

CITY COUNCIL AGENDA

Brainerd, Minnesota

May 6, 2019

7:30 P.M.

Brainerd City Hall

Council Chambers

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

2. **Roll Call**

___ D. Badeaux ___ S. Hilgart ___ J. Lambert ___ K. Stunek

___ D. Pritschet ___ K. Bevans ___ 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 15, 2019
2. Special Council Meeting Held on April 29, 2019

Documents:

20190415_CC draft.pdf

20190429 - Special Meeting.pdf

B. **Approval Of Licenses**

Contractor Licenses - 2 New; 3 - Renewals

Documents:

CONTRACTOR LICENSE REPORT - 2019-05-06.pdf

C. **Department Activity Reports**

1. City Administrator Report
2. Fire Chief
3. Parks Director

Documents:

5.6.19 City Admin Report.pdf

Fire Chief Report.pdf

Parks Director Report.pdf

- D. Minnesota Lawful Gambling - Adopt A Resolution Authorizing The Brainerd Elks Lodge #615 To Conduct Off-Site Gambling On May 8, 2019 At The Brainerd National Guard Armory, 1115 Wright St., Brainerd
- E. Minnesota Lawful Gambling Premises Permit Application - Adopt A Resolution To Allow Lawful Gambling By Baxter Snowmobile Club At The Skillet Restaurant LLC, 121-123 Washington St., Brainerd
- F. New Garbage Hauler License Application - Submitted By Pequot Lakes Sanitation, LTD., PO Box 639 Pequot Lakes, MN
- G. Nicole Torrence To Administrative Specialist 2 - Payroll/HR Position Effective May 7, 2019 At Step 4 Of Wage Grid - Approval Of

Documents:

Adm 2 Payroll-HR .pdf

- H. Promotion Of Elaine Kraemer To Administrative Specialist 2 - Global (Fire Department) Position Effective May 7, 2019 At Step 5 Of Wage Grid - Approval Of

Documents:

Kraemer Promotion to Adm Specialist 2-Global_Fire Department Position.pdf

- I. Promotion Of Laurie Johnson To Administrative Specialist 2 - Global (Community Development Department) Position Effective May 7, 2019 At Step 5 Of Wage Grid - Approval Of

Documents:

Johnson Promotion to Adm Specialist 2-Global_Community Development Dept Position.pdf

- J. Temporary On-Sale Beer License - Submitted By Qing For Communities; Hosted By VFW #1647 For An Event To Be Held May 18, 2019 At Tanner Motors Parking Lot, 620 W. Washington St., Brainerd
- K. Tobacco License Application - Submitted By Suzanne Milton, On Behalf Of Limos Etc., Inc., DbA Risky Business, 326 Washington St., Brainerd - Contingent Upon Police Chief Approval

- 6. Public Hearing And Resolution - Improvement 16-09 And Improvement 19-07 - Buffalo Hills Lane And Mississippi Drive Reconstruction Project Improvement Hearing

Documents:

Public Hearing and Resolution - Improvements 16-09 and 19-07.pdf

7. Council Committee Reports

A. Personnel And Finance Committee - 6:30 P.M.

Documents:

2019-05-06_PF.pdf

1. Approval Of Bills
2. League Of MN Cities Insurance Trust (LMCIT) Premium Renewal '19-'20

Documents:

Insurance Renewal.pdf

3. Brainerd Community Action - Community 4th Of July Celebration Donation Request

Documents:

BCA Fireworks Donation Request.pdf

4. Wage Adjustments For Police Chief, Deputy Police Chief And City Engineer

Documents:

Wage Adjustments for Police Chief Deputy Police Chief and City Engineer.pdf

5. Request To Hire Community Service Officer (CSO)

Documents:

Request to Hire CSO.pdf

6. One Year Probation Period; Rosier

Documents:

One year probation period Rosier.pdf

7. Software Recommendation

Documents:

Software.pdf

8. Council Meeting Broadcasting/Streaming Update

Documents:

Agenda Request - 20190506 Council Streaming.pdf

9. City-Wide Spring Cleanup Discussion

Documents:

City-wide Cleanup.pdf

10. City Prosecutor Discussion

Documents:

City Prosecutor Discussion.pdf

11. Resolution Accepting Donation Of Land For Meadows Park

Documents:

Parks Meadows Park.pdf

12. NJMS Phelps Loan Subordination

Documents:

NJMS Phelps Loan Subordination.pdf

B. Safety And Public Works Committee -7:00 PM

Documents:

20190506_SPW.pdf

1. Event/Street Closure Application - Annual 4th Of July Celebration

Documents:

Event and Street Closure - 4th of July.pdf

2. Event/Street Closure Application - Memorial Day Parade

Documents:

Event and Street Closure Application - Memorial Day Parade.pdf

3. Improvement 17-06, 17-07, And 18-05 - H Street And 10th Avenue NE Reconstruction Project And Sidewalk Improvements Bid Results And Award Recommendation

Documents:

Improvement 17-06, 17-07, and 18-05 Bid Results.pdf

4. Improvement 17-08 - Garfield Safe Routes To School Bid Results And Award Recommendation

Documents:

Improvement 17-08 Bid Results and Award Recommendation.pdf

5. Improvement 17-10 Testing Services

Documents:

Improvement 17-10 Testing Services.pdf

6. Improvement 19-03 - 2019 Seal Coat Project Authorization To Solicit Bids

Documents:

Improvement 19-03 Authorization to Bid.pdf

7. Resolutions And Discussion - Wetland Conservation Act Administration

Documents:

Wetland Conservation Act Administration.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. **Set Council Workshop Date**

Documents:

10. **Planning Commission**

A. **Variance Request - 214 2nd Ave. NE, Brainerd - Accessory Structure**

Documents:

Variance Request 214 2nd Ave NE Accessory Structure.pdf

B. **Variance Request - 701 7th St NW, Brainerd - Nonconforming Structure**

Documents:

Variance Request 701 NW 7th St. Nonconforming Structure.pdf

C. **Zoning Code Uses Matrix Discussion**

Documents:

Zoning Code Uses Matrix Discussion.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 6:30 p.m.

ANY INDIVIDUAL NEEDING SPECIAL ACCOMMODATIONS,
PLEASE CALL 828-2307

Visit the [City's Website](http://ci.brainerd.mn.us) (ci.brainerd.mn.us)

MISSION

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

**Brainerd, MN
April 15, 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 LAMBERT, DULY CARRIED, TO APPROVE THE AGENDA.

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

A. Approval of the Minutes of the Regular Meeting held on April 1, 2019 - Approved

B. Approval of Licenses - Approved

Contractor Licenses – 1 – New; 4 – Renewals

C. Department Activity Reports - Approved

1. Police Chief
2. Finance Director

D. Adopt Resolution Accepting Donations & Contributions for the 1st Quarter 2019 - Adopted by Resolution No. 28:19

E. Approval of Brainerd Fire Relief Association By-Law Changes - Approved

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 – Adopted by Resolution No. 29:19

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 - 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 Mr. Loren Meinke, troop leader of the Scouts BSA Troop 43 who informed the Council two scout troops are attending the council meeting this evening in order to earn their Citizenship in the Community merit badge. He indicated there have been changes to

the national Boy Scouts of America guidelines, as girls are now welcome to join. He stated the troops are sponsored by Trinity Lutheran Church. He thanked the Council for the opportunity to speak tonight.

The Chair welcomed Mr. Tyler Glynn, economic development officer for Brainerd Lakes Area Economic Development Corporation (BLAEDC) who thanked the Council for the opportunity to present. He gave a brief update of the economic developments taking place in the City of Brainerd, and the completion of the BLAEDC funnel chart that will identify the activities BLAEDC is working and reporting on. The Council thanked him for the updates.

The Chair welcomed Ms. Cassie Carey, executive director of Brainerd Community Action who recently took the position of Community Director. She said she is excited to be a part of Community Action and the mission they abide by. She reviewed the highlights of the current projects that Community Action is working on, which include the 4th of July festivities. The Council thanked her for presenting.

Council Committee Reports

Safety and Public Works Committee Report

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

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET, DULY CARRIED, TO ACCEPT STAFF'S RECOMMENDATION TO APPROVE THE APPLICATION UNDER THE CONDITION THAT THE APPLICANT REQUEST TRAFFIC CONTROL ONE WEEK PRIOR TO THE EVENT SO IT MAY BE SCHEDULED ACCORDINGLY.

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 - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT, DULY CARRIED, TO AUTHORIZE STAFF TO BID IMPROVEMENT 18-08 (SAP 108-126-014) AND IMPROVEMENT 18-09 (SAP 108-124-008).

Small Wireless Facility Design and Guidelines Policy - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRISCHET, DULY CARRIED, TO ACCEPT STAFF'S RECOMMENDATION AND APPROVE THE FACILITY DESIGN PRESENTED AND REVIEW THE GUIDELINE POLICY FOR SMALL CELL WIRELESS FACILITIES.

Committee Chair Bevans explained this is the policy and guidelines for facility design, and more information will be presented at a later date. He indicated ten of these facilities are already located in the City which are on BPU owned light poles. He said staff is working with the city attorney regarding the revision of the City ordinance to reflect the guideline policy.

Council discussion took place.

Tax Forfeit Non-Conservation Parcels - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT, DULY CARRIED, TO ACCEPT STAFF'S RECOMMENDATION AND AGREE WITH THE NON-CONSERVATION STATUS OF THE PARCELS LISTED AND AUTHORIZE CROW WING COUNTY TO SELL THE PARCELS ONCE THE SAID TRACTS ARE LISTED AS NON-CONSERVATION.

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.

Transit Operations Specialist - Approved

MOVED AND SECONDED BY ALDERMEN HILGART AND BADEAUX, DULY CARRIED, TO APPROVE THE TRANSIT SPECIALIST POSITION AND POSTING OF THE TRANSIT OPERATIONS SPECIALIST POSITION WITH A POSSIBLE HIRE DATE OF JULY 1, 2019.

Council discussion took place regarding the funding arrangement of the new position.

Brainerd Historic Water Tower Proposal - Approved

MOVED AND SECONDED BY ALDERMEN HILGART AND STUNEK, DULY CARRIED, TO AUTHORIZE THE LOCAL MATCH TO THE PROPOSAL UP TO \$12,500 FOR CONSTRUCTION AND DESIGN ENGINEERING.

Committee Chair Hilgart stated the funds would come from the \$300,000 previously committed by the Council toward the water tower project.

Council discussion took place.

Request to Hire Police Officers - Approved

MOVED AND SECONDED BY ALDERMEN HILGART AND BADEAUX, DULY CARRIED, TO AUTHORIZE CONDITIONAL JOB OFFERS TO THE TOP THREE CANDIDATES ON THE CURRENT POLICE OFFICER ELIGIBILITY LIST, WITH THE TENTATIVE STARTING DATES OF MAY 6TH, JUNE 10TH AND SEPTEMBER 23RD, PENDING SUCCESSFUL COMPLETION OF THE PRE-EMPLOYMENT SCREENING PROCESS.

Wage Adjustment for Community Service Officers (CSO) - Approved

MOVED AND SECONDED BY ALDERMEN HILGART AND STUNEK, DULY CARRIED, TO INCREASE THE COMMUNITY SERVICE OFFICER (CSO) WAGE SCALE AS PRESENTED EFFECTIVE APRIL 16, 2019. FURTHER, THAT SAID WAGE SCALE BE INDEXED ANNUALLY BY THE DEPARTMENT HEADS AND NON-UNION SUPERVISOR COLA ADJUSTMENT.

2019 Wage Adjustments for Paid-on-Call Firefighters - Approved

MOVED AND SECONDED BY ALDERMEN HILGART AND BADEAUX, DULY CARRIED, TO APPROVE A 2019 COLA ADJUSTMENT OF 1% FOR PAID ON CALL FIREFIGHTERS EFFECTIVE MAY 1, 2019. FURTHER, THAT FUTURE COLA ADJUSTMENTS FOR PAID ON CALL FIREFIGHTERS FOLLOW THE NON-UNION EMPLOYEE GROUP.

Unfinished Business

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

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

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 - Approved

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND BEVANS, DULY CARRIED, TO APPROVE THE ON-SALE LIQUOR/SUNDAY LICENSE FOR THE SKILLET RESTAURANT LLC CONTINGENT UPON POLICE AND FIRE DEPARTMENT APPROVAL.

Biennial Body Worn Camera Audit Report – Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT, DULY CARRIED, TO ACCEPT THE RECEIPT OF THE BIENNIAL AUDIT RESULTS OF THE POLICE DEPARTMENT BODY WORN CAMERA SYSTEM IN COMPLIANCE WITH STATE STATUTE 13.825.

Council Workshop – April 29, 2019 at 7:30

Council agreed to hold a Special Council Meeting and workshop on April 29, 2019 at 7:30 p.m.

Planning Commission

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 - Approved

MOVED AND SECONDED BY ALDERMEN LAMBERT AND PRITSCHET, DULY CARRIED, TO HOLD THE FINAL 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.

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND LAMBERT TO ADOPT 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.

ORDINANCE NO. 1493

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

Final 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

MOVED AND SECONDED BY ALDERMEN LAMBERT AND PRITSCHET, DULY CARRIED, TO HOLD THE FINAL 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.

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND LAMBERT TO ADOPT 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.

ORDINANCE NO. 1494

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

Council Member Lambert requested further information regarding the need for signage or signal lights at the school for safe crossing of Oak Street.

Council Member Johnson inquired if the pedestrian flashing lights were being considered. He said no amount of signage is going to prevent bad drivers from driving poorly.

City Engineer Sandy stated if the Council desires to implement these, it could be done. He warned the Council that the studies completed on these signal lights show they are not as effective as perceived and may cause more problems.

Council directed City Engineer Sandy to research other solutions that have supporting data.

Public Forum

The Chair opened the Public Forum at 8:33 p.m.

The Chair recognized Mr. Mike Higgins, owner of Brainerd Industrial Center (BIC) 1801 Mill Ave., who stated he would like to comment on the historic water tower fundraising project. He

feels the City should think about a steel constructed replica that would also be operational and would cost the same amount of money.

The Chair closed the Public Forum at 8:38 p.m.

Staff Reports

City Engineer Sandy stated the Governor has signed the hands-free while driving cell phone bill into law, which is in effect August 1, 2019.

Community Development Director Chanski announced as the snow is now melting, residents are encouraged to be active in the clean-up of their property to be in compliance with City code.

City Administrator Torstenson stated the Performance Management Culture Based training starts this week for all city staff.

Council Member Reports

Mayor Menk has been invited to attend a meeting with the Lindar Company and the governor.

Council Member Stunek announced the Easter egg hunt is taking place Saturday, April 20th at Gregory Park.

Council Member Johnson indicated he will be sending the council members the City Administrator review forms in the near future.

Council Member Lambert and Mayor Menk will be attending the Bringing Up Grades school program awards at Pizza Ranch on April 29, 2019.

Council Member Pritschet stated the high school state speech tournament took place last weekend and two of the speakers took high placements, with one of them accomplishing a finalist place.

Adjourn to Special Council Meeting and Workshop on April 29, 2019 at 7:30 p.m.

The Chair adjourned the meeting at 8:50 p.m.

Cassandra Torstenson
City Administrator

**Brainerd, MN
April 29, 2019**

Pursuant to due call and notice thereof, the Special Meeting of the Brainerd City Council was called to order at 7:30 p.m. by Council President Johnson.

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

Upon roll call, the following members were noted present: Bevans, Badeaux, Hilgart, Lambert, Pritschet, Johnson and Mayor Menk. Member Stunek was noted as absent. Also present were City Administrator Torstenson, Finance Director Hillman, Community Development Director Chanski, City Engineer Sandy and Park Director Sailer.

Children's Museum

Council President Johnson explained that in 2015, Sourcewell identified the many programs that exist for children in Region Five that could be joined into developing a children's museum. He said a group from Sourcewell visited the Mankato Children's Museum for ideas. From there, a planning group was created that met several times in 2016 and 2017.

Council President Johnson indicated in 2018, Sourcewell hired two consultants to assemble a master plan for a children's museum, which is now at the site selection phase of the project. They have sent a Request For Proposal (RFP) to several towns and private developers in the five region area to inquire on available sites. The RFP is due back to Sourcewell by Friday, May 3rd, 2019. He indicated the hope is to have the museum start construction in 3-4 years, depending on fundraising efforts, but the potential of Brainerd being chosen for the site would be a great addition with our school expansion project. The RFP was sent to all council members today.

Community Development Director Chanski explained he met with Council Members Badeaux and Johnson, City Engineer Sandy and Tyler Glynn from BLAEDC to draft a response to the RFP. There have been three locations identified in Brainerd are Lum Park, the Brainerd Public Library property and the undeveloped Mississippi Riverfront property that is owned by the City. He stated the RFP had 18 questions which he answered on each of the properties being considered with the assistance of city staff.

Council President Johnson indicated he thought the focus would be on one location, being Lum Park with the others listed as possibilities.

Community Development Director Chanski said City Administrator Torstenson wanted full information listed for all three properties, as each one is unique.

Council President Johnson stated this was more confusing to read through when three properties were being explained.

Community Development Director Chanski indicated the focus can be made on Lum Park and the other properties can be listed as options by highlighting the benefits of each one.

City Administrator Torstenson stated the RFP had the 18 questions asked of any and all available sites that could be considered and we tried to give a full overview of all three areas.

Community Development Director Chanski stated he visited each of the sites and has taken photos of each location as it was requested that maps and/or photos be submitted with the RFP.

Council Member Hilgart stated there would be additional costs to the City if the library property was chosen and does not think the library should be considered.

Council Member Bevans indicated the use of the Lum Park property would be the best choice and since the City would not earn any revenue, the City would not want to lose the Riverfront property.

Council President Johnson stated new infrastructure was installed recently near Lum Park and feels that is a great location for development.

Council Member Badeaux agreed that Lum Park was the location previously discussed and thought the focus was to be on Lum Park with the others as options.

Council discussion took place.

MOVED AND SECONDED BY ALDERMEN BEVANS AND HILGART, DULY CARRIED, TO DIRECT STAFF TO SUBMIT SEPARATE PROPOSALS FOR LUM PARK AND THE BRAINERD PUBLIC LIBRARY BY FRIDAY MAY 3, 2019 AND TO OFFER AS \$1 PER YEAR LEASE ON THE SITE CHOSEN.

Adjourn to Workshop Discussion – River to Rail – 7:50 p.m.

Cassandra Torstenson
City Administrator

CITY OF BRAINERD
LICENSED CONTRACTORS
CITY COUNCIL MEETING
May 6, 2019

(2 New - 3 Renewals)

CONTRACTOR	TELEPHONE	TYPE	INSURANCE	BOND	STATE NO.
LEINDECKER CARPENTRY CONSTRUCTION 8256 187TH AVENUE NE NEW LONDON, MN 56273 19-0173 (new)	(320) 905-0441	FRAM	5/3/2020	12/31/2019	
RIGGS BROS. CONSTRUCTION 220 CO RD 8 KANDIYOHI, MN 56251 19-0174 (new)	(320) 295-6472	MASO	6/23/2019	12/31/2019	
CUMMINGS MASONRY INC. 4205 MARYVILLE CT BRAINERD, MN 56401 19-0175	(218) 828-4795	MASO	8/1/2019	12/31/2019	
CONSOLIDATED TELEPHONE COMPANY 1102 MADISON STREET BRAINERD, MN 56401 19-0176	(218) 454-1234	UTIL	7/15/2019	12/31/2019	
DON HUMMER CONSTRUCTION LLC 925 WHITNEY CT LAKE SHORE, MN 56468 19-0177	(218) 963-9518	GENC RSBC	1/17/2020	12/31/2019	BC638178

To: City Council

From: Cassandra Torstenson, City Administrator

Date: May 1, 2019

Re: City Administrator Report

2019 Destination Downtown

For the final Destination Downtown Competition, the Steering Committee has decided to offer prizes to the winner, the runner-up, and the second runner-up. All of the organizations that have contributed to this competition in the past have agreed to offer prizes again this year and to also offer prizes to the two runner-ups. The launch party will be held at the Downtown Mall this year in June with the final announcement and celebration to occur on November 21st.

