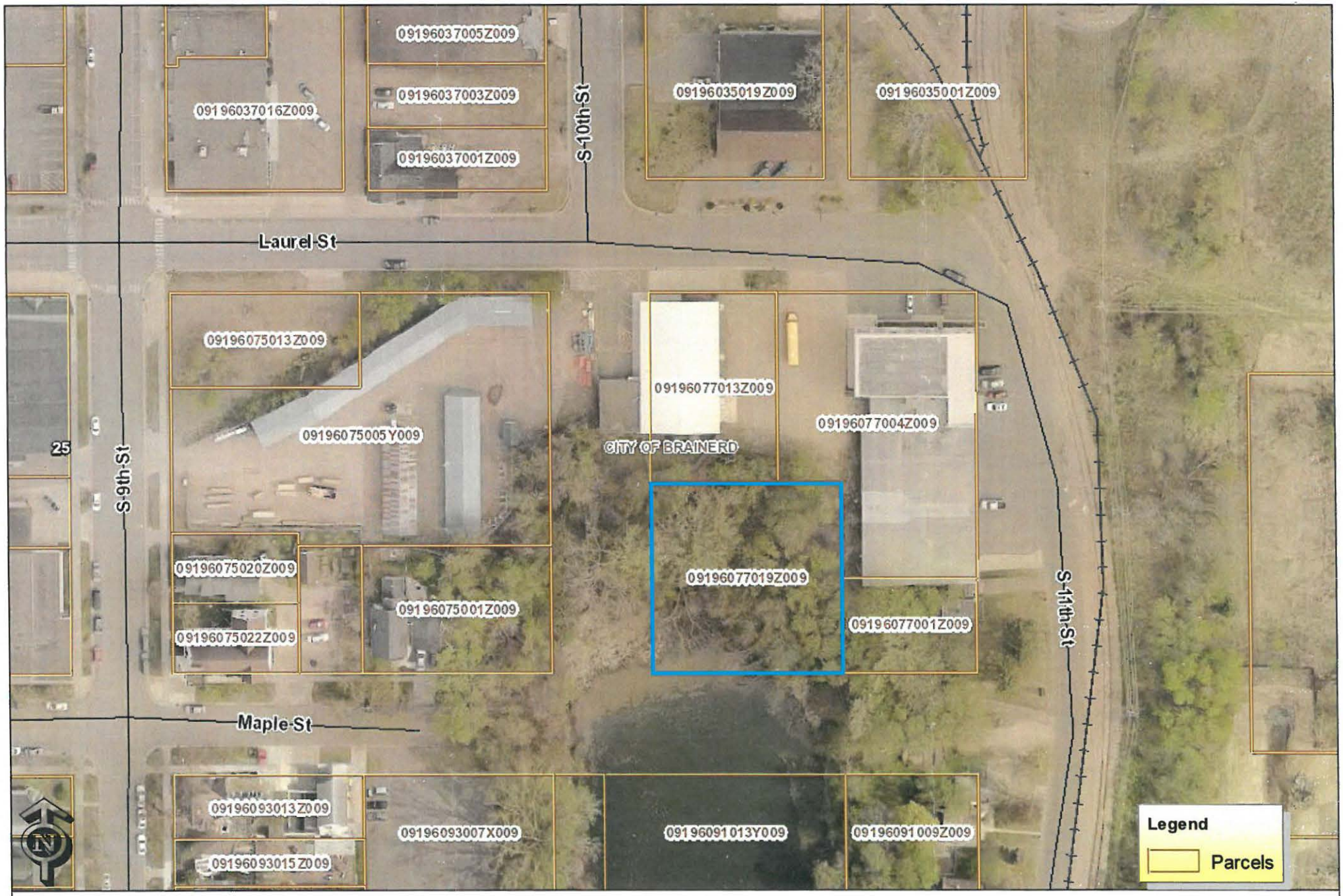


These data are provided on an "AS-IS" basis, without warranty of any type, expressed or implied, including but not limited to any warranty as to their performance, merchantability, or fitness for any particular purpose.

09143000015M009

CROW WING COUNTY MINNESOTA

Date: 3/22/2019 Time: 10:27:21 AM



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09196077019Z009

CROW WING COUNTY MINNESOTA

Date: 3/22/2019 Time: 10:29:11 AM

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092820030050009

CROW WING COUNTY MINNESOTA

Date: 3/22/2019 Time: 10:30:10 AM

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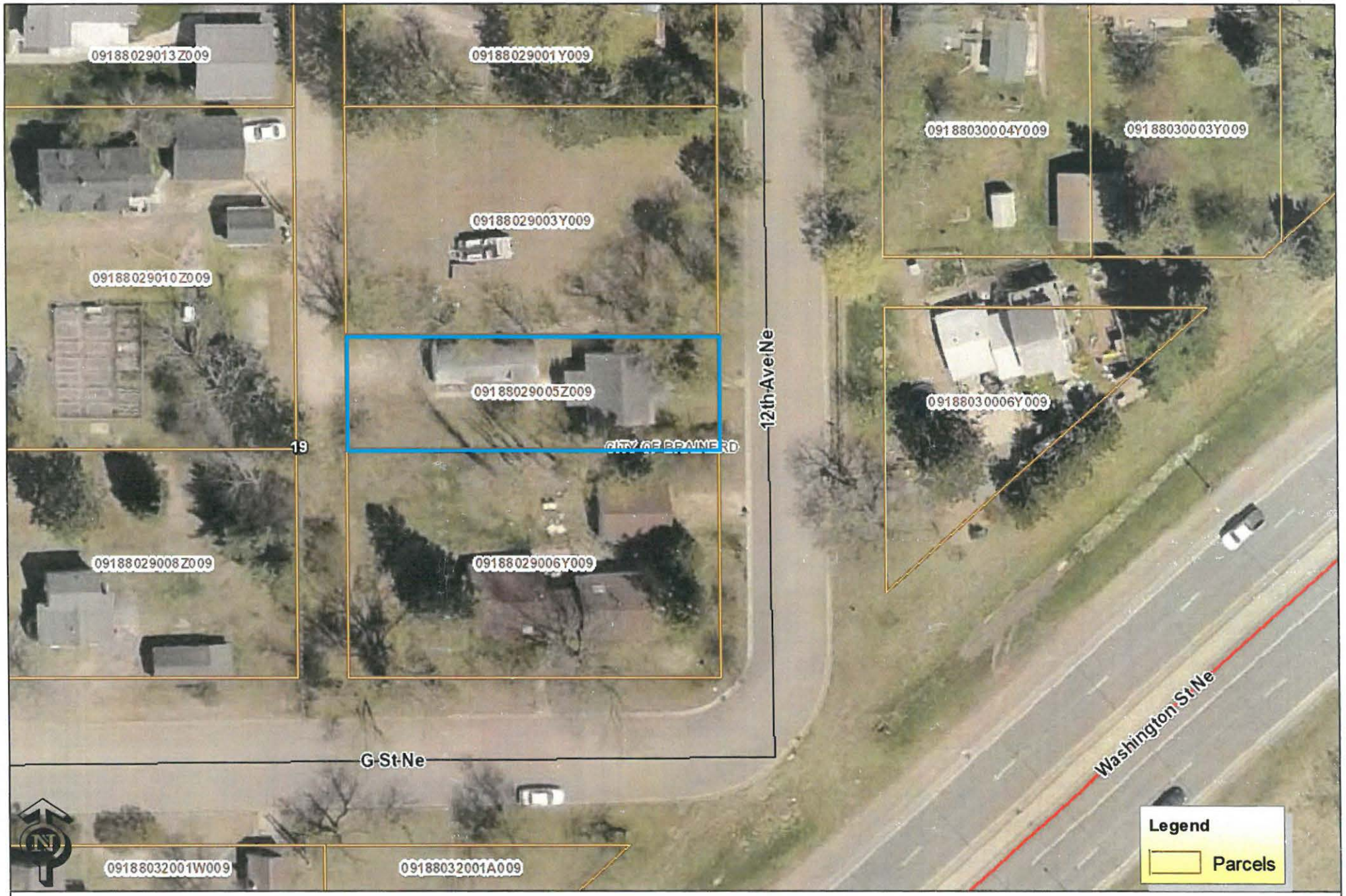
091280200070009

CROW WING COUNTY MINNESOTA

Date: 3/22/2019 Time: 10:30:51 AM



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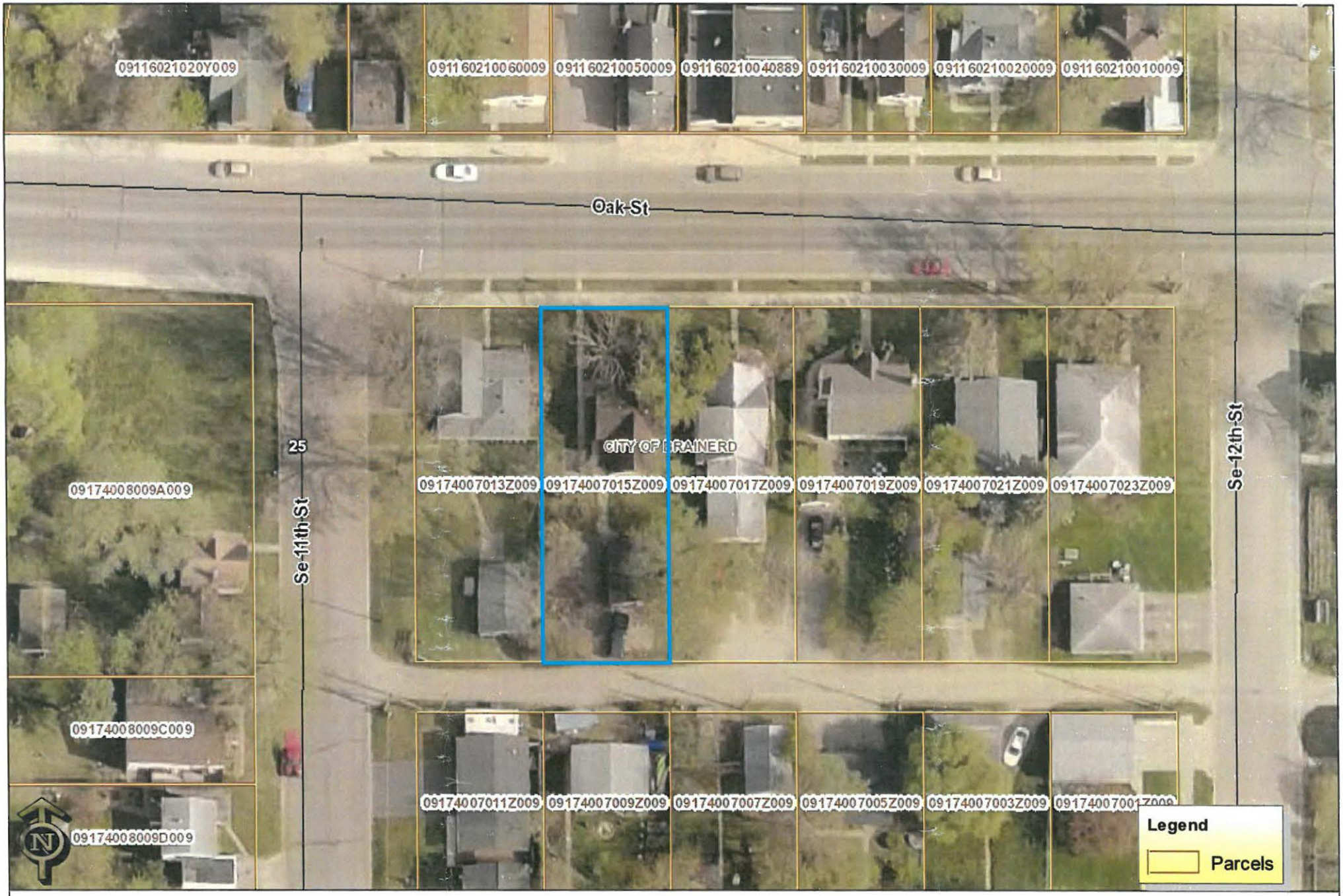
09188029005Z009

CROW WING COUNTY MINNESOTA

Date: 3/22/2019 Time: 10:31:48 AM



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09174007015Z009

CROW WING COUNTY MINNESOTA

Date: 3/22/2019 Time: 10:32:45 AM

CITY OF BRAINERD
PERSONNEL AND FINANCE COMMITTEE
AGENDA

April 15, 2019
City Hall Conference Room
7:00 PM

1. Approval of Bills

2. Transit Operations Specialist

3. Brainerd Historic Water Tower Rehabilitation Proposal for Engineering Services – Design and Construction Engineering

4. Request to Hire Police Officers

5. Wage Adjustment for Community Service Officers (CSO)

6. 2019 Wage Adjustments for Paid on Call Firefighters

Brainerd City Council
Agenda Request

Requested Meeting Date: April 15, 2019

Title of Item: Transit Operations Specialist

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☑ P&F COMMITTEE ☐ SPW COMMITTEE ☐ MAIN AGENDA	**Action Requested:** ☑ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1st Reading **provide copy of published hearing notice*
Submitted by: City Engineer Sandy	**Department:** Engineering/Transit
Presenter (Name & Title): Finance Director Hillman and Transit Coordinator Stone	**Estimated Time Needed:** 10 Minutes

Summary of Issue:

Attached you will find a memo and a bevy of information as it relates to the Transit Operations Specialist position.

Alternatives, Options, Effects on Others/Comments:

I have attached a memo in which outlines the position and how we have come to this point, financial analysis, and operating agreement amendments. Staff will be available to walk through with the committee and council to discuss the position.

Recommended Action/Motion:

Staff recommends approval of the attached position and posting of the Transit Operations Specialist position with a possible hire date of July 1, 2019. This position was approved by the Transportation Advisory Committee with 4-0 with one member absent.

Financial Impact:

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

What is the total cost, with tax and shipping $ see attached

Is this budgeted? ☐ Yes ☑ No

Please Explain: Not currently budgeted, but is an eligible expense for reimbursement with the reduction of local operating share through MnDOT FY 2019.

M E M O

TO: Personnel and Finance Committee

FROM: Paul Sandy, City Engineer

DATE: April 10, 2019

SUBJECT: Transit Operations Specialist

Through the recent months and throughout the wage study that was performed, staff has been developing a job description and provided the position to the wage consultant to place the position on the wage grid. With recent occurrences within the transit system, staff came forth to the Transit Advisory Committee with a recommendation to hire for the new position of Transit Operations Specialist, which would be an assistant to the Transit Coordinator. This memo will help to outline how we got to this point, and how the addition of this position is of a huge benefit to the transit system at a financially net-zero cost to the transit system in future years.

Job Description Development

The conversation about an assistant to the transit coordinator has been discussed through the years and has more recently come to the forefront with the City wage study. In order to set up the position for inclusion in the future, Engineering, Human Resources, and Transit staff formulated a job description for a specialist whose tasks would relate to the daily operations and dispatch of the transit system and oversight of the 3rd party contractor operations. This position would also include verifying end of day fares including cash, tickets, tokens, and voucher rides, verifies data for reporting requirements based on FTA requirements, provides service as a stand in dispatcher when the full-time dispatcher becomes overloaded, and assists the transit coordinator with any other tasks as they relate to the operations of transit. This position was determined to be comparable to the Accounts Payable/Administrative Specialist Position in the Administration Department. With the development of the job description and placement on the grid, the position was set up for when the position made sense to incorporate into the grant agreement with the State of Minnesota. The job description can be seen attached to this memo.

Transit 5-Year Plan Development

In the recent months, staff and Transit Advisory Committee members have been in development with the State of Minnesota of a 5-Year Operation and Capital Transit Plan. This plan, when completed, will assist the transit department on priorities and goals in the next 5-years for the transit system. Through the planning process, TAC members and staff were led through a design and priority process at a workshop in which staff and TAC members outlined and prioritized goals for the transit system over the next 5-years. Through this process, the

committee of TAC members, staff, and consultants concluded that many of the goals are dependent on assistance in the department. The Transit Coordinator currently spends most of his time on daily operations and follow-up on previous day duties. The Minnesota Department of Transportation has indicated that they would like to see as much as 40-50% of the Transit Coordinator's time in the field obtaining ridership and promoting/advertising the transit system. This addition would allow for the coordinator to get away from daily operations frequently to help promote public transit as an asset to the community. Being that the transit system is a 6am – 6 pm service, the Transit Coordinator must frequently work overtime because non-city staff are in the City Hall, and many times the system needs decision making past regular City Hall business hours. The Transit Operations Specialist will help to relieve the frequent overtime of the Transit Coordinator and provide for good succession planning in the event of retirements. The addition of this position aligns with the goals and priorities of the 5-year plan, and the goals of a regional transit system the Transportation Advisory Committee has established. This addition will also assist with dispatching when critical call mass is coming through to City Hall. There are as many as 300 missed calls a day by the transit system because of only having one dispatcher in service. While many of these calls are the "where's my bus?" calls, there are most certainly some of them that may be people in need of rides. The dispatch function of this position will help to alleviate that pressure at critical ride times during the day. The draft goals and priorities that will be included in the 5-year plan are attached to this memo.

2019 Transit Operating Agreement Amendment

Staff received notice that a one-time, state-wide reduction in local share will be available in the 2019 grant cycle. Typically, 85% of the transit operational expenses come from State and Federal funds. With this reduction in local share, the State and Federal share will become 95% for fiscal year 2019. This releases around $100,000 to be used on eligible expenses to the transit system. This is a prime opportunity to add this position as a net zero to the transit system for year 2019. A financial analysis for the year 2019 is provided attached to this memo and was prepared by the Finance Director and will be available to be explained to the committee and council. MnDOT is in full support of the position in the 2020 grant cycle, in which 85% of the new position would be covered through the award of State and Federal funds. The award letter for the reduction is also attached to this memo. The addition of this position is net zero in 2019, and with the increased time and effort into promotion of the transit system and the agreements with Crow Wing County, the City of Baxter, and the City of Pine River, staff is certain that this new position can be covered at net zero in future years. I have attached a memo provided by the Finance Director that was provided to the TAC as it relates to estimated fiscal impacts past year 2019. We estimate, without any extra rides or revenues, that the transit system would need to come up with about $10,000/year to cover the position, based on the 2019 benefit costs. With consideration given to agreements with Crow Wing County, Baxter, and Pine River, the Brainerd share of this $10,000 is approximately $4,600. This equates to an additional 14 rides/day for Brainerd service.

Conclusion

This additional position was extremely well vetted by the Transportation Advisory Committee both at their regular meeting in February and special meeting in March. The TAC unanimously approved the position to move forward to consideration at the Council on a 4-0 vote with one member absent. This additional position will provide many benefits to the transit system over time at a net-zero cost to the system in 2019 and future years, while also providing for potential succession planning in that department and the opportunity to become a more regional transit service that serves outside the boundaries of Crow Wing County. With the additional funds being allocated by MnDOT, this is a prime opportunity to implement the position so that the new grant agreement FY 2020 can be drafted.

Line #	Line Item Name	85/15	95/5	
1000	Personnel	101,930	101,930	
1100	Administrative	62,061	62,061	
1200	Vehicle	247,097	247,097	
1300	Operations	698,611	698,611	
1400	Insurance	28,689	28,689	
1500	Taxes & Fees	950	950	
1590	Refunds	(12,138)	(12,138)	
	Operating Expenses	**1,127,200**	**1,127,200**	Only allocated funding on $1,111,000; difference of $16,200 - 85% of $1,111,000 = $944,350
	$1,111,000 * 85%=$944,350	944,350	1,055,450	$1,111,000 * 95% = $1,055,450
	$1,127,200 - $944,350	182,850	71,750	$1,127,200 - 1,055,450 = $71,750
2000	Operating Revenues	168,702	168,702	
	City Gain/(Loss)	**(14,148)**	**96,952**	$168,702 - $71,750 = $96,952

Line #	Line Item Name	Updated Budget Budget
1000	Personnel	145,504
1100	Administrative	62,061
1200	Vehicle	247,097
1300	Operations	698,611
1400	Insurance	28,689
1500	Taxes & Fees	950
1590	Refunds	(12,138)
	Operating Expenses	**1,170,774**
		1,055,450
	$1,170,774 - $1,055,450=	115,324
2000	Operating Revenues	168,702
	City Gain/(Loss)	**53,378**

MEMO

TO: Andy Stone, Transit Coordinator
Paul Sandy, City Engineer

FROM: Connie Hillman, Finance Director

DATE: March 18, 2019

RE: Cost of Hiring a Transit Assistant

This memo is to address the estimated cost to the transit department of hiring an additional staff member. To estimate the cost, it was assumed that the position would be paid similar to the City's Accounts Payable/Administrative Specialist and would start around July 1, 2019.

The 2019 budget personnel cost, ***before*** adding the new position was $101,931 (Transit Coordinator and 20% of the Accounts Payable/Administrative Specialist). 85% of transit is funded by grants, so the local share is 15% or $15,290.

With the assumption of the new employee starting around July 1st, the settlement of union contracts, health care costs etc., the estimated personnel cost for 2019 would be $143,971. For 2019 only, 95% of the funding would come from grants, so the local share is estimated to be 5% or $7,199. The position is would be covered for 2019.

Assuming the new position would be all year and lowering the AP/Administrative Specialist position to 5% instead of 20%, the estimated personnel cost would be $143,895. The normal grant funding amount is 85% making the local share $25,393 (15%). As a result, it is estimated the local share would be approximately $10,000. Based on the current Coop percentages the additional cost split would be:

Brainerd (46%)	$4,648
Baxter (12%)	1,212
Crow Wing County (35%)	3,536
Pine River (7%)	707
Total	$10,103

Please feel free to contact me if you have any questions.