Children's Museum

After the City Council approved the action on Monday, April 29th, the City completed and submitted the proposal for the Region 5 Children's Museum, which included proposed locations of Lum Park and the Library.

Presentation

The City has been invited to present to the MN Mississippi River Parkways Commission on Thursday, May 30th in St. Paul about the Riverfront Trail and Educational Space.

Training

The City held Performance Management training for all City, HRA and BPU staff during the month of April utilizing the services of Dr. Sicora. Dr. Sicora provided a timeline for conducting 2019 performance evaluations for all staff, which includes the setting up of the Performance Framework Document, holding Quarterly Talks and completing the final performance evaluations. The City has changed the timeline for annual reviews from a calendar year to a performance year. The Performance year will run from November – October annually, with final reviews being conducted in September/October. This will better allow us to align our step increases, which are based on merit, with the beginning of the fiscal year in January. From the City Council, both Jan Lambert and Ed Menk attended. There were also a number of HRA Commissioners and two BPU Commissioners that attended. A recording was made of the session and will be made available by June for anyone interested in viewing the training.

I will be attending the Minnesota City Managers Association Annual Conference at Grandview Lodge in Nisswa May 1-3. There will be many sessions regarding Management, Ethics, and City Administration that I look forward to attending.

Legislative

Representative Heintzeman has introduced HF 2839, which includes our Riverfront Trails and Trailhead project. At this time there is very little to report as the prospects of a bonding bill largely hinge on whether the legislature and the governor can reach an agreement on the budget bill and the

tax bill. The policy/budget differences between the House Democrats and Senate Republicans is vast and it will take a lot of hard negotiating to reach an agreement by the May 20 adjournment date. If they are able to reach a “global agreement”, I expect a modest bonding bill will be part of the equation.

Other

Farmers Market starts June 11th from 3-6:00 pm.

Summer interns start May 6th.

Brainerd Fire Department

To: Mayor and City Council
From: Tim Holmes, Brainerd Fire Chief
Date: May 1, 2019
Re: April 2019 Activity Report

In April we participated in several community events, including The Day of the Young Child at ECCE and the 5th Annual Bridges of Hope Tea Party fundraiser. We presented station tours to several Cub Scout groups.



Firefighter training in April included: Truck Company Operations HOT Class in Roseville, Water in the Fire Seminar in Farmington, SkyWarn, Boat Operations, and an ARFF (Aircraft Rescue Fire Fighter) class held at the Brainerd Lakes Regional Airport. We hosted a Tactical EMS for Hostile Event training with area law enforcement and North Ambulance personnel attending. Fire Marshal/Deputy Chief Cox attended the Fire Marshals Conference in April.



We also hosted the Incident Command/Emergency Operations Center training for city departments heads and supervisors. This training will be followed-up with a tabletop exercise.



On April 27 we tested interested candidates for our upcoming Paid on-Call Firefighter hiring process.

I would like to thank the Brainerd Fire Department Relief Association for their generous donation to the department. The total donated was \$16,023. This donation will purchase 800 MHz radios, four gas air monitors and a portion of the cost of a new ventilation chainsaw. Throughout the years, the Relief Association has several different fundraisers and this generous donation from them supports the department and the community.

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

Structure Fire	2
Vehicle Fire	1
Grass Fire	9
Vehicle Crash	2
Rescue	2
Gas Leak	1
Assist Other Governmental Agency	6
Unauthorized Burning	3
Good Intent Call	5
Canceled Enroute	4
Alarm System Activation	7
Smoke Scare	1
Total	43

City of Brainerd Incident Report

Rescue	1
Gas Leak	1
Assist Other Governmental Agency	6
Unauthorized Burning	3
Good Intent Call	3
Canceled Enroute	3
Smoke Scare	1
Alarm System Activation	4
Total	22

Parks and Recreation Report

May 2019

Ski Loons

The Park Board held a special meeting on May 2 to discuss a formal contract with the Ski Loons. Rice Lake resident Wayne Harting and Ski Loons president Dr. Chris Dens met with the Park Board at the April meeting to discuss alternatives or a compromise on residents' concerns about the Ski Loons use of Lum Park for practices. Staff sought input from the City Attorney to determine if any restrictions can be placed on the use of the Ski Loons' dock on the Lum Park shoreline. Any activity on the water is under the jurisdiction of the Crow Wing County Water Safety Patrol.

Gregory Park warming house

New bids, with modifications, for the Gregory Park warming house have been requested. Staff either met with, or discussed by phone, ways to reduce construction costs with Hy-Tec Construction and Baratto Brothers. Both businesses expect to submit modified designs, specifications and quotes in time for the May Park Board meeting.

Memorial Park design/World War II memorial location

Kevin Yeager donated his time and talent to prepare a conceptual plan (see attached) for Memorial Park. The fields are drawn to scale, allowing vendors to prepare rough estimates for fencing, lighting, etc. Estimates would be necessary to include in the 2020 budget request for the redevelopment of the park. The Park Board approved the design.

The World War II memorial is being engraved and the Brainerd VFW Club would like it installed by late May with a dedication ceremony in early June. The Park Board considered three locations for the memorial and settled on the area north of the parking lot along County Road 3. With this location, the memorial would not need to be relocated under the current development plan.

Buffalo Hills-Lions Park scoreboard

As part of the 3-year vendor contract, Viking Coca-Cola donated \$2,500 for the purchase of a scoreboard at Buffalo Hills-Lions Park. The cost of a new scoreboard, plus shipping, is \$3,165. Steel girders, electrical hookup, cement, etc. will cost approximately \$1,829, based on the cost of installation of the scoreboard on Field 1 last summer. The total cost for purchase and installation is estimated to be \$4,995. In addition to the scoreboard donation, the Brainerd Lions Club had previously donated \$2,233 for park improvements. The Park Board voted to use both donations to purchase and install the new scoreboard. Any cost above the total donations would be taken from the Parks maintenance budget.

Parks on the Go/Operation Sandwich

Operation Sandwich will have distribution points at Kiwanis, Gregory and Jaycees parks Mondays through Thursdays from June 3-Aug. 29. Twice per week staff will have "Parks on the Go" at the distribution points to bring park activities to those receiving sandwiches. Staff received a \$500 grant from Crow Wing Energize to help fund Parks on the Go equipment costs.



The Easter Egg Hunt drew about 525 participants at Gregory Park and the Easter Ball Hunt included 35 dogs and owners at Buster Park on April 20. The Brainerd Rotary Club donated funds for candy and volunteered at the Easter Egg Hunt. Sullivan Candy also donated candy.

- The men's softball leagues began play on April 23 and 24.
- Staff assisted with Arbor Day activities at Garfield School on April 26.
- Sixteen teams participated in the Early Bird softball tournament at Memorial Park on April 27.

- The Lakes Area Bicycle Clinic took place at the Forestview Middle School parking lot on May 4. Brainerd Parks and Recreation co-sponsors the event along with Essentia Health, the Brainerd and Baxter police departments, and area bicycle shops.
- The Mommy & Me special activity will take place May 11 at Lum Park in celebration of Mother's Day. For a small fee to cover costs, parents and children can paint a flower pot and plant a flower. The fee covers the cost of flower pots, dirt and seeds.
- Staff met with a representative of St. Croix Recreation and Street Dept. staff on April 26 to determine the prep work required for the installation of the Meadows Park playground. The installation should be completed by the first week in June.
- Staff began installing the new scoreboards at Memorial Park softball fields.
- Brooke Fultz will plant and care for flowers this summer at the planter located at South 6th and Washington streets.
- The Minnesota Department of Agriculture will survey for invasive wood boring beetles in Lum and Rotary Riverside parks this summer. This is the third consecutive summer the survey has taken place.
- A Cub Scout pack recently volunteered to stack about three cords of campground firewood to earn their Environmental badges.
- More than 5,600 skaters were recorded at the three warming houses this past winter.



001-SOFTBALL PLAN	COPYRIGHT 2018 ALL RIGHTS RESERVED, ANY REPRODUCTION OR DISTRIBUTION WITHOUT PERMISSION IS PROHIBITED	PRINT DATE: Wednesday, April 17, 2019 06:38 PM		OPERATION A
KEVIN A. YEAGER ARCHITECT	FINE HOMES & INTERIORS DESIGN • BUILD • RENOVATE • LANDSCAPE • STAGING • INTERIOR DECOR • EXTERIOR DESIGN			





Brainerd City Council Agenda Request

Requested Meeting Date: May 6, 2019

Title of Item: Niki Torrence to Admin Spec 2- Payroll/HR Position

☐ INFORMATION ONLY ☒ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Connie Hillman	Department: Finance
Presenter (Name & Title):	Estimated Time Needed:
Summary of Issue: At the April 1, 2019 council meeting the council authorized the internal job posting for the Administrative Specialist 2 Payroll/HR position. This position was created by recommendation from the wage study consultant. The creation of this job title does not create another position (i.e. another FTE) but rather better aligns the current job duties of the Administrative Specialist that performs payroll and HR duties with the market. Since it is a new classification within the union contract it was determined that an internal posting was needed.	
Alternatives, Options, Effects on Others/Comments: Ms. Nicole (Niki) Torrence was the only internal applicant for the position. Ms. Torrence was hired by the City August 8, 2016 as an Administration - Administration Specialist to perform the payroll and assist with the HR functions of the City. Over the last 2+ years of employment, Ms. Torrence has successfully done her job duties. Ms. Torrence emulates the qualities and work ethic needed for the Adm 2 Payroll/HR position and she demonstrates this everyday by embracing change and being the lead on new technology being implemented that affect her job tasks. The recommendation is to place Ms. Torrence at Step 4 of the applicable wage grid for the Administrative Specialist 2 which is closest to her current wage without a reduction in hourly pay.	
Recommended Action/Motion: Authorize Ms. Nicole Torrence as the Administrative Specialist 2 Payroll/HR position, placing her at Step 4 of the applicable eight-step wage grid established per Resolution 24:19 effective May 7, 2019.	
Financial Impact: Is there a cost associated with this request: ☒ Yes ☐ No What is the total cost, with tax and shipping \$ _____ Is this budgeted? ☒ Yes ☐ No <u>Please Explain:</u> The exact impact to the budget is not know but is part of the funds allocated for union contracts.	



Brainerd City Council Agenda Request

Requested Meeting Date: May 6, 2019

Title of Item: Kraemer Promotion to Administrative Specialist 2 - Global (Fire Dept)

☐ 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 <i>*provide copy of published hearing notice</i>
Submitted by: Kris Schubert	Department: Human Resources
Presenter (Name & Title):	Estimated Time Needed:
Summary of Issue: In 2018 our Compensation Study consultant recommended creating the new Administrative Specialist 2 - Global position for both our Fire and Community Development Departments. The creation of this job classification does not create another position (i.e. another FTE), but adjusts the wage for some of the current Administrative Specialist positions due to additional technical skills and work/educational requirements. The Council agreed, a wage was negotiated with the IBEW Administrative Support Union, and the Council approved an internal only job posting for the position. The posting process is complete with Elaine Kraemer applying for the Fire Department position.	
Alternatives, Options, Effects on Others/Comments: This action promotes Elaine Kraemer to the Administrative Specialist 2 - Global (Fire Department) position effective May 7, 2019. Ms. Kraemer's initial placement based on her current wage will be Step 5 of the Administrative Specialist 2 wage grid (\$26.34 per hour). For clarification, per the 2019-2020 IBEW Administrative Support Union Contract settlement, all promoted employees covered by this union must utilize the Wage Grid; further, promotions are subject to a 90-day trial period (not probation). The initial grid placement for the promotion will be included on the Supplement to the Union Contract and will include the employee's name, position, grid placement, wage and effective date as approved by Council.	
Recommended Action/Motion: Approve the promotion of Elaine Kraemer to the Administrative Specialist 2 - Global (Fire Department) position effective May 7, 2019; further, that her initial placement be Step 5 of the 2019 Administrative Specialist 2 - Global position wage grid (\$26.34 per hour).	
Financial Impact: Is there a cost associated with this request: ☒ Yes ☐ No What is the total cost, with tax and shipping \$ _____ Is this budgeted? ☐ Yes ☐ No <u>Please Explain:</u> This item was discussed during union negotiations and is part of the funds allocated for union contracts.	



Brainerd City Council Agenda Request

Requested Meeting Date: May 6, 2019

Title of Item: Johnson Promotion to Administrative Specialist 2 - Global (Com. Dev. Dept)

☐ INFORMATION ONLY ☒ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Kris Schubert	Department: Human Resources
Presenter (Name & Title):	Estimated Time Needed:
Summary of Issue: In 2018 our Compensation Study consultant recommended creating the new Administrative Specialist 2 - Global position for both our Fire and Community Development Departments. The creation of this job classification does not create another position (i.e. another FTE), but adjusts the wage for some of the current Administrative Specialist positions due to additional technical skills and work/educational requirements. The Council agreed, a wage was negotiated with the IBEW Administrative Support Union, and the Council approved an internal only job posting for the position. The posting process is complete with Laurie Johnson applying for the Community Development Department position.	
Alternatives, Options, Effects on Others/Comments: This action promotes Laurie Johnson to the Administrative Specialist 2 - Global (Community Development Department) position effective May 7, 2019. Ms. Johnson's initial step placement based on her current wage will be Step 5 of the Administrative Specialist 2 wage grid (\$26.34 per hour). For clarification, per the 2019-2020 IBEW Administrative Support Union Contract settlement, all promoted employees covered by this union must utilize the Wage Grid; further, promotions are subject to a 90-day trial period (not probation). The initial grid placement for the promotion will be included on the Supplement to the Contract and will include the employee's name, position, grid placement, wage and effective date as approved by Council.	
Recommended Action/Motion: Approve the promotion of Laurie Johnson to the Administrative Specialist 2 - Global (Community Development Department) position effective May 7, 2019; further, that her initial placement be Step 5 of the 2019 Administrative Specialist 2 - Global position wage grid (\$26.34 per hour).	
Financial Impact: <i>Is there a cost associated with this request:</i> ☒ Yes ☐ No <i>What is the total cost, with tax and shipping</i> \$ _____ <i>Is this budgeted?</i> ☐ Yes ☐ No <i>Please Explain:</i> This item was discussed during union negotiations and is part of the funds allocated for union contracts.	



Brainerd City Council Agenda Request

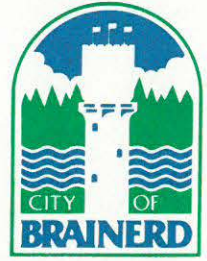
Requested Meeting Date: May 6, 2019

Title of Item: Public Hearing and Resolution - Improvements 16-09 and 19-07

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☒ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☒ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: City Engineer Sandy	Department: Engineering
Presenter (Name & Title): City Engineer Sandy	Estimated Time Needed: 30 Minutes
Summary of Issue: Pursuant the notice of hearing and to continue with the assessment proceedings, the council must hold a public hearing to consider the improvement and hear testimony for or against the said improvement.	
Alternatives, Options, Effects on Others/Comments: Improvement 16-09 is for the reconstruction of Buffalo Hills Lane from Greenwood Street to Mississippi Drive. Improvement 19-07 is for the reconstruction of Mississippi Drive from Buffalo Hills Lane to the dad end. Total estimated project costs for these combined improvements including engineering and construction is \$1,471,000. Of that cost, \$898,000 is due to the reconstruction of the street and \$335,000 of that \$898,000 is planned to be assessed. \$433,000 of the \$1,471,000 is estimated for storm sewer work, \$41,000 is estimated for sanitary sewer work, and \$99,000 is estimated for BPU watermain work. The attached feasibility report was received at the April 1, 2019 council meeting and should provide any other information on the proposed improvements.	
Recommended Action/Motion: Hold the improvement hearing to hear testimony for or against the said improvements. Staff recommends adopting the attached resolution ordering the improvement, approving plans and specifications, and ordering advertisement of bids to be opened on June 7, 2019 at 10:00 am CDT.	
Financial Impact: <i>Is there a cost associated with this request:</i> ☒ Yes ☐ No <i>What is the total cost, with tax and shipping</i> \$ <u>1,471,000</u> <i>Is this budgeted?</i> ☒ Yes ☐ No <i>Please Explain:</i> These projects are part of the 5-year street and sewer capital improvement plan. State Aid funds are advanced for the construction of the roadway and storm sewer portions of the project. Other utility improvements and modifications to come out of the respective enterprise funds such as storm sewer 238, sanitary sewer 237, and BPU water costs to be billed to BPU accordingly.	

March 26, 2019

Mayor Menk
and Brainerd City Council Members



www.ci.brainerd.mn.us

RE: City Improvements 16-09 and 19-07, Buffalo Hills Lane Construction and Mississippi Drive Construction respectively

Dear Mayor Menk and City Council Members,

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

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

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

There is not a lot of history to this road section, as it currently exists as a 20-foot wide seal coated aggregate section. The City has invested money in seal coating this roadway numerous times, but the road has never actually been constructed properly with curb and gutter, gravel, bituminous, and stormwater improvements.

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

The existing road condition is very dated, considered in poor condition, and does have substantially large cracks and potholes.

Through the process in 2003/2004, there were several project scope and funding related issues which included:

- Project limits
- Roadway Design
- Drainage

- Project funding

Since this that time, the Council and staff, along with holding two public informational meetings, have made decisions on project limits, typical section, assessment methodology, and funding.

The motivation for this project is based stems from deteriorating roadway conditions in addition to the roadway never being construction to City standards.

Multiple options for the construction were reviewed years ago and the two options that moved forward into consideration were the construction of either a 36 ft. wide roadway to accommodate 2 – 12 ft. driving lanes and 2 – 6 ft. multi-use shoulders or a 26 ft. wide roadway with a separated 8 ft multiuse trail, similar to what was constructed on 28th Street SE constructed in 2015. Both options would provide for a 9-ton roadway capacity. The cost of the two options are comparable. With the topography along the corridor, the 26 ft roadway and 8 ft. separated trail option, which was staff's preferred option, offers the most flexibility with roadway grades and matching existing yards and driveways. The 26 ft. wide roadway will also assist with controlling the speed of traffic. Since this alignment is on our State aid system, staff would recommend following our assessment policy and utilizing State Aid funds to cover the cost of the additional structure. Ultimately, the council authorized staff to proceed with the 26 ft. wide road section and 8 ft. separated trail option.

Existing City utilities have already been installed under the roadway surface including sanitary sewer and watermain. There are a few modifications that need to be made to the existing utilities to make them work with the new road surface and profile, including additional manhole cone sections and rings, watermain gate valve adjustments, and additions of some services to vacant lots that may potentially see future development. Storm sewer does not currently exist within the project limits and is anticipated to be constructed as part of this project.

Since 2004, the city has acquired tax forfeit lots 14, 15 and the west ½ of lot 19 in the Buffalo Hills subdivision for storm sewer purposes. The drainage system is designed to carry the stormwater runoff from the proposed street and adjacent storm sewer systems per Minnesota Pollution Control Agency Guidelines. At this time, we are assuming that the cost of the storm water collection system improvements in the street and constructing ponds, swales and treatment will be funded through the storm water utility.

In 2019, the City solicited the services of Nagell Appraisal and Consulting to provide a letter report in which would group properties based upon access to Buffalo Hills Lane and Mississippi Drive and comment of preliminary market benefit in the report. This report was done to assist staff and council in deciding assessment methodology and amounts and having documentation that the proposed work meets the special benefit test per Minnesota Statute 429. At the March 18, 2019 City Council meeting, the City Council concurred with staff's recommendation to move forward with a proposed assessment methodology in which sets base assessment amounts based upon access

to Buffalo Hills Lane and Mississippi Drive, number of original platted parcels, and applying 3 multipliers based upon habitation of the parcel, multiple accesses for ingress and egress to properties, and rear/sideyard access to Buffalo Hills Lane and Mississippi Drive. This equates to assessment amounts varying between \$375 and \$8,000. More specifically, the report outlines preliminary market benefit amounts as seen below:

Singe family (indirect access, no frontage)	\$800 to \$2,000 per lot
Singe family (indirect access, rear/side frontage)	\$1,500 to \$4,000 per lot
Single family (direct access, frontage)	\$6,000 to \$12,000 per lot
Vacant residential lots (indirect access, no frontage)	\$500 to \$1,500 per lot
Vacant residential lots (indirect access, rear/side frontage)	\$800 to \$3,000 per lot
Vacant residential lots (direct access, frontage)	\$2,000 to \$6,000 per lot
Residential Development Land	\$0.01 to \$0.05/SF of lot

It is noted that higher value buildings or large lots are on the higher end of these ranges.

Because of the deficiencies that exist, the road tends to not meet the expectations of typical market participants in the suburban type landscape such as this. The existing street improvements reflect likewise on the adjoining street and side street properties.

Estimated project costs have been determined for the project and are \$1,334,000 for construction and \$134,000 for engineering. The respective splits and anticipated assessments and state aid can be seen below in the project breakdown.

Total Estimated Construction Costs: \$1,336,000
Total Estimated Engineering Costs: \$135,000

Roadway

Buffalo Hills Roadway Construction:	\$729,000
Buffalo Hills Roadway Engineering:	\$73,000
Mississippi Drive Roadway Construction:	\$87,000
Mississippi Drive Roadway Engineering:	\$9,000
Roadway Assessed:	\$395,000

Storm Sewer

Storm Sewer and Storm Pond Construction:	\$393,000
Storm Sewer and Storm Pond Engineering:	\$40,000

Sanitary Sewer

Sanitary Sewer Construction	\$37,000
Sanitary Sewer Engineering	\$4,000

BPU Water

BPU Water Construction:	\$90,000
BPU Water Engineering:	\$9,000

Estimated Reimbursement from State Aid: \$1,235,000

Note: The estimated reimbursement from State Aid considers that 100% of the storm sewer cost for engineering and construction can be covered by State Aid. This may not be the case and will be determined when plans go for review at the State Aid office and an appropriate split based upon drainage is determined by MnDOT Hydraulics Office.

At some previous meetings, the council has discussed other options besides construction to consider during this process. They include minimum maintenance roads, closing the roadway, or doing nothing.

Doing nothing will inevitably lead to a physical breakdown of the road surface. If the roadway continues the current cycle of potholing and cracking, it will eventually get to a point where it can no longer be maintained as an asphalt road. City streets that are not adequately maintained not only raise a quality of life issue, but also exposes the City to liability for damages or injuries caused by the road condition. The City is obligated to reasonably maintain its streets.

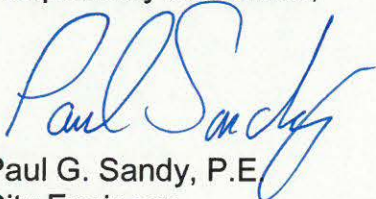
Minimum maintenance roads are governed by Minnesota Statute 160.095. This statute allows a city to designate a roadway minimum maintenance "if it determines the road or road segment is used only occasionally or intermittently for passenger or commercial travel." Buffalo Hills Lane and Mississippi Drive do not meet this criterion and therefore cannot be designated as a minimum maintenance road.

Closing the road is not possible because it would deprive several properties of their only access and would give rise to claims against the City. The road needs to be repaired or reconstructed so that it can continue to be used in the manner of which it was intended.

Taking this information into consideration, the Buffalo Hills Lane and Mississippi Drive Reconstruction Project is feasible and necessary. The current condition of the roadway and deficiencies that exist cause concern over potential liability issues for the City.

I will be available to answer any questions or concerns as it relates to this report at the meeting. The first step of Minnesota Statute 429 is to adopt the resolution receiving this report and setting the public hearing.

Respectfully Submitted,



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

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

**RESOLUTION ORDERING IMPROVEMENT, APPROVING PLANS AND
SPECIFICATIONS, AND ORDERING ADVERTISEMENT FOR BIDS**

WHEREAS, a motion by the City Council passed on the 1st day of April 2019, fixed a date for a Council hearing on the proposed improvement listed below; and

WHEREAS, the City Engineer has prepared plans and specifications for the improvement of the following described project:

IMPROVEMENT 16-09

Street Reconstruction

Buffalo Hills Lane from Greenwood Street to Mississippi Drive

IMPROVEMENT 19-07

Street Reconstruction

Mississippi Drive from Buffalo Hills Lane to the Dead End

WHEREAS, ten days' mailed and two weeks' published notice of the hearing was given and the hearing was held thereon on the 6th day of May, 2019, at which time all persons desiring to be heard were given an opportunity to be heard thereon.

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

1. Said improvement is necessary, cost-effective, and feasible as detailed in the feasibility report.
2. Said improvement is hereby ordered.
3. Said improvement has no relationship to the comprehensive plan.
4. The plans and specifications prepared by the City Engineer, a copy of which is on file at the offices of the City Administrator and the City Engineer, are hereby approved.
5. The City Administrator shall prepare and cause to be inserted in the official paper an advertisement for bids upon the making of such improvement under such approved plans and specifications. The advertisement shall be published, shall specify the work to be done, shall state that bids will be received by the City Administrator until 10:00 a.m. on June 7, 2019, at which time they will be publicly opened in the Council Chambers of the City Hall by the City Administrator and City Engineer, will then be tabulated, and will be considered by the Council at 7:30 p.m. on June 17, 2019, in the Council Chambers of the City Hall, Brainerd, Minnesota. Any bidder whose responsibility is questioned during consideration of the bid will be given an opportunity to address the Council on the issue of responsibility. No bids will be considered unless sealed and filed with the City Administrator and accompanied by a cash deposit, cashier's check, bid bond or certified check payable to the City Administrator for five (5) percent of the amount of such bid.
6. The City Council declares its official intent to reimburse itself for costs of the project from proceeds of bonds, which are expected to be issued in the maximum principal amount of \$1,471,000.

Adopted this ____ day of _____, 2019

GABE JOHNSON
President of the Council

Approved this _____ day of _____, 2019

EDWIN L. MENK
Mayor

ATTEST: _____
CASSANDRA TORSTENSON
City Administrator

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

May 6, 2019
City Hall Conference Room
6:30 PM

1. Approval of Bills
2. League of MN Cities Insurance Trust (LMCIT) Premium Renewal '19-'20
3. Brainerd Community Action 4th of July Fireworks Donation Request
4. Wage Adjustments for Police Chief, Deputy Police Chief and City Engineer
5. Request to Hire Community Service Officer (CSO)
6. One Year Probation Period; Rosier
7. Software Recommendation
8. Council Meeting Broadcasting/Streaming Update
9. City-Wide Spring Cleanup Discussion
10. City Prosecutor Discussion
11. Resolution Accepting Donation of Land for Meadows Park
12. NJMS Phelps Loan Subordination



Brainerd City Council Agenda Request

Requested Meeting Date: May 6, 2019

Title of Item: League of MN Cities Insurance Trust (LMCIT) Premium Renewal '19-'20

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☒ P&F COMMITTEE ☐ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Connie Hillman	Department: Finance
Presenter (Name & Title): Craig Miller & Eric Lehrer, WE Ins.	Estimated Time Needed: 15 Minutes
Summary of Issue: Mr. Craig Miller and Mr. Eric Lehrer from Weizeneggar-Engel Insurance will be at the meeting to present the 2019-2020 general liability and auto insurance renewal information. Information is attached for your review. The renewal is for the period of March 1, 2019 to February 28, 2020. If you recall, staff requested to have the renewal date changed from June 1st to March 1st as the June 1st renewal date was difficult with other deadlines that are at that time - start of summer projects, audit field work, etc. Our last renewal was for a 9 month period.	
Alternatives, Options, Effects on Others/Comments: The Council budgeted \$136,060 for the City and \$28,689 for transit for the 10 months of 2019. The renewal for 10 months is \$142,288 and \$17,243.	
Recommended Action/Motion: Approve the insurance renewal from the LMCIT for March 1, 2019 - February 28, 2020.	
Financial Impact: Is there a cost associated with this request: ☒ Yes ☐ No What is the total cost, with tax and shipping \$ _____ Is this budgeted? ☒ Yes ☐ No <u>Please Explain:</u>	



**COMMERCIAL INSURANCE PACKAGE
PREPARED FOR:**

**City of Brainerd
Brainerd Public Utilities
Brainerd-Crow Wing County Transit**

Prepared by: Craig Miller, Eric Lehrer, Kelly Masche

***WEIZENEGGER
ENGEL INSURANCE***

301 NW 6th Street, Brainerd, MN 56401 888-829-4721



April 9, 2019

Brainerd City Council
City of Brainerd
501 Laurel Street
Brainerd MN 56401

RE: LMCIT Insurance Renewal

Dear Council Members,

Enclosed is the City of Brainerd's renewal premium summary, along with a comparative premium breakdown for the: City, Brainerd Public Utilities and the Transit Department.

The quotation is based on the policy term 3/1/19 to 3/1/20. The liability experience mod is 1.167 which compares with 1.104 expiring, roughly a 6% deterioration. Renewal premium summary and breakdown is attached, along with the memo on the rate changes and coverage changes. The Municipal Liability premium is up ~10% on the renewal. The bottom line premium is up approx 6% from expiring.

Coverage changes include automatic inflationary increases to the property limits. Also, there were a few changes done to the automobiles at the time the application was submitted.

The Physical Damage for below listed autos are currently on Limited Replacement Cost basis. These units are over 10 years in age and normally would not be considered for Limited Replacement Cost Coverage beyond 10 years. Due to the Limited Replacement Cost formula for loss settlement, vehicles that do qualify for the Limited Replacement Cost coverage will need to determine the ACV of the vehicle as the maximum possible payout in the event of a total loss would be, at most, 2 times the ACV of the vehicle. The Replacement Value of the vehicle as shown on the schedule of autos should not be more than 2 times this ACV number. If the values is listed as more than 2 times the ACV, you will be paying some premium for limit that you will not benefit from in the event of a total loss. If a vehicle is in the **10 -12 year range** and replacement cost is still desired, we will need documentation from a mechanic familiar with the vehicle that the vehicle has been maintained and is still in like new condition or acceptable maintenance records that show the vehicle to be in like new condition. We will also need the current mileage on the vehicle. Any vehicles **over 12 years** will be taken off of limited replacement cost and changed to ACV at next years renewal.

(#15) 2007 Sterling Dump Truck s#6738-2
(#39) 2007 Spartan Cabover Fire Truck s#7504-5
(#63) 2001 Freightliner FL 80 DIGG s#8692-7
(#76) 2007 GMC C5500 Boom Truck s#4697-7
(#71) 2007 Int'l Bucket Truck s#9799-7

We have received a proposal from LMCIT for excess liability coverage with a limit of \$1,000,000 for an annual premium of \$40,831. Under your current municipal policy coverage would exclude downstream liability with the hydro-dam exposure. In addition, statutory tort limits to not apply to claims under Federal civil rights laws (employment practices, discrimination, etc.), liability assumed by contractor or the "taking" of property; which makes this a coverage to consider.

Please let me know if you have any questions or concerns.

Regards,

Craig Miller

CC: Todd Wicklund, BPU

PREMIUM SUMMARY

**CITY OF BRAINERD, BRAINERD PUBLIC UTILITIES &
BRAINERD & CROW WING PUBLIC TRANSIT**
- All Departments Combined -
League of Minnesota Cities Insurance Trust
March 1, 2019 to March 1, 2020

COVERAGE	Short Term	Full Term	Full Term
	RENEWAL PREMIUM 2018/2019	RENEWAL PREMIUM 2018/2019	RENEWAL PREMIUM 2019/2020
Building & Contents	\$78,851	\$105,135	\$105,696
Equipment	\$5,002	\$6,669	\$7,099
Municipal Liability	\$101,280	\$135,040	\$149,183
Public Officials E&O	Included	Included	Included
Automobile	\$48,879	\$65,172	\$56,451
Blanket Employee Bond	\$1,844	\$2,459	\$2,465
Equipment Breakdown	\$9,970	\$13,293	\$13,877
Open Meeting Law	Included	Included	Included
TOTAL ANNUAL PREMIUMS	\$245,826	\$327,768	\$334,771

PREMIUM SUMMARY - City

- CITY OF BRAINERD -

**League of Minnesota Cities Insurance Trust
March 1, 2019 to March 1, 2020**

COVERAGE	Short Term	Full Term	Full Term
	RENEWAL PREMIUM 2018/2019	RENEWAL PREMIUM 2018/2019	RENEWAL PREMIUM 2019/2020
Building & Contents	\$14,045	\$18,727	\$18,693.00
Equipment	\$2,925	\$3,900	\$4,149.67
Municipal Liability	\$75,901	\$101,201	\$115,426.00
Public Officials E&O	Included	Included	Included
Automobile	\$23,467	\$31,289	\$28,106.00
Blanket Employee Bond	\$1,844	\$2,459	\$1,917.23
Equipment Breakdown	\$2,463	\$3,284	\$2,454.00
Open Meeting Law	Included	Included	Included
ANNUAL PREMIUM	\$120,645	\$160,860	\$170,745.90


$$\begin{aligned} & \$170,746 / 12 * 10 \\ & = \$142,288 \end{aligned}$$

PREMIUM SUMMARY - BPU

- BRAINERD PUBLIC UTILITIES -

**League of Minnesota Cities Insurance Trust
March 1, 2019 to March 1, 2020**

COVERAGE	Short Term	Full Term	Full Term
	RENEWAL PREMIUM 2018/2019	RENEWAL PREMIUM 2018/2019	RENEWAL PREMIUM 2019/2020
Building & Contents	\$64,807	\$86,409	\$87,003.00
Equipment	\$2,077	\$2,769	\$2,949.33
Municipal Liability	\$24,568	\$32,757	\$32,211.00
Public Officials E&O	Included	Included	Included
Automobile	\$7,102	\$9,469	\$9,474.00
Blanket Employee Bond	\$0	\$0	\$273.88
Equipment Breakdown (excl. Hydro)	\$7,507	\$10,009	\$11,423.00
Open Meeting Law	Included	Included	Included
ANNUAL PREMIUM	\$106,061	\$141,415	\$143,334.21
<u>Stand-Alone Coverage (non-LMCIT)</u> Hydro - Equipment Breakdown (Factory Mutual Insurance)			

PREMIUM SUMMARY - Transit

- BRAINERD & CROW WING PUBLIC TRANSIT -

**League of Minnesota Cities Insurance Trust
March 1, 2019 to March 1, 2020**

COVERAGE	Short Term	Full Term	Full Term
	RENEWAL PREMIUM 2018/2019	RENEWAL PREMIUM 2018/2019	RENEWAL PREMIUM 2019/2020
Building & Contents	\$0	\$0	\$0.00
Equipment	\$0	\$0	\$0.00
Municipal Liability	\$811	\$1,081.33	\$1,546.00
Public Officials E&O	Included	Included	Included
Automobile	\$18,310	\$24,413.33	\$18,871.00
Blanket Employee Bond	\$0	\$0	\$273.89
Equipment Breakdown	\$0	\$0	\$0.00
Open Meeting Law	Included	Included	Included
ANNUAL PREMIUM	\$19,121	\$25,495	\$20,690.89

$\$20,691 / 12 * 10 =$
 $\$17,243$



MUNICIPAL PROPERTY
March 1, 2019 to March 1, 2020

PROPERTY:	2018/2019	2019/2020
- Building & Contents Blanket Limit	\$131,226,805	\$136,802,805
- Mobile Equipment - Scheduled	\$972,991	\$995,370
- Mobile Equipment < \$100,000	\$1,743,349	\$1,783,446
- Business Income / Hydro	\$1,000,000	\$1,000,000

**See Attached Property Schedule*

Special Causes of Loss Form

Replacement Cost Coverage

- City Hall & Historic Water Tower insured at Reproduction Cost
 Agreed Amount

Municipal Property Deductible: \$5,000

<u>CRIME</u> : Limit per Occurrence	\$250,000	<u>Deductible</u> \$5,000 per occurrence
<u>BOND</u> : Limit per Occurrence	\$1,000,000	\$1,000 per occurrence
<u>PETROFUND</u> : Aggregate	\$250,000	N/A
<u>EQUIPMENT BREAKDOWN</u> :		\$1,000 per accident

ADDITIONAL PROPERTY COVERAGES

March 1, 2019 to March 1, 2020

1. Loss of Revenue, Extra Expense and Expediting Expense	\$5,000,000 Per Occurrence
2. Demolition & Debris Removal (Direct Damage to Property)	25% of the Estimated Replacement Cost of the Covered Property
(No Direct Damage to Property)	\$50,000 Per Occurrence
3. Leasehold Interest	\$500,000 Per Location
4. Accounts Receivable	\$500,000 Per Location
5. Valuable Papers and Records	\$500,000 Per Location
6. Utility Services	\$100,000 Per Occurrence
7. Green Building Expenses	1% of Contract Cost, but not to exceed \$100,000 Per Location
8. Asbestos Cleanup and Removal	\$250,000 Per Location
9. Pollutant Cleanup and Removal	\$250,000 Per Location
10. Errors	\$500,000 Per Occurrence
11. Rental Reimbursement	\$250,000 Annual Aggregate
12. Arson Reward	\$5,000 Per Fire Loss
13. Extraordinary Expense	\$250,000 Annual Aggregate
14. Data Security Breach Expenses	\$250,000 Annual Aggregate
15. Organic Pathogen Cleanup	\$250,000 Annual Aggregate
Water & Supplemental Flood Coverage	\$500,000 Per Occurrence \$500,000 Annual Aggregate

MOBILE PROPERTY
March 1, 2019 to March 1, 2020

<u>SCHEDULED ITEMS > \$100,000</u>	<u>LIMIT</u>	<u>DEPARTMENT</u>
2014 Pelican Sweeper	\$166,954	Street
2018 Snogo Blower	\$162,657	Street
2018 Caterpillar 938 M Loader	\$199,485	Street
2005 Ditchwitch Trencher	\$108,040	BPU-E
Caterpillar Backhoe/Loader	\$116,224	BPU-WW
Caterpillar Challenger MT 645D	\$242,010	BPU-WW
Total	\$995,370	
 UNSCHEDULED ITEMS	 \$1,783,446	
< \$100,000		
 Mobile Property Deductible:	 \$5,000	

**Note: Mobile property with replacement cost greater than \$100,000 needs to be scheduled. Therefore, if you have an older piece of equipment which would cost in excess of \$100,000 to replace, the equipment should be scheduled to avoid a potential problem in the event of a claim.*

MUNICIPAL LIABILITY
March 1, 2019 to March 1, 2020

COVERAGE WRITTEN ON: Claims Made Form

LIMITS OF LIABILITY:

Per Occurrence Limit	\$2,000,000	
Products Limit	\$3,000,000	Annual Aggregate
Failure to Supply Claim Limit	\$3,000,000	Annual Aggregate
EMF Claim Limit	\$3,000,000	Annual Aggregate
Limited Contamination Liability	\$2,000,000	Per Sudden Occ.
Outside Organization Claim Limit	\$100,000	Annual Aggregate
Data Security Breach Claim Limit	\$3,000,000	Annual Aggregate
Land Use & Special Risk Litigation	\$1,000,000	Annual Aggregate
Medical & Related Expense Limit	Not Covered	

Municipal Liability Deductible: **\$1,000**

MISC. COVERAGE:

Errors & Omissions (incl. Airport)

Defense Cost Reimbursement Expense	\$50,000	Annual Aggregate Per City Official
	\$250,000	Annual Aggregate

MUNICIPAL AUTOMOBILE

Automobile Liability	\$2,000,000	Per Occurrence
Basic Economic Loss Benefits	MN Statutory PIP	
Uninsured & Underinsured Motorist	\$200,000	Per Occurrence
Automobile Physical Damage	Actual Cash Value (unless endorsed)	
Hired & Non-Owned Automobile	\$2,000,000	

Automobile Deductible: **\$1,000**

ADDITIONAL CONSIDERATIONS

March 1, 2019 to March 1, 2020

	Annual Premium
<i>Excess Liability Quote:</i>	\$40,831
- Coverage Limit @ \$1,000,000	
45% City / 45% BPU / 10% Transit	
<i>Data Breach option:</i>	
- Data Breach limit can be increased	
<i>Work Comp classification</i>	
Police reserve - use code 7722	
2019 rates \$2.03/\$100 of payroll	
<i>Possible Location for City, Park & Police</i>	
1 story, 14,500 sq. foot, \$9MM Value	
Non- Sprinklered	\$5,890
Sprinklered	\$4,430
<u>Current Premium</u>	
City Hall Building	\$3,039
Park Building	\$381
Police Building	\$1,064
Total	\$4,484
<i>MN power Substation</i>	
Rate .0408/\$100. based on	\$2,607
a value \$5,431,345.	