AMENDMENT #1 2019 Public Transit Participation Program Operating Grant Agreement Contract #1032517:

Contract Start Date:	January 1, 2019	Original Contract Amount:	$1,111,000.00
Orig. Contract Exp. Date:	December 31, 2019	Prev. Amendment(s) Total:	N/A
Amended Exp. Date		Current Amendment Amount:	N/A
		Current Contract Total	$1,111,000.00

Project Identification :	2019 Public Transit Participation Program Operating Grant Agreement #1032517		
State Project (SP):		Trunk Highway #:	N/A
CFDA # :	20.509		

This amendment is by and between the State of Minnesota, acting through its Commissioner of Transportation ("STATE") and City of Brainerd, a governmental agency ("RECIPIENT").

Recitals

1. The STATE has a contract with RECIPIENT identified as MnDOT 1032517 ("Original Contract") to administer state financial assistance for transit operations under the Public Transit Participation Program under Minnesota Statutes, Section 174.24, and to administer federal financial assistance under the Federal Transit Administration (FTA) Section 5311 Rural Area Formula Grants Program.

2. This Amendment #1 is to revise Exhibit I to reduce the local share percentage by 10 percent and increase the State funding share. This adjustment will be reflected on the revised *Financial Assistance and Payment Schedule*, Exhibit IA.

3. The STATE and the RECIPIENT are willing to amend the Original Contract as stated below.

Contract Amendment

In this Amendment #1 deleted contract terms will be ~~struck out~~ and the added contract terms will be underlined.

REVISION 1. Clause 2.2.1. **"Local Share of Operating Costs"** is amended as follows:

> RECIPIENT will provide a Local Share in an amount as indicated in ~~Exhibit I~~, Exhibit IA, *Financial Assistance and Payment Schedule,* which is attached and incorporated into this Grant Agreement.

REVISION 2. Clause 3.2.2. **"State Funding and Payment Schedule"** is amended as follows:

> Payments will be made based on RECIPEINT's compliance of Clause 2.5.2 of this Grant Agreement. State will fund RECIPIENT on a quarterly basis. The payment schedule is attached and incorporated into this Grant Agreement as ~~Exhibit I~~ Exhibit IA, *Financial Assistance and Payment Schedule.*

REVISION 3. Clause 3.2.4. **"Payment of Federal Share of Operating Costs"** is amended as follows:

Payments will be made based on RECIPEINT's compliance of Clause 2.5.2 and 2.6 of this Grant Agreement. State will pay RECIPIENT the federal share of operating costs based on the percentage of the operating deficit provided in ~~Exhibit I~~ Exhibit IA, *Financial Assistance and Payment Schedule*.

The terms of the Original Contract are expressly reaffirmed and are incorporated by reference. Except as amended herein, the terms and conditions of the Original Contract and all previous amendments remain in full force and effect.

THE BALANCE OF THIS PAGE HAS BEEN INTENTIONALLY LEFT BLANK.

GRANTEE

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

By: Cassandra Tasten

Title: City Administrator

Date: 3/5/19

AND

By:

Title: Mayor

Date: 3/4/19

2. STATE ENCUMBRANCE VERIFICATION

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

Signed: Tina Skala Digitally signed by Tina Skala Date: 2019.02.27 16:39:07 -06'00'

Date: _____

PO No.: 3000442401

3. DEPARTMENT of TRANSPORTATION

By: _____

Title: Office Director or Designee, Office of Transit and Active Transportation

Date: _____

4. OFFICE of FINANCIAL MANAGEMENT – GRANT UNIT

By: _____

Title: Agency Grant Supervisor/OR Designee

Date: _____

5. OFFICE of CONTRACT MANAGEMENT

By: _____

Title: MnDOT Contract Administrator

Date: _____

2019 Financial Assistance and Payment Schedule MnDOT Contract No. 1032517

Legal Name	**City of Brainerd**
Contract Number	**Amendment #1 to # 1032517**
Contract Type or Program	**5311- Operating**

Operating Cost	
Total Operating Cost	$1,111,000.00
Statutory %	5%
Local Share Amount	$55,550.00
Federal Share (Based on Quarterly Installments)	
Total Operating Cost	$1,111,000.00
Operating Revenue Amount	$169,000.00
Operating Deficit Amount	$942,000.00
Federal %	24.50
Federal Share Amount	$230,790.00
State Share	
Total Operating Cost	$1,111,000.00
Local Share Amount	$55,550.00
Federal Share Amount	$230,790.00
Total State Share Amount	$824,660.00

Payment of State Funds		
	Due Date By	**Total Amount**
1st	1/31/2019	$178,390.00
2nd	4/30/2019	$233,940.00
3rd	7/31/2019	$206,165.00
4th	10/31/2019	$206,165.00

EXHIBIT IA

RESOLUTION
NO. 36:18

A RESOLUTION AUTHORIZING AN AGREEMENT WITH THE STATE OF MINESOTA TO PROVIDE PUBLIC TRANSPORTATION SERVICES IN THE YEAR 2019

WHEREAS, the City of Brainerd entering into an Agreement with the State of Minnesota to provide public transportation services in Crow Wing County and selected areas of Cass County in 2019; and

WHEREAS, the City of Brainerd agrees to provide a local share of 15 percent of the total operating cost and 20 percent of the total capital costs; and

WHEREAS, the City of Brainerd agrees to provide 100 percent of the local share necessary for expenses that exceed available funds from the State; and

WHEREAS, that the persons authorized to submit Requests for Funds (RFFs) to the State of Minnesota are the Transit Coordinator and the Accounts Payable Administrative Specialist; and

NOW, THEREFORE, BE IT RESOLVED, that the City of Brainerd authorizes the Mayor and the City Administrator to execute the aforementioned Agreement and any amendments thereto.

Adopted this 4th day of June, 2018

DAVID J. PRITSCHET
President of the Council

Approved this 5th day of June, 2018

EDWIN L. MENK
Mayor

ATTEST: Cassandra Tarstenson
CASSANDRA TORSTENSON
City Administrator

Office of Transit and Active Transportation
395 John Ireland Blvd. Mail Stop 430
St. Paul, MN 55155

Notice of MnDOT Project Award Amendment

Public Transit Operating Grant
City of Brainerd
Section 5311 - Rural Transit Assistance

February 20, 2019

The Minnesota Department of Transportation (MnDOT) Office of Transit and Active Transportation has approved a one-time across-the-board 10% reduction in the local share required for your 2019 Public Transit Operating Grant. See the following amended project award:

Award is made to:	**Program Contact:**
City of Brainerd 501 Laurel Street Brainerd MN 56401-3595 DUNS: 19 604 6221	Anders Stone, Transit Coordinator 501 Laurel Steet Brainerd, MN 56401 Phone: (218) 454-3413 Email: astone@ci.brainerd.mn.us

Authorized Officials	
Edwin Menk 501 Laurel Street Brainerd, MN 56401 Phone: (218) 829-7266 Email: emenk@ci.brainerd.mn.us	Cassandra Torstenson 501 Laurel Street Brainerd, MN 56401 Phone: (218) 454-3403 Email: ctorstenson@ci.brainerd.mn.us

FUNDING PROGRAM: Section 5311 - Rural Transit Assistance						
Award Period Start:	1/1/2019		**Award Period End:**		12/31/2019	
Project Name	**Total Operating Cost**	**Estimated Operating Revenue**	**Estimated Operating Deficit**	**5% Local Share**	**Federal Funds**	**State Funds Awarded**
Operating Assistance	$1,111,000	$169,000	$942,000	$55,550	$230,790	$824,660

Federal Funding and Coordination Information (if applicable)	
Federal Award Source:	MnDOT FTA Award Identification Number (FAIN) MN-2018-016
CFDA Number of Federal Funds Source:	20.509
Metropolitan Planning Organization (MPO) :	Not Applicable

Again, congratulations on this amended award. If you have any questions please contact your MnDOT Office of Transit and Active Transportation Project Manager or Implementation Supervisor:

Darrell Washington, Implementation Supervisor
395 John Ireland Blvd
St. Paul, MN, 55155
Phone: (651) 366-4183
Email: darrell.washington@state.mn.us

Best Regards,

Victoria Nill
Director, Office of Transit and Active Transportation

cc: Tom Gottfried, Implementation and Finance Section Director
Tim Mitchell, Planning and Programs Section Director
Michael Johnson, Programs Unit Supervisor
Darrell Washington, Implementation Supervisor

Need	Priority Level	Description	Rationale
1. One 0.5 FTE[1] for a Transit Operations Assistant	High	Staff to assist in all aspects of agency operations, planning, and marketing	Agency is understaffed currently, some functions cannot be prioritized without additional support, support needed to implement tools to improve performance that the agency already has
2. One 0.5 FTE for a second dispatcher during peak hours	High	Dispatcher to more quickly schedule rides	Riders currently have difficulty reaching the single dispatcher; agency currently has about 300 missed calls per day.
3. Redesign the Express Route	High	Redesign Express Route to meet rider needs	Identify stops based on ridership and demand and adjust timetable to improve accuracy
4. Signage at all Express Route stops	High	Installation of signs at all locations along Express Route[3]	Prevent confusion for new or non-regular riders, enhance community awareness of the service
5. Rebranding	High	Create new name, logo, and brand for the agency	Modernize agency brand
6. Print marketing materials	High	Develop and print updated route maps and other printed materials	Update materials to reflect Express Route changes, familiarize public with new agency brand
7. Marketing at local events	High	Attend community events such as County Fair	Enhance community awareness of the service
8. Social media presence and activities	High	Create social media accounts and keep updated - also possible social media ads	Keep riders updated on changes, enhance community awareness of the service
9. Three shelters for Express Route stops	Medium	Installation of shelters at three locations[7]	Enhance rider comfort, enhance ridership and community awareness of the service
10. New mobile application	Medium	New mobile application to streamline dispatch	Improved customer experience, reduce labor costs, real-time communication with riders regarding vehicle arrival time.
11. Expand DAR service hours	Medium	Provide additional DAR service – additional vehicle running from 4:30-6pm, one bus remaining in service until 8pm[9]	Address high levels of demand for rides in the evening peak, particularly people getting home from work, and satisfy evening demand

[1] Needs 1 and 2 are expected to be fulfilled by the same individual.
[3] Assumes property owners, where necessary, provide permissions.
[7] The possible locations include 13th&Oak, Northern Pacific Center, and Industrial Park. [contingent upon final Express Route design]
[9] Possibly as late as 10pm, eventually, if demand justifies it.

12. Additional vehicle	Medium	Additional vehicle for expanded service	Required to expand service hours
14. Cashless payment option	Long-term	Acquire and implement non-cash payment option	Reduce dwell times, simplify rider experience
15. Provide regional service	Long-term	Expand service to Pillager on weekdays	Enhance accessibility to jobs and other opportunities for residents
16. Study need for antennae upgrade	Long-term	Identify need for infrastructure upgrades that would be required for expanding service area	Upgrade needed to enable service outside of Crow Wing County
17. Vehicle to provide regional service	Long-term	Vehicle required to expand service to Pillager	Enhance accessibility to jobs and other opportunities for residents
18. Upgrade communications system	Long-term	Acquire and implement communications system upgrades	Ensure police, fire, and transit departments are using the same system to respond to emergency situations

Transit Operations Specialist

Department: Engineering/Transit FLSA Status: Non-Exempt

General Definition of Work

This position performs routine to skilled receptionist, dispatch, and operational support to the Transit Department. Under general direction of the Transit Coordinator, provides leadership and support to all daily transit operations including completing ridership reports in compliance with FTA standards, verification of previous days' data within Transit software, supervision of third-party contractor's daily operations, and ability to perform dispatch operations when necessary. Performs other duties as apparent or assigned.

A successful Transit Operations Specialist will provide overall safe, courteous, and dependable transportation for the Brainerd and Crow Wing County Transit system. The nature of this work demands a very high level of precision.

Qualification Requirements

To perform this job successfully, an individual must be able to perform each essential function satisfactorily. The requirements listed below are representative of the knowledge, skills, and/or abilities required. The omission of specific statements of duties does not exclude them from the position if the work is similar, related, or a logical assignment to the position Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

Essential Functions

- Assists the Transit Coordinator in overseeing the third-party contractor operations to ensure contract and regulatory compliance.
- Verifies end-of-day fares including cash, tickets, tokens and voucher rides; Delivers end-of-day farebox vaults to the Finance Department.
- Completes ridership verification duties including previous day's trip activities including bus mileage, transit times, cancelations and no-show riders.
- Corrects, verifies and maintains databases of previous day's activities, passenger logs and customer information as well as other needed reports for FTA reporting.
- Responsible for monitoring and monthly reporting of third-party contractor staff hours.
- Assists the Transit Coordinator with addressing and resolving complaints.
- As stand-in dispatcher, provides a vital link between customers and drivers via radio or Mobile Data tablet communication. Analyzes trip requests and schedules rides for drivers.
- Follows and applies all transit and City policies.
- Conducts business in a professional, courteous manner with all contacts including but not limited to customers, co-workers, third party contractor, the public, and other agencies working with the transit system.
- Is on time and ready to work when the shift begins.
- Provides front counter and customer service coverage as needed.
- Performs other duties as assigned or apparent.

Knowledge, Skills and Abilities

- Demonstrates organizational and time management skills.
- Ability to handle multiple interruptions and adjustment of priorities throughout the day without compromising accuracy or efficiency.
- Ability to work with minimal direct supervision.
- Outstanding communication and interpersonal skills and a commitment to customer service.
- Ability to deal with complaints from angry customers both in person and on the phone.
- Ability to effectively gather and present information as well as respond to questions and resolve complaints from the public, all departments, government officials, and public agencies in a courteous manner.
- Proficient on computer operations.
- Ability and desire to learn and grow within an ever-changing environment.

Education, Experience & Special Requirements

Minimum Qualifications:
- Two-year associates degree with an accounting, administrative assistant, or related emphasis;
- Two years of responsible accounting or administrative experience;
- Equivalent combination of education and experience may be considered as determined by management; and
- Valid driver's license.

Desired Training and Experience:
- Experience and/or knowledge of transit operations;
- Previous dispatching service for another agency;
- Experience with a computerized transit software, specifically RouteMatch; and
- Fluent in computer operations with relevant software packages including MS Office specifically Word and Excel. Working knowledge of mobile tablets or other devices; Fluent knowledge in maintaining databases.

Physical Requirements

This work requires the occasional exertion of up to 25 pounds of force; work regularly requires reaching with hands and arms, frequently requires sitting, speaking or hearing and repetitive motions and occasionally requires standing, walking, using hands to finger, handle or feel and lifting; work requires close vision, distance vision, ability to adjust focus and peripheral vision; vocal communication is required for expressing or exchanging ideas by means of the spoken word and conveying detailed or important instructions to others accurately, loudly or quickly; hearing is required to perceive information at normal spoken word levels and to receive detailed information through oral communications and/or to make fine distinctions in sound; work requires preparing and analyzing written or computer data, operating machines and observing general surroundings and activities; work has no exposure to environmental conditions; work is generally in a moderately noisy location (e.g. business office, light traffic).

This job description does not constitute an employment agreement between the employer and employee and is subject to change by the employer, as the needs of the employer and requirements of the job change.

Last Revised: January 1, 2018

Brainerd City Council
Agenda Request

Requested Meeting Date: April 15, 2019

Title of Item: Brainerd Historic Water Tower Proposal for Design and Construction Eng.

☐ 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): Dave Badeaux	**Estimated Time Needed:** 5 Minutes

Summary of Issue:

Attached to this request is a proposal for engineering services for the historic water tower. Through the execution of this work, this would generate a set of plans and specifications to be able to bid the rehabilitation work on the historic water tower.

Alternatives, Options, Effects on Others/Comments:

The Historic Water Tower Committee wanted to get this proposal generated. Staff felt it necessary to pursue the engineering/architecture firm which helped to produce the historic water tower report. LHB worked on the drawings in the historic structure report, and also has previous experience on Brainerd's "sister" water tower in Pipestone. The total proposal amount to prepare construction grade plans and specifications, along with constriction administration, is $37,400. The Water Tower Committee is seeking a grant through the Minnesota Historical Society to assist in the cost of this proposal, but is looking to the council to commit 1/3 of the cost of the proposal as a local match to this proposal. Once the plans and specifications are finalized, this will put the committee in position, along with the assistance from staff, to apply for much larger MHS grants. The Water Tower Committee is seeking $12,500 in Brainerd local match to this project.

Recommended Action/Motion:

Staff recommends authorizing the local match to the proposal at a cost of $12,500.

Financial Impact:

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

What is the total cost, with tax and shipping $ 12,500

Is this budgeted? ☐ Yes ☑ No

Please Explain: If the Committee and Council are interested, there would need to be discussion around where the money is taken from.

April 8, 2019

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

BRAINERD WATER TOWER REHABILITATION

Dear Mr. Sandy:

We are pleased to respond to your proposal request regarding the production of construction documents for correcting deficiencies as defined in the February 2017 Historic Structure Report for the Brainerd Water Tower. The water tower is a truly unique structure that we feel is quintessential to the historic character of Brainerd and we appreciate your ongoing stewardship of this important resource. We believe that our previous experience with your water tower and at its "sister" water tower in Pipestone make us uniquely qualified to perform this work. For this project we are proposing to team with Mattson Macdonald Young, a local structural engineering firm that we partner with often. They have extensive experience with historic structures and will be a valuable asset to the team.

We estimate the design fee for this project to be $37,400. This includes expenses and a modest construction administration allowance. We have also included a small amount of time for an electrical engineer to address lighting issues and a civil engineer to look at the connection of the downspout to existing storm water systems. The scope is assumed to include all recommendations at all priority levels from the 2017 report, except for items outside of the footprint of the water tower. We indicated in our 2017 report that additional testing may be required on the concrete walls. The exact extent of the testing is not known at this time, and prices in the report are likely to have increased by the time testing is done. Testing is not included within the design fee.

An estimated project schedule is provided below. If this project is to be undertaken with funding through the MNHS grants program, expect additional milestones and longer review times.

- Project Initiation/Site Visit: 2 weeks
- Schematic Design/Design Development: 8 weeks with 2 weeks of client review.
- Construction Document Preparation (including drawings and specifications): 8 weeks with 2 weeks client review
- Construction Administration: duration of construction

Thank you and please don't hesitate to let us know if you have any questions.

MIKE FISCHER, AIA, LEED AP
LHB Integrative Design Team
701 Washington Avenue North Suite 200
Minneapolis, MN 55401
612.752.6920
mike.fischer@LHBcorp.com

PHILIP WAUGH, ASSOCIATE AIA, LEED AP
LHB Integrative Design Team - Main Contact
701 Washington Avenue North Suite 200
Minneapolis, MN 55401
612.752.6927
phil.waugh@LHBcorp.com

Brainerd City Council
Agenda Request

Requested Meeting Date: April 15, 2019

Title of Item: Request to Hire Police Officers

☐ 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: CHIEF MCQUISTON	**Department:** POLICE
Presenter (Name & Title): CHIEF MCQUISTON	**Estimated Time Needed:** 5 MINUTES

Summary of Issue:

The police department has four Patrol Officer vacancies. The Civil Service Commission met on April 12th and certified the top three candidates on the newly created police officer eligibility list. We estimate tentative starting dates for three of vacancies staggered beginning on or about May 6th, June 10th, and September 23rd. Requesting to fill the fourth vacancy will be dictated by the rate current candidates successfully complete steps one through four of the field training program.

Alternatives, Options, Effects on Others/Comments:

Recommended Action/Motion:

Authorize conditional job offers to the top three candidates on the current Police Officer Eligibility List, with with tentative starting dates of May 6th, June 10th, and September 23rd, pending successful completion of the per-employment screening process.

Financial Impact:

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

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

Is this budgeted? ☑ Yes ☐ No

Please Explain:

The positions and costs associated with the process are with in the department's current budget.

Brainerd City Council
Agenda Request

Requested Meeting Date: April 15, 2019

Title of Item: Wage Adjustment for Community Service Officers (CSO)

☐ 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: Corky McQuiston & Kris Schubert	**Department:** Police & Adm/HR
Presenter (Name & Title): Chief McQuiston & HR Coordinator Schubert	**Estimated Time Needed:** 3 minutes

Summary of Issue:

Our Compensation Study Consultant David Drown Associates, Inc. recommended a wage adjustment for our Community Service Officers (CSO) in our Police Department . Upon review, it was determined that this classification is paid lower than the market average for comparable communities. The current scale was approved in 2007 (see attachment) and since then has been indexed annually by union contract settlements. The 2018 wage scale starts at $10.25 per hour and is capped at $12.15 per hour after four or more years of service. It should be noted that the average employment length is less than two years. Employees in this classification work part-time; however, because they work more than 14 hours per week on average, the position must be included when we file our Pay Equity Report with the State of MN. We currently employ four CSO's.

Alternatives, Options, Effects on Others/Comments:

Staff concurs with this recommendation as we feel it will help us attract, retain, and hopefully increase their availability for this position (most work other jobs while also attending CLC). We also feel this classification will help fill a bigger role in our police officer recruitment in the future. By hiring quality CSO candidates, we can develop their skills while investing in them and hopefully retain our resources in the future. Staff is recommending to increase their wage effective April 16, 2019 as follows: 0-200 hours = $11.11 per hour; 201 to 1040 hours = $11.44 per hour; and 1041+ hours = $13.00 per hour.

It should be noted that a CSO is scheduled to work up to 29 hours per week so it will still take them about 1.5 years to reach 1041 hours (29 hours per week x 26 pay periods = 754 work hours per year). We also recommend that this wage scale continue to be indexed annually based on the Cost of Living Adjustment (COLA) for our other non-union employees (Department Heads and Non-Union Supervisors).

Recommended Action/Motion:

Motion to increase the Community Service Officer (CSO) wage scale as presented and effective April 16, 2019; further, that said wage scale be indexed annually by the Department Heads and Non-Union Supervisor COLA adjustment.