Brainerd City Council Agenda Request

Requested Meeting Date: May 6, 2019

Title of Item: BCA Community 4th of July Celebration Donation Request

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☒ P&F COMMITTEE ☐ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Connie Hillman	Department: Finance
Presenter (Name & Title): Cassie Carey/Connie Hillman	Estimated Time Needed: 5 Minutes
Summary of Issue: Please see the attached request from Brainerd Community Action for a donation for the 4th of July community engagement celebration.	
Alternatives, Options, Effects on Others/Comments: Historically we have used the special projects budget line item for the fireworks/celebration donation. Below is a history of the donations: 2018 - \$8,000; 2017 - \$8,000; 2016 - \$8,000; 2015 - \$7,500; 2014 - \$8,500; 2013 - \$8,000; 2012 - \$5,000; 2011 - \$5,000; 2010 - \$0. There was \$28,000 budgeted for special projects in 2019. We have spent \$300 of the budget, and allocated this line item for the citywide clean up estimated to be approximately of \$3,700 based on the 2012 program.	
Recommended Action/Motion: Approve a dollar amount to be donated to Brainerd Community Action for 4th of July community engagement celebration or deny the request.	
Financial Impact: <i>Is there a cost associated with this request:</i> ☒ Yes ☐ No <i>What is the total cost, with tax and shipping</i> \$ _____ <i>Is this budgeted?</i> ☒ Yes ☐ No The funds budgeted for special projects. <u>Please Explain:</u>	



May 1, 2019

Dear City of Brainerd:

First let me say, "THANK YOU", for the generous sponsorship that you have previously given to Brainerd Community Action in support for the Community 4th of July celebration. Without your support, the celebration would not be as stellar as it has been. I am grateful for our time last month at your council meeting providing a brief overview of the work that we are doing. Not only do we host community events, we also have a goal to launch a "Community Give Back" grant in the fall of 2019. Please be on the lookout for mission driven efforts targeting local nonprofits and community entities who help reduce adversity throughout the community.

As you are aware, the 4th of July celebration is coordinated by Brainerd Community Action, a 501(c)3 nonprofit organization. The funding for this celebration comes from all types of area donors ranging from large corporations and small businesses, to individuals and service organizations.

Last year, you played an important role in our fundraising efforts and we hope that you will, once again, contribute. This community celebration costs roughly \$45,000 and your previous sponsorship of \$8,000 helped pay for helping make the celebration a success: the fireworks, entertainment, advertising, some parade units, and necessities like temporary power, porta potties and trash removal.

We plan to recognize all sponsors throughout our communications to the community, via the Brainerd Dispatch, Radio advertisements, the large stage at the 4th of July Celebration, as well as with large banners within the Arts in the Park event that will be hosted on June 30, and the 4th of July Celebration itself! The estimated reach is over 50,000 people in attendance between the parade and fireworks, we are excited that these events bring so much business and energy to the Brainerd Lakes Area.

We thank you in advance for your continued support of Brainerd Community Action and the 4th of July Celebration.

Sincerely,

Cassie Carey

Cassie Carey

Executive Director

Brainerd Community Action



Brainerd City Council Agenda Request

Requested Meeting Date: May 6, 2019

Title of Item: Wage Adjustments for Police Chief, Deputy Police Chief and City Engineer

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☒ P&F COMMITTEE ☐ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Cassandra Torstenson & Kris Schubert	Department: Administration
Presenter (Name & Title): Cassandra Torstenson & Kris Schubert	Estimated Time Needed: 5 minutes
Summary of Issue: The Council adopted Wage Resolution No. 02:19 on January 7, 2019 setting the 2019-2021 wages for Department Heads and Non-Union supervisors. When the resolution was presented, we noted that Staff would be reviewing possible wage adjustments for our Police Chief, Deputy Police Chief and City Engineer when union contracts were settled as Police Chief McQuiston and City Engineer Sandy voiced concerns regarding the consultant's recommended market average wages for their positions. We also noted that we wanted to review to try to maintain a supervisory wage gap for our Police Department. Based on our review and in working with our Compensation Study Consultant David Drown Associates, Inc., attached is a resolution amending Resolution 02:19 revising the 2019-2021 wage grids for the City Engineer, Police Chief and Deputy Police Chief positions. Staff recommends that these wage adjustments be made retroactive to January 1, 2019 to coincide with Union contract settlements.	
Alternatives, Options, Effects on Others/Comments: It was very hard to compare the Deputy Police Chief position as other cities utilize various management levels in their Police Departments. When our current Deputy Police Chief was promoted in 2010, the wage was based on 90% of the Police Chief's wage. The market data does not support maintaining that percentage calculation going forward. With that said, Staff is recommending a wage adjustment for the Deputy Police Chief position to increase the supervisory wage gap between the Deputy Chief, Lieutenant and Sergeant positions. We feel this gap is justified based on increased duties and responsibilities; further, we hope this will serve as an incentive for employees to seek promotions in the future. Staff also recommends that this position and wage gap continued to be monitored in the future as the Lieutenant will receive 85% of the Deputy Chief's wage in 2019 based on step placement; however, that gap decreases in 2021 assuming the Lieutenant advances to Step 6 as he will then be paid at 93% of the Deputy Chief's wage. Even with this recommended wage grid adjustment, the Deputy Police Chief will not receive a wage adjustment in 2019. He will receive a \$.49 adjustment in 2020 (1.10%). Under the Resolution adopted in January, his wages would have been frozen until 2021 when he would have only received a 2.07% increase. Please note the 2019, 2020 & 2021 COLA adjustments for this group were 1%, 2% and 3% respectfully.	
Recommended Action/Motion: Motion to adopt the attached resolution amending Resolution No. 02:19 revising the 2019-2021 City Engineer, Police Chief and Deputy Police Chief wage grids and setting the initial step placement for said employees; further, that the wage adjustments be retroactive to January 1, 2019.	
Financial Impact: Is there a cost associated with this request: ☒ Yes ☐ No What is the total cost, with tax and shipping \$ _____ Is this budgeted? ☒ Yes ☐ No <u>Please Explain:</u> Wage adjustments were included in the 2019 budget. However, as noted during union negotiations, we may be over budget due to union contract settlements and trying to get all unions onto our new wage grid/pay philosophy.	

RESOLUTION

No. :19

WHEREAS, on January 7, 2019, the City Council adopted Resolution No. 02:19 setting the 2019-2021 wages for Department Heads and Non-Union Supervisors.

WHEREAS, Staff noted when the information was presented to Council that it would like to review possible wage adjustments for the Police Chief, Deputy Police Chief and City Engineer positions when all union contracts were settled to address concerns raised by those individuals relative to the market average wages for their positions; further, to review the supervisory wage gap in the Police Department.

WHEREAS all 2019 union contracts have now been approved and a review has been completed.

BE IT RESOLVED by the Council of the City of Brainerd to amend Resolution No. 02:19 by adjusting the wage tables included in Resolution 02:19 for the Police Chief, Deputy Police Chief and City Engineer positions and inserting in lieu thereof the following wage grids:

Deputy Police Chief	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8
1/1/2019	35.52	37.30	39.08	40.86	42.63	44.41	46.18	47.96
1/1/2020	36.23	38.05	39.86	41.67	43.49	45.30	47.10	48.91
1/1/2021	37.32	39.19	41.06	42.92	44.79	46.66	48.51	50.38

City Engineer, Police Chief	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8
1/1/2019	42.80	44.95	47.09	49.23	51.36	53.50	55.64	57.78
1/1/2020	43.66	45.84	48.03	50.21	52.39	54.57	56.75	58.94
1/1/2021	44.97	47.22	49.47	51.72	53.96	56.21	58.46	60.71

BE IT FURTHER RESOLVED that said Department Heads and non-union Supervisory employees will be placed in the following steps as of January 1, 2019. The current employee's initial placement in the salary schedule reflects the closest step to their actual salary as of December 31, 2018.

<u>Position</u>	<u>Name</u>	<u>Step</u>
City Engineer	Sandy	3
Police Chief	McQuiston	5
Deputy Police Chief	Bestul	6

BE IT FURTHER RESOLVED that City Engineer Sandy's 2019 wage will be set at \$47.56 per hour, as described in Wage Resolution No. 2:19 since that wage is greater than the Step 3 rate. Additionally, City Engineer Sandy will not be eligible for the Step D Salary Administration Plan adjustment originally scheduled for June 1, 2019.

Adopted this ____ day of May, 2019.

GABE JOHNSON
President of the Council

Approved this ____ day of May, 2019.

EDWIN L. MENK
Mayor

ATTEST: _____
CASSANDRA TORSTENSON
City Administrator

Deputy Police Chief's Wage Grid per Resolution 02:19

Deputy Police Chief	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8
1/1/2019	34.83	36.57	38.31	40.06	41.79	43.53	45.28	47.02
1/1/2020	35.52	37.30	39.08	40.86	42.63	44.40	46.18	47.96
1/1/2021	36.59	38.42	40.25	42.08	43.91	45.73	47.57	49.40

Deputy Police Chief's Proposed Wage Grid - Presented 5/6/19

Deputy Police Chief	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8
1/1/2019	35.52	37.30	39.08	40.86	42.63	44.41	46.18	47.96
1/1/2020	36.23	38.05	39.86	41.67	43.49	45.30	47.10	48.91
1/1/2021	37.32	39.19	41.06	42.92	44.79	46.66	48.51	50.38

NOTE: The Deputy Police Chief's 12/31/18 wage with longevity = \$44.81 per hour.

City Engineer and Police Chief's Wage Grid per Resolution 02:19

City Engineer, Police Chief	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8
1/1/2019	38.05	39.95	41.85	43.75	45.65	47.56	49.46	51.36
1/1/2020	38.81	40.75	42.69	44.63	46.56	48.51	50.45	52.39
1/1/2021	39.97	41.97	43.97	45.97	47.96	49.97	51.96	53.96

City Engineer and Police Chief's Proposed Wage Grid - Presented 5/6/19

City Engineer, Police Chief	Step 1	Step 2	Step 3	Step 4	Step 5	Step 6	Step 7	Step 8
1/1/2019	42.80	44.95	47.09	49.23	51.36	53.50	55.64	57.78
1/1/2020	43.66	45.84	48.03	50.21	52.39	54.57	56.75	58.94
1/1/2021	44.97	47.22	49.47	51.72	53.96	56.21	58.46	60.71

NOTE: The City Engineer's 12/31/18 wage = \$46.54 per hour. The Police Chief's 12/31/18 wage with longevity = \$49.79 per hour.



Brainerd City Council Agenda Request

Requested Meeting Date: May 6, 2019

Title of Item: Request to Hire Community Service Officer (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 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: CHIEF MCQUISTON	Department: POLICE
Presenter (Name & Title): CHIEF MCQUISTON	Estimated Time Needed: 5 MINUTES
Summary of Issue: Three of our four current Community Service Officers have Law Enforcement Skills training starting at the same time beginning May 22nd. Consequently, they will have very limited availability causing scheduling shortages. Also three of the four current CSOs are on our police officer eligibility list, so we anticipate needing to hire at least one if not eventually a second person based on these factors. We recently interviewed two potential candidates and would like to make a conditional job offer to Carson Moore at this time.	
Alternatives, Options, Effects on Others/Comments: We have had up to five and six CSOs in the past because of limited scheduling availability. Our budget for these positions is based on hours per week of scheduling and not based on the number of employees, consequently this should not come at an additional expense.	
Recommended Action/Motion: Authorize the police department to make a conditional job offer to Carson Moore for the position of Community Service Officer, contingent on successful completion of the pre-employment screening process, with a starting date of May 7th or as soon as possible thereafter.	
Financial Impact: <i>Is there a cost associated with this request:</i> ☒ Yes ☐ No <i>What is the total cost, with tax and shipping</i> \$ _____ <i>Is this budgeted?</i> ☒ Yes ☐ No <u>Please Explain:</u> This is a part-time budgeted position within the department's current budget based on hours shared between existing Community Services Officers.	



Brainerd City Council Agenda Request

Requested Meeting Date: May 6, 2019

Title of Item: One Year Probation Period; Rosier

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☒ P&F COMMITTEE ☐ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Fire Chief Holmes	Department: Fire
Presenter (Name & Title): Fire Chief Holmes	Estimated Time Needed: 5 minutes
Summary of Issue: Paid on Call Firefighter Rosier has satisfactorily completed his one year of probation as a Paid on Call Firefighter effective April 1st, 2019. He has shown great passion and has been a very active member within the department.	
Alternatives, Options, Effects on Others/Comments: This is a one year update associated with Rosier being on the fire department and also the police department. The arrangement has worked out very well. Rosier is a great asset to the City of Brainerd within both departments. Rosier has been a great addition to our team at the fire department.	
Recommended Action/Motion: Recommend approval of Paul Rosier's firefighter status advance from probationary to regular Paid on Call Firefighter effective April 1st, 2019.	
Financial Impact: <i>Is there a cost associated with this request:</i> ☐ Yes ☒ No <i>What is the total cost, with tax and shipping</i> \$ _____ <i>Is this budgeted?</i> ☐ Yes ☐ No <i>Please Explain:</i>	



Brainerd City Council Agenda Request

Requested Meeting Date: May 6, 2019

Title of Item: Software Recommendation

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☒ P&F COMMITTEE ☐ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Staff	Department: Finance, Community Development, IT, Engineering, Administration
Presenter (Name & Title): IT Coordinator Shawn Strong/Finance Director Connie Hillman	Estimated Time Needed: 10 Minutes
Summary of Issue: At the February 4, 2019 council meeting, Council authorized staff to submit requests for letters of qualifications to software vendors. Council also budgeted \$215,000 in 2019 to purchase new software. Six letters of qualification were requested. Two vendors, Tyler Technologies (Incode) and BS&A participated in the process. The City currently uses Incode from Tyler for financial reporting. Part of the reason for getting new software, besides need to update (approaching 20 years old), is to have one software that can serve several departments - rather than using Incode for finance and PermitWorks for community development. Numerous other efficiencies and structured workflows will be possible on a new platform. Staff is recommending to purchase BS&A software as it will serve both Finance and Community Development well. BS&A also integrates with most of our existing software including Laserfiche, ESRI GIS, NeoGov, ActiveNet, etc and provides extensive web based functionality.	
Alternatives, Options, Effects on Others/Comments: Per the attachments, BS&A's initial cost is higher (\$227,000 vs \$201,000) but with a lower annual operating cost (\$20,415 vs \$35,204) results in a lower cost of ownership by the third year. The main reason for going with BS&A is that the community development piece for Tyler is still in development and not scheduled to be released until 3rd quarter of 2019. BS&A started with the community development piece and then added finance as they saw a need for a robust community development software. In speaking with other municipalities in Minnesota at conferences and listservs BS&A is a product that received good reviews. Staff also did a site visit to Hutchinson, where BSA&A has been in use for a number of years. It was good for staff to get a hands on perspective and see the software in action. The proposed implementation time line would likely have Community Development live before the end of the year and Finance live the first quarter of 2020.	
Recommended Action/Motion: Authorize the purchase of BS&A software, at an estimated cost of \$226,995.	
Financial Impact: <i>Is there a cost associated with this request:</i> ☒ Yes ☐ No <i>What is the total cost, with tax and shipping</i> \$ 226,995 <i>Is this budgeted?</i> ☒ Yes ☐ No <i>Please Explain:</i> \$215,000 was budgeted for the initial purchase of new software. The additional cost will come from fund balance in the capital fund and/or being under budget with other capital purchases for the year.	

Software Comparison - SUMMARY

Cost Summary

	Incode	BS&A	<i>Difference</i>	
Licensing	43,755	83,150		
Implementation	73,920	60,540		
Training (<i>estimate, billed actual time</i>)	53,000	53,000		
Travel (<i>estimate, billed actual costs</i>)	30,265	30,265		
Total Initial Cost	200,940	226,955	+ 26,015	(one time)
Annual Cost	35,204	20,415	- 14,789	(per year)
10 Year - " <i>Total Cost of Ownership</i> " Initial + (Annual x 9)	517,776	410,690	- 107,086	(10 years)

Integrations with Existing Software

Function - Software	Incode	BS&A
Document Imaging - Laserfiche	No ¹	Yes
GIS - ESRI	No ²	Yes
Plan Review - Bluebeam	No	Yes
Inspection Scheduling - Outlook	No	Yes
Hiring - NeoGov Insight	No	Yes ³
Park & Rec Registration - ActiveNet	No	Yes ³

1 = Tyler Content Mgmt

2 = Google Maps

3 = manual process

Selection Process

Request for Letter of Qualifications sent to: Tyler, BS&A, Banyon, Springbrook, LOGIS, Caselle
Responses from: Tyler and BS&A
Demonstrations: Tyler 4 hour (remote), BS&A 4+ hour (on site)
Site visit to Hutchinson (Hillman, Chanski, Sandy, Strong)

MN entities using BS&A

Hutchinson, Alexandria, Dayton, New Brighton, Prior Lake, Shoreview, Three Rivers Park District, Victoria

Software Comparison - DETAILED COSTS

Requested Feature	Tyler Component	Cost	Setup	Maint	BS&A Component	Cost	Setup	Maint
<i>Financial Management</i>								
General Ledger, Fin Report	General Ledger	Own	(existing)	4,168	General Ledger .NET	6,295		1,400
Budgeting and Purchasing	Budget Prep	Own	(existing)		(included GL)	0		0
Accounts Payable	Accounts Payable	Own	(existing)	2,906	Accounts Payable .NET	5,350		1,190
Accounts Receivables	Accts Receivable				Cash Receipting .NET	5,350		1,190
	Cash Collection		(existing)	1,767	Misc Receivables .NET	5,350		1,190
Project Acct, Grant Mgmt		Own			(included GL)	0		0
Fixed Assets and Inventory	Fixed Assets	Own	(existing)	1,263	Fixed Assets .NET	5,350		1,190
Special Assessments					Special Assessment .NET	5,350		1,190
Risk Management					N/A	0		0
Animal Licensing					Animal License .NET	3,310		735
Business Licenses					Business License .NET	4,405		980
	Financial lic	13,750						
	Fin implement		7,500					
	Fin maintenance			3,438				
	Fin migration		7,000					
	CIS migration		2,800					
	CRM migration		7,000					
Financial Costs		13,750	24,300	13,542		40,760	0	9,065
<i>Personnel Management</i>								
Payroll	Payroll/Personnel	Own	(existing)	3,283	Payroll .NET	6,925		1,540
Time Entry		Own	(existing)	?	Timesheets .NET	3,825		860
Benefit – Enroll and Tracking					Human Resources .NET	6,295		1,400
Workforce Management					(Human Resources .NET)	0		0
Applicant Track, Onboard					(included in Online/ESS)	0		0
Personnel Costs		0	0	3,283		17,045	0	3,800
<i>Community Development</i>								
Building Permits	CRM licensing	21,200			Building Department .NET	7,865		1,750
Building Inspections	CRM implement		12,000		Field Inspection .NET	3,310		735
Code Compliance	CRM maintenance			5,300				
Rental Registrations	CRM conversion		17,000					
Planning & Zoning Permits	online		800	3,600				
Comm Dev Costs		21,200	29,800	8,900		11,175	0	2,485
<i>Online</i>								
Permit App, Schedule					Community Development	5,510		1,100
Online Payments					Financials	4,620		925
Staff Payroll / Time Entry	ESS Time&Attend		4,000	2,310	Employee Self-Service	1,540		1,540
Staff Benefits	ESS Ben Enroll		8,320	2,310	(Employee Self-Service)			
					Public Records Search	2,500		1,500
Online Costs		0	12,320	4,620		14,170	0	5,065
<i>Other</i>								
U/SQL Data Dictionary			(existing)	1,494	(not applicable)			
Basic Network Support			(existing)	1,165	(support in maintenance)			
Document Imaging	Tyler Content Mgr	8,805	5,000	2,201	(Laserfiche or internal)	0		
Data Conversions	(included above)		0				33,790	
Customizations			0				4,500	
Project Mgmt / Implement	Fin migration		2,500				22,250	
Other Costs		8,805	7,500	4,860		0	60,540	0
SUB TOTALS		43,755	73,920	35,204		83,150	60,540	20,415
Training (on site and remote)			53,000	(assumption)			53,000	
Travel	(from Texas)		30,265	(assumption)	(from Michigan)		30,265	
		43,755	157,185		Totals	83,150	143,805	
INITIAL COST TOTAL		200,940				226,955		
RECURRING ANNUAL COST				35,204				20,415



Brainerd City Council Agenda Request

Requested Meeting Date: May 6, 2019

Title of Item: Council Meeting Broadcasting/Streaming Update

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☒ P&F COMMITTEE ☐ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☒ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Shawn Strong	Department: IT/GIS
Presenter (Name & Title): Shawn Strong, IT/GIS Coord	Estimated Time Needed: 5 minutes
Summary of Issue: LAKES Media Collaborative is moving forward with a plan to improve the TV broadcast and begin internet streaming of city meetings. LAKES will be spending \$22,000+ to purchase the new digital studio product, new cameras, necessary accessories, and labor/materials to complete this project. The new equipment will be installed in the 4th floor penthouse and the old equipment will be removed from the 3rd floor meeting room. The existing audio system (new in 2017) will remain in the cabinet within the council chambers.	
Alternatives, Options, Effects on Others/Comments: Project summary from LAKES Media attached	
Recommended Action/Motion: None, information only	
Financial Impact: <i>Is there a cost associated with this request:</i> ☐ Yes ☒ No <i>What is the total cost, with tax and shipping</i> \$ _____ <i>Is this budgeted?</i> ☐ Yes ☐ No <i>Please Explain:</i>	

Project Summary – submitted by LAKES Media Collaborative

Work to be done to upgrade the Brainerd City Hall Council Chambers and 2nd floor conference room video systems will include:

- Move existing video equipment from its current location in the small conference room in the administration office area to the penthouse area, upstairs, in the back of council chambers
- Replace the 2 video cameras in the council chambers with new high definition PTZ cameras
- Replace broadcast equipment that is used to broadcast meeting to public access channels on CTC and Spectrum.
 - This will also provide the capability to live stream meetings to the internet via online service like YouTube Live, Facebook, Vimeo.
- Move and/or replace wiring in council chambers to new location
- Move and/or replace wiring from 2nd floor conference room to new location
- Add wiring to incorporate existing laptop feed into the broadcast/stream

Costs involved will be covered by LAKES Media Collaborative and include:

2 Panasonic AW-UE70 4K PTZ cameras	\$10,000
Livestream Studio HD51 4K	\$ 8,000
Miscellaneous (monitor, wire, etc)	\$ 1,000
Labor	\$ 2,400
CTC fiber addition and Spectrum cable reroute cost	TBD

Work to begin by mid-May or as soon as CTC and Spectrum complete the work of rerouting fiber and cable runs.

There may be the possibility that one of the council meetings may not be able to be broadcast during the remodeling period. We will make every attempt to avoid this but are limited to CTC/Spectrum work scheduling. If it looks like this will happen, we will try to give sufficient notice and also run a graphic on the access channel at the time of the meeting explaining the situation.



Brainerd City Council Agenda Request

Requested Meeting Date: May 6, 2019

Title of Item: City-Wide Spring Cleanup Discussion

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☒ P&F COMMITTEE ☐ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☒ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Paul Sandy & Connie Hillman	Department: Engineering/Finance
Presenter (Name & Title): Finance Director Hillman	Estimated Time Needed: 5 Minutes
Summary of Issue: Staff has been working on preparing a voucher for the spring cleanup and setting up the event. Mailing the voucher with the BPU utility bills is not an option, but we can go through the USPS so we can mail it to every address within the city. The Crow Wing County landfill does not want to administer the vouchers as they did in 2012, because they already did a voucher for all County residents, including the City of Brainerd and indicated that there was a lot of behind the scenes work performed on behalf of the City of Brainerd in 2012. Their vouchers seemed to be sent to the property owners on record.	
Alternatives, Options, Effects on Others/Comments: City Engineer Sandy contacted Crow Wing Recycling and Mid-West Recycling Solutions (BIC). Crow Wing Recycling pays people to bring scrap metal and cans to their location so the voucher program would not be of use. Mid-West Recycling is willing to administer the voucher system for the City, they just do not accept household waste such as sanitary household refuse or garbage.	
Recommended Action/Motion: Authorize staff to work with Mid-West Recycling to administer the spring cleanup vouchers and to mail the vouchers to each address in the City of Brainerd.	
Financial Impact: <i>Is there a cost associated with this request:</i> ☒ Yes ☐ No <i>What is the total cost, with tax and shipping</i> \$ <u>est \$3,700</u> <i>Is this budgeted?</i> ☒ Yes ☐ No <i>Please Explain:</i> Council directed program to be paid out of the special projects budget line.	



Brainerd City Council Agenda Request

Requested Meeting Date: May 6, 2019

Title of Item: City Prosecutor Discussion

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☒ P&F COMMITTEE ☐ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Cassandra Torstenson	Department: Administration
Presenter (Name & Title): City Administrator Torstenson	Estimated Time Needed: 5 Minutes
Summary of Issue: Mr. Matt Mallie with Mallie Law Office, the City's prosecutor attorney has been appointed to the bench in Minnesota's 9th Judicial District by the Governor. This means that Mr. Mallie will be requesting a termination of the prosecution agreement with the City.	
Alternatives, Options, Effects on Others/Comments: Staff is meeting with Mr. Mallie on Friday, May 3rd to establish a timeline and to discuss a transition plan. The options staff has considered are: to contact Crow Wing County to see if we can contract with them, go out for an RFP, or to look into having a prosecution attorney in-house. We are budgeted to pay Mallie's Law Office \$194,809 for 2019 of which \$188,810 is for services. The City's share is about 55% - \$107,146.	
Recommended Action/Motion: Discussion of the options for prosecution services and provide direction to staff.	
Financial Impact: <i>Is there a cost associated with this request:</i> ☐ Yes ☒ No <i>What is the total cost, with tax and shipping</i> \$ _____ <i>Is this budgeted?</i> ☐ Yes ☐ No <i>Please Explain:</i>	



Brainerd City Council Agenda Request

Requested Meeting Date: May 6, 2019

Title of Item: Resolution Accepting Donation of Land

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☒ P&F COMMITTEE ☐ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☒ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Tony Sailer	Department: Parks and Recreation
Presenter (Name & Title): Tony Sailer, Parks and Recreation Director	Estimated Time Needed: 5 minutes
Summary of Issue: Staff is requesting the City Council approve a resolution to accept two donated lots from 3 Dehns, LLC, in the Northtown Addition. The purpose is to install a playground on the land which will be named Meadows Park.	
Alternatives, Options, Effects on Others/Comments: - A representative of 3 Dehns, LLC, is working with the City Attorney to finalize the legal filing of the land transfer to the City of Brainerd.	
Recommended Action/Motion: - Approve the resolution to accept the land donation.	
Financial Impact: Is there a cost associated with this request: ☐ Yes ☒ No What is the total cost, with tax and shipping \$ _____ Is this budgeted? ☐ Yes ☐ No <u>Please Explain:</u>	

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

RESOLUTION ACCEPTING DONATION OF LAND FOR MEADOWS PARK

WHEREAS, the City of Brainerd is generally authorized to accept donations of real property pursuant to Minnesota Statutes section 465.03 for the benefit of its citizens, and is specifically authorized to accept gifts; and

WHEREAS, 3 Dehns, LLC offered to donate the following parcels for the purpose of establishing a new park:

Lots 6 and 7, Block 7, Northtown, Crow Wing County, Minnesota;
and

WHEREAS, the terms and conditions of the donation are that the City construct the park in 2019 and that the park be called Meadows Park; and

WHEREAS, the City budgeted for the required improvements for the proposed park; and

WHEREAS, the donation is being contributed to the City for the benefit of its citizens, as allowed by law; and

WHEREAS, the City Council finds that it is appropriate to accept the donation offered.

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

1. The donation of the two parcels of vacant land is accepted and shall be used to create a new park called Meadows Park, to be constructed in 2019.

2. City staff is directed to undertake such action as necessary to effectuate the transaction with 3 Dehns, LLC.

Adopted this ____ day of _____, 2019

GABE JOHNSON
President of the Council

Approved this ____ day of _____, 2019

EDWIN L. MENK
Mayor

ATTEST: _____
CASSANDRA TORSTENSON
City Administrator



Brainerd City Council Agenda Request

Requested Meeting Date: May 6, 2019

Title of Item: NJMS Phelps Loan Subordination

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☒ P&F COMMITTEE ☐ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Connie Hillman	Department: Finance
Presenter (Name & Title): Finance Director Hillman	Estimated Time Needed: 5 Minutes
Summary of Issue: NJMS Phelps has grants/loans with the City of Brainerd for \$79,500. The grants are interest free and forgiven 10% annually for 10 years and due upon transfer of ownership. As of 4/21/19, the outstanding balance is \$49,775. The loan is payable monthly at a 3% interest rate for 15 years and has an outstanding balance of \$18,422. NJMS Phelps is refinancing its loan and the financial institution is requesting the City to subordinate to 2nd position to the mortgage. Total debt to independent appraisal value of the property is about 73%. All taxes and mortgages are current.	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion: Approve or deny the subordination request for NJMS Phelps, 715 Laurel Street.	
Financial Impact: Is there a cost associated with this request: ☐ Yes ☒ No What is the total cost, with tax and shipping \$ _____ Is this budgeted? ☐ Yes ☐ No <u>Please Explain:</u>	

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

May 6, 2019
City Council Chambers
7:00 PM

1. Event/Street Closure Application – Annual 4th of July Celebration
2. Event/Street Closure Application – Memorial Day Parade
3. Improvement 17-06, 17-07, and 18-05 – H Street and 10th Avenue NE Reconstruction Project and Sidewalk Improvements Bid Results and Award Recommendation
4. Improvement 17-08 – Garfield Safe Routes to School Bid Results and Award Recommendation
5. Improvement 17-10 Testing Services
6. Improvement 19-03 – 2019 Seal Coat Project Authorization to Bid
7. Resolutions and Discussion – Wetland Conservation Act Administration



Brainerd City Council Agenda Request

Requested Meeting Date: May 6, 2019

Title of Item: Event/Street Closure Application - Brainerd 4th of July Celebration

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☒ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: City Engineer Sandy	Department: Engineering
Presenter (Name & Title): City Engineer Sandy	Estimated Time Needed: 5 Minutes
Summary of Issue: Attached is the event application for the annual 4th of July Celebration.	
Alternatives, Options, Effects on Others/Comments: The event is much like the events that have been held in the past. Street closures begin at 3:00 PM July 4th and are East River Road, Laurel Street (ERR - S 5th Street), S 5th Street (Laurel to College Drive), College Drive (SW 4th Street to S 5th Street), Mississippi Parkway, and Kiwanis Park. Parade starts at 4:00 PM, entertainment at the football field starts at 6:30 PM and goes until 10:00 PM, and the fireworks start at 10:15 PM. BPU typically works with Holden Electric on power needs for the event. Waste Partners is on board for garbage and refuse. The attached map shows the closures and staging areas for the events.	
Recommended Action/Motion: Staff recommends approval of the event and street closures. Traffic control has been requested and coordinated and the police is scheduling officers for the event.	
Financial Impact: <i>Is there a cost associated with this request:</i> ☐ Yes ☒ No <i>What is the total cost, with tax and shipping</i> \$ _____ <i>Is this budgeted?</i> ☐ Yes ☐ No <i>Please Explain:</i>	



SPECIAL EVENT APPLICATION

Date of Application: 4.11.2019

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 ☒ Event – City Park Staging area
☒ Event with Street Closure ☐ Other _____

Name of event: 4th of July Celebration

Organizer Information

Organizer's Name:

Cassie Carey

Organizer's Address:

321 South 7th Street Brainerd

Event Contact Person:

Cassie Carey

Event Contact Daytime Phone:

218.821.6975

Event Contact E-mail Address:

cassie@brainerdcommunityaction.org

Contact Name/Number Day of Event:

218.821.6975

For Profit/Nonprofit Status (type):

NONPROFIT

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
7.4.2019	4pm	6pm	See parade map
7.4.2019	6:30pm	10pm	Live Entertainment
7.4.2019	10:15pm	11pm	Fireworks

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:

Staging at CLC, Parade starts at Kiwanis Park,
travels N on E River Rd, E on Laurel, S on 5th, W on College
and ends at Kiwanis Park.

Site Information

Electrical usage

☒

Yes

☐

No

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

**Band equipment, possibly bouncy house, working with
ISD 181 & Holden Electric to supply appropriate power.**

Amplified Sound

☒

Yes

☐

No

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

Live music at the HS Football Field, as well as microphone and

announcer at the EMCEE area along parade route.

Restrooms provided

☒

Yes

☐

No

If yes, how many **50** (a ratio of 1 for every 100-150 people is recommended)

Company contracted for restrooms: **Blakeman in past, RFP process in place 4.2019**

(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:

Banners will be placed along fencing at Don Adamson Field & on stage.

Their is a possibility of added signage promoting nonprofits and businesses - within the field area. TBD

Trash Receptacle Disposal

☒

Yes

☐

No

Company contracted for trash receptacle disposal: **Waste Partners - Wayne Harting**

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):

See road map & attachment for reference.

Date and time for beginning of street closures: **3pm street closure**

Date and time for reopening of streets: **6pm or when parade is over for street reopen**

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.

Advertising in print, social media, online calendar, and PSA's.

All businesses along parade route are closed on event day.

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

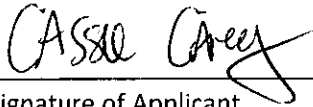
The Applicant covenants to save, defend, hold harmless, and indemnify the City of Brainerd and all of its officers, departments, agencies, agents, and employees (collectively the "City") from and against any and all claims, losses, damages, injuries, fines, penalties, costs (including court costs and 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.