Financial Impact:

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

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

Is this budgeted? ☑ Yes ☐ No

Please Explain: The total cost is hard to determine as it depends on each indivdual's work availability and schedule. The wage adjustment will be covered within the Police Department's current budget.

Fire Chief Underhill stated nothing to report.

Council Committee Reports.

Personnel and Finance Committee.

Police Department – CSO Wage Scale – Approved.

A memo was received from Police Chief Bolduc requesting an updated wage scale for CSO's as follows:

Beginning wage (training):	$8.50
After 200 hours	8.95
After 1040 hours or 1 year of service	9.21
After 2080 hours of 2 years of service	9.49
After 3 or more years of service	9.77
After 4 or more years of service	10.07

MOVED AND SECONDED BY ALDERMEN O'DAY AND GOEDKER, DULY CARRIED, TO ACCEPT THE UPDATED WAGE SCALE FOR POLICE DEPARTMENT CSO'S AS PRESENTED.

Parks and Recreation 2007 Pay Rates for Seasonal Positions – Approved.

Park Director Mooney submitted a Pay Rate sheet for the Seasonal Parks and Recreation Positions to be approved by the Council.

MOVED AND SECONDED BY ALDERMEN O'DAY AND GOEDKER, DULY CARRIED, TO APPROVE THE 2007 PAY RATES FOR SEASONAL PARKS AND RECREATION DEPARTMENT POSITIONS AS PRESENTED.

Safety and Public Works.

Improvement 06-15 – Dal-Mar Estates/Serene Pines – Resolution No. 21:07 Adopted – Declaring Adequacy of Petition and Ordering Preparation of Feasibility Report and Proposal for Engineering Services to be done by Westwood – Approved.

A petition was received last fall from Mr. Jeff Austin for the extension of utilities in the support of the preliminary plat of Dal-Mar Estates. Mr. Austin has submitted another petition for the extension of utilities and street construction in support of the preliminary plat of Serene Pines. Staff is requesting approval per a memo from City Engineer Hulsether.

MOVED AND SECONDED BY ALDERMEN CUMBERLAND AND OLSON TO ADOPT RESOLUTION NO. 20:07 – DECLARING ADEQUACY OF PETITION AND ORDERING PREPARATION OF FEASIBILITY REPORT FOR IMP. 06-15 – DAL-MAR ESTATES.

RESOLUTION NO. 20:07

Upon roll call, members Goedker, Cumberland, O'Day, Olson, and Bevans voted "aye." No member voted "nay." The Chair declared the motion carried.

City Hall
501 Laurel Street
Brainerd, Minnesota 56401

Mayor
(218) 828-2308
Fax (218) 828-2316

City Administrator
(218) 828-2307
Fax (218) 828-2316
admin@ci.brainerd.mn.us

Civil Attorney
411 Front Street
P.O. Box 367
(218) 828-2775
Fax (218) 829-9768

Criminal Attorney
510 Norwood Street
(218) 828-2311
Fax (218) 825-8922

City Engineer
(218) 828-2309
Fax (218) 828-2316
jhulsether@ci.brainerd.mn.us

Chief of Police
225 East River Road
(218) 829-2805
Fax (218) 825-3489

Fire Chief
Fire Station
23 Laurel Street
(218) 828-2312
Fax (218) 828-2331
brdfire@brainerd.net

City Planner
(218) 828-2309
Fax (218) 828-2316
planning@ci.brainerd.mn.us

Director of Parks & Recreation
1619 Washington Street N.E.
(218) 828-2320
Fax (218) 828-2791
staff@brainerdparks.com

Public Utilities
P.O. Box 373
Business
(218) 829-8726 · fax (218) 829-4703
Service
(218) 829-2193 · fax (218) 829-2308
email@bpu.org

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BRAINERD POLICE DEPARTMENT
MEMORANDUM

TO: Personnel and Finance Committee

FROM: Chief John Bolduc

DATE: March 14, 2007

RE: CSO Wage Scale

For several months we have been intending to update the wage scale for the CSO position. Previously we have not had the need to work on a top end of the scale because most of the CSO's move on to other positions before they have much longevity. Since we have a couple CSO's who have been with us for a while, we feel the need to address this.

Currently we start at $8.00 and move to $8.50 after 200 hours of training. We have one CSO at $9.25 due to her longevity and special assignments.

I am proposing the following wage scale CSO's:

Beginning wage (training):	$8.50
After 200 hours	$8.95
After 1040 hours or 1 year of service	$9.21
After 2080 hours or 2 years of service	$9.49
After 3 or more years of service	$9.77
After 4 or more years of service	$10.07

*I would also like to index this to an annual percentage increase based on either one of the union contracts or another index. Thank you for your consideration.

Brainerd City Council
Agenda Request

Requested Meeting Date: April 15, 2019

Title of Item: 2019 Wage Adjustments for Paid On-Call Firefighters

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

Summary of Issue:

In 1997, the City Council approved the hourly wage and pension contribution amounts for our Volunteer (now called Paid On-Call) Firefighters (see attachment). This motion approved an annual cost-of-living-adjustment (COLA) received by other city employees and a city pension contribution amount that equals the employer's contribution for our PERA Police & Fire Plan employees. Staff is unsure what the 2019 COLA adjustment should be for this group. This is due to complex union negotiations and varying COLA adjustments for our numerous employee groups for wages effective January 1, 2019.

Alternatives, Options, Effects on Others/Comments:

Staff requests Council direction regarding what the COLA wage adjustment should be. It would also be appreciated to clarify if this group should follow the COLA adjustment for a specific employee group in the future - we had matched the COLA adjustments for full-time firefighters prior to 2016. COLA options could be 2% as an average (our 2019 COLA's ranged from 1 - 3% depending on which pay option was negotiated) or to follow the other non-union employees (Department Heads and non-union supervisors) that received COLA adjustments of 1% for 2019; 2% for 2020; and 3% for 2021.

The 2018 hourly rate for this position is $20.04 per hour. Trainee Firefighters receive 60% ($12.02 per hour) and probationary firefighters receive 80% ($16.03 per hour). It should be noted that the Fire Relief Association requested that these hourly wages be reduced by $3 per hour as an additional pension contribution; therefore, the hourly wage employees see on their pay stubs is the wage after the $3 reduction is applied. The current employer pension contribution is an additional 16.95% of group's total gross hourly pay.

Recommended Action/Motion:

Suggested action could be to approve a 2019 COLA adjustment for our Paid On-Call Firefighters of ___% to be effective May 1, 2019; further, that future COLA adjustments for Paid On-Call Firefighters follow the _____ employee group.

Financial Impact:

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

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

Is this budgeted? ☑ Yes ☐ No

Please Explain: Depends on the COLA adjustment approved by Council and the actual hours worked.

Alderman Nesheim reported that for the property located at 704 19th Street SE, Committee recommends to hold this over for notification and verification of the owner of the truck.

MOVED AND SECONDED BY ALDERMEN NESHEIM AND GOEDKER, DULY CARRIED, TO HOLD OVER THE NUISANCE COMPLAINT FOR THE PROPERTY LOCATED AT 704 19TH STREET SE FOR NOTIFICATION AND VERIFICATION OF THE OWNER OF THE TRUCK.

The Chair closed the public hearing at 7:34 p.m.

Crow Wing County Fairgrounds Utility Service Suspension - Discussion of.

Alderman Nesheim stated that after further research and consideration, Committee recommends to delay action with regard to annexation and suspension of sewer and water service to the fairgrounds; and further to refer this matter to Alderman Asplund and City Administrator Vogt to meet with Fair Board, County Board of Commissioners, and Oak Lawn Township representatives to dialogue about this issue.

MOVED AND SECONDED BY ALDERMEN NESHEIM AND GOEDKER, DULY CARRIED, TO DELAY ACTION WITH REGARD TO ANNEXATION AND SUSPENSION OF SEWER AND WATER SERVICE TO THE FAIRGROUNDS; AND FURTHER TO REFER THIS MATTER TO ALDERMAN ASPLUND AND CITY ADMINISTRATOR VOGT TO MEET WITH FAIR BOARD, COUNTY BOARD OF COMMISSIONERS, AND OAK LAWN TOWNSHIP REPRESENTATIVES TO DIALOGUE ABOUT THIS ISSUE.

Alderman Asplund commented that Commissioners Hill and Sluss were in attendance tonight and asked if they had anything to add, to which they stated they would ask the County Board to appoint representatives to this Dialogue Committee.

Alderman Goedker expressed concern that this still does not resolve the annexation issue, and commented he may wish to pursue this issue again at a later date.

Brainerd Fire Department Relief Association Funding Contribution Reinstatement Request - Discussion of.

Alderman Asplund stated that Alderman Dehen had provided Council with a memo outlining his proposal for the Fire Department.

MOVED AND SECONDED BY ALDERMEN DEHEN AND ASPLUND TO INCREASE THE VOLUNTEER FIRE FIGHTERS' HOURLY WAGE TO $13.00 AS OF 1/1/98 AND USE THE POLICE AND FIRE P.E.R.A. EMPLOYER'S CONTRIBUTION PERCENTAGE ON THE 1997 ACTUAL WAGES TO CALCULATE A 1998 PENSION CONTRIBUTION; FURTHER THAT THE HOURLY WAGE BE INCREASED 1/1/99 AND FUTURE YEARS, BY THE COST OF LIVING ADJUSTMENT OTHER CITY EMPLOYEES RECEIVE AND THAT THE POLICE AND FIRE P.E.R.A. EMPLOYER'S CONTRIBUTION PERCENTAGE BE USED TO CALCULATE AN ANNUAL PENSION CONTRIBUTION TO THE RELIEF ASSOCIATION.

Alderman Dehen commented on the problems that have been noted because of the mill levy increase that had previously been used. He also elaborated on the criteria that he used in deciding on the amounts of contribution. He stated that the 11.4% contribution he quoted is the amount contributed to P.E.R.A. for the full time engineers. He also stated that he would like to see discussion in the future regarding a reimbursement of training expenses and time for the firefighters. He commented that this proposal is still less than what would be with the 3/4 mill levy; however it is not a complete cut off of contribution as was previously passed.

Alderman Goedker asked about the increase to $13.00 per hour for 1998. Alderman O'Day commented that is the hourly wage that volunteers would have made in 1997 if prior years cost of living percentages had been applied since 1982.

Alderman Asplund asked for clarification on the wording of the motion by Alderman Dehen with regard to the contribution for 1998 to the Relief Association, as Council had already made a motion not to provide a contribution for 1998. Alderman Dehen confirmed that the motion provided for a pension contribution in 1998.

Mayor Cumberland stated that Council has gone on record several times to change their minds after a decision had been made, and that it should not be a major factor when Council makes a determination on this motion.

President Wallin commented that he was concerned about what kind of precedent would be set if contribution would be reinstated for 1998, when dealing with other union groups within the city, as it was previously decided that no contribution would be made for

1998. He stated that even though the Relief Association is not a bargaining unit, the fact that Council had voted no previously and was now considering making a contribution, may have repercussions in later negotiations with other departments.

Alderman O'Day stated that if Council concurred with President Wallin, the rest of the proposal would probably be sufficient with the increase in wage until 1998 budget discussions. Alderman Dehen stated that he was troubled about the fact that previously Council had agreed to contribute generous amounts, but now instead of simply decreasing the amount, they were not willing to make any contribution.

Alderman Goedker inquired about where the 11.4% contribution was derived from, which Alderman Dehen clarified was the same as the employer P.E.R.A. contribution for the full-time firefighters.

The Chair recognized Mr. Keith Stunek, Secretary of the Brainerd Firefighters' Relief Association, who thanked Alderman Dehen for his proposal. He further stated that this is the type of package that the Department was looking for. He commented that it takes a firefighter 20 years to build up a lump sum benefit of $4,700 per year of service. He also commented that the firefighters put in more than the recognized 180 hours that are reimbursed.

Mayor Cumberland reminded Council that when considering their vote, they must keep in mind that they are only making a decision on the package before them, not any of the previous proposals made.

Upon roll call, the following members voted "aye": Aldermen Olander, Goedker, and Dehen. The following members voted "naye": Aldermen Asplund, Nesheim, Wallin. NOTE: Alderman O'Day abstained.

The Chair declared a tie and requested that Mayor Cumberland cast the tie-breaking vote. Mayor Cumberland voted "aye". The Chair declared the motion carried.

Mr. Stunek then thanked Council for their consideration on behalf of the Department.

Council recessed at 8:20 p.m., at which time Alderman Dehen left the meeting. Council reconvened at 8:28 p.m.

Brainerd City Council
Agenda Request

Requested Meeting Date: April 15, 2019

Title of Item: Class 2 On-Sale Liquor License/Sunday- Skillet

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

Summary of Issue:

The City received a new On-Sale Liquor/Sunday License for The Skillet Restaurant LLC by the owner Mr. Edward Mattson. The restaurant operates at 121-123 Washington Street NE. The approval of the license is contingent on Police and Fire Department Approval.

Alternatives, Options, Effects on Others/Comments:

Recommended Action/Motion:

Approve the On-Sale Liquor/Sunday License for The Skillet Restaurant LLC 121-123 Washington Street contingent on Police and Fire Department approval.

Financial Impact:

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

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

Is this budgeted? ☐ Yes ☑ No

Please Explain:

Brainerd City Council
Agenda Request

Requested Meeting Date: April 15th, 2019

Title of Item: Biennial Body Worn Camera Audit Report

☑ 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: CHIEF MCQUISTON	**Department:** POLICE
Presenter (Name & Title): CHIEF MCQUISTON	**Estimated Time Needed:** 5 MINUTES

Summary of Issue:

Pursuant to Minnesota State Statute 13.825, subdivision 9, we completed the required biennial audit of our body worn camera system. We utilized the State of Minnesota Office of the State Auditor for this service. The audit process was initiated in October, with the site visit by the auditor in November. We received the final audit report in March. Statute 13.825 requires that we provide a summary of the audit to our governing body and the Legislative Commission on Data Practices and Personal Data privacy no later than 60 days following the completion of the audit.

Alternatives, Options, Effects on Others/Comments:

One area of the audit noted that we have not established a "procedure regarding the process to obtain written authorization for access to nonpublic portable recording system data." We have received no requests like this at this point, and had intended to utilize our current data request form and believed Section 10(D) of our policy covered these requests. However as a result of the audit, we now recognize we will need to establish a written procedure for the request for non-public data and we'll begin working on that and make the necessary update to our policy.

Recommended Action/Motion:

Acknowledge receipt of the biennial audit results of the police department body worn camera system in compliance with State Statute 13.825.

Financial Impact:

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

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

Is this budgeted? ☐ Yes ☐ No

Please Explain:

STATE OF MINNESOTA

Office of the State Auditor

Julie Blaha
State Auditor

CITY OF BRAINERD POLICE DEPARTMENT
BRAINERD, MINNESOTA

AGREED-UPON PROCEDURES

FEBRUARY 14, 2019

Description of the Office of the State Auditor

The mission of the Office of the State Auditor is to oversee local government finances for Minnesota taxpayers by helping to ensure financial integrity and accountability in local governmental financial activities.

Through financial, compliance, and special audits, the State Auditor oversees and ensures that local government funds are used for the purposes intended by law and that local governments hold themselves to the highest standards of financial accountability.

The State Auditor performs approximately 150 financial and compliance audits per year and has oversight responsibilities for over 3,300 local units of government throughout the state. The office currently maintains five divisions:

Audit Practice - conducts financial and legal compliance audits of local governments;

Government Information - collects and analyzes financial information for cities, towns, counties, and special districts;

Legal/Special Investigations - provides legal analysis and counsel to the Office and responds to outside inquiries about Minnesota local government law; as well as investigates allegations of misfeasance, malfeasance, and nonfeasance in local government;

Pension - monitors investment, financial, and actuarial reporting for approximately 600 public pension funds; and

Tax Increment Financing - promotes compliance and accountability in local governments' use of tax increment financing through financial and compliance audits.

The State Auditor serves on the State Executive Council, State Board of Investment, Land Exchange Board, Public Employees Retirement Association Board, Minnesota Housing Finance Agency, and the Rural Finance Authority Board.

Office of the State Auditor
525 Park Street, Suite 500
Saint Paul, Minnesota 55103
(651) 296-2551
state.auditor@osa.state.mn.us
www.auditor.state.mn.us

This document can be made available in alternative formats upon request. Call 651-296-2551 [voice] or 1-800-627-3529 [relay service] for assistance; or visit the Office of the State Auditor's web site: www.auditor.state.mn.us.

CITY OF BRAINERD POLICE DEPARTMENT
BRAINERD, MINNESOTA

February 14, 2019

Agreed-Upon Procedures

Audit Practice Division
Office of the State Auditor
State of Minnesota

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JULIE BLAHA
STATE AUDITOR

STATE OF MINNESOTA
OFFICE OF THE STATE AUDITOR

SUITE 500
525 PARK STREET
SAINT PAUL, MN 55103-2139

(651) 296-2551 (Voice)
(651) 296-4755 (Fax)
state.auditor@state.mn.us (E-mail)
1-800-627-3529 (Relay Service)

INDEPENDENT AUDITOR'S REPORT
ON APPLYING AGREED-UPON PROCEDURES

Corky McQuiston, Chief of Police
City of Brainerd Police Department
225 East River Road
Brainerd, Minnesota 56401

We have performed the procedures enumerated below, which were agreed to by the Police Department of the City of Brainerd, Minnesota, to confirm the Brainerd Police Department's compliance with Minn. Stat. §§ 13.825 and 626.8473 regarding Body Worn Cameras (BWCs). Specifically, the agreed-upon procedures used herein were designed to determine whether data currently in the Department's records are classified properly; how the data are used; whether data are being destroyed as required by Minn. Stat. § 13.825; and to determine whether there is compliance with Minn. Stat. § 13.825, subds. 7 and 8. The Brainerd Police Department's management is responsible for the Department's compliance with Minn. Stat. §§ 13.825 and 626.8473 regarding BWCs. This agreed-upon procedures engagement was conducted in accordance with attestation standards established by the American Institute of Certified Public Accountants. The sufficiency of the procedures is solely the responsibility of the Brainerd Police Department. Consequently, we make no representation regarding the sufficiency of the procedures described below either for the purpose for which this report has been requested or for any other purpose.

1. Procedure

Determine that a written policy governing BWC use that is in accordance with Minn. Stat. § 626.8473 is maintained.

Findings

We obtained a copy of the Brainerd Police Department's Body Worn Cameras policy and compared it to the requirements of Minn. Stat. § 626.8473. The requirements of this statute are reflected in the Department's BWC policy.

An Equal Opportunity Employer

2. Procedure

Determine that access and sharing of the data collected by BWCs is in accordance with statutes.

Findings

The Brainerd Police Department uses Axon's Evidence.com system, which is a cloud-based digital evidence system for BWC data storage, management, review, and sharing. A report was run on November 14, 2018, from Evidence.com for all of the BWC data collected by the Department between October 1, 2017, and November 14, 2018. A sample of 25 videos was haphazardly selected and compared with the Audit Trail in Evidence.com to confirm that data was accessed only for a legitimate law enforcement purpose and by persons whose work assignment reasonably requires access to the data. No exceptions were found.

Minnesota Statutes, section 13.825, subdivision 7(b), requires that law enforcement personnel have access to BWC data that are not public "only if authorized in writing by the chief of police, sheriff, or head of the law enforcement agency, or their designee, to obtain access to the data for a legitimate, specified law enforcement purpose." The Department's BWC policy designates the Chief of Police to establish procedures for accessing the data and recordings. However, no written procedures regarding the process to obtain written authorization for access to nonpublic portable recording system data have been established. The Brainerd Police Department did not have written authorization for any members of the Department and members of other governmental entities and agencies to access nonpublic data.

A report was run on November 14, 2018, from Evidence.com for all BWC recordings shared among other agencies between October 1, 2017, and November 14, 2018. A sample of 25 videos was haphazardly selected and compared with the Audit Trail in Evidence.com to confirm that all data shared with other agencies was in compliance with Minn. Stat. § 13.825, subd. 8. No exceptions were found.

3. Procedure

Determine that the data collected by BWCs are appropriately classified.

Findings

A report was run on November 14, 2018, from Evidence.com for all of the BWC data collected by the Brainerd Police Department between October 1, 2017, and November 14, 2018. All data was considered nonpublic; no instances that would require the data to be classified as public according to Minn. Stat. § 13.825, subd. 2(a)(1), were found.

4. Procedure

Determine that the data collected by BWCs are appropriately retained and destroyed in accordance with statutes.

Findings

Minnesota Statutes, section 13.825, subdivision 3(a), requires BWC data that are not active or inactive criminal investigative data and not subject to Minn. Stat. § 13.825, subd. 3(b), to be maintained for at least 90 days and destroyed according to the City of Brainerd's General Records Retention Schedule.

A report was run on November 14, 2018, from Evidence.com for all of the BWC data deleted by the Brainerd Police Department between October 1, 2017, and November 14, 2018. A sample of 25 videos was haphazardly selected, and the time between the creation and deletion dates was compared to the City of Brainerd's General Records Retention Schedule and for compliance with Minn. Stat § 13.825, subd. 3. No exceptions were found.

5. Procedure

Determine that a record is maintained and available to the public identifying the total number of devices owned or maintained; a daily record of the total number of recording devices actually deployed and used by officers; the policies and procedures for use of BWCs required by Minn. Stat § 626.8473; and the total amount of recorded audio and video data collected and maintained, the retention schedule, and the procedures for destruction of the data.

Findings

Body worn camera data is available upon request, either in person or by submitting a request on the City of Brainerd's website. A report was run on November 14, 2018, from Evidence.com to show the total number of active BWC devices and to whom they were assigned. All officers are required to wear BWCs while on duty. The patrol schedule was examined to identify the number of BWCs in use on November 27, 2018. The BWC policy was located on the Brainerd Police Department's webpage. A summary report of all recorded audio and video data collected and maintained by the Department on November 26, 2018, was examined. No exceptions were found.