Signature of Applicant

Cassie Carey, Executive Director

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	X			Contact the Parks & Recreation Department for information/procedure.
Fire/EMS/Police support	x			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	x			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	x			All food vendors must apply for a temporary food permit through the Minnesota Health Department (MDH).
Insurance Certificate	x			May be required before issuing a permit.
Sign/banner Permits			X	Contact the Planning Department for information/procedure.
Parade Permit				Issued by the Police Department after complete submission of application.
Alcohol Use Permit			x	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	<u>OK</u>	<u>Holden will contact BPU if necessary.</u>
City Administration	<u>OK</u>	<u>OK/None</u>
Engineering Department	<u>OK</u>	<u>Traffic Control Request Received.</u>
Fire Department	<u>OK</u>	<u>None</u>
Fire Support/EMS	<u>OK</u>	<u>None</u>
Parks Department	<u>OK</u>	<u>Park use permit secured</u>
Planning Department	<u>OK</u>	<u>OK/None</u>
Police Department	<u>OK</u>	<u>This is an "all staff" work day at BPD. BPD will continue to work w/ CA on Event.</u>

Event Application Approval

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

City Administrator or Parks & Recreation Director

Date

Approval Conditions

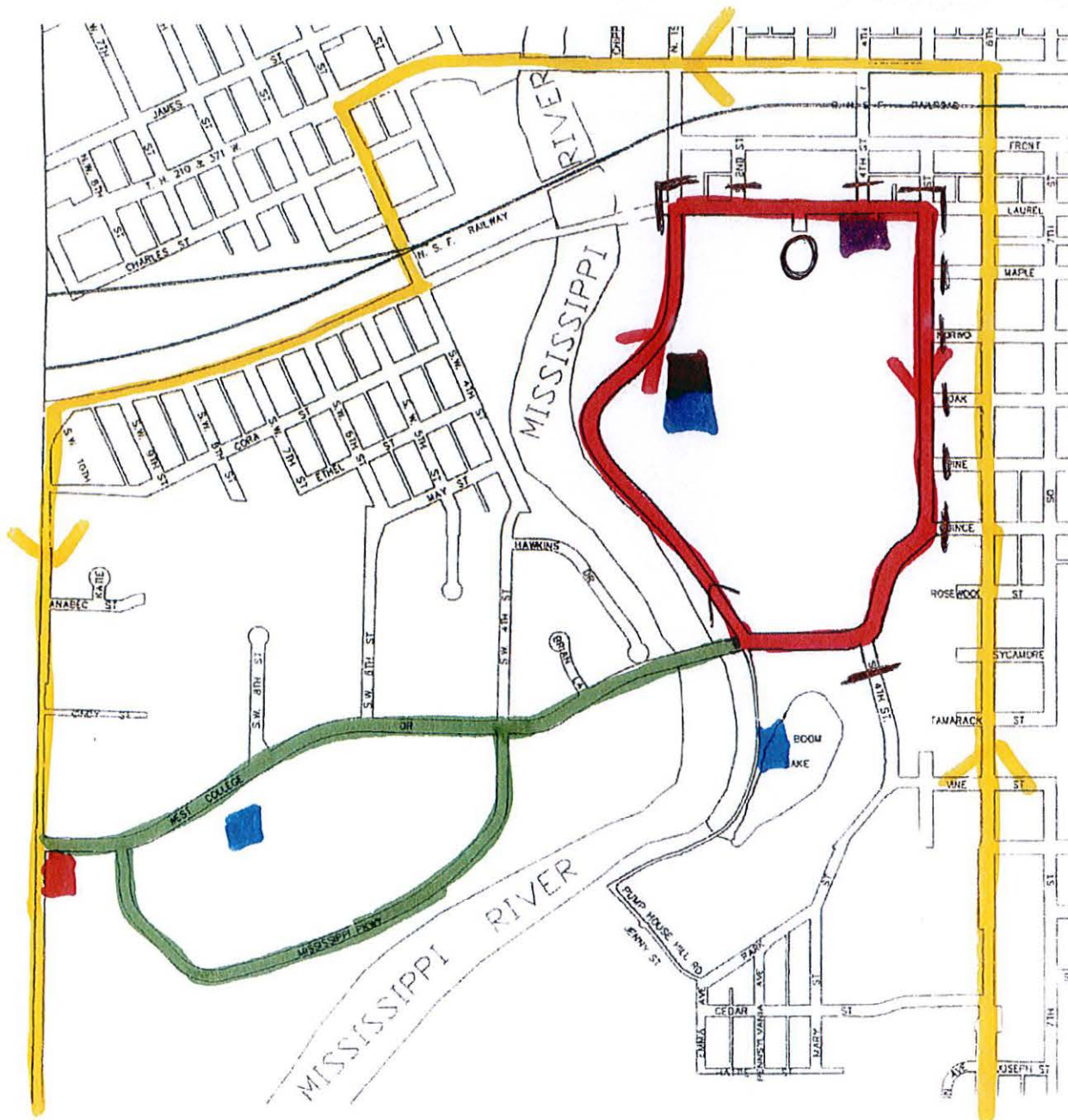
Certification of Street Closure Approval

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

DON ADAMSON FOOTBALL FIELD

ACCESS TO PARADE STAGING AREA

- | | |
|--|---|
|  Parade Route | Restrooms  |
|  Registration | Viewing/Judges  |
|  Staging Area | Concession Area  |
|  Barricade | Emcee  |



The following use of barricades, cones and no parking signs are being requested for the Community 4th of July Celebration:

Barricades:

- College Drive, East side of the West roundabout
- SW 4th Street, just North of the central roundabout
- 4th Street just South of the East roundabout
- 5th & Quince
- 5th & Pine
- 5th & Oak
- 5th & Norway
- 5th & Maple
- 5th & Laurel
- 5th & S. 5th
- S. 4th & Laurel
- 2nd & Laurel
- E. River Road & Laurel – Police & Fire Dept.

Cones:

- 10 cones near the West roundabout on College Drive
- 10 cones near SW 4th roundabout on College Drive
- 10 cones near the East roundabout on College Drive

No Parking Signs:

- 50 no parking signs at Kiwanis. To be delivered to Brainerd Community Action prior to the event.

Thank you,



Brainerd Community Action



Brainerd City Council Agenda Request

Requested Meeting Date: May 6, 2019

Title of Item: Event/Street Closure Application - Memorial Day Parade

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☒ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: City Engineer Sandy	Department: Engineering
Presenter (Name & Title): City Engineer Sandy	Estimated Time Needed: 5 Minutes
Summary of Issue: Attached to this agenda request is the Event and Street Closure Application for the 2019 Memorial Day Parade to take place on May 27, 2019 from 8:30 AM and ending at 11:00 AM.	
Alternatives, Options, Effects on Others/Comments: This event is very similar to previous years. The applicant has indicated that lineup will begin at 9:30 AM with the parade starting at 10:00 AM and Ending at 10:30 AM. The route will include staging at 1st Avenue NE and B Street, heading east down B Street, then north up 3rd Avenue NE and ending at Evergreen Cemetery. There will also be a small closure at the west end of the Laurel Street bridge at 8:30 AM and event at Evergreen Cemetery from 10:30 AM to 11:00 AM.	
Recommended Action/Motion: Staff recommends approval of the event/street closure application for the Memorial Day Parade under the conditions that the event staff coordinate traffic control with Engineering staff. The Police Chief has indicated that they usually planned for one marked squad as an escort for the parade and staff will be put on notice of the event.	
Financial Impact: Is there a cost associated with this request: ☐ Yes ☒ No What is the total cost, with tax and shipping \$ _____ Is this budgeted? ☐ Yes ☐ No <u>Please Explain:</u>	



SPECIAL EVENT APPLICATION

Date of Application: 04/24/2019

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 ☐ Event – City Park
☐ Event with Street Closure ☐ Other _____

Name of event: Memorial Day Parade

Organizer Information

Organizer's Name: Memorial Day Committee
Organizer's Address: Brainerd VFW
Event Contact Person: Jan Lambert
Event Contact Daytime Phone: 218-828-0165/cell 218-821-3364
Event Contact E-mail Address: janlambertsmith@msn.com
Contact Name/Number Day of Event: 218-821-3364
For Profit/Nonprofit Status (type): non profit

Applicant information (if different from the event organizer):

Applicant Name: Jan Lambert
Applicant Address: 426 Tyrol Drive Brainerd, MN 56401
Applicant Phone: 218-828-0165
Applicant E-mail Address: janlambertsmith@msn.com

Event Information

Event Details (list each date separately)

Event Date	Start Time	End Time	Event Location(s) – see locations listed below
May 27, 2019	0830	0845	Laurel Street Bridge with amplification throwing of the wreath off the bridge for those that died at sea with short service
	0845	0900	short service at All Vets Memorial with amplification
	0915	0930	short service at Armory honoring Batten no assisted needed here
	0930	1000	staging for parade on 1st Ave NE between Washington St NE and C St NE Elks will be placing NO PARKING SIGNS
	1000	1030	Parade route 1st Ave NE at B St (staging) east on B St NE to 3rd Ave NE; north on 3rd Ave NE to L St NE Evergreen Cemetery gate
	1030	1100	Ceremony at Evergreen Cemetery with amplification

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:

0830Laurel Street Bridge with amplification throwing of the wreath off the bridge for those that died at sea with short service

0845short service at All Vets Memorial with amplification

0930staging for parade on 1st Ave NE between Washington St NE and C St NE Elks will be placing NO PARKING SIGNS

1000Parade route 1st Ave NE at B St (staging) east on B St NE to 3rd Ave NE; north on 3rd Ave NE to L St NE Evergreen Cemetery gate

Site Information

Electrical usage

☒

Yes

☐

No

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

amplification at Laurel Street Bridge and All Vets Memorial arrangements
have been made by one of the committee members

Amplified Sound

☐

Yes

☐

No

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

portable amplification with speakers

Restrooms provided

☐

Yes

☒

No

If yes, how many _____ (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: _____

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):

1st Ave NE at Washington St NE; 1st Ave NE at C St NE;

B St NE from 1st Ave NE to 3rd Ave NE; 3rd Ave NE from B St NE to Evergreen Cemetery gate (L St NE)

Date and time for beginning of street closures: parade staging starts at 0930; parade at 1000 to 1030

Date and time for reopening of streets: 1030

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.

**sidewalks will be open; no parking signs will be placed by the Elks at staging
and parade route before the event (usually the night before)**

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.

Signature of Applicant

Jan Lambert

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	<u>OK</u>	<u>None</u>
City Administration	<u>OK</u>	<u>None</u>
Engineering Department	<u>OK</u>	<u>Requests for traffic control can be made through engineering. Call James 218-454-3410</u>
Fire Department	<u>OK</u>	<u>None</u>
Fire Support/EMS	<u>OK</u>	<u>None</u>
Parks Department	<u>OK</u>	<u>None</u>
Planning Department	<u>OK</u>	<u>None</u>
Police Department	<u>OK</u>	<u>Police plan for 1 markes squad to escort the parade. All staff will be put on notice of event.</u>

Event Application Approval

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

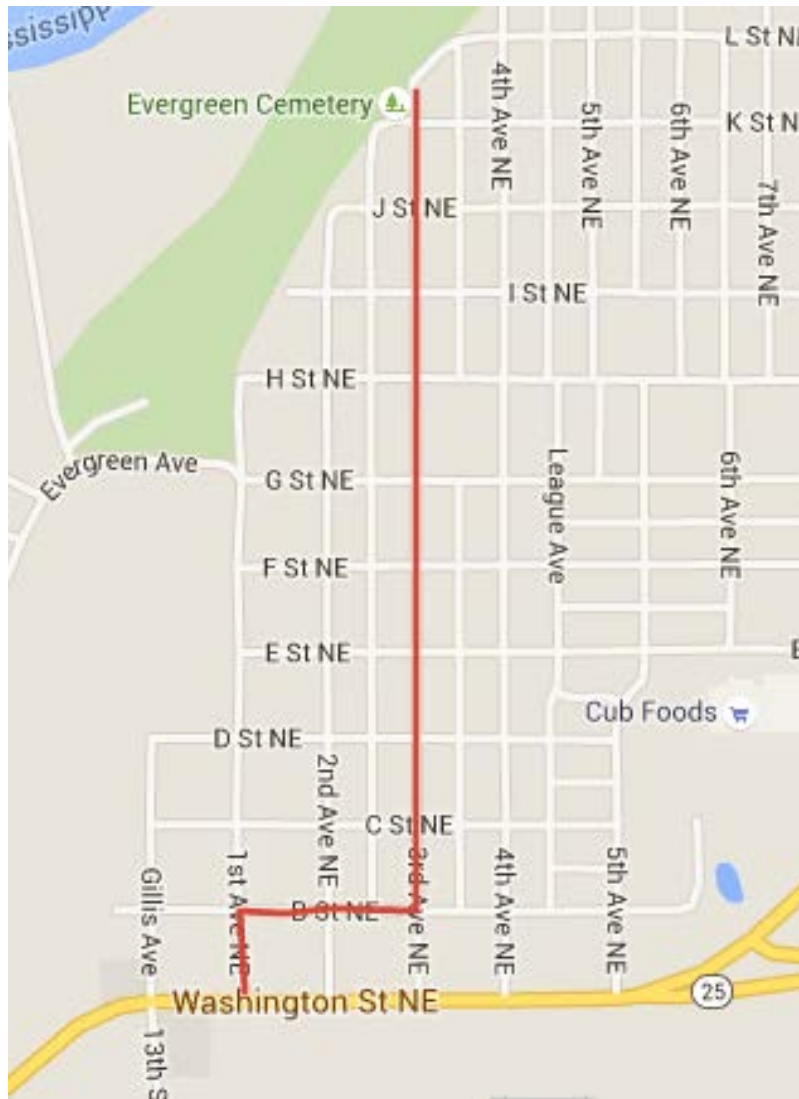
City Administrator or Parks & Recreation Director

Date

Approval Conditions

Certification of Street Closure Approval

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



Closure request:

- 1st Avenue NE at Washington St NE
- 1st Avenue NE at C St. NE
- B St. NE from 1st Avenue NE to 3rd Avenue NE
- 3rd Avenue NE from B Street NE to Evergreen Cemetery gate (L St. NE)

Parade Route:

Staging on 1st Ave NE between Washington St NE and C St. NE

Parade runs from 1st Ave NE at B St NE (staging area) , east on B St. NE to 3rd Ave NE; north on 3rd Ave NE to L St. NE (Evergreen Cemetery gate.)



Brainerd City Council Agenda Request

Requested Meeting Date: May 6, 2019

Title of Item: Improvement 17-06, 17-07, and 18-05 Bid Results and Award Recommendation

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☒ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: City Engineer Sandy	Department: Engineering
Presenter (Name & Title): City Engineer Sandy	Estimated Time Needed: 5 Minutes
Summary of Issue: Attached to this request is the bid results for Improvement 17-06, 17-07, and 18-05 which consist of the reconstruction of H Street NE from Mill Avenue to 13th Avenue NE, the reconstruction of 10th Avenue NE from Washington Street to I Street NE, and a sidewalk improvement on H Street from 1st Avenue NE to 3rd Avenue NE and 1st Avenue NE from Evergreen Avenue to H Street NE.	
Alternatives, Options, Effects on Others/Comments: One bid was received from Anderson Brothers Construction of Brainerd with a total construction contract cost of \$1,017,349.38. This represents a 19.66% increase over the Engineer's Estimate of \$850,206.00. The increase over Engineer's Estimate is significant. Once the bids were received, staff did some research on why the bid prices came in over average of previous years, and found some interesting information. Staff reached out to the MnDOT District in Baxter to inquire what they have been seeing in bid prices, and received information that a large portion of their larger construction projects have been coming in excess of 15-20% over contract costs. Staff has some theories on this, but it may attribute to contractor's being too busy to take on more work, the Husky Oil Refinery Fire, or the lack of competition we are now seeing in the area. We usually received two bids on our construction work in Brainerd from local paving contractors. With the recent sale of Tri-City Paving, we may start to see less competitive bids come in. The two largest increases from the Engineer's engineer's estimate to the bid prices were the asphalt and the gravel. On previous projects, such as those in 2016 on Jackson Street, Buffalo Hills Lane, and Oak Street, we were seeing costs of \$50/ton of asphalt, this contract has prices of \$72/ton. Gravel prices that were typically in the range of \$15.00/ton are now coming in at a higher rate of around \$25/ton to \$30/ton. This all may have to do with supply issues for the Contractors, or just generally too much work in the area for the current forces to handle. MnDOT has most recently had to move millions of dollars of projects back a year to better fit the State Highway Improvement Plan to meet funding levels because of the higher costs being seen on most projects. It is important to note that the work on H Street is funded 100% with State Aid funds, while the work on 10th Avenue NE and 1st Avenue NE is considered local funding. While the project costs are more than anticipated, staff is still recommending awarding of the contract, as other projects are dependent on this work being completed (Improvement 17-08).	
Recommended Action/Motion: Staff recommends accepting the attached bid results and awarding this contract to Anderson Brothers Construction of Brainerd.	
Financial Impact: <i>Is there a cost associated with this request:</i> ☒ Yes ☐ No <i>What is the total cost, with tax and shipping</i> \$ <u>\$1,017,349.38</u> <i>Is this budgeted?</i> ☒ Yes ☐ No <i>Please Explain:</i> \$371,556.71 considered to be local funding from Construction Fund 401 to fund improvements on 10th Avenue NE and 1st Avenue NE and \$645,792.67 considered money from State Aid to fund the improvements on H Street NE.	

**City of Brainerd
Contract Bid Abstract**

Contract No.: 2019-01

Project No.: 17-07, 18-05, SAP 108-119-006

Bid Opening: 04/26/2019 10:00 AM

Project: 17-07 - 10th Avenue NE Reconstruction				Engineers Estimate		Anderson Brothers Construction	
Line No.	Item	Units	Quantity	Unit Price	Total Price	Unit Price	Total Price
1	2021.501 MOBILIZATION	LS	0.33	\$25,000.00	\$8,250.00	\$44,330.12	\$14,628.94
2	2104.502 REMOVE CONCRETE STEPS	EACH	9	\$500.00	\$4,500.00	\$195.00	\$1,755.00
3	2104.502 REMOVE CATCH BASIN	EACH	1	\$100.00	\$100.00	\$132.55	\$132.55
4	2104.502 REMOVE CASTING	EACH	4	\$250.00	\$1,000.00	\$132.55	\$530.20
5	2104.502 REMOVE CURB STOP & BOX	EACH	12	\$250.00	\$3,000.00	\$138.25	\$1,659.00
6	2104.503 SAWING CONCRETE PAVEMENT (FULL DEPTH)	L F	112	\$3.00	\$336.00	\$5.80	\$649.60
7	2104.503 SAWING BITUMINOUS PAVEMENT	L F	461	\$3.00	\$1,383.00	\$3.50	\$1,613.50
8	2104.503 REMOVE SEWER PIPE (STORM)	L F	22	\$5.00	\$110.00	\$22.15	\$487.30
9	2104.503 REMOVE CURB & GUTTER	L F	3616	\$4.00	\$14,464.00	\$2.75	\$9,944.00
10	2104.503 REMOVE WATER SERVICE PIPE	L F	354	\$5.00	\$1,770.00	\$3.35	\$1,185.90
11	2104.504 REMOVE CONCRETE DRIVEWAY PAVEMENT	S Y	158	\$5.00	\$790.00	\$9.65	\$1,524.70
12	2104.504 REMOVE BITUMINOUS PAVEMENT	S Y	7414	\$2.00	\$14,828.00	\$2.00	\$14,828.00
13	2104.505 REMOVE BITUMINOUS DRIVEWAY PAVEMENT	S Y	33	\$5.00	\$165.00	\$8.10	\$267.30
14	2104.518 REMOVE CONCRETE SIDEWALK	S F	482	\$5.00	\$2,410.00	\$2.35	\$1,132.70
15	2105.507 COMMON EXCAVATION (P)	C Y	1084	\$12.00	\$13,008.00	\$17.15	\$18,590.60
16	2105.507 STABILIZING AGGREGATE	C Y	50	\$30.00	\$1,500.00	\$20.00	\$1,000.00
17	2130.523 WATER	MGAL	50	\$40.00	\$2,000.00	\$52.00	\$2,600.00
18	2211.509 AGGREGATE BASE CLASS 5	TON	1587	\$15.00	\$23,805.00	\$32.55	\$51,656.85
19	2301.507 STRUCTURAL CONCRETE	C Y	4	\$500.00	\$2,000.00	\$4,645.00	\$18,580.00
20	2360.509 TYPE SP 9.5 WEARING COURSE MIX (2,C)	TON	915	\$55.00	\$50,325.00	\$71.10	\$65,056.50
21	2503.503 12" PVC PIPE SEWER	L F	12	\$40.00	\$480.00	\$46.45	\$557.40
22	2503.503 12" RC PIPE SEWER CLASS III	L F	10	\$35.00	\$350.00	\$47.90	\$479.00
23	2504.602 CONNECT TO EXISTING WATER SERVICE	EACH	12	\$500.00	\$6,000.00	\$420.25	\$5,043.00
24	2504.602 ADJUST VALVE BOX-WATER	EACH	3	\$250.00	\$750.00	\$270.95	\$812.85
25	2504.602 1" CORPORATION STOP	EACH	12	\$300.00	\$3,600.00	\$359.40	\$4,312.80
26	2504.602 ADJUST CURB BOX	EACH	14	\$200.00	\$2,800.00	\$138.25	\$1,935.50
27	2504.602 1" CURB STOP & BOX	EACH	12	\$500.00	\$6,000.00	\$390.40	\$4,684.80
28	2504.603 1" TYPE K COPPER PIPE	L F	354	\$50.00	\$17,700.00	\$41.40	\$14,655.60
29	2506.502 CONST DRAINAGE STRUCTURE DES 48-4020	EACH	1	\$3,000.00	\$3,000.00	\$3,372.90	\$3,372.90
30	2506.602 CONNECT INTO EXISTING STORM SEWER	EACH	2	\$500.00	\$1,000.00	\$975.40	\$1,950.80
31	2506.602 CASTING ASSEMBLY SPECIAL	EACH	4	\$250.00	\$1,000.00	\$1,555.00	\$6,220.00
32	2521.518 4" CONCRETE WALK	S F	451	\$5.00	\$2,255.00	\$6.40	\$2,886.40
33	2531.503 CONCRETE CURB & GUTTER DESIGN B618	L F	3391	\$16.00	\$54,256.00	\$14.90	\$50,525.90
34	2531.503 CONCRETE CURB & GUTTER DESIGN B624	L F	248	\$20.00	\$4,960.00	\$38.75	\$9,610.00
35	2531.504 7" CONCRETE DRIVEWAY PAVEMENT	S Y	182	\$60.00	\$10,920.00	\$59.75	\$10,874.50
36	2540.602 SALVAGE AND REINSTALL MAILBOX	EACH	1	\$250.00	\$250.00	\$138.06	\$138.06
37	2540.602 TEMPORARY MAILBOX SUPPORT	EACH	1	\$250.00	\$250.00	\$17.83	\$17.83
38	2563.601 TRAFFIC CONTROL	LS	0.33	\$5,000.00	\$1,650.00	\$15,769.43	\$5,203.91
39	2573.501 STABILIZED CONSTRUCTION EXIT	LS	0.33	\$2,000.00	\$660.00	\$577.95	\$190.72
40	2573.501 EROSION CONTROL SUPERVISOR	LS	0.33	\$3,000.00	\$990.00	\$577.95	\$190.72
41	2573.502 STORM DRAIN INLET PROTECTION	EACH	8	\$250.00	\$2,000.00	\$144.50	\$1,156.00
42	2574.507 COMMON TOPSOIL BORROW	C Y	397	\$25.00	\$9,925.00	\$38.40	\$15,244.80
43	2575.501 TURF ESTABLISHMENT	LS	0.33	\$5,000.00	\$1,650.00	\$9,635.00	\$3,179.55
44	2575.523 RAPID STABILIZATION METHOD 3	MGAL	3	\$400.00	\$1,200.00	\$553.00	\$1,659.00
Totals for Project 17-07					\$279,390.00		\$352,724.68
% of Estimate for Project 17-07							26.25%
Project: 18-05 - 1st Avenue NE Sidewalk Improvements				Engineers Estimate		Anderson Brothers Construction	