6. Procedure

Determine that records are maintained showing the date and time BWC data were collected and the applicable classification of the data.

Findings

A report was run on November 14, 2018, from Evidence.com for all of the BWC data collected by the Brainerd Police Department between October 1, 2017, and November 14, 2018. A sample of 25 videos was haphazardly selected and compared to the Audit Trail in Evidence.com to ensure that the data classification requirements were met. No exceptions were found.

7. Procedure

Determine that data stored by a vendor in the cloud protects the data in accordance with security requirements of the United States Federal Bureau of Investigation Criminal Justice Information Services (CJIS) Division Security Policy 5.4 or its successor version.

Findings

A Master Agreement between the City of Brainerd and Evidence.com included language that stated that Evidence.com was in compliance with the CJIS policy. Also, Axon has demonstrated compliance with this policy through a CJIS Whitepaper and has been independently validated by CJIS ACE, part of Diverse Computing, Inc. Diverse Computing, Inc., is a third-party law enforcement and criminal justice software company.

* * * * *

We were not engaged to, and did not, conduct an examination or review, the objective of which would be the expression of an opinion or conclusion, respectively, on the Brainerd Police Department's compliance with Minn. Stat. §§ 13.825 and 626.8473 regarding BWCs. Accordingly, we do not express such an opinion or conclusion. Had we performed additional procedures, other matters might have come to our attention that would have been reported to you.

This report is intended solely for the information and use of the City of Brainerd and is not intended to be, and should not be, used by anyone other than the specified party.

/s/Julie Blaha

JULIE BLAHA
STATE AUDITOR

/s/Greg Hierlinger

GREG HIERLINGER, CPA
DEPUTY STATE AUDITOR

February 14, 2019

Brainerd City Council
Agenda Request

Requested Meeting Date: April 15, 2019

Title of Item: Council Workshop - April 29, 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 1st Reading **provide copy of published hearing notice*
Submitted by: Cassandra Torstenson	**Department:** Council
Presenter (Name & Title): Alderman Johnson	**Estimated Time Needed:** 5 Minutes

Summary of Issue:

Alderman Johnson would like to set a council workshop for Monday, April 29, 2019 to get an update on the Rail-to-River initiative.

Alternatives, Options, Effects on Others/Comments:

Recommended Action/Motion:

Set a time for the workshop, and adjourn the April 15, 2019 council meeting to the workshop.

Financial Impact:

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

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

Is this budgeted? ☐ Yes ☐ No

Please Explain:

Brainerd City Council
Agenda Request

Requested Meeting Date: April 15, 2019

Title of Item: Ordinance No. 1493 - Final Reading

☐ 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: Community Development Director	**Department:** Community Development
Presenter (Name & Title): David Chanski, CDD	**Estimated Time Needed:** 2 minutes

Summary of Issue:

Mr. James Runberg has applied on behalf of himself to have his properties at 940 and 944 28th St SE and on behalf of the property owners for the unaddressed property to his immediate south (PIN 0914300005H009) for rezoning of the properties from R-1 Single Family Residential District to R-2 Medium Density Residential District for the purpose of bringing his current properties back into zoning compliance and to construct a twin home on the unaddressed property, which he will purchase upon approval of rezoning.

Alternatives, Options, Effects on Others/Comments:

At their regular meeting on Wednesday, March 20, the Planning Commission unanimously voted to recommend approval of the rezoning application. His is motion to approve this request, Commissioner Marohn added a 6th finding of fact, "There is some ambiguity in terms of the current zoning, this act is designed to bring clarity to the situation."

The public hearing for this request was held at the Planning Commission meeting on March 20, and the City Council held the first reading of this ordinance on Monday, April 1.

Recommended Action/Motion:

Conduct final reading of Ordinance No. 1493. Staff recommends forgoing the actual reading.

Motion to adopt Ordinance No. 1493, an ordinance amending Ordinance No. 812 pertaining to the zoning in the City of Brainerd.

Financial Impact:

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

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

Is this budgeted? ☐ Yes ☑ No

Please Explain:

City of Brainerd
Community Development Department

TO: Planning Commission

FROM: David Chanski, Community Development Director

DATE: March 14, 2019

RE: 940 & 944 28th St. and Unaddressed Property Rezoning

James Runberg, 1205 Lakeview, Brainerd, MN 56401, has submitted a request on behalf of himself to rezone his property at 940 and 944 28th St. and on behalf of the property owners at the unaddressed property to the immediate south (P.I.N. 0914300000H009) from R-1 Single Family Residential District to R-2 Medium Density Residential District.

The purpose of the rezoning request is to bring 1) Mr. Runberg's property back into zoning compliance, and 2) allow for the construction of a twin home on the unaddressed property, which Mr. Runberg will purchase upon rezoning.

<u>Findings of Fact</u>

1. The twin home located at the addresses of 940 and 944 28th St. is currently a non-conforming use as R-1 districts prohibit multi-family housing.
2. The requested properties were properly zoned as a R-2 Medium Density Residential District when the twin home was constructed in 2004.
3. The unaddressed property (P.I.N. 0914300000H009) is suitable for the construction of a twin home.
4. Returning the properties to a R-2 District will have the following impacts:
    a. The twin home at 940 and 944 28th St. will return to zoning compliance, which will allow the property owner to better maintain and improve the property.
    b. Rezoning the unaddressed property will allow the applicant to construct new, affordable housing, which is a need the City of Brainerd.
    c. Location of the proposed new multi-family construction will have minimal impact on the existing neighboring residences as it will be clustered next to existing multi-family housing and as there are buffers in place (28th St. to the east and a tree line to the south and west) to separate new construction from existing single-family residences.
5. Mr. Runberg is a landlord in good standing with the City of Brainerd, and there are no documented ordinance violations for his residences at 940 and 944 28th St.

As of this writing, no parties have come forward to express their objections to this rezoning request.

Staff Opinion

As the City of Brainerd is in need of new, affordable housing options, and as Mr. Runberg is a landlord in good standing with the City of Brainerd, and as his properties at 940 and 944 28th St. have no documented ordinance violations, and as Mr. Runberg's property is currently non-conforming due to rezoning, which occurred after the twin-home was constructed, and as bringing the property back into zoning compliance would result in the ability to properly maintain and improve the existing residence, and as the construction of new multi-family housing should have minimal impact on the surrounding residences, staff recommends approval of this rezoning request.

City Planning Department
City Hall – 501 Laurel Street
Brainerd, MN 56401
218-828-2309/Fax 218-828-2316
www.ci.brainerd.mn.us

RECEIVED
MAR 06 2019
CITY OF BRAINERD
ADMINISTRATION

Receipt # _____
Check # _____
Date Paid: _____

CONDITIONAL USE/REZONING/VARIANCE APPLICATION

	RESIDENTIAL	COMMERCIAL
CONDITIONAL USE PERMIT	☐ ($250.00)	☐ ($400.00 + $500.00 escrow deposit)
REZONING	☒ ($300.00)	☐ ($500.00)
VARIANCE	☐ ($250.00)	☐ ($400.00 + $500.00 escrow deposit)

PROPERTY ADDRESS: 940+944 28th Street S.E., Brainerd, MN 56401

LEGAL DESCRIPTION: Lot(s): _____ Block: _____ Addition: _____
(attach description if lengthy) See Attached Legal Description.

Property Owner Name: James P. & Diane E. Runberg
Street Address: 1205 Lakeview Lane N. **City:** Brainerd **State:** MN **Zip Code** 56401
Phone Number: 218-270-2217 **Fax:** N/A **E-mail:** jrunberg@brainerd.net
Applicant Name: (If different than Property Owner) James P. Runberg
Street Address: 1205 Lakeview Lane N. **City:** Brainerd **State:** MN **Zip Code:** 56401
Phone Number: 218-270-2217 **Fax:** None **E-mail:** jrunberg@brainerd.net

Description of Request: This subject property (Tract A), was zoned R2 when Diane and I purchased it, in 2004. We did build a "Twin Home" on Tract A in 2005. However, 2 or 3 years ago the City of Brainerd Re-Zoned This property (Tract A), with our "Twin Home" on Tract A, To R1. We wish to have it rezoned back To R2, To reflect the use of this property.

James P. Runberg — Diane Runberg — March 6, 2019
Property Owner Signature — Date

James P. Runberg — DIANE RUNBERG
(Please print name)

James P. Runberg — Diane Runberg — March 6, 2019
Applicant Signature — Date

James P. Runberg — DIANE RUNBERG
(Please print name)

(OVER)

AGENCY REVIEW CHECKLIST

Your request may require review by one or more of the agencies listed below. The City of Brainerd will determine which agencies will need to review your application and provide that agency with the notice of public hearing regarding your application:

_____ **BRAINERD FIRE DEPARTMENT**
Attn: Fire Chief; 23 Laurel St; Brainerd, MN 56401; 218-828-2312; fire@ci.brainerd.mn.us

_____ **BRAINERD POLICE DEPARTMENT**
Attn: Corky McQuiston, 225 East River Road; Brainerd, MN 56401; 218-829-2805; corky.mcquiston@ci.brainerd.mn.us

_____ **BRAINERD PUBLIC UTILITIES**
Attn: Scott Magnuson, Supt.; P.O. Box 373; Brainerd, MN 56401; 218-829-8726; smagnuson@bpu.org

_____ **BWSR (MN Board of Water and Soil Resources)**
Attn: Chris Pence; 1601 Minnesota Dr; Brainerd, MN 56401; 218-828-2383; chris.pence@state.mn.us

_____ **CITY OF BAXTER**
Attn: Josh Doty; Community Development Director, 13190 Memorywood Dr; Baxter, MN 56425; 218-454-5100

_____ **CROW WING COUNTY HIGHWAY DEPARTMENT**
Attn: Tim Bray, County Engineer; 16589 County Rd 142; Brainerd, MN 56401; 218-824-1110/FAX 218-824-1111
tim.bray@crowwing.us

_____ **CROW WING COUNTY SOIL AND WATER CONSERVATION DISTRICT**
Attn: Melissa Barrick; 322 Laurel St-Ste. 13; Brainerd, MN 56401; 218-828-6197/FAX 828-6095
melissa.barrick@crowwingswcd.org

_____ **CROW WING COUNTY SURVEYOR'S OFFICE**
322 Laurel St Ste 14.; Brainerd, MN 56401; 218-824-1124/FAX 824-1126

_____ **HRA**
Attn: Jennifer Bergman; 324 E. River Rd.; Brainerd, MN 56401; 218-828-3705/FAX 828-8817; jennifer@brainerdhra.org

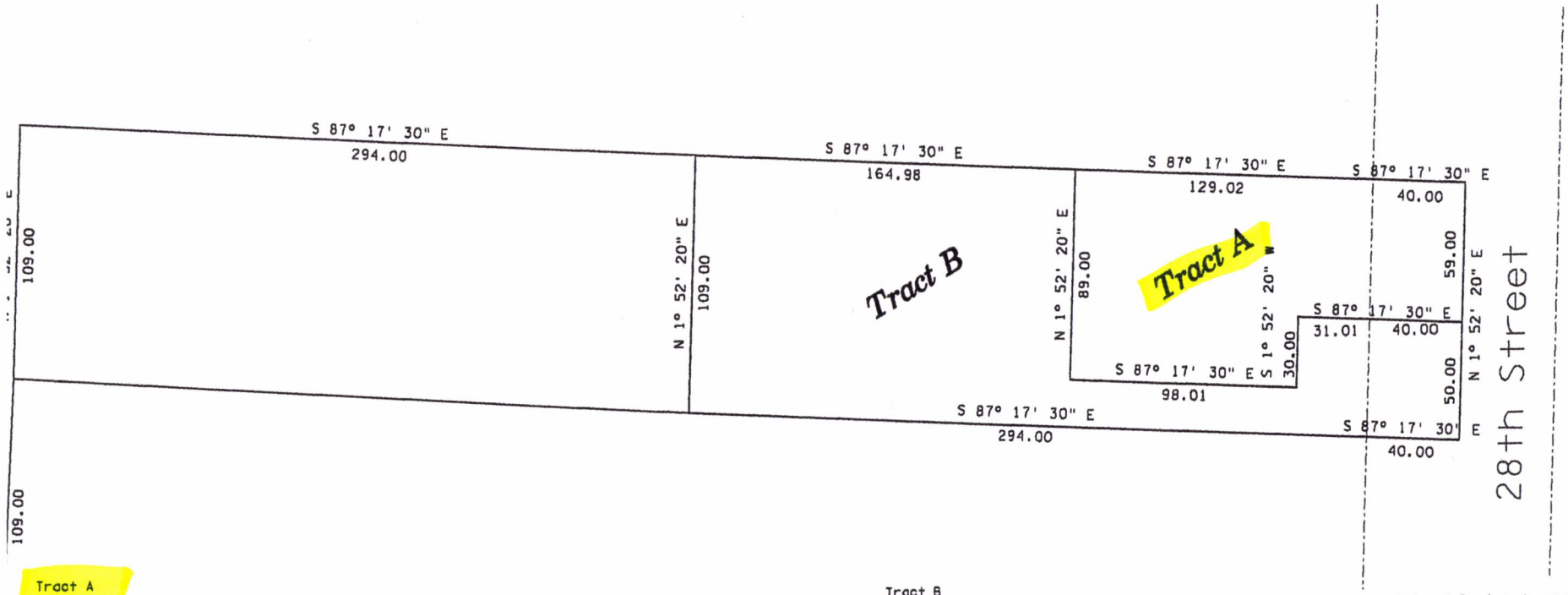
_____ **MISSISSIPPI HEADWATERS BOARD**
322 Laurel Street Ste 5; Brainerd, MN 56401; 218-824-1307/FAX 824-1104
mhb@mississippiheadwaters.org

_____ **MINNESOTA DEPARTMENT OF TRANSPORTATION**
Attn: Steve Voss; 7694 Industrial Park Rd.; Baxter, MN 56425; 218-828-5779; steve.voss@state.mn.us

_____ **MINNESOTA DEPARTMENT OF NATURAL RESOURCES**
Attn: Wade Miller; 1601 Minnesota Dr.; Brainerd, MN 56401; 218-828-2605/FAX 828-6043; wade.miller@state.mn.us

_____ **MINNESOTA POLLUTION CONTROL AGENCY**
Attn: Reed Larson; 7678 College Rd-Ste. 105; Baxter, MN 56425; 218-828-2492/FAX 828-2594
Reed.Larson@state.mn.us

_____ **U.S. ARMY CORPS OF ENGINEERS**
Attn: Jeff Koshak; 8896 E. Gull Lake Dr.; Brainerd, MN 56401; 218-829-8402



Tract A

That part of Tract Five (5) of Holland's First Addition to the City of Brainerd, according to the recorded plat thereof on file and of record in the Office of the County Recorder, in and for Crow Wing County, Minnesota, described as follows, to-wit:

Commencing at the iron monument at the Southwest corner of said Tract Five; thence North 01 degree 52 minutes 20 seconds East, assumed bearing, 218.00 feet along the west line of said Tract Five; thence South 87 degrees 17 minutes 30 seconds East, a distance of 458.98 feet to the point of beginning; thence South 01 degrees 52 minutes 20 seconds West, a distance of 89.00 feet; thence South 87 degrees 17 minutes 30 seconds East a distance of 98.01 feet; thence North 01 degrees 52 minutes 20 seconds East, a distance of 30.00 feet; thence South 87 degrees 17 minutes 30 seconds East a distance of 71.01 feet to the east line of said Tract Five; thence North 01 degrees 52 minutes 20 seconds East, a distance of 59.00 feet; thence North 87 degrees 17 minutes 30 seconds West, a distance of 169.02 feet to the point of beginning.

Said parcel contains 12,910 square feet, more or less, and is subject to all restrictions, reservations and easements of record, if any.

Tract B

That part of Tract Five (5) of Holland's First Addition to the City of Brainerd, according to the recorded plat thereof on file and of record in the Office of the County Recorder, in and for Crow Wing County, Minnesota, described as follows, to-wit:

Commencing at the iron monument at the Southwest corner of said Tract Five; thence North 01 degree 52 minutes 20 seconds East, assumed bearing, 218.00 feet along the west line of said Tract Five; thence South 87 degrees 17 minutes 30 seconds East, a distance of 294.00 feet to the point of beginning; thence continuing South 87 degrees 17 minutes 30 seconds East, a distance of 164.98 feet; thence South 01 degrees 52 minutes 20 seconds West, a distance of 89.00 feet; thence South 87 degrees 17 minutes 30 seconds East a distance of 98.01 feet; thence North 01 degrees 52 minutes 20 seconds East, a distance of 30.00 feet; thence South 87 degrees 17 minutes 30 seconds East a distance of 71.01 feet to the east line of said Tract Five; thence South 01 degrees 52 minutes 20 seconds West, a distance of 50.00 feet; thence North 87 degrees 17 minutes 30 seconds West, a distance of 334.00 feet; thence North 01 degrees 52 minutes 20 seconds East, a distance of 109.00 feet to the point of beginning.

Said parcel contains 23,491 square feet, more or less, and is subject to all restrictions, reservations and easements of record, if any.

City Planning Department
City Hall – 501 Laurel Street
Brainerd, MN 56401
218-828-2309/Fax 218-828-2316
www.ci.brainerd.mn.us

RECEIVED
MAR 06 2019
CITY OF BRAINERD
ADMINISTRATION

Receipt # _____
Check # _____
Date Paid: _____

CONDITIONAL USE/REZONING/VARIANCE APPLICATION

	RESIDENTIAL	COMMERCIAL
CONDITIONAL USE PERMIT	☐ ($250.00)	☐ ($400.00 + $500.00 escrow deposit)
REZONING	☒ ($300.00)	☐ ($500.00)
VARIANCE	☐ ($250.00)	☐ ($400.00 + $500.00 escrow deposit)

PROPERTY ADDRESS: XXX 28th Street S.E., Brainerd, MN 56401

LEGAL DESCRIPTION: Lot(s): _____ Block: _____ Addition: _____
(attach description if lengthy) Please See Attached Legal Description.

Property Owner Name: John + Nancy Blizil

Street Address: 5103 Camden Rd. **City:** Baxter **State:** MN **Zip Code** 56425

Phone Number: 218-766-3431 **Fax:** None **E-mail:** blizaj@yahoo.com

Applicant Name: (If different than Property Owner) _____

Street Address: _____ **City:** _____ **State:** ____ **Zip Code:** _____

Phone Number: _____ **Fax:** _____ **E-mail:** _____

Description of Request: Diane and I want to buy this Land, which was zoned R2, and, recently re-zoned To R1. We would like To build a "Twinhome" very similar To our Twinhome located next door. It will be a high quality home (Twin), with attached garages with electric door openers. The home style will fits very well with the existing home improvements in The neighborhood.