Line No.	Item	Units	Quantity	Unit Price	Total Price	Unit Price	Total Price
1	2021.501 MOBILIZATION	LS	0.02	\$25,000.00	\$500.00	\$68,000.00	\$1,360.00
13	2104.502 REMOVE SHRUB	EACH	1	\$500.00	\$500.00	\$115.60	\$115.60
2	2104.503 SAWING CONCRETE PAVEMENT (FULL DEPTH)	L F	10	\$3.00	\$30.00	\$5.75	\$57.50
3	2104.503 SAWING BITUMINOUS PAVEMENT	L F	44	\$3.00	\$132.00	\$3.50	\$154.00
4	2104.503 REMOVE CURB & GUTTER	L F	40	\$4.00	\$160.00	\$9.00	\$360.00
5	2104.503 REMOVE WOVEN WIRE FENCE	L F	10	\$200.00	\$2,000.00	\$10.30	\$103.00
14	2104.504 REMOVE BITUMINOUS PAVEMENT	S Y	9	\$2.00	\$18.00	\$14.75	\$132.75
6	2104.518 REMOVE CONCRETE SIDEWALK	S F	113	\$5.00	\$565.00	\$2.35	\$265.55
7	2105.507 COMMON EXCAVATION (P)	C Y	81	\$12.00	\$972.00	\$25.10	\$2,033.10
8	2105.507 SELECT GRANULAR BORROW (LV)	C Y	15	\$20.00	\$300.00	\$35.45	\$531.75
9	2211.509 AGGREGATE BASE CLASS 5	TON	6	\$15.00	\$90.00	\$57.80	\$346.80
10	2360.509 TYPE SP 9.5 WEARING COURSE MIX (2,C)	TON	4	\$55.00	\$220.00	\$115.60	\$462.40
11	2504.602 ADJUST CURB BOX	EACH	5	\$200.00	\$1,000.00	\$138.25	\$691.25
12	2521.518 4" CONCRETE WALK	S F	744	\$5.00	\$3,720.00	\$6.40	\$4,761.60
15	2531.503 CONCRETE CURB & GUTTER DESIGN B618	L F	40	\$16.00	\$640.00	\$33.20	\$1,328.00
16	2531.504 7" CONCRETE DRIVEWAY PAVEMENT	S Y	13	\$60.00	\$780.00	\$59.75	\$776.75
17	2540.602 SALVAGE AND REINSTALL MAILBOX	EACH	7	\$250.00	\$1,750.00	\$144.33	\$1,010.31
18	2563.601 TRAFFIC CONTROL	LS	0.02	\$5,000.00	\$100.00	\$46,087.61	\$921.75
19	2572.602 TREE PRUNING	EACH	2	\$500.00	\$1,000.00	\$346.80	\$693.60
21	2573.501 STABILIZED CONSTRUCTION EXIT	LS	0.02	\$2,000.00	\$40.00	\$577.95	\$11.56
20	2573.501 EROSION CONTROL SUPERVISOR	LS	0.02	\$3,000.00	\$60.00	\$577.95	\$11.56
22	2573.502 STORM DRAIN INLET PROTECTION	EACH	2	\$250.00	\$500.00	\$144.50	\$289.00
23	2574.507 COMMON TOPSOIL BORROW (LV)	C Y	45	\$25.00	\$1,125.00	\$43.20	\$1,944.00
24	2575.501 TURF ESTABLISHMENT	LS	0.02	\$5,000.00	\$100.00	\$9,635.00	\$192.70
25	2575.523 RAPID STABILIZATION METHOD 3	MGAL	0.5	\$400.00	\$200.00	\$555.00	\$277.50

Totals for Project 18-05

\$16,502.00

\$18,832.03

% of Estimate for Project 18-05

14.12%

Project: SAP 108-119-006 - H Street Reconstruction and Sidewalk Improvements				Engineers Estimate		Anderson Brothers Construction	
Line No.	Item	Units	Quantity	Unit Price	Total Price	Unit Price	Total Price
1	2021.501 MOBILIZATION	LS	0.65	\$25,000.00	\$16,250.00	\$15,000.00	\$9,750.00
2	2101.524 CLEARING	TREE	4	\$500.00	\$2,000.00	\$133.20	\$532.80
3	2101.524 GRUBBING	TREE	4	\$500.00	\$2,000.00	\$133.20	\$532.80
4	2104.502 REMOVE CONCRETE STEPS	EACH	11	\$500.00	\$5,500.00	\$193.40	\$2,127.40
5	2104.502 REMOVE CATCH BASIN	EACH	18	\$100.00	\$1,800.00	\$66.30	\$1,193.40
6	2104.502 REMOVE CASTING	EACH	10	\$250.00	\$2,500.00	\$66.30	\$663.00
7	2104.502 REMOVE CURB STOP & BOX	EACH	13	\$250.00	\$3,250.00	\$138.25	\$1,797.25
8	2104.503 SAWING CONCRETE PAVEMENT (FULL DEPTH)	L F	141	\$3.00	\$423.00	\$5.80	\$817.80
9	2104.503 SAWING BIT PAVEMENT (FULL DEPTH)	L F	773	\$3.00	\$2,319.00	\$3.50	\$2,705.50
10	2104.503 REMOVE WATER MAIN	L F	24	\$5.00	\$120.00	\$13.30	\$319.20
11	2104.503 REMOVE SEWER PIPE (STORM)	L F	738	\$5.00	\$3,690.00	\$4.50	\$3,321.00
12	2104.503 REMOVE CURB & GUTTER	L F	3639	\$4.00	\$14,556.00	\$2.35	\$8,551.65
13	2104.503 REMOVE WATER SERVICE PIPE	L F	575	\$5.00	\$2,875.00	\$3.35	\$1,926.25
14	2104.504 REMOVE CONCRETE DRIVEWAY PAVEMENT	S Y	158	\$5.00	\$790.00	\$4.75	\$750.50
15	2104.504 REMOVE BITUMINOUS DRIVEWAY PAVEMENT	S Y	25	\$5.00	\$125.00	\$14.05	\$351.25
16	2104.504 REMOVE BITUMINOUS PAVEMENT	S Y	9747	\$2.00	\$19,494.00	\$2.65	\$25,829.55
62	2104.505 REMOVE CONCRETE VALLEY GUTTER	S Y	18	\$5.00	\$90.00	\$29.55	\$531.90
17	2104.518 REMOVE CONCRETE SIDEWALK	S F	180	\$5.00	\$900.00	\$1.50	\$270.00
18	2105.507 COMMON EXCAVATION (P)	C Y	1553	\$12.00	\$18,636.00	\$13.85	\$21,509.05
19	2105.507 SELECT GRANULAR BORROW (LV)	C Y	59	\$20.00	\$1,180.00	\$26.00	\$1,534.00
20	2105.507 STABILIZING AGGREGATE	C Y	50	\$30.00	\$1,500.00	\$51.85	\$2,592.50
21	2130.523 WATER	MGAL	50	\$40.00	\$2,000.00	\$52.00	\$2,600.00
22	2211.509 AGGREGATE BASE CLASS 5	TON	2297	\$15.00	\$34,455.00	\$18.00	\$41,346.00
23	2301.507 STRUCTURAL CONCRETE	C Y	9	\$500.00	\$4,500.00	\$4,645.00	\$41,805.00
24	2360.509 TYPE SP 9.5 WEARING COURSE MIX (2,C)	TON	1854	\$55.00	\$101,970.00	\$72.15	\$133,766.10
25	2503.503 12" RC PIPE SEWER CLASS III	L F	681	\$35.00	\$23,835.00	\$47.90	\$32,619.90
26	2504.602 CONNECT TO EXISTING WATER MAIN	EACH	4	\$2,000.00	\$8,000.00	\$1,045.00	\$4,180.00

27	2504.602	CONNECT TO EXISTING WATER SERVICE	EACH	12	\$500.00	\$6,000.00	\$420.25	\$5,043.00
28	2504.602	ADJUST VALVE BOX-WATER	EACH	9	\$250.00	\$2,250.00	\$270.95	\$2,438.55
29	2504.602	1" CORPORATION STOP	EACH	13	\$300.00	\$3,900.00	\$360.00	\$4,680.00
30	2504.602	8" GATE VALVE & BOX	EACH	3	\$2,000.00	\$6,000.00	\$1,062.00	\$3,186.00
31	2504.602	12" GATE VALVE & BOX	EACH	1	\$2,500.00	\$2,500.00	\$3,545.00	\$3,545.00
32	2504.602	ADJUST CURB BOX	EACH	13	\$200.00	\$2,600.00	\$360.00	\$4,680.00
33	2504.602	1" CURB STOP & BOX	EACH	13	\$500.00	\$6,500.00	\$390.40	\$5,075.20
34	2504.603	1" TYPE K COPPER PIPE	L F	420	\$50.00	\$21,000.00	\$41.35	\$17,367.00
35	2504.603	8" WATERMAIN DUCTILE IRON CL 52	L F	350	\$40.00	\$14,000.00	\$46.60	\$16,310.00
36	2504.603	12" WATERMAIN DUCTILE IRON CL 52	L F	10	\$75.00	\$750.00	\$118.35	\$1,183.50
37	2504.604	4" INSULATION	S Y	15	\$20.00	\$300.00	\$24.35	\$365.25
38	2504.608	DUCTILE IRON FITTINGS	LB	333	\$5.00	\$1,665.00	\$9.00	\$2,997.00
39	2506.502	CONST DRAINAGE STRUCTURE DESIGN G OR H	EACH	8	\$2,500.00	\$20,000.00	\$2,267.00	\$18,136.00
40	2506.502	CONST DRAINAGE STRUCTURE DES 48-4020	EACH	10	\$3,000.00	\$30,000.00	\$3,505.60	\$35,056.00
41	2506.503	RECONSTRUCT DRAINAGE STRUCTURE	L F	1	\$2,000.00	\$2,000.00	\$2,655.00	\$2,655.00
63	2506.602	PLUG DRAINAGE STRUCTURE	EACH	9	\$500.00	\$4,500.00	\$414.70	\$3,732.30
42	2506.602	CONNECT INTO EXISTING DRAINAGE STRUCTURE	EACH	10	\$500.00	\$5,000.00	\$398.10	\$3,981.00
43	2506.602	CASTING ASSEMBLY SPECIAL	EACH	11	\$250.00	\$2,750.00	\$1,183.30	\$13,016.30
44	2506.602	CASTING SEAL	EACH	10	\$300.00	\$3,000.00	\$425.75	\$4,257.50
45	2521.518	4" CONCRETE WALK	S F	2714	\$5.00	\$13,570.00	\$5.25	\$14,248.50
46	2521.518	6" CONCRETE WALK	S F	500	\$7.00	\$3,500.00	\$7.45	\$3,725.00
47	2531.503	CONCRETE CURB & GUTTER DESIGN B618	L F	3682	\$16.00	\$58,912.00	\$14.90	\$54,861.80
48	2531.503	CONCRETE CURB & GUTTER DESIGN B624	L F	349	\$20.00	\$6,980.00	\$38.70	\$13,506.30
49	2531.504	7" CONCRETE DRIVEWAY PAVEMENT	S Y	225	\$60.00	\$13,500.00	\$59.75	\$13,443.75
50	2531.604	8" CONCRETE VALLEY GUTTER	S Y	14	\$70.00	\$980.00	\$99.55	\$1,393.70
51	2531.618	TRUNCATED DOMES	S F	112	\$50.00	\$5,600.00	\$44.25	\$4,956.00
65	2540.602	SALVAGE AND REINSTALL MAILBOX	EACH	2	\$250.00	\$500.00	\$144.33	\$288.66
64	2540.602	TEMPORARY MAILBOX SUPPORT	EACH	1	\$250.00	\$250.00	\$17.83	\$17.83
52	2563.601	TRAFFIC CONTROL	LS	0.65	\$5,000.00	\$3,250.00	\$8,049.15	\$5,231.95
53	2563.602	RAISED PAVEMENT MARKER TEMPORARY	EACH	67	\$2.00	\$134.00	\$0.99	\$66.33
54	2571.524	DECIDUOUS TREE 2" CAL B&B	TREE	4	\$500.00	\$2,000.00	\$552.95	\$2,211.80
55	2572.602	TREE PRUNING	EACH	1	\$500.00	\$500.00	\$577.95	\$577.95
56	2573.501	STABILIZED CONSTRUCTION EXIT	LS	0.65	\$2,000.00	\$1,300.00	\$577.95	\$375.67
57	2573.501	EROSION CONTROL SUPERVISOR	LS	0.65	\$3,000.00	\$1,950.00	\$577.95	\$375.67
58	2573.502	STORM DRAIN INLET PROTECTION	EACH	51	\$250.00	\$12,750.00	\$144.50	\$7,369.50
59	2574.507	COMMON TOPSOIL BORROW	C Y	361	\$25.00	\$9,025.00	\$33.80	\$12,201.80
60	2575.501	TURF ESTABLISHMENT	LS	0.65	\$5,000.00	\$3,250.00	\$9,634.35	\$6,262.33
61	2575.571	RAPID STABILIZATION METHOD 3	MGAL	3.5	\$400.00	\$1,400.00	\$552.95	\$1,935.33
66	2582.503	4" SOLID LINE MULTI COMP	L F	116	\$3.00	\$348.00	\$3.65	\$423.40
67	2582.503	4" BROKEN LINE MULTI COMP	L F	350	\$3.00	\$1,050.00	\$3.65	\$1,277.50
68	2582.503	4" DBLE SOLID LINE MULTI COMP	L F	232	\$3.00	\$696.00	\$7.30	\$1,693.60
69	2582.518	PAVT MSSG MULTI COMP	S F	82	\$3.00	\$246.00	\$17.70	\$1,451.40
70	2582.518	CROSSWALK MULTI COMP	S F	630	\$5.00	\$3,150.00	\$9.95	\$6,268.50
Totals for Project SAP 108-119-006						\$554,314.00		\$645,792.67
% of Estimate for Project SAP 108-119-006								16.50%
Totals for Contract 2019-01						\$850,206.00		\$1,017,349.38
% of Estimate for Contract 2019-01								19.66%

I hereby certify that this is an exact reproduction of bids received.

Certified By:

Date:

Paul S. Sady

License No.

53635



Brainerd City Council Agenda Request

Requested Meeting Date: May 6, 2019

Title of Item: Improvement 17-08 Garfield Safe Routes to School Approve Bid Results

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☒ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: City Engineer Sandy	Department: Engineering
Presenter (Name & Title): City Engineer Sandy	Estimated Time Needed: 5 Minutes
Summary of Issue: Attached to this request you will find the bid summary for Improvement 17-08 - Garfield Safe Routes to School Improvement project and a recommendation letter from SEH.	
Alternatives, Options, Effects on Others/Comments: In total, two bids were received from Young Excavating and Concrete Idea, Inc. Bid prices were \$1,034,526.36 and \$1,155,937.00 respectively, which represent 5.83% under and 5.22% over the engineer's estimate of \$1,098,577.00 respectively. As you may recall, this project was designed in conjunction with the reconstruction of H Street NE and 10th Avenue NE, in which the committee and council will consider bids for this respective project at tonight's meeting also.	
Recommended Action/Motion: Staff recommends accepting of the bids as presented and awarding the contract to Young's Excavating, Inc. in a total contract cost of \$1,034,526.36.	
Financial Impact: <i>Is there a cost associated with this request:</i> ☒ Yes ☐ No <i>What is the total cost, with tax and shipping</i> \$ <u>\$1,034,526.36</u> <i>Is this budgeted?</i> ☒ Yes ☐ No <i>Please Explain:</i> Federal funds were awarded to the City of Brainerd, in which will cover approximately 80% of the project construction costs. The remaining 20% of the construction costs on H Street and N Street can be covered through State Aid funds. Engineering and the remaining 20% on the remaining sidewalk segments to be paid through construction fund 401.	



Building a Better World
for All of Us®

April 26, 2019

RE: Brainerd, Minnesota
2019 Garfield Safe Routes to School (SRTS)
SEH No. BRDMN 143614 14
City No. 2019-06
SP No. 108-591-005

Honorable Mayor and Members of the City Council
c/o Paul Sandy, City Engineer
City of Brainerd
501 Laurel Street
Brainerd, MN 56401

Dear Mayor and Members of the City Council:

Bids were opened in the City Hall at 11:00 a.m. on Friday, April 26, 2019, for the above-referenced improvement. The low bid was submitted by Young Excavating of Hackensack, Minnesota in the amount of \$1,034,526.36. A complete tabulation of bids is enclosed.

We know of no reason the project should not be awarded to the low bidder for the amount of \$1,034,526.36.

Please contact me if you have any questions.