John Blizil Nancy Blizil — 3/4/19
Property Owner Signature — **Date**

John Blizil Nancy Blizil
(Please print name)

James P. Runberg — 3-6-19
Applicant Signature — **Date**

James P. Runberg
(Please print name)

Diane E. Runberg
DIANE E. RUNBERG

(OVER)

AGENCY REVIEW CHECKLIST

Your request may require review by one or more of the agencies listed below. The City of Brainerd will determine which agencies will need to review your application and provide that agency with the notice of public hearing regarding your application:

_____ **BRAINERD FIRE DEPARTMENT**
Attn: Fire Chief; 23 Laurel St; Brainerd, MN 56401; 218-828-2312; fire@ci.brainerd.mn.us

_____ **BRAINERD POLICE DEPARTMENT**
Attn: Corky McQuiston, 225 East River Road; Brainerd, MN 56401; 218-829-2805; corky.mcquiston@ci.brainerd.mn.us

_____ **BRAINERD PUBLIC UTILITIES**
Attn: Scott Magnuson, Supt.; P.O. Box 373; Brainerd, MN 56401; 218-829-8726; smagnuson@bpu.org

_____ **BWSR (MN Board of Water and Soil Resources)**
Attn: Chris Pence; 1601 Minnesota Dr; Brainerd, MN 56401; 218-828-2383; chris.pence@state.mn.us

_____ **CITY OF BAXTER**
Attn: Josh Doty; Community Development Director, 13190 Memorywood Dr; Baxter, MN 56425; 218-454-5100

_____ **CROW WING COUNTY HIGHWAY DEPARTMENT**
Attn: Tim Bray, County Engineer; 16589 County Rd 142; Brainerd, MN 56401; 218-824-1110/FAX 218-824-1111
tim.bray@crowwing.us

_____ **CROW WING COUNTY SOIL AND WATER CONSERVATION DISTRICT**
Attn: Melissa Barrick; 322 Laurel St-Ste. 13; Brainerd, MN 56401; 218-828-6197/FAX 828-6095
melissa.barrick@crowwingswcd.org

_____ **CROW WING COUNTY SURVEYOR'S OFFICE**
322 Laurel St Ste 14.; Brainerd, MN 56401; 218-824-1124/FAX 824-1126

_____ **HRA**
Attn: Jennifer Bergman; 324 E. River Rd.; Brainerd, MN 56401; 218-828-3705/FAX 828-8817; jennifer@brainerdhra.org

_____ **MISSISSIPPI HEADWATERS BOARD**
322 Laurel Street Ste 5; Brainerd, MN 56401; 218-824-1307/FAX 824-1104
mhb@mississippiheadwaters.org

_____ **MINNESOTA DEPARTMENT OF TRANSPORTATION**
Attn: Steve Voss; 7694 Industrial Park Rd.; Baxter, MN 56425; 218-828-5779; steve.voss@state.mn.us

_____ **MINNESOTA DEPARTMENT OF NATURAL RESOURCES**
Attn: Wade Miller; 1601 Minnesota Dr.; Brainerd, MN 56401; 218-828-2605/FAX 828-6043; wade.miller@state.mn.us

_____ **MINNESOTA POLLUTION CONTROL AGENCY**
Attn: Reed Larson; 7678 College Rd-Ste. 105; Baxter, MN 56425; 218-828-2492/FAX 828-2594
Reed.Larson@state.mn.us

_____ **U.S. ARMY CORPS OF ENGINEERS**
Attn: Jeff Koshak; 8896 E. Gull Lake Dr.; Brainerd, MN 56401; 218-829-8402

Crow Wing County

Crow Wing County
Land Services
322 Laurel St, Suite 15
Brainerd, MN 56401

218-824-1010
www.crowwing.us

Property ID: 09143000005H009
Owner:BLIZIL, JOHN E & NANCY

Taxpayer(s):

TAXPAYER # 143733
BLIZIL, JOHN E & NANCY
5103 CAMDEN RD
BAXTER MN 56425

Property Description:
CITY OF BRAINERD
SEC:30 TWP: 45.0 RG:30 LOT:5 BLK: ACRES: .82
HOLLAND'S FIRST ADDITION TO THE CITY OF BRD
PT OF TRACT 5 DESC COMM AT SW COR OF SD TRACT
5 THEN N 1D 52'20"E ASSM BEAR ALG W LINE OF

2018 Property Tax Statement

	VALUES & CLASSIFICATION	
	Taxes Payable Year: 2017	2018
STEP 1	Estimated Market Value:	10,400
	Homestead Exclusion:	
	Taxable Market Value:	10,400
	New Improvements/ Expired Exclusions:	
	Property Classification: - N/A -	RES HMSTD
	Sent in March 2017	
STEP 2	**PROPOSED TAX**	
	Proposed Tax:(excluding special assessments) Sent in November 2017	154.00
STEP 3	**PROPERTY TAX STATEMENT**	
	First-half Taxes: May 15	77.00
	Second-half Taxes: October 15	77.00
	Total Taxes Due in 2018:	154.00

$$$ REFUNDS? *You may be eligible for one or even two refunds to reduce your property tax. Read the back of this statement to find out how to apply.*

	Taxes Payable Year: 2017	2018
1. Use this amount on Form M1PR to see if you're eligible for a property tax refund. File by August 15. If box is checked, you owe delinquent taxes and are not eligible.	☐	154.00
2. Use these amounts on Form M1PR to see if you are eligible for a special refund.		
PROPERTY TAX AND CREDITS		
3. Property tax before credits		154.00
4. Credits that reduce property taxes:		
A. Agricultural and rural land credits		
B. Taconite tax relief		
C. Other credits		
5. Property tax after credits		154.00
PROPERTY TAX BY JURISDICTION		
6. County		32.08
7. City or Town		80.05
8. State General Tax		
9. School District: A. Voter approved levies		10.81
0181 B. Other local levies		29.14
10A. Special taxing district		1.92
B. Tax increment		
C. Fiscal disparity		
11. Non-school voter approved referenda levies		
12. Total property tax before special assessments		154.00
SPECIAL ASSESSMENTS		
13A.		
B.		
C.		
14. Total property tax and special assessments		154.00

ISSUED 03/16/2018

2 ND HALF PAYMENT STUB

Pay on or before October 15 to avoid penalty
Real Estate Crow Wing County

Note: When you provide a check as payment you authorize the County to use information from your check to make a one-time electronic fund transfer from your account. The funds may be withdrawn from your account the same day. You will not receive your check back from your financial institution.

Payable in 2018

R

Make checks payable to: Crow Wing County

CASH ☐
CHECK ☐
COUNTER ☐
MAIL ☐

TAXPAYER # 143733
BLIZIL, JOHN E & NANCY

RES HMSTD ACCT# 95989

Property ID Number: 09143000005H009	
Full Tax for Year	154.00
Balance Due	77.00
Penalty	
Total Paid	

$30.00 service charge for all returned checks.

ISSUED: 03/16/2018

Mail to: Crow Wing County
Land Services
322 Laurel St, Suite 15
Brainerd, MN 56401

Check if address change on back ☐
If box is checked you owe delinquent taxes ☐
Detach stub and include with second half payment

1 ST HALF OR FULL PAYMENT STUB

Pay on or before May 15 to avoid penalty
Real Estate Crow Wing County

Note: When you provide a check as payment you authorize the County to use information from your check to make a one-time electronic fund transfer from your account. The funds may be withdrawn from your account the same day. You will not receive your check back from your financial institution.

Payable in 2018

R

Make checks payable to: Crow Wing County

CASH ☐
CHECK ☐
COUNTER ☐
MAIL ☐

TAXPAYER # 143733
BLIZIL, JOHN E & NANCY

RES HMSTD ACCT# 95989

Property ID Number: 09143000005H009	
Full Tax for Year	154.00
Balance Due	77.00
Penalty	
Total Paid	

$30.00 service charge for all returned checks.

ISSUED: 03/16/2018

Mail to: Crow Wing County
Land Services
322 Laurel St, Suite 15
Brainerd, MN 56401

Check if address change on back ☐
If box is checked you owe delinquent taxes ☐
Detach stub and include with first half or full payment

taxstmt18-11/15/2017-f

General Information

Parcel Number: 09143000005H009

General Information

Township/City:	CITY OF BRAINERD
Taxpayer:	BLIZIL, JOHN E & NANCY 5103 CAMDEN RD BAXTER MN 56425
Property Address:	
Township:	45
Range:	30
Section:	30
Plat:	HOLLAND'S FIRST ADDITION TO THE CITY OF BRD
Lake Number:	0
Lake Name:	
Acres:	0.82
School District:	181

David
City Planner
#- 454-3409
218

Legal Description:

PT OF TRACT 5 DESC COMM AT SW COR OF SD TRACT 5 THEN N 1D 52'20"E ASSM BEAR ALG W LINE OF SD TRACT 5 A DIST OF 109 FT THEN S 87D 17'30" E ALG A LINE PARA/W S LINE OF SD TRACT 5 A DIST OF 300 FT TO POB THEN CONT S 87D 17'30"E ALG SD PARA LINE A DIST OF 328 FT TO E LINE OF SD TRACT 5 THEN S 1D 52'20"W ALG SD E LINE 109 FT TO S LINE OF SD TRACT 5 THEN N 87D 17'30"W ALG SD S LINE 328 FT THEN N 1D 52'20" E 109 FT TO POB.

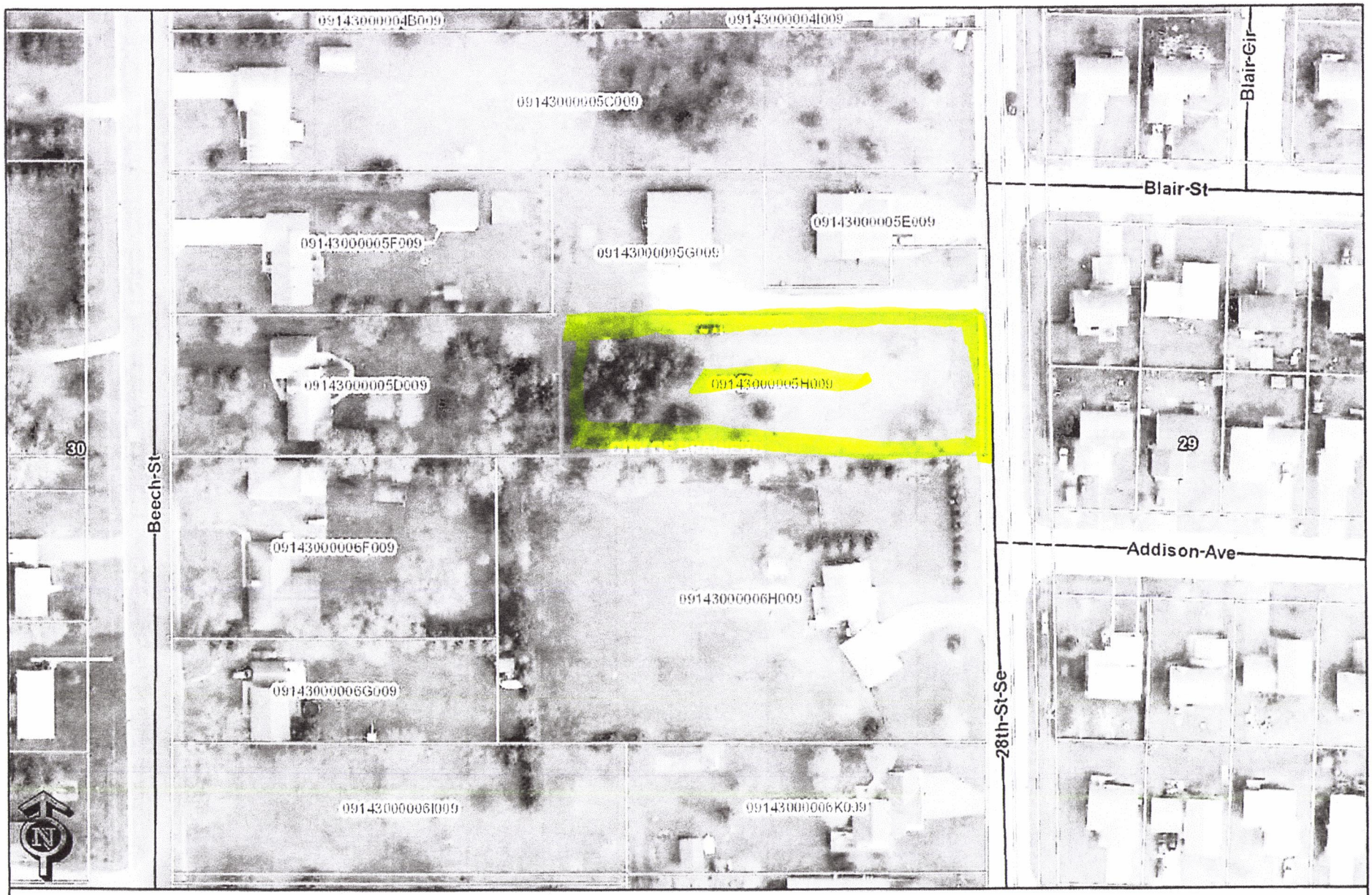
2018 Assessment for 2019 Tax Payable

Class Code 1:	Unimproved Residential Land
Class Code 2:	N/A
Class Code 3:	N/A
Homestead:	Non Homestead

Estimated Land Value:	$16,900.00
Estimated Building Value:	$0.00
Estimated Total Value:	$16,900.00

2018 Tax Payable

Net Tax (Specials Not Included):	$154.00
Total Special Assessments:	$0.00
Current Year Balance Due:	$0.00
Delinquent:	NO



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.

Date: 1/29/2019 Time: 11:19:13 AM

CROW WING COUNTY MINNESOTA

NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that James P Runberg and Diane E Runberg 1205 Lakeview Lane, Brainerd, MN 56401 has submitted a request on behalf of themselves for the properties at 940 28th St. S.E. and 944 28th St. S.E. and on behalf of the property owners for the unaddressed property to the immediate south to rezone said properties from an R-1 (Single Family Residential) District to an R-2 (Medium Density Residential) District for the purpose of bringing 940 & 944 28th St. S.E. back into zoning compliance and to construct a twin home. The properties, their owners, and their legal descriptions are as follows:

James P Runberg Revocable Trust – 940 & 944 28th St. S.E.
THAT PART OF TRACT 5 DESC AS FOLLOWS; TO WIT: COMM AT THE SW CORNER OF SAID TRACT 5, THENCE N 01 DEC 52 MIN 20 SEC E, ASSUMED BEAR
P.I.N No. 09143000005E009

John and Nancy Blizil – Property Not Addressed
PT OF TRACT 5 DESC COMM AT SW COR OF SD TRACT 5 THEN N 1D 52'20"E ASSM BEAR ALG W LINE OF SD TRACT 5 A DIST OF 109 FT Then S 87D 17'30"
P.I.N. No. 09143000005H009

A Public Hearing will be conducted by the Brainerd Planning Commission at 6:00 p.m. Wednesday, March 20, 2019 in the Brainerd City Hall Council Chambers, 501 Laurel Street to consider the request.

Any individual needing special accommodations or would like more information about this request please call (218) 828-2309.

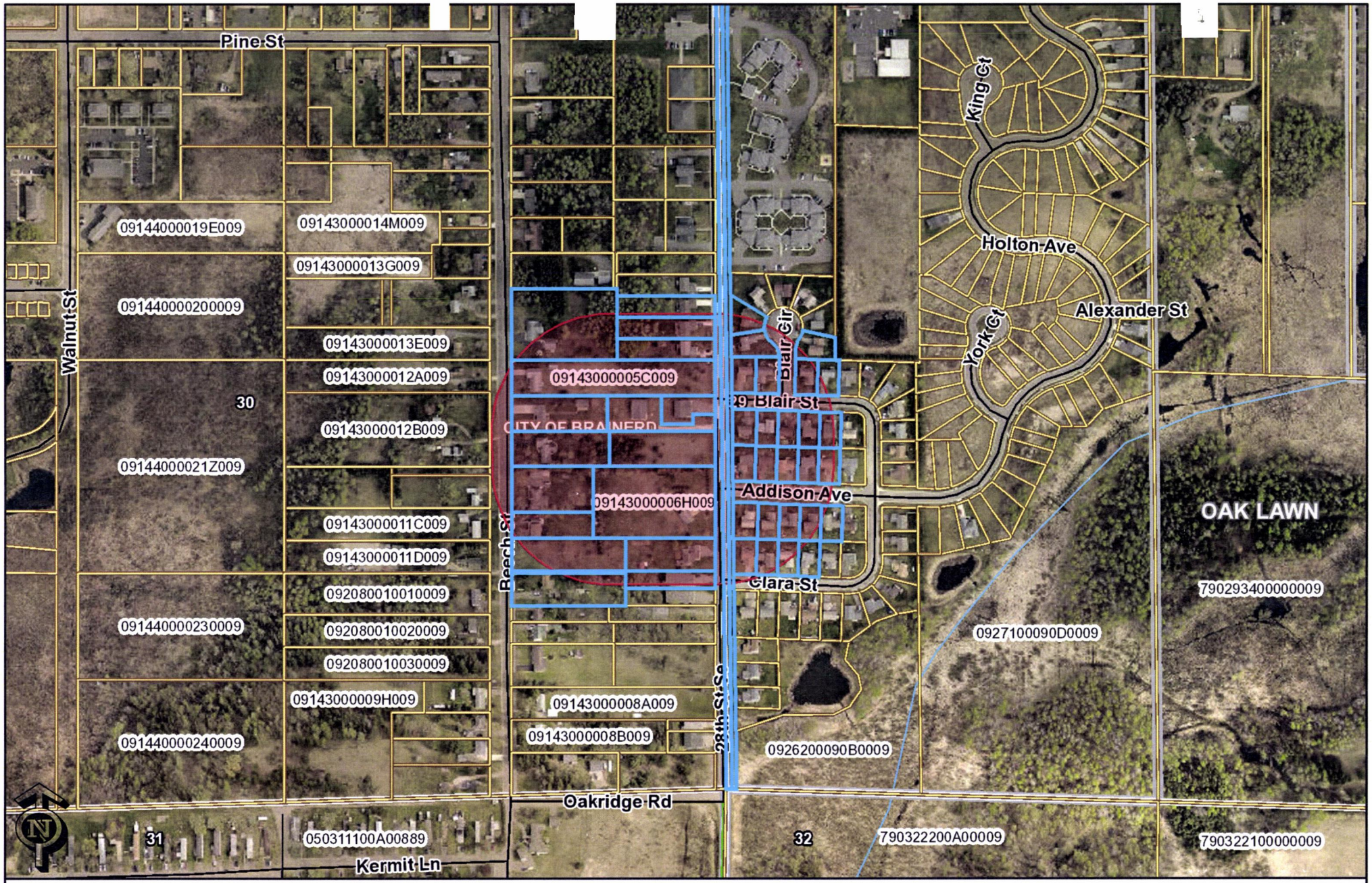
Dated this 8th day of March 2019.

David C. Chanski, MPA
Community Development Director

See reverse side for map.

52 mailings

920 28TH ST SE
920
920 BLAIR CIR
919 BLAIR
2801 BLAIR ST
2805 BLAIR ST
2809 BLAIR
2801
2805
BLAIR CIR
BLAIR ST
940
944
1015 BEECH ST
938
936
R-1
2802
2806
2810
2802 BLAIR ST
2806 BLAIR ST
R-1A
2810 BLAIR ST
28TH ST SE
2801 ADDISON AVE
2805 ADDISON AVE
2809 ADDISON AVE
2801
2805
2809
1119 BEECH ST
1016 28TH ST SE
ADDISON AVE
1016
2802 ADDISON AVE
2806 ADDISON AVE
2810

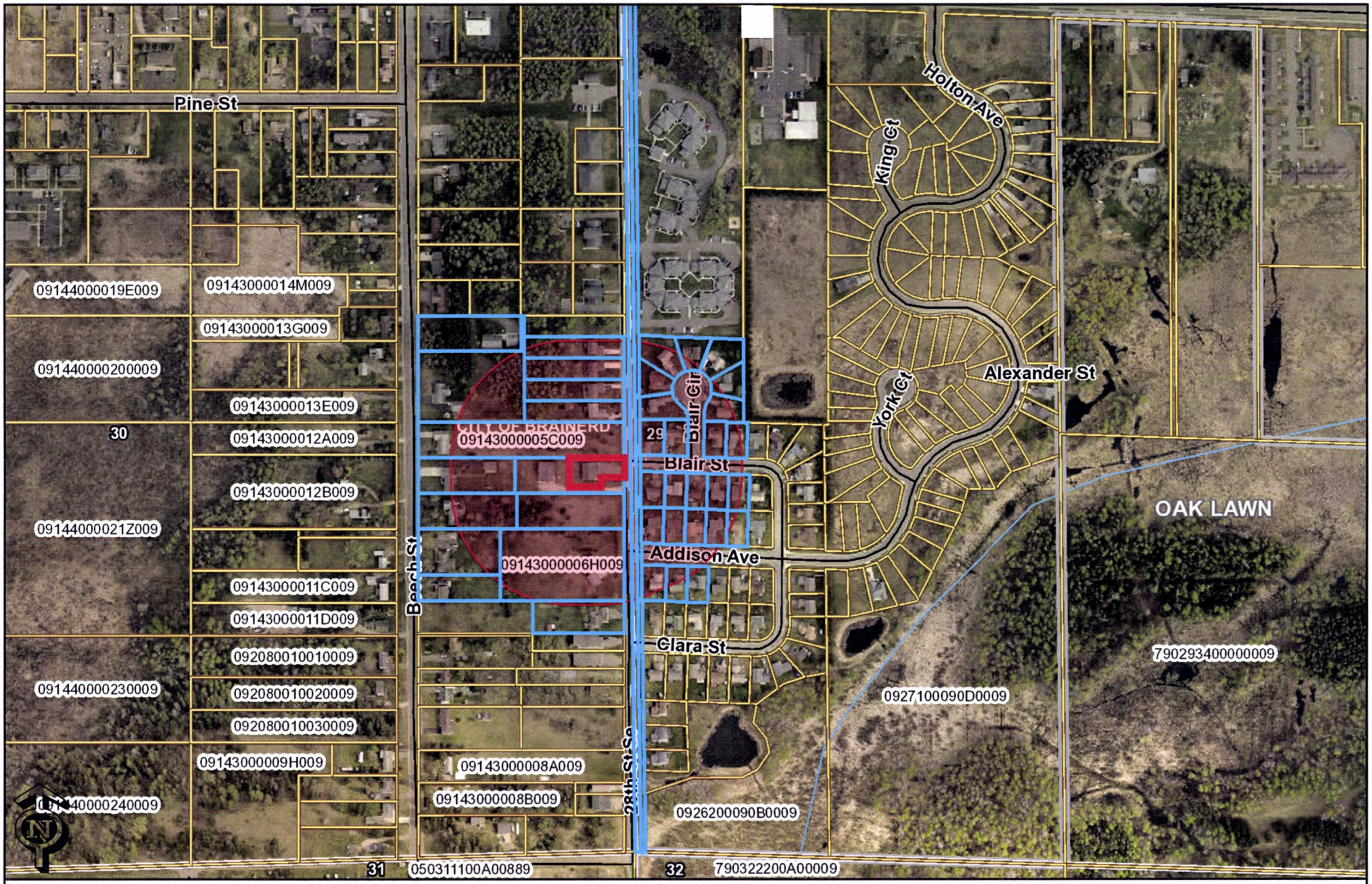


These data are provided on an "AS-IS" basis, without warranty of any type, expressed or implied, including but not limited to any warranty as to their performance, merchantability, or fitness for any particular purpose.

28th Street no address Map

Date: 3/8/2019 Time: 10:30:56 AM

CROW WING COUNTY MINNESOTA



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.

28th St SE Map

Date: 3/8/2019 Time: 10:25:39 AM

CROW WING COUNTY MINNESOTA

Parcel Number	Legacy Parcel Number	Muncipality	Owner Name	Owner Address	Owner Address 2	Owner Address 3	Physical Address	Physical City	Physical Zip
41290668	92510010050009	CITY OF BR	ALMOND, PATRICK & CARLY	912 BLAIR CIR	BRAINERD, MN 56401		912 BLAIR CIR	BRAINERD	56401
41290671	92510010020009	CITY OF BR	BARNHART, JUSTIN W & JENNY L	2805 BLAIR ST	BRAINERD MN 56401		2805 BLAIR ST	BRAINERD	56401
41301092	09143000005H009	CITY OF BR	BLIZIL, JOHN E & NANCY	5103 CAMDEN RD	BAXTER MN 56425				
41290663	92510010100009	CITY OF BR	CATALUSCI-BESETT, CHRISTOPHER &	BEEBE, MADELINE	2809 BLAIR ST	BRAINERD, MN 56401	2809 BLAIR ST	BRAINERD	56401
41290669	92510010040009	CITY OF BR	CLOUGH, JAMES B	916 BLAIR CIRCLE	BRAINERD, MN 56401		916 BLAIR ST	BRAINERD	56401
41300972	09143000005C009	CITY OF BR	DALBY, BARBARA J	1001 BEECH ST	BRAINERD MN 56401		1001 BEECH ST	BRAINERD	56401
41290653	92510020020009	CITY OF BR	DICKINSON, WAYNE S & PATRICIA A	2806 BLAIR ST	BRAINERD, MN 56401		2806 BLAIR ST	BRAINERD	56401
41290643	92510020120009	CITY OF BR	DWIRE, RYAN A	2801 ADDISON AVE	BRAINERD, MN 56401-6312		2801 ADDISON AVE	BRAINERD	56401
41290652	92510020030009	CITY OF BR	EDWARDS, KATHLEEN	2810 BLAIR ST	BRAINERD, MN 56401		2810 BLAIR ST	BRAINERD	56401
41300974	09143000004H009	CITY OF BR	EGGUM, ABBY & MICHAEL	916 28TH ST SE	BRAINERD, MN 56401		916 28TH ST SE	BRAINERD	56401
41300967	09143000006G009	CITY OF BR	FINNEGAN, KEVIN & MARY REV TRUST	5457 CEDARDALE LN	BAXTER MN 56425		1121 BEECH ST	BRAINERD	56401
41300966	09143000006H009	CITY OF BR	FRY, BRYCE	1016 28TH ST SE	BRAINERD, MN 56401		1016 28TH ST SE	BRAINERD	56401
41290639	92620010020009	CITY OF BR	GLASBY, CHRISTOPHER & KATHERINE	2806 ADDISON AVE	BRAINERD, MN 56401		2806 ADDISON AVE	BRAINERD	56401
41290670	92510010030009	CITY OF BR	GUENIN, TERRE D	920 BLAIR CIR	BRAINERD MN 56401		920 BLAIR CIR	BRAINERD	56401
41290645	92510020100009	CITY OF BR	HAAG, BENJAMIN & JOLENE	2809 ADDISON AVE	BRAINERD, MN 56401		2809 ADDISON AVE	BRAINERD	56401
41290644	92510020110009	CITY OF BR	HAGLIN, TIMOTHY M & LADONNA A	13754 TWO MILE RD	BRAINERD MN 56401		2805 ADDISON AVE	BRAINERD	56401
41300976	09143000004F009	CITY OF BR	HEINLEN, PAUL & MELINDA	14143 KIMBERLEE CT	BAXTER, MN 56425		828 28TH ST SE	BRAINERD	56401
41300970	09143000005F009	CITY OF BR	HEPPNER FAMILY JOINT REV TRUST AGR	1015 BEECH ST	BRAINERD, MN 56401		1015 BEECH ST	BRAINERD	56401
41290646	92510020090009	CITY OF BR	HOLMBERG, LEANN	2813 ADDISON AVE	BRAINERD, MN 56401		2813 ADDISON AVE	BRAINERD	56401
41290638	92620010030009	CITY OF BR	IMGRUND, JODI P	2927 MEYER RD	FORT RIPLEY, MN 56449-1385		2810 ADDISON AVE	BRAINERD	56401
41300518	09143000005D009	CITY OF BR	KALINOSKI, STANLEY P	1023 BEECH ST	BRAINERD MN 56401		1023 BEECH ST	BRAINERD	56401
41290664	92510010090009	CITY OF BR	KANE, JENNIFER KATHLEEN	919 BLAIR CIR	BRAINERD MN 56401		919 BLAIR CIR	BRAINERD	56401
41290640	92620010010009	CITY OF BR	KARASCH, JODY L	2802 ADDISON AVE	BRAINERD, MN 56401		2802 ADDISON AVE	BRAINERD	56401
41300973	09143000004I009	CITY OF BR	KELLER, PATRICK	920 28TH SE SE	BRAINERD, MN 56401		920 28TH ST SE	BRAINERD	56401
41300978	09143000004C009	CITY OF BR	L PETERSON INVESTMENTS LLC	ATTN: LYNN M PETERSON	10471 STATE HIGHWAY 25	BRAINERD, MN 56401	0	BRAINERD	56401
41290672	92510010010009	CITY OF BR	LEE, KANGWON	2801 BLAIR ST	BRAINERD, MN 56401		2801 BLAIR ST	BRAINERD	56401
41300969	09143000005G009	CITY OF BR	LI, XUE	4312 COUNTY ROAD 29	PEQUOT LAKES MN 56472				
41300968	09143000006F009	CITY OF BR	LONG LAKE INVESTMENTS LLC	ATTN: LYNN M PETERSON	10471 STATE HIGHWAY 25	BRAINERD, MN 56401	1119 BEECH ST	BRAINERD	56401
41290667	92510010060009	CITY OF BR	MILLE LACS BAND OF CHIPPEWA INDIANS	43408 OODENA DR	ONAMIA, MN 56359		908 BLAIR CIR	BRAINERD	56401
81290526	790293200FA0009	OAK LAWN	MINNESOTA POWER AND LIGHT	30 W SUPERIOR ST	DULUTH MN 55802			0 BRAINERD	56401
41290651	92510020040009	CITY OF BR	OLTMANN, ANTHONY DUANE &	KRISTIN MARIE	2814 BLAIR ST	BRAINERD, MN 56401	2814 BLAIR ST	BRAINERD	56401
41290650	92510020050009	CITY OF BR	O'REILLY, KATHLEEN	2818 BLAIR ST	BRAINERD MN 56401		2818 BLAIR ST	BRAINERD	56401
41300975	09143000004G009	CITY OF BR	PLANTE, CINDY L	906 28TH ST SE	BRAINERD MN 56401		906 28TH ST SE	BRAINERD	56401
41300979	09143000004B009	CITY OF BR	PRUITT, PAMELA & DENNIS BLAKESLEY	923 BEECH ST	BRAINERD MN 56401		923 BEECH ST	BRAINERD	56401
41300971	9143000005000000000	CITY OF BR	RUNBERG, JAMES P REVOCALBE TRUST	1205 LAKEVIEW LN N	BRAINERD, MN 56401			0 BRAINERD	56401
41300963	09143000006K009	CITY OF BR	RUPP, KASSIDY ELIZABETH	1120 28TH ST SE	BRAINERD MN 56401		1120 28TH ST SE	BRAINERD	56401
41290665	92510010080009	CITY OF BR	SCHUCKER, CHRISTOPHER J	915 BLAIR CIRCLE	BRAINERD, MN 56401		915 BLAIR CIR	BRAINERD	56401
41290654	92510020010009	CITY OF BR	SHN PROPERTIES LLC	3552 44TH ST SW	PINE RIVER, MN 56474		2802 BLAIR ST	BRAINERD	56401
41290647	92510020080009	CITY OF BR	STEINKOPF, DIANE	2817 ADDISON AVE	BRAINERD, MN 56401		2817 ADDISON AVE	BRAINERD	56401
41290666	92510010070009	CITY OF BR	STEPHANIE, JAMES L	911 BLAIR CIRCLE	BRAINERD, MN 56401		911 BLAIR CIR	BRAINERD	56401
41290662	92510010110009	CITY OF BR	STRACK, THOMAS W & JENNIFER R	2813 BLAIR ST	BRAINERD MN 56401		2813 BLAIR ST	BRAINERD	56401

Parcel Number	Legacy Parcel Number	Muncipality	Owner Name	Owner Address	Owner Address 2	Owner Address 3	Physical Address	Physical City
41290637	92620010040009	CITY OF BR	ANDERSON, MICHELLE LEE	2814 ADDISON AVE	BRAINERD, MN 56401		2814 ADDISON AVE	BRAINERD
41300964	09143000006J009	CITY OF BR	C5 PROPERTIES LLC	3654 KRIST COURT	PEQUOT LAKES, MN 56472			0 BRAINERD
41300965	09143000006I009	CITY OF BR	CORY, DANIEL H & JOANNE M	5931 SANDSTONE RD	BAXTER MN 56425-7611			0 BRAINERD
41290636	92620010050009	CITY OF BR	H & H PROPERTIES OF MINNESOTA	4689 ASHLEY RD	BAXTER, MN 56425		2818 ADDISON AVE	BRAINERD
41300956	09143000007H009	CITY OF BR	KRAEMER, JON J & KARI	16035 MCKAY RD	BRAINERD MN 56401			
41290632	92620010090009	CITY OF BR	LEBLANC, CHRISTOPHER ARTHUR AND	LYNETTE MARIE LEBLANC	2813 CLARA ST	BRAINERD, MN	2813 CLARA ST	BRAINERD
41290631	92620010100009	CITY OF BR	NELSON, CHERYL	2809 CLARA ST	BRAINERD, MN 56401		2809 CLARA ST	BRAINERD
41290629	92620010120009	CITY OF BR	RAASCH, KARI K	2801 CLARA ST	BRAINERD, MN 56401		2801 CLARA ST	BRAINERD
41290630	92620010110009	CITY OF BR	SCHWICHTENBERG, BRANDON D	2805 CLARA ST	BRAINERD MN 56401		2805 CLARA ST	BRAINERD

Client:

CITY OF BRAINERD

Account # 316123 Ad # 2733550

Phone: (218) 828-2307

Fax:

Address: 501 LAUREL STREET

BRAINERD, MN 56401

Sales Rep.:

3804 Ann Windorski

Phone: (218) 855-5804

Fax:

Email: ann.windorski@brainerddispatch.com

Class.: 9960 MINNESOTA LEGALS

Requested By:

Start Date: 03/11/2019

End Date: 03/11/2019

Nb. of Inserts: 2

Dimensions: 1 col. x 5.75 Inches

Publications: Brainerd Dispatch

brainerddispatch.com

Total Price: $

Paid Amount: $0.00

Balance: $

(Published in the Brainerd Dispatch, March 11, 2019, 1t.)

NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that James P Runberg and Diane E Runberg 1205 Lakeview Lane, Brainerd, MN 56401 has submitted a request on behalf of themselves for the properties at 940 28th St. S.E. and 944 28th St. S.E. and on behalf of the property owners for the unaddressed property to the immediate south to rezone said properties from an R-1 (Single Family Residential) District to an R-2 (Medium Density Residential) District for the purpose of bringing 940 & 944 28th St. S.E. back into zoning compliance and to construct a twin home. The properties, their owners, and their legal descriptions are as follows:

James P Runberg Revocable Trust - 940 & 944 28th St. S.E.

THAT PART OF TRACT 5 DESC AS FOLLOWS; TO WIT: COMM AT THE SW CORNER OF SAID TRACT 5, THENCE N 01 DEC 52 MIN 20 SEC E, ASSUMED BEAR

P.I.N No. 09143000005E009

John and Nancy Blizil - Property Not Addressed

PT OF TRACT 5 DESC COMM AT SW COR OF SD TRACT 5 THEN N 1D 52'20"E ASSM BEAR ALG W LINE OF SD TRACT 5 A DIST OF 109 FT Then S 87D 17'30"

P.I.N. No. 09143000005H009

A Public Hearing will be conducted by the Brainerd Planning Commission at 6:00 p.m. Wednesday, March 20, 2019 in the Brainerd City Hall Council Chambers, 501 Laurel Street, to consider rezoning these properties.

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

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

Dated this 8th day of March 2019

O R D I N A N C E
NO. 1493

AN ORDINANCE AMENDING ORDINANCE NO. 812
PERTAINING TO THE ZONING IN THE CITY OF BRAINERD

THE CITY COUNCIL OF THE CITY OF BRAINERD DOES ORDAIN:

SECTION ONE: That existing Section 515-04-02 of the Brainerd City Code is hereby amended by changing the zoning designation of the properties below from an R-1 (Single-Family Residential) District to an R-2 (Medium Density Residential) District for the following:

PIN 09143000005E009

THAT PART OF TRACT 5 DESC AS FOLLOWS; TO WIT: COMM AT THE SW CORNER OF SAID TRACT 5, THENCE N 01 DEG 52 MIN 20 SEC E, ASSUMED BEAR ING, 218 FT ALG THE W LINE OF SAID TRACT 5, THENCE S 87 DEG 17 MIN 30 SEC E, A DIST OF 458.98 FT TO THE POB, THENCE S 01 DEG 52 MIN 20 SEC W, A DIST OF 89 FT, THENCE S 87 DEG 17 MIN 30 SEC E A DIST OF 98.01 FT, THENCE N 01 DEG 52 MIN 20 SEC E, A DIST OF 30 FT, THENCE S 87 DEG 17 MIN 30 SEC E A DIST OF 71.01 FT TO THE E LINE OF SAID TRACT 5, THENCE N 01 DEG 52 MIN 20 SEC E, A DIST OF 59 FT, THENCE N 87 DEG 17 MIN 30 SEC W, A DIST OF 169.02 FT TO THE POB.

PIN 09143000005H009

PT OF TRACT 5 DESC COMM AT SW COR OF SD TRACT 5 THEN N 1D 52'20"E ASSM BEAR ALG W LINE OF SD TRACT 5 A DIST OF 109 FT THEN S 87D 17'30" E ALG A LINE PARA/W S LINE OF SD TRACT 5 A DIST OF 300 FT TO POB THEN CONT S 87D 17'30"E ALG SD PARA LINE A DIST OF 328 FT TO E LINE OF SD TRACT 5 THEN S 1D 52'20"W ALG SD E LINE 109 FT TO S LINE OF SD TRACT 5 THEN N 87D 17'30"W ALG SD S LINE 328 FT THEN N 1D 52'20" E 109 FT TO POB.

SECTION TWO: This Ordinance shall take effect and be in force one week from and after its publication.

Adopted this _____ day of April, 2019

_____
GABE JOHNSON
President of the Council

Approved this ____ day of April, 2019

_____
EDWIN L. MENK
Mayor

ATTEST: _____
CASSANDRA TORSTENSON
City Administrator

Published: One Time, _____, 2019

Brainerd City Council
Agenda Request

Requested Meeting Date: April 15, 2019

Title of Item: Ordinance No. 1494 - Final Reading

☐ 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: Community Development Director	**Department:** Community Development
Presenter (Name & Title): David Chanski, CDD	**Estimated Time Needed:** 2 minutes

Summary of Issue:

Laine Larson, Superintendent ISD #181, on behalf of Brainerd Public Schools - ISD #181, has submitted a request on behalf of the school district to rezone the District's property at 1609 Oak St and its neighborhing parcel (PIN 09181016008A009) and on behalf of the property owners at 1601 Oak St and its neighboring parcel (PIN 09181016008B009) from B-2 Neighborhood Business District to R-2 Medium Density Residential District. The purpose of the zoning request is to remodel and expand Harrison Elementary School.

Alternatives, Options, Effects on Others/Comments:

At their regular meeting on Wednesday, March 20, the Planning Commission unanimously recommended approval of this rezoning.

The public hearing for this request was held at the Planning Commission meeting on March 20, and the City Council held the first reading of this ordinance on Monday, April 1.

Recommended Action/Motion:

Conduct final reading of Ordinance No. 1494. Staff recommends forgoing the actual reading.

Motion to adopt Ordinance No. 1494 an ordinance amending Ordinance No. 812 Pertaining to the zoning in the City of Brainerd.

Financial Impact:

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

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

Is this budgeted? ☐ Yes ☑ No

Please Explain:

City of Brainerd
Community Development Department

TO: Planning Commission

FROM: David Chanski, Community Development Director

DATE: March 14, 2019

RE: 1601 and 1609 Oak St. Rezoning

Laine Larson, Superintendent ISD #181, on behalf of Brainerd Public Schools – ISD #181 has submitted a request on behalf of the school district to rezone the District's property at 1609 and Oak St. and its neighboring parcel (P.I.N. 09181016008A009) and on behalf of the property owners at 1601 Oak St. and its neighboring parcel (P.I.N. 09181016008B009) from B-2 Neighborhood Business District to R-2 Medium Density Residential District.

The purpose of the rezoning request is to remodel and expand Harrison Elementary School

Findings of Fact

1. The properties at 1601 and 1609 Oak St will be used as part of the Harrison Elementary School expansion project.
2. ISD #181 has a purchase agreement in place to purchase 1601 Oak St.
3. Rezoning to properties to a R-2 District will have the following impacts:
    a. The properties will have the same zoning as the surrounding neighborhood.
    b. Rezoning to R-2 is a necessary element of the Harrison Elementary School expansion project as schools are prohibited in B-2 districts.
4. Upon the completion of the property acquisition process, ISD #181 will also own the properties to the immediate north of 1601 and 1609 Oak St.

As of this writing, no parties have come forward to express their objections to this rezoning request.

Staff Opinion

As ISD #181 is seeking to improve and expand Harrison Elementary School to provide quality educational facilities for the children of Brainerd for years to come, and as ISD #181 has purchase agreements in place to purchase 1601 Oak St. and its neighboring parcel, and as B-2 Neighborhood Business Districts prohibit the operation of schools, and as the surrounding neighborhood is currently zoned R-2 Medium Density Residential, staff recommends approval of this request.

2019-00004

PRINTED WITHOUT ISSUING 3/5/2019

ADDRESS	:	1601 OAK ST
PIN	:	09181016007B009
LEGAL DESC	:	SLEEPERS ADDITION
	:	LOT 7 BLOCK 16
PERMIT TYPE	:	REZONING FEE
PROPERTY TYPE	:	COMMERICAL
CONSTRUCTION TYPE	:	REZONING APPLICATION FEE
VALUATION	:	

SARFF, MILTON A & MARLENE
291 KENWOOD DR N
BAXTER, MN 56425

REZONING FEE - COMMERCIAL		500.00
	TOTAL	**500.00**
Payment(s)		
CHECK	159486	500.00

SARFF, MILTON A & MARLENE
291 KENWOOD DR N
BAXTER, MN 56425

City Planning Department
City Hall – 501 Laurel Street
Brainerd, MN 56401
218-828-2309/Fax 218-828-2316
www.ci.brainerd.mn.us

Receipt # 2019-00004
Check # 159486
Date Paid: 3/5/19

CONDITIONAL USE/REZONING/VARIANCE APPLICATION

	RESIDENTIAL	COMMERCIAL
CONDITIONAL USE PERMIT	☐ ($250.00)	☐ ($400.00 + $500.00 escrow deposit)
REZONING	☐ ($300.00)	☒ ($500.00)
VARIANCE	☐ ($250.00)	☐ ($400.00 + $500.00 escrow deposit)

PROPERTY ADDRESS: 1601 Oak Street & extra lot unknown address

LEGAL DESCRIPTION: Lot(s): _____ Block: _____ Addition: _____
(attach description if lengthy) (See Description Below)

Property Owner Name: Milton (Tony) Sarff
Street Address: 13945 Kenwood Drive **City:** Baxter **State:** MN **Zip Code** 56425
Phone Number: 218-829-5318 **Fax:** — **E-mail:** tonysarff@yahoo.com
Applicant Name: (If different than Property Owner) ISD # 181, Brainerd, MN.
Street Address: _____ **City:** _____ **State:** ____ **Zip Code:** _____
Phone Number: _____ **Fax:** _____ **E-mail:** _____

Description of Request: Request Re-Zoning of existing Properties (B-2 Zone) to R-2 Zone

LEGAL DESCRIPTION: The West Half of Lot 8, and the South 60 feet of Lot 7, all in Block 16, SLEEPER'S ADDITION TO THE CITY OF BRAINERD according to the recorded plat thereof, on file in the Crow Wing County, Minnesota, Recorder's office

Milton Sarff
Property Owner Signature

2- -19
Date

Milton Sarff
(Please print name)

Applicant Signature

Date

(Please print name)

(OVER)

ICS Consulting, Inc.
110 North West 3rd Street
Brainerd, MN 56401

ICS CONSULTING, INC

LETTER OF TRANSMITTAL

DATE: 3/5/2019	JOB NO.

TO: CITY OF BRAINERD
COMMUNITY DEVELOPMENT/PLANNING
501 LAUREL STREET
BRAINERD, MN 56401

ATTN:	DAVID CHANSKI
RE:	**HARRISON ELEM RE-ZONE APPLICATION**

WE ARE SENDING YOU: ☒ Attached ☐ Under separate cover via VIA. The following items:

☐ Shop Drawings ☒ Prints ☐ Plans ☐ Samples ☐ Specifications
☐ Copy of Letter ☐ Change Order ☒ Other

Copies	Date	No.	Description
1	3/5/19		Re-Zoning Application -1601 Oak Street
1	3/5/19		Re-Zoning Application -1609 Oak Street
1			Payment for Re-Zoning Application included in CUP submittal

THESE ARE TRANSMITTED as checked below:

☐ For Approval ☐ Approved as Submitted ☐ Resubmit Copies for Approval
☒ For Your Use ☐ Approved as Noted ☒ Submit Copies for Distribution
☐ As Requested ☐ Returned for Correction ☐ Return Corrected Prints
☐ For Review & Comment ☐ Revise – Resubmit ☐ Prints Returned after Loan to FJJ
☐ For Bids Due ☐ Other

REMARKS:

Thanks!

COPY TO: File SIGNED: Ken Adleson

City Planning Department
City Hall – 501 Laurel Street
Brainerd, MN 56401
218-828-2309/Fax 218-828-2316
www.ci.brainerd.mn.us

Receipt # _____
Check # _____
Date Paid: _____

CONDITIONAL USE/REZONING/VARIANCE APPLICATION

	RESIDENTIAL	COMMERCIAL
CONDITIONAL USE PERMIT	☐ ($250.00)	☐ ($400.00 + $500.00 escrow deposit)
REZONING	☐ ($300.00)	☒ ($500.00)
VARIANCE	☐ ($250.00)	☐ ($400.00 + $500.00 escrow deposit)

PROPERTY ADDRESS: 1609 Oak Street

LEGAL DESCRIPTION: Lot(s): _____ Block: _____ Addition: _____
(attach description if lengthy) (See Description Below)

Property Owner Name: Brainerd Public Schools -ISD #181

Street Address: 804 Oak Street **City:** Brainerd **State:** MN **Zip Code** 56401

Phone Number: 218-454-6900 **Fax:** 218-454-6901 **E-mail:** laine.larson@isd181.org

Applicant Name: (If different than Property Owner) _____

Street Address: _____ **City:** _____ **State:** ____ **Zip Code:** _____

Phone Number: _____ **Fax:** _____ **E-mail:** _____

Description of Request: Request Re-Zoning of existing Properties (B-2 Zone) to R-2 Zone

LEGAL DESCRIPTION: Lots 9, 10, and the East Half of Lot 8, all in Block 16, SLEEPER'S ADDITION TO THE CITY OF BRAINERD according to the recorded plat thereof, on file in the Crow Wing County, Minnesota, Recorder's office

Laine D. Larson
Property Owner Signature — 03-01-19 **Date**

Laine Larson, Superintendent
(Please print name)

Laine D. Larson
Applicant Signature — 03-01-19 **Date**

Laine D. Larson
(Please print name)

(OVER)

REMOVAL AREA TABLE

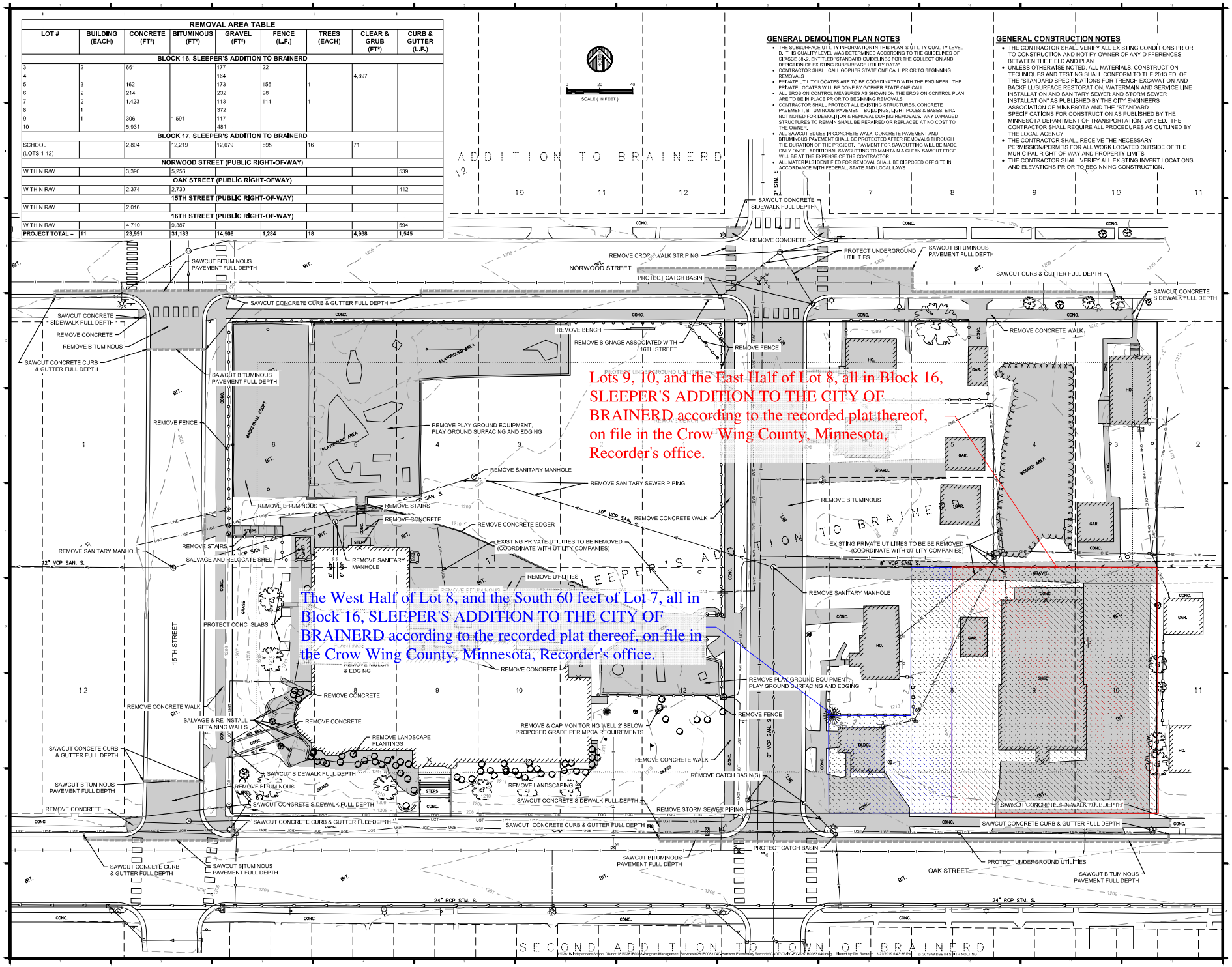
LOT #	BUILDING (EACH)	CONCRETE (FT²)	BITUMINOUS (FT²)	GRAVEL (FT³)	FENCE (L.F.)	TREES (EACH)	CLEAR & GRUB (FT²)	CURB & GUTTER (L.F.)
BLOCK 16, SLEEPER'S ADDITION TO BRAINERD								
3	2	661		177	22			
4				164			4,897	
5	3	162		173	155	1		
6	2	214		232	98			
7	2	1,423		113	114	1		
8	1			372				
9	1	306	1,591	117				
10		5,931		481				
BLOCK 17, SLEEPER'S ADDITION TO BRAINERD								
SCHOOL (LOTS 1-12)		2,804	12,219	12,679	895	16	71	
NORWOOD STREET (PUBLIC RIGHT-OF-WAY)								
WITHIN R/W		3,390	5,256					539
OAK STREET (PUBLIC RIGHT-OFWAY)								
WITHIN R/W		2,374	2,730					412
15TH STREET (PUBLIC RIGHT-OF-WAY)								
WITHIN R/W		2,016						
16TH STREET (PUBLIC RIGHT-OF-WAY)								
WITHIN R/W		4,710	9,387					594
PROJECT TOTAL =	**11**	**23,991**	**31,183**	**14,508**	**1,284**	**18**	**4,968**	**1,545**

GENERAL DEMOLITION PLAN NOTES

- THE SUBSURFACE UTILITY INFORMATION IN THIS PLAN IS UTILITY QUALITY LEVEL D. THIS QUALITY LEVEL WAS DETERMINED ACCORDING TO THE GUIDELINES OF CI/ASCE 38-2, ENTITLED "STANDARD GUIDELINES FOR THE COLLECTION AND DEPICTION OF EXISTING SUBSURFACE UTILITY DATA".
- CONTRACTOR SHALL CALL GOPHER STATE ONE CALL PRIOR TO BEGINNING REMOVALS.
- PRIVATE UTILITY LOCATES ARE TO BE COORDINATED WITH THE ENGINEER. THE PRIVATE LOCATES WILL BE DONE BY GOPHER STATE ONE CALL.
- ALL EROSION CONTROL MEASURES AS SHOWN ON THE EROSION CONTROL PLAN ARE TO BE IN PLACE PRIOR TO BEGINNING REMOVALS.
- CONTRACTOR SHALL PROTECT ALL EXISTING STRUCTURES, CONCRETE PAVEMENT, BITUMINOUS PAVEMENT, BUILDINGS, LIGHT POLES & BASES, ETC. NOT NOTED FOR DEMOLITION & REMOVAL DURING REMOVALS. ANY DAMAGED STRUCTURES TO REMAIN SHALL BE REPAIRED OR REPLACED AT NO COST TO THE OWNER.
- ALL SAWCUT EDGES IN CONCRETE WALK, CONCRETE PAVEMENT AND BITUMINOUS PAVEMENT SHALL BE PROTECTED AFTER REMOVALS THROUGH THE DURATION OF THE PROJECT. PAYMENT FOR SAWCUTTING WILL BE MADE ONLY ONCE. ADDITIONAL SAWCUTTING TO MAINTAIN A CLEAN SAWCUT EDGE WILL BE AT THE EXPENSE OF THE CONTRACTOR.
- ALL MATERIALS IDENTIFIED FOR REMOVAL SHALL BE DISPOSED OFF SITE IN ACCORDANCE WITH FEDERAL, STATE AND LOCAL LAWS.

GENERAL CONSTRUCTION NOTES

- THE CONTRACTOR SHALL VERIFY ALL EXISTING CONDITIONS PRIOR TO CONSTRUCTION AND NOTIFY OWNER OF ANY DIFFERENCES BETWEEN THE FIELD AND PLAN.
- UNLESS OTHERWISE NOTED, ALL MATERIALS, CONSTRUCTION TECHNIQUES AND TESTING SHALL CONFORM TO THE 2013 ED. OF THE "STANDARD SPECIFICATIONS FOR TRENCH EXCAVATION AND BACKFILL/SURFACE RESTORATION, WATERMAIN AND SERVICE LINE INSTALLATION AND SANITARY SEWER AND STORM SEWER INSTALLATION" AS PUBLISHED BY THE CITY ENGINEERS ASSOCIATION OF MINNESOTA AND THE "STANDARD SPECIFICATIONS FOR CONSTRUCTION AS PUBLISHED BY THE MINNESOTA DEPARTMENT OF TRANSPORTATION 2018 ED. THE CONTRACTOR SHALL REQUIRE ALL PROCEDURES AS OUTLINED BY THE LOCAL AGENCY.
- THE CONTRACTOR SHALL RECEIVE THE NECESSARY PERMISSION/PERMITS FOR ALL WORK LOCATED OUTSIDE OF THE MUNICIPAL RIGHT-OF-WAY AND PROPERTY LIMITS.
- THE CONTRACTOR SHALL VERIFY ALL EXISTING INVERT LOCATIONS AND ELEVATIONS PRIOR TO BEGINNING CONSTRUCTION.



ICS CONSULTING, INC
MINNESOTA NORTH DAKOTA PENNSYLVANIA SOUTH DAKOTA
www.ics-consult.com

WIDSETH SMITH NOLTING

Project Name:

HARRISON ELEMENTARY SCHOOL ADDITION & REMODEL

Project Location:
1515 OAK STREET
BRAINERD, MN.

©2019 ICS Consulting

MARK	DATE	REVISION

I hearby certify that this plan, specification, or report was prepared by me or under my direct supervision, and that I am a duly Licensed Professional Engineer under the State of

Signature

Printed Name: TIMOTHY T. RAMERTH

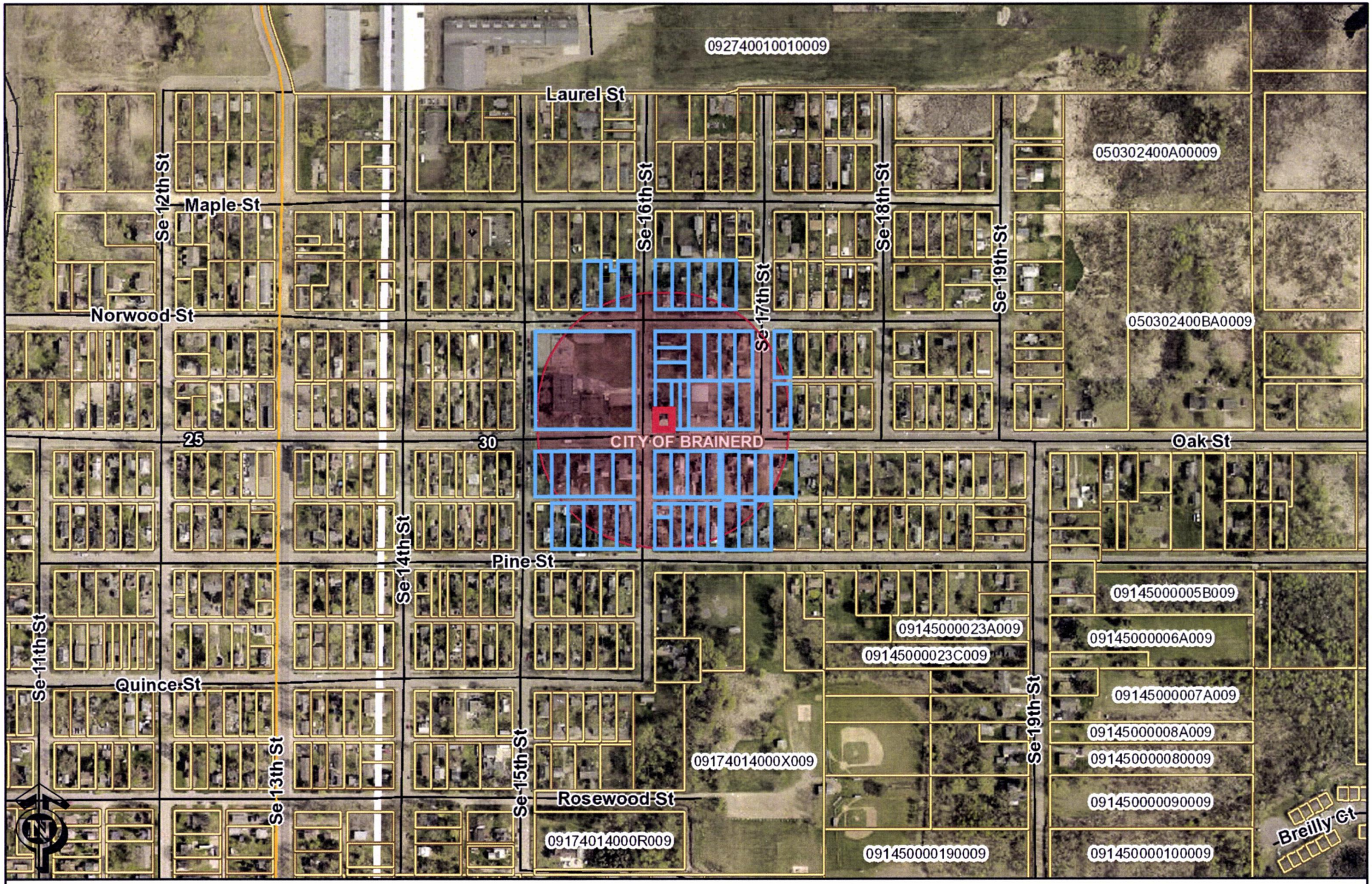
Date: 02/21/2019 Reg. No.: 41866

Project Information:

Project No. : 028180083.040
Drawn By : JWR
Checked By : TTR
Date : FEBRUARY 2019
File Name:

Sheet Title:
EXISTING CONDITIONS & REMOVALS PLAN

Sheet Number:
C4.01



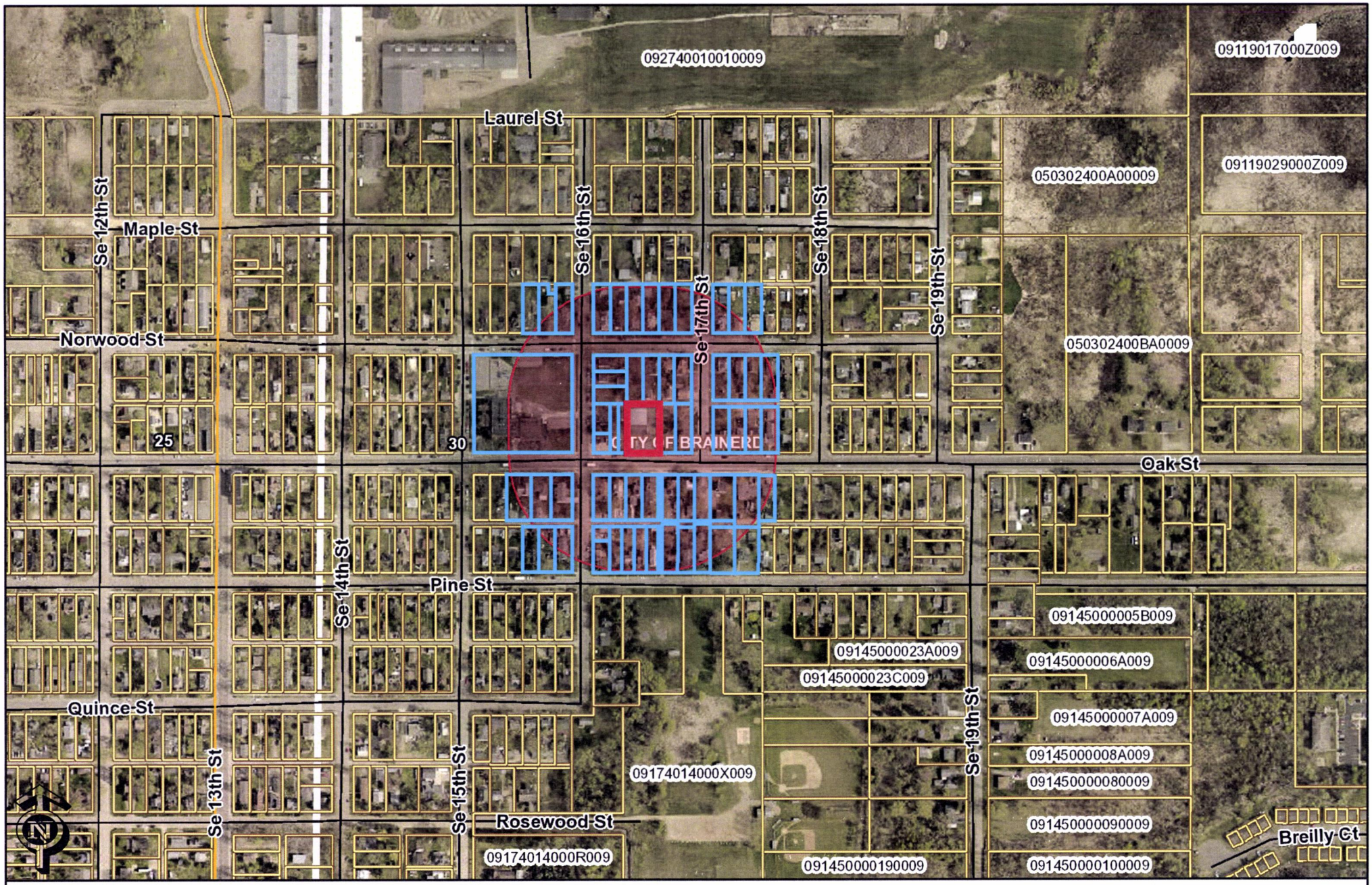
1601 Oak St

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.

Date: 3/8/2019 Time: 10:20:58 AM

CROW WING COUNTY MINNESOTA

Parcel Numbe	Legacy Parcel Number	Muncipality	Owner Name	Owner Address	Owner Address 2	Physical Address	Physical City	Physical Zip
41250821	09174003005Z009	CITY OF BR	1509 PINE STREET LLC	11171 TOWN HALL ST	BRAINERD, MN 56401	1509 PINE ST	BRAINERD	56401
41250820	09174003007Z009	CITY OF BR	BINDA, ANTHONY JR & AMANDA E	1507 PINE ST	BRAINERD, MN 56401	1507 PINE ST	BRAINERD	56401
41300638	09181012011B009	CITY OF BR	BRUNS, TROY G & SHERI	1517 NORWOOD ST	BRAINERD MN 56401	1517 NORWOOD ST	BRAINERD	56401
41300607	09181016005Z009	CITY OF BR	CLUEVER CONSTRUCTION INC	12674 KNOLLWOOD DR	BAXTER MN 56425	509 16TH ST SE	BRAINERD	56401
41300612	09181016002B009	CITY OF BR	DWYER, BENJAMIN	303 GLENWOOD ST	RED WING, MN 55066-3426	1618 NORWOOD ST	BRAINERD	56401
41300626	91810130110009	CITY OF BR	FEDERAL NATIONAL MORTGAGE ASSOC	14221 DALLAS PKWY SUITE 11201	DALLAS, TX 75254-2916	1619 NORWOOD ST	BRAINERD	56401
41250839	09174001000T009	CITY OF BR	FORTUNE, WILLIAM F III & MARLOWE	2531 RIDGE DR	BRAINERD MN 56401	1620 OAK ST	BRAINERD	56401
41250816	09174003015Y009	CITY OF BR	GROENWOLD, JOHN A &	GROENWOLD, AMANDA	13713 OLIVEWOOD DR	1508 OAK ST	BRAINERD	56401
41250840	09174001000R009	CITY OF BR	HAMM, JOSEPH P	22125 BLUEGILL RD	IRONTON, MN 56455	1702 OAK ST	BRAINERD	56401
41300611	91810160030009	CITY OF BR	HANKEL, CHRISTIAN R & JENNY	1616 NORWOOD ST	BRAINERD MN 56401	1616 NORWOOD ST	BRAINERD	56401
41250833	09174002001Z009	CITY OF BR	HANSON, JEROME E & DONNA	1609 PINE ST	BRAINERD MN 56401	1609 PINE ST	BRAINERD	56401
41300599	91810170000009	CITY OF BR	IND SCHOOL DIST, # 181	804 OAK ST	BRAINERD, MN 56401	0 HARRISON	BRAINERD	56401
41300614	09181015011Z009	CITY OF BR	JM ANDERSON PROPERTIES LLC	23226 ANDERSON BLVD	MERRIFIELD MN 56465	1703 OAK ST	BRAINERD	56401
41300629	91810130080009	CITY OF BR	JOEL, JAMES H JR & SHELLEN M	1607 NORWOOD ST	BRAINERD, MN 56401	1607 NORWOOD ST	BRAINERD	56401
41250824	09174002015Z009	CITY OF BR	JOHNSON, KEVIN & JANE	1618 OAK ST	BRAINERD MN 56401	1618 OAK ST	BRAINERD	56401
41300627	91810130100009	CITY OF BR	KRAMVIK, JAMES L & BRIANNA M	1615 NORWOOD ST	BRAINERD, MN 56401	1615 NORWOOD ST	BRAINERD	56401
41250828	09174002007Z009	CITY OF BR	KUHN, NATASHA A	3947 1ST AVE S APT 5	MINNEAPOLIS MN 55409	1601 PINE ST	BRAINERD	56401
41250835	09174001000Y009	CITY OF BR	LOVAS, GARY L & DIANE L	23921 JULY AVE N	SCANDIA MN 55073	1627 PINE ST	BRAINERD	56401
41300608	09181016005Y009	CITY OF BR	MCKAY, RICHARD G & MARY	21212 MAIL ROUTE RD	BRAINERD MN 56401	505 16TH ST SE	BRAINERD	56401
41250826	09174002011Z009	CITY OF BR	MUELLER, JUSTIN P & SHELBY L	1608 OAK ST	BRAINERD, MN 56401	1608 OAK ST	BRAINERD	56401
41300600	91810160120009	CITY OF BR	NELSON, MATT	2027 E FAIRBANKS ST	TACOMA, WA 98404-4850	1623 OAK ST	BRAINERD	56401
41250837	09174001000W009	CITY OF BR	NICKELS, DEBRA A	21370 S LAKE GEORGE DR NW	CEDAR, MN 55011-9136	1617 PINE ST	BRAINERD	56401
41250829	09174002007Y009	CITY OF BR	OLSON, LARRY D & DOREEN	1710 OAK ST	BRAINERD MN 56401	1601 16TH ST SE	BRAINERD	56401
41300609	09181016005X009	CITY OF BR	PASCHELKE, JAMES & CAROLE A	501 SE 16TH ST	BRAINERD MN 56401	501 16TH ST SE	BRAINERD	56401
41250822	09174003003Z009	CITY OF BR	PINTOK, LYNN	1519 PINE ST	BRAINERD MN 56401	1519 PINE ST	BRAINERD	56401
41250815	09174003017Z009	CITY OF BR	PIPER PROPERTY MANAGERS LLC	20859 N SORENSON LAKE TRL	MERRIFIELD MN 56465	1516 OAK ST	BRAINERD	56401
41250505	09174001000S009	CITY OF BR	PUERINGER, DAVID F PUERINGER INVEST	616 1/2 FRONT ST	BRAINERD, MN 56401	1624 OAK ST	BRAINERD	56401
41250830	09174002005Z009	CITY OF BR	PUETZ, RAYMOND & MARILYNN	6545 COUNTY ROAD 45	BRAINERD, MN 56401	1603 PINE ST	BRAINERD	56401
41300628	91810130090009	CITY OF BR	RADEMACHER, CHAD A	1609 NORWOOD ST	BRAINERD, MN 56401	1609 NORWOOD ST	BRAINERD	56401
41250817	09174003013Z009	CITY OF BR	RANNEY, ROSE E	1504 OAK ST	BRAINERD, MN 56401	1504 OAK ST	BRAINERD	56401
41250831	09174002004Z009	CITY OF BR	RUDE, MCKINLEIGH J	1605 PINE ST	BRAINERD MN 56401	1605 PINE ST	BRAINERD	56401
41250819	09174003009Z009	CITY OF BR	SACK, GARY H	2190 HASSMAN HILL SW	PINE RIVER, MN 56474	1505 PINE ST	BRAINERD	56401
41300605	09181016007B009	CITY OF BR	SARFF LIVING TRUST DATED 10/9/01	MILTON A & MARLENE A SARFF TRS	13945 KENWOOD DR	1601 OAK ST	BRAINERD	56401
41250823	09174003001Z009	CITY OF BR	SCHRADER, MICHAEL J & ELIZABETH J	1521 PINE ST	BRAINERD, MN 56401	1521 PINE ST	BRAINERD	56401
41250827	09174002009Z009	CITY OF BR	SHERWOOD, ERICA L	1602 OAK ST	BRAINERD, MN 56401	1602 OAK ST	BRAINERD	56401
41250838	09174001000V009	CITY OF BR	SHIPP, ROBERT D	1621 PINE ST	BRAINERD MN 56401	1621 PINE ST	BRAINERD	56401
41300630	91810130070009	CITY OF BR	SPIELMAN, KRISTEN A	1603 NORWOOD ST	BRAINERD, MN 56401	1603 NORWOOD ST	BRAINERD	56401
41300637	91810120120009	CITY OF BR	SWEET, ASHLEY	1521 NORWOOD ST	BRAINERD, MN 56401	1521 NORWOOD ST	BRAINERD	56401
41250825	09174002013Z009	CITY OF BR	TAYLOR, LANCE	1612 OAK ST	BRAINERD, MN 56401	1612 OAK ST	BRAINERD	56401
41250832	09174002002Z009	CITY OF BR	THEIEN, BARBARA	1607 PINE ST	BRAINERD, MN 56401	1607 PINE ST	BRAINERD	56401
41250813	09174003022Z009	CITY OF BR	THOMAS, JOHN G	5154 JORDAN RD	BAXTER, MN 56425	602 16TH ST SE	BRAINERD	56401
41300606	09181016007A009	CITY OF BR	VANWYNGEEREN, RICHARD & MARSHA	17134 JOHNSON RD	BRAINERD, MN 56401	515 16TH ST SE	BRAINERD	56401
41300640	91810120100009	CITY OF BR	WALZ, MICHAEL & ALIDA	7382 HILL N DALE DR	ELK RIVER, MN 55330-9163	1513 NORWOOD ST	BRAINERD	56401
41250814	09174003020Z009	CITY OF BR	WEBER, PAUL G	4431 NEWTON AVE N	MINNEAPOLIS MN 55412	1518 OAK ST	BRAINERD	56401
41250834	09174001000Z889	CITY OF BR	WILLIAMS, DANIEL D	7184 REMINGTON WAY	BRAINERD MN 56401	1626 OAK ST	BRAINERD	56401
41300613	09181016001Z009	CITY OF BR	WIRKUS, NICHOLAS	1622 NORWOOD ST	BRAINERD, MN 56401	1622 NORWOOD ST	BRAINERD	56401



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1609 Oak Map

Date: 3/8/2019 Time: 10:13:08 AM

CROW WING COUNTY MINNESOTA

Parcel Number	Legacy Parcel Number	Muncipality	Owner Name	Owner Address	Owner Address 2	Owner Address 3	Physical Address	Physical City	Physical Zip
41300805	09145000028C889	CITY OF BR	OLSON, LARRY D & DOREEN	1710 OAK ST	BRAINERD MN 56401		1712 OAK ST	BRAINERD	56401
41300783	91640030010009	CITY OF BR	BAJULA, ROXANNE M	1716 NORWOOD ST	BRAINERD MN 56401		1716 NORWOOD ST	BRAINERD	56401
41300778	91640030060009	CITY OF BR	LI, YUAN Y & DING, QIAO JIAO	1713 OAK ST	BRAINERD MN 56401		1713 OAK ST	BRAINERD	56401
41250843	09174001000N009	CITY OF BR	JENKINS, JOEL A	1707 PINE ST	BRAINERD MN 56401		1707 PINE ST	BRAINERD	56401
41250842	09174001000P009	CITY OF BR	CITY OF BRAINERD	CITY ADMINISTRATOR-CITY HALL	501 LAUREL ST	BRAINERD, MN 56401		0 BRAINERD	56401
41250841	09174001000Q009	CITY OF BR	OLSON, LARRY D & DOREEN	1710 OAK ST	BRAINERD MN 56401		1710 OAK ST	BRAINERD	56401
41250840	09174001000R009	CITY OF BR	HAMM, JOSEPH P	22125 BLUEGILL RD	IRONTON, MN 56455		1702 OAK ST	BRAINERD	56401
41250505	09174001000S009	CITY OF BR	PUERINGER, DAVID F PUERINGER INVEST	616 1/2 FRONT ST	BRAINERD, MN 56401		1624 OAK ST	BRAINERD	56401
41250839	09174001000T009	CITY OF BR	FORTUNE, WILLIAM F III & MARLOWE	2531 RIDGE DR	BRAINERD MN 56401		1620 OAK ST	BRAINERD	56401
41250838	09174001000V009	CITY OF BR	SHIPP, ROBERT D	1621 PINE ST	BRAINERD MN 56401		1621 PINE ST	BRAINERD	56401
41250837	09174001000W009	CITY OF BR	NICKELS, DEBRA A	21370 S LAKE GEORGE DR NW	CEDAR, MN 55011-9136		1617 PINE ST	BRAINERD	56401
41250836	09174001000X009	CITY OF BR	LORIMOR, DIANNA C	16380 BIRCHWOOD LN	BRAINERD, MN 56401		1701 PINE ST	BRAINERD	56401
41250835	09174001000Y009	CITY OF BR	LOVAS, GARY L & DIANE L	23921 JULY AVE N	SCANDIA MN 55073		1627 PINE ST	BRAINERD	56401
41250834	09174001000Z889	CITY OF BR	WILLIAMS, DANIEL D	7184 REMINGTON WAY	BRAINERD MN 56401		1626 OAK ST	BRAINERD	56401
41250833	09174002001Z009	CITY OF BR	HANSON, JEROME E & DONNA	1609 PINE ST	BRAINERD MN 56401		1609 PINE ST	BRAINERD	56401
41250832	09174002002Z009	CITY OF BR	THEIEN, BARBARA	1607 PINE ST	BRAINERD, MN 56401		1607 PINE ST	BRAINERD	56401
41250831	09174002004Z009	CITY OF BR	RUDE, MCKINLEIGH J	1605 PINE ST	BRAINERD MN 56401		1605 PINE ST	BRAINERD	56401
41250830	09174002005Z009	CITY OF BR	PUETZ, RAYMOND & MARILYNN	6545 COUNTY ROAD 45	BRAINERD, MN 56401		1603 PINE ST	BRAINERD	56401
41250829	09174002007Y009	CITY OF BR	OLSON, LARRY D & DOREEN	1710 OAK ST	BRAINERD MN 56401		1601 16TH ST SE	BRAINERD	56401
41250828	09174002007Z009	CITY OF BR	KUHN, NATASHA A	3947 1ST AVE S APT 5	MINNEAPOLIS MN 55409		1601 PINE ST	BRAINERD	56401
41250827	09174002009Z009	CITY OF BR	SHERWOOD, ERICA L	1602 OAK ST	BRAINERD, MN 56401		1602 OAK ST	BRAINERD	56401
41250826	09174002011Z009	CITY OF BR	MUELLER, JUSTIN P & SHELBY L	1608 OAK ST	BRAINERD, MN 56401		1608 OAK ST	BRAINERD	56401
41250825	09174002013Z009	CITY OF BR	TAYLOR, LANCE	1612 OAK ST	BRAINERD, MN 56401		1612 OAK ST	BRAINERD	56401
41250824	09174002015Z009	CITY OF BR	JOHNSON, KEVIN & JANE	1618 OAK ST	BRAINERD MN 56401		1618 OAK ST	BRAINERD	56401
41250823	09174003001Z009	CITY OF BR	SCHRADER, MICHAEL J & ELIZABETH J	1521 PINE ST	BRAINERD, MN 56401		1521 PINE ST	BRAINERD	56401
41250822	09174003003Z009	CITY OF BR	PINTOK, LYNN	1519 PINE ST	BRAINERD MN 56401		1519 PINE ST	BRAINERD	56401
41250821	09174003005Z009	CITY OF BR	1509 PINE STREET LLC	11171 TOWN HALL ST	BRAINERD, MN 56401		1509 PINE ST	BRAINERD	56401
41250815	09174003017Z009	CITY OF BR	PIPER PROPERTY MANAGERS LLC	20859 N SORENSON LAKE TRL	MERRIFIELD MN 56465		1516 OAK ST	BRAINERD	56401
41250814	09174003020Z009	CITY OF BR	WEBER, PAUL G	4431 NEWTON AVE N	MINNEAPOLIS MN 55412		1518 OAK ST	BRAINERD	56401
41250813	09174003022Z009	CITY OF BR	THOMAS, JOHN G	5154 JORDAN RD	BAXTER, MN 56425		602 16TH ST SE	BRAINERD	56401
41300640	91810120100009	CITY OF BR	WALZ, MICHAEL & ALIDA	7382 HILL N DALE DR	ELK RIVER, MN 55330-9163		1513 NORWOOD ST	BRAINERD	56401
41300638	09181012011B009	CITY OF BR	BRUNS, TROY G & SHERI	1517 NORWOOD ST	BRAINERD MN 56401		1517 NORWOOD ST	BRAINERD	56401
41300637	91810120120009	CITY OF BR	SWEET, ASHLEY	1521 NORWOOD ST	BRAINERD, MN 56401		1521 NORWOOD ST	BRAINERD	56401
41300630	91810130070009	CITY OF BR	SPIELMAN, KRISTEN A	1603 NORWOOD ST	BRAINERD, MN 56401		1603 NORWOOD ST	BRAINERD	56401
41300629	91810130080009	CITY OF BR	JOEL, JAMES H JR & SHELLEN M	1607 NORWOOD ST	BRAINERD, MN 56401		1607 NORWOOD ST	BRAINERD	56401
41300628	91810130090009	CITY OF BR	RADEMACHER, CHAD A	1609 NORWOOD ST	BRAINERD, MN 56401		1609 NORWOOD ST	BRAINERD	56401
41300627	91810130100009	CITY OF BR	KRAMVIK, JAMES L & BRIANNA M	1615 NORWOOD ST	BRAINERD, MN 56401		1615 NORWOOD ST	BRAINERD	56401
41300626	91810130110009	CITY OF BR	FEDERAL NATIONAL MORTGAGE ASSOC	14221 DALLAS PKWY SUITE 11201	DALLAS, TX 75254-2916		1619 NORWOOD ST	BRAINERD	56401
41300625	91810130120009	CITY OF BR	CAPIDAL INVESTMENTS LLC	6697 MARYLAND RD	BAXTER, MN 56425		418 17TH ST SE	BRAINERD	56401
41300622	09181014004X009	CITY OF BR	DOSH, BRYAN D	1711 NORWOOD	BRAINERD MN 56401		1711 NORWOOD ST	BRAINERD	56401
41300621	09181014004Y009	CITY OF BR	JOOSTEN, CAROL M	1707 NORWOOD ST	BRAINERD MN 56401		1707 NORWOOD ST	BRAINERD	56401
41300620	09181014004Z009	CITY OF BR	WAHL, DANIEL J	423 17TH ST SE	BRAINERD MN 56401		423 17TH ST SE	BRAINERD	56401
41300619	09181015008X009	CITY OF BR	ZANOSKO, JOHNNY	13981 HARDY LAKE RD SW		PILLAGER MN 56473-222	1710 NORWOOD ST	BRAINERD	56401
41300618	09181015008Y009	CITY OF BR	GROENWOLD, JOHN & AMANDA	13713 OLIVEWOOD DR		BAXTER MN 56425	1704 NORWOOD ST	BRAINERD	56401
41300617	09181015008Z009	CITY OF BR	PUERINGER, DAVID F PUERINGER INVEST	616 1/2 FRONT ST	BRAINERD, MN 56401		1702 NORWOOD ST	BRAINERD	56401
41300616	09181015011X009	CITY OF BR	SNEVA, LANNY J	1709 OAK STREET	BRAINERD MN 56401		1709 OAK ST	BRAINERD	56401
41300615	09181015011Y009	CITY OF BR	WEBB, TAMARA J	1707 OAK ST	BRAINERD, MN 56401		1707 OAK ST	BRAINERD	56401
41300614	09181015011Z009	CITY OF BR	JM ANDERSON PROPERTIES LLC	23226 ANDERSON BLVD	MERRIFIELD MN 56465		1703 OAK ST	BRAINERD	56401
41300613	09181016001Z009	CITY OF BR	WIRKUS, NICHOLAS	1622 NORWOOD ST	BRAINERD, MN 56401		1622 NORWOOD ST	BRAINERD	56401
41300612	09181016002B009	CITY OF BR	DWYER, BENJAMIN	303 GLENWOOD ST	RED WING, MN 55066-3426		1618 NORWOOD ST	BRAINERD	56401
41300611	91810160030009	CITY OF BR	HANKEL, CHRISTIAN R & JENNY	1616 NORWOOD ST	BRAINERD MN 56401		1616 NORWOOD ST	BRAINERD	56401
41300610	91810160040009	CITY OF BR	HANKEL, CHRISTIAN R & JENNY	1616 NORWOOD ST	BRAINERD MN 56401			0 BRAINERD	56401
41300609	09181016005X009	CITY OF BR	PASCHELKE, JAMES & CAROLE A	501 SE 16TH ST	BRAINERD MN 56401		501 16TH ST SE	BRAINERD	56401
41300608	09181016005Y009	CITY OF BR	MCKAY, RICHARD G & MARY	21212 MAIL ROUTE RD	BRAINERD MN 56401		505 16TH ST SE	BRAINERD	56401
41300607	09181016005Z009	CITY OF BR	CLUEVER CONSTRUCTION INC	12674 KNOLLWOOD DR	BAXTER MN 56425		509 16TH ST SE	BRAINERD	56401
41300606	09181016007A009	CITY OF BR	VANWYNGEEREN, RICHARD & MARSHA	17134 JOHNSON RD	BRAINERD, MN 56401		515 16TH ST SE	BRAINERD	56401
41300605	09181016007B009	CITY OF BR	SARFF LIVING TRUST DATED 10/9/01	MILTON A & MARLENE A SARFF TRSTEES	13945 KENWOOD DR	BAXTER, MN 56425	1601 OAK ST	BRAINERD	56401
41300604	09181016008A009	CITY OF BR	INDEPENDENT SCHOOL DISTRICT #181	ADMINISTRATIVE OFFICES	804 OAK ST	BRAINERD, MN 56401		0 BRAINERD	56401

41300603	09181016008B009	CITY OF BR SARFF LIVING TRUST DATED 10/9/01	MILTON A & MARLENE A SARFF TRSTEES	13945 KENWOOD DR	BAXTER, MN 56425		0	BRAINERD	56401
41300602	09181016009Z009	CITY OF BR INDEPENDENT SCHOOL DISTRICT #181	ADMINISTRATIVE OFFICES	804 OAK ST	BRAINERD, MN 56401	1609 OAK ST		BRAINERD	56401
41300601	91810160110009	CITY OF BR THOMAS, JOHN G	5154 JORDAN RD	BAXTER, MN 56425		1617 OAK ST		BRAINERD	56401
41300600	91810160120009	CITY OF BR NELSON, MATT	2027 E FAIRBANKS ST	TACOMA, WA 98404-4850		1623 OAK ST		BRAINERD	56401
41300599	91810170000009	CITY OF BR IND SCHOOL DIST, # 181	804 OAK ST	BRAINERD, MN 56401		0 HARRISON		BRAINERD	56401

NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that Laine Larson, Superintendent ISD #181, 804 Oak St., Brainerd, MN 56401 has submitted a request on behalf of Brainerd Public Schools – ISD #181, for property at 1609 Oak St. and on behalf of the property owners for the property at 1601 Oak St. to rezone said properties from a B-2 (Neighborhood Business) District to an R-2 (Medium Density Residential) District for the purpose of remodeling and expanding Harris Elementary School. The properties, their owners, and their legal descriptions are as follows:

Independent School District #181 – 1609 Oak St.
Lots 9, 10, and the East Half of Lot 8, all in Block 16, SLEEPER'S ADDITIONAL TO THE CITY OF BRAINERD
P.I.N No. 09181016008A009 & 09181016009Z009

Sarff Living Trust – 1601 Oak St
The West Half of Lot 8, and the South 60 feet of Lot 7, all in Block 16, SLEEPER'S ADDITION TO THE CITY OF BRAINERD
P.I.N. No. 09181016007B009 & 09181016008B009

A Public Hearing will be conducted by the Brainerd Planning Commission at 6:00 p.m. Wednesday, March 20, 2019 in the Brainerd City Hall Council Chambers, 501 Laurel Street to consider the request.

Any individual needing special accommodations or would like more information about this request please call (218) 828-2309.

Dated this 8th day of March 2019.

David C. Chanski, MPA
Community Development Director

See reverse side for map.

95 mailings total

NORWOOD ST
R-2
HARRISON
16TH ST SE
1609 OAK ST
B-2
OAK ST
R-1
1602 OAK ST
1608 OAK ST
1612 OAK ST
1618 OAK ST

O R D I N A N C E
NO. 1494

AN ORDINANCE AMENDING ORDINANCE NO. 812
PERTAINING TO THE ZONING IN THE CITY OF BRAINERD

THE CITY COUNCIL OF THE CITY OF BRAINERD DOES ORDAIN:

SECTION ONE: That existing Section 515-04-02 of the Brainerd City Code is hereby amended by changing the zoning designation of the properties below from a B-2 (Neighborhood Business) District to an R-2 (Medium Density Residential) District for the following:

PIN 09181016007B009

S. 60 FT. OF LOT 7 BLOCK 16

PIN 09181016008B009

THE W. 25 FT OF LOT 8 BLOCK 16

PIN 09181016008A009

LOT 8 BLK 16, EX THE W 25 FT THEREOF.

PIN 09181016009Z009

LOTS 9 AND 10 BLOCK 16

SECTION TWO: This Ordinance shall take effect and be in force one week from and after its publication.

Adopted this _____ day of April, 2019

_____
GABE JOHNSON
President of the Council

Approved this ____ day of April, 2019

_____
EDWIN L. MENK
Mayor

ATTEST: _____
CASSANDRA TORSTENSON
City Administrator

Published: One Time, _____, 2019