Sincerely,

Scott Hedlund, PE, PMP
Project Manager
(Lic. MN, LA)

mrh
Enclosure
c: Casey Zins, SEH

p:\ae\b\brdmn\143614\1-gen\14-corr\2019.04.26 l city recommend award.docx

Engineers | Architects | Planners | Scientists

Short Elliott Hendrickson Inc., 416 South 6th Street, Suite 200, Brainerd, MN 56401-3540

SEH is 100% employee-owned | **sehinc.com** | 218.855.1700 | 866.852.8880 | 888.908.8166 fax

**City of Brainerd
Project Bid Abstract**

Project Name: 2019 Garfield Safe Routes to School **Contract No.:** 2019-06
Client: City Of Brainerd Engineering **Project No.:** SP 108-591-005
Bid Opening: 04/26/2019 11:00 AM **Owner:** City of Brainerd

Line No.	Project: SP 108-591-005 - 2019 Garfield Safe Routes to School				Engineers Estimate		Young Excavating		Concrete Idea Inc	
	Item	Units	Quantity		Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
1	2021.501 MOBILIZATION	LS	1		\$35,000.00	\$35,000.00	\$84,500.00	\$84,500.00	\$124,000.00	\$124,000.00
2	2101.524 GRUBBING	TREE	61		\$500.00	\$30,500.00	\$72.00	\$4,392.00	\$400.00	\$24,400.00
3	2104.502 REMOVE CATCH BASIN	EACH	1		\$1,000.00	\$1,000.00	\$350.00	\$350.00	\$500.00	\$500.00
4	2104.502 REMOVE HYDRANT VALVE	EACH	5		\$500.00	\$2,500.00	\$200.00	\$1,000.00	\$400.00	\$2,000.00
5	2104.502 SALVAGE HYDRANT & VALVE	EACH	3		\$1,000.00	\$3,000.00	\$950.00	\$2,850.00	\$600.00	\$1,800.00
6	2104.502 SALVAGE SIGN	EACH	62		\$50.00	\$3,100.00	\$55.00	\$3,410.00	\$75.00	\$4,650.00
7	2104.502 SALVAGE MAIL BOX SUPPORT	EACH	35		\$100.00	\$3,500.00	\$55.00	\$1,925.00	\$50.00	\$1,750.00
8	2104.503 SAWING CONCRETE PAVEMENT	L F	435		\$6.00	\$2,610.00	\$5.75	\$2,501.25	\$6.00	\$2,610.00
9	2104.503 SAWING BITUMINOUS PAVEMENT	L F	3302		\$4.00	\$13,208.00	\$3.00	\$9,906.00	\$6.00	\$19,812.00
10	2104.503 REMOVE WATER MAIN	L F	44		\$7.00	\$308.00	\$18.00	\$792.00	\$10.00	\$440.00
11	2104.503 REMOVE CURB & GUTTER	L F	2804		\$6.00	\$16,824.00	\$6.00	\$16,824.00	\$6.00	\$16,824.00
12	2104.504 REMOVE CONCRETE DRIVEWAY PAVEMENT	S Y	524		\$20.00	\$10,480.00	\$4.50	\$2,358.00	\$18.00	\$9,432.00
13	2104.504 REMOVE BITUMINOUS DRIVEWAY PAVEMENT	S Y	280		\$6.00	\$1,680.00	\$4.60	\$1,288.00	\$18.00	\$5,040.00
14	2104.504 REMOVE BITUMINOUS PAVEMENT	S Y	919		\$8.00	\$7,352.00	\$5.00	\$4,595.00	\$36.00	\$33,084.00
15	2104.504 REMOVE GRAVEL DRIVEWAY PAVEMENT	S Y	250		\$5.00	\$1,250.00	\$4.75	\$1,187.50	\$9.00	\$2,250.00
16	2104.518 REMOVE CONCRETE SIDEWALK	S Y	130		\$20.00	\$2,600.00	\$5.40	\$702.00	\$18.00	\$2,340.00
17	2105.507 COMMON EXCAVATION	C Y	3375		\$9.00	\$30,375.00	\$18.00	\$60,750.00	\$25.00	\$84,375.00
18	2105.604 GRAVEL ENTRANCE RESTORATION	S Y	165		\$30.00	\$4,950.00	\$6.75	\$1,113.75	\$36.00	\$5,940.00
19	2231.604 BITUMINOUS PATCH SPECIAL	S Y	860		\$55.00	\$47,300.00	\$27.00	\$23,220.00	\$26.00	\$22,360.00
20	2231.604 BITUMINOUS PATCH SPECIAL I	S Y	185		\$45.00	\$8,325.00	\$35.00	\$6,475.00	\$35.00	\$6,475.00
21	2232.504 MILL BITUMINOUS SURFACE (1.5")	S Y	1200		\$10.00	\$12,000.00	\$5.50	\$6,600.00	\$4.50	\$5,400.00
22	2357.506 BITUMINOUS MATERIAL FOR TACK COAT	GAL	170		\$2.50	\$425.00	\$2.60	\$442.00	\$2.60	\$442.00
23	2360.509 TYPE SP 9.5 WEARING COURSE MIX (2,C)	TON	118		\$70.00	\$8,260.00	\$110.00	\$12,980.00	\$105.00	\$12,390.00
24	2411.502 CONCRETE STAIRWAY	EACH	13		\$2,000.00	\$26,000.00	\$4,000.00	\$52,000.00	\$1,000.00	\$13,000.00
25	2411.618 MODULAR BLOCK RETAINING WALL	S F	716		\$30.00	\$21,480.00	\$35.50	\$25,418.00	\$60.00	\$42,960.00
26	2503.503 12" RC PIPE SEWER CLASS V	L F	5		\$80.00	\$400.00	\$125.00	\$625.00	\$125.00	\$625.00
27	2503.608 DUCTILE IRON FITTINGS	LB	150		\$20.00	\$3,000.00	\$11.30	\$1,695.00	\$10.00	\$1,500.00
28	2504.602 CONNECT TO EXISTING WATER MAIN	EACH	8		\$2,000.00	\$16,000.00	\$816.00	\$6,528.00	\$800.00	\$6,400.00
29	2504.602 HYDRANT	EACH	5		\$5,000.00	\$25,000.00	\$5,250.00	\$26,250.00	\$4,500.00	\$22,500.00
30	2504.602 INSTALL HYDRANT & VALVE	EACH	3		\$2,000.00	\$6,000.00	\$950.00	\$2,850.00	\$1,000.00	\$3,000.00
31	2504.602 ADJUST VALVE BOX	EACH	14		\$500.00	\$7,000.00	\$340.00	\$4,760.00	\$150.00	\$2,100.00
32	2504.602 6" GATE VALVE & BOX	EACH	5		\$1,500.00	\$7,500.00	\$1,409.00	\$7,045.00	\$1,600.00	\$8,000.00
33	2504.602 ADJUST CURB BOX	EACH	52		\$300.00	\$15,600.00	\$540.00	\$28,080.00	\$150.00	\$7,800.00
34	2504.603 6" WATERMAIN DUCTILE IRON CL 350	L F	91		\$45.00	\$4,095.00	\$46.82	\$4,260.62	\$80.00	\$7,280.00
35	2506.502 CONST DRAINAGE STRUCTURE DESIGN H	EACH	1		\$2,000.00	\$2,000.00	\$3,200.00	\$3,200.00	\$2,200.00	\$2,200.00
36	2506.502 CONST DRAINAGE STRUCTURE DES 48-4020	EACH	1		\$2,500.00	\$2,500.00	\$3,200.00	\$3,200.00	\$3,200.00	\$3,200.00
37	2506.602 ADJUST FRAME & RING CASTING	EACH	24		\$750.00	\$18,000.00	\$955.21	\$22,925.04	\$300.00	\$7,200.00
38	2506.602 CONNECT INTO EXISTING STORM SEWER	EACH	1		\$500.00	\$500.00	\$750.00	\$750.00	\$500.00	\$500.00
39	2521.518 4" CONCRETE WALK	S F	31111		\$7.00	\$217,777.00	\$5.25	\$163,332.75	\$6.50	\$202,221.50
40	2521.518 6" CONCRETE WALK	S F	12499		\$9.00	\$112,491.00	\$7.80	\$97,492.20	\$8.50	\$106,241.50
41	2521.618 4" CONCRETE WALK SPECIAL	S F	688		\$7.00	\$4,816.00	\$6.80	\$4,678.40	\$12.00	\$8,256.00
42	2531.503 CONCRETE CURB & GUTTER DESIGN B618	L F	2989		\$25.00	\$74,725.00	\$36.00	\$107,604.00	\$33.00	\$98,637.00
43	2531.503 CONCRETE CURB DESIGN V4	L F	269		\$20.00	\$5,380.00	\$31.00	\$8,339.00	\$40.00	\$10,760.00
44	2531.504 7" CONCRETE DRIVEWAY PAVEMENT	S Y	523		\$150.00	\$78,450.00	\$55.25	\$28,895.75	\$90.00	\$47,070.00
45	2531.618 TRUNCATED DOMES	S F	750		\$55.00	\$41,250.00	\$40.25	\$30,187.50	\$40.00	\$30,000.00
46	2540.602 INSTALL MAIL BOX SUPPORT	EACH	35		\$150.00	\$5,250.00	\$75.00	\$2,625.00	\$75.00	\$2,625.00
47	2563.601 TRAFFIC CONTROL	LS	1		\$5,000.00	\$5,000.00	\$6,500.00	\$6,500.00	\$12,000.00	\$12,000.00
48	2564.502 INSTALL SIGN	EACH	44		\$150.00	\$6,600.00	\$65.00	\$2,860.00	\$75.00	\$3,300.00
49	2564.602 INSTALL SIGN TYPE SPECIAL	EACH	18		\$250.00	\$4,500.00	\$65.00	\$1,170.00	\$75.00	\$1,350.00
50	2571.524 CONIFEROUS TREE 4' HT B&B	TREE	23		\$750.00	\$17,250.00	\$350.00	\$8,050.00	\$300.00	\$6,900.00
51	2571.524 DECIDUOUS TREE 2" CAL B&B	TREE	35		\$750.00	\$26,250.00	\$550.00	\$19,250.00	\$500.00	\$17,500.00
52	2573.502 STORM DRAIN INLET PROTECTION	EACH	35		\$150.00	\$5,250.00	\$200.00	\$7,000.00	\$75.00	\$2,625.00
53	2573.503 SEDIMENT CONTROL LOG TYPE STRAW	L F	170		\$4.00	\$680.00	\$5.00	\$850.00	\$5.00	\$850.00
54	2574.507 COMMON TOPSOIL BORROW (LV)	C Y	1341		\$35.00	\$46,935.00	\$42.00	\$56,322.00	\$20.00	\$26,820.00

55	2574.508	FERTILIZER TYPE 3	LB	678	\$1.50	\$1,017.00	\$1.00	\$678.00	\$1.00	\$678.00
56	2575.504	EROSION CONTROL BLANKETS CATEGORY 3N	S Y	9308	\$2.50	\$23,270.00	\$1.70	\$15,823.60	\$3.00	\$27,924.00
57	2575.505	SEEDING	ACRE	1.92	\$2,500.00	\$4,800.00	\$9,500.00	\$18,240.00	\$9,500.00	\$18,240.00
58	2575.505	SEEDING (TEMP)	ACRE	1.92	\$1,000.00	\$1,920.00	\$3,000.00	\$5,760.00	\$3,000.00	\$5,760.00
59	2575.508	SEED MIXTURE 22-111	LB	192	\$1.50	\$288.00	\$5.00	\$960.00	\$5.00	\$960.00
60	2575.508	SEED MIXTURE 25-151	LB	768	\$4.50	\$3,456.00	\$5.00	\$3,840.00	\$5.00	\$3,840.00
61	2575.508	HYDRAULIC MULCH MATRIX	LB	4800	\$2.00	\$9,600.00	\$0.90	\$4,320.00	\$1.00	\$4,800.00
Totals for Project SP 108-591-005						\$1,098,577.00		\$1,034,526.36		\$1,155,937.00
% of Estimate for Project SP 108-591-005								-5.83%		5.22%

I hereby certify that this is an exact reproduction of bids received.

Certified By: Paul Sandy License No. 53635

Date: 4/29/19



Brainerd City Council Agenda Request

Requested Meeting Date: May 6, 2019

Title of Item: Imp. 17-10 - Sanitary Sewer Oak to Pine - 11th to 19th Testing Services

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☒ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: City Engineer Sandy	Department: Engineering
Presenter (Name & Title): City Engineer Sandy	Estimated Time Needed: 5 Minutes
Summary of Issue: Attached is a proposal from Braun Intertec for a small amount of testing services on Improvement 17-10 which is the sanitary sewer replacement project in the alley from Oak Street to Pine Street between 11th Street SE and 19th Street SE.	
Alternatives, Options, Effects on Others/Comments: Total cost of the proposal to perform materials testing services related to concrete field testing and compressive strength cylinders along with aggregate base gradations is \$2,489. We chose to do a small amount of testing on the project so that we know the materials we are getting meet the proposed specifications.	
Recommended Action/Motion: Staff recommends authorizing staff to enter into an agreement with Braun Intertec for the testing services on Improvement 17-10.	
Financial Impact: Is there a cost associated with this request: ☒ Yes ☐ No What is the total cost, with tax and shipping \$ <u>\$2,489</u> Is this budgeted? ☒ Yes ☐ No <u>Please Explain:</u> We typically perform testing services as part of engineering costs on improvement projects.	

April 29, 2019

Proposal QTB098777

James Fladung
City of Brainerd
501 Laurel St.
Brainerd, MN 56401

Re: Proposal for Construction Materials Testing Services
Improvement Project 17-10 Alley Sanitary Sewer
Between Oak St. and Pine St.
Brainerd, Minnesota

Dear Mr. Fladung:

Braun Intertec Corporation is pleased to submit this proposal to provide construction materials testing services for the Improvement Project 17-10 Alley Sanitary Sewer in Brainerd, Minnesota.

Our Understanding of Project

This project is comprised of improvements to the sanitary sewer utilities, grading, placement of aggregate base, and installation of new concrete curb and gutter. Braun Intertec will be doing the gradation testing on the aggregate base material, as well as the concrete testing for the curb and gutter.

Available Project Information

This proposal was prepared using the following documents and information.

- Project plans prepared by the City of Brainerd Department of Engineering, dated November 2, 2018.
- Email correspondence with you, Mr. James Fladung with the City of Brainerd.

Scope of Services

Services are performed under the direction of a licensed professional engineer. Observation and testing services will be performed on an on-call, as-needed basis as requested and scheduled by you or your on-site project representative. After reviewing available information to determine compliance with project plans and/or specifications and other design or construction documents, our scope of services for the project will be limited to the tasks defined below.

Soil Related Services

- Sample and test aggregate base materials for compliance with the project documents. This task includes laboratory gradation testing of aggregate base material.

Concrete Related Services

- Sample and test fresh concrete associated with curb-and-gutter for compliance with the project documents, and cast test cylinders for laboratory compressive strength testing. We assume that we will be able to appropriately dispose of excess concrete (and associated wash water) on site at no additional cost to us.
- Measure and report the compressive strength of the concrete test cylinders for compliance with the project documents.

Consulting, Project Communication and Reporting Services

- Project management, including scheduling of our field personnel.
- Review test reports, and communicating with you and the parties you may designate such as the project contractor(s), and other project team members, as needed.
- Transmit test results to the project team on a weekly basis.

Basis of Scope of Work

The costs associated with the proposed scope of services were estimated using the following assumptions. If the construction schedule is modified or the contractor completes the various phases of the project at different frequencies or durations than shown in this proposal, we may need to adjust the overall cost accordingly. The scope of work and number of trips required to perform these services are as shown in the attached table. Notable assumptions in developing our estimate include:

- We assume two sets of concrete tests will be required to complete the project. Cylinders will be broken at an age of 28 days for all general concrete placements.
- We assume the project engineer of record will review and approve contractor's quality control submittals and test results.
- You, or others you may designate, will provide us with current and approved plans and specifications for the project. Modification to these plans must also be sent to us so we can review their incorporation into the work.

- We will require a minimum of 24 hours' notice for scheduling inspections for a specific time. Shorter than 24 hours' notice may impact our ability to perform the requested services, and the associated impacts will be the responsibility of others.

If the work is completed at different rates than described above, this proposal should be revised. If the pace of construction is different than described above, this proposal should be revised.

Cost and Invoicing

We will furnish the services described herein for an estimated fee of \$2,489.00. **Our estimated costs are based on industry averages for construction production. Depending on the contractor's performance, our costs may be significantly reduced or slightly higher than estimated.** A tabulation showing our estimated hourly and/or unit rates associated with our proposed scope of services is also attached.

Additional Services and Overtime

It is difficult to estimate all of the services, and the quantity of each service, that will be required for any project. Our services are also directly controlled by the schedule and performance of others. For these reasons, our actual hourly or unit quantities and associated fees may vary from those reported herein.

If the number of hours or units ultimately required exceed those assumed for purposes of this proposal, they will be invoiced at the hourly or unit rates shown in the attached tabulation. If services are ultimately required that have not been identified or described herein, they will be invoiced in accordance with our current Schedule of Charges. Prior to exceeding our estimated fees, we will update you regarding the progress of our work. Fees associated with additional services will be summarized in a Change Order and submitted to you for review and authorization.

This cost estimate was developed with the understanding that the scope of services defined herein will be required and requested during our normal work hours of 7:00 a.m. to 4:00 p.m., Monday through Friday. Services that we are asked to provide to meet the project requirements or the contractor's construction schedule **outside** our normal work hours will be invoiced using an overtime rate factor. The factor for services provided outside our normal work hours or on Saturday will be 1.25 times the normal hourly rate for the service provided. The factor for services provided on Sunday or legal holidays will be 1.5 times the normal hourly rate for the service provided. We have not included premiums for overtime; however, we recommend that allowances and contingencies be made for overtime charges based on conversations with the contractor. You will be billed only for services provided on a time and material basis.

General Remarks

We will be happy to meet with you to discuss our proposed scope of services further and clarify the various scope components.

We appreciate the opportunity to present this proposal to you. After reviewing this proposal, **please sign and return one copy to our office as notification of acceptance and authorization to proceed.** If anything in this proposal is not consistent with your requirements, please let us know immediately. Braun Intertec will not release any written reports until we have received a signed agreement. Also, ordering services from Braun Intertec constitutes acceptance of the terms of this proposal (including the attached General Conditions).

The proposed fee is based on the scope of services described and the assumption that our services will be authorized within 30 days and that others will not delay us beyond our proposed schedule.

We include the Braun Intertec General Conditions, which provide additional terms and are a part of our agreement.

To have questions answered or schedule a time to meet and discuss our approach to this project further, please contact Terra Olson at 612.360.9393 (Teolson@braunintertec.com).

Sincerely,

BRAUN INTERTEC CORPORATION



Terra L. Olson
Project Manager



Thomas L. Henkemeyer
Associate Principal/Senior Project Manager



Shaun W. Sevigny, PE
Principal/North Central Region Director

Attachments:

Cost Estimate Table

General Conditions – CMT (1/1/18)

The proposal is accepted. We will reimburse you in accordance with this agreement, and you are authorized to proceed:

Authorizer's Firm

Authorizer's Signature

Authorizer's Name (please print or type)

Authorizer's Title

Date

Project Proposal

QTB098777

Improvement Project 17-10 Alley Sanitary Sewer

Client:

City of Brainerd
James Fladung
501 Laurel St
Brainerd, MN 56401
(218) 828-2309

Work Site Address:

Between Oak Street and Pine Street
Brainerd, MN

Service Description:

Construction Materials Testing

	Description	Quantity	Units	Unit Price	Extension
Phase 1	MnDOT Testing				
Activity 1.1	Soil Testing				\$614.00
209□	Sample pick-up	3.00	Hour	81.00	\$243.00
1861□	CMT Trip Charge	1.00	Each	99.00	\$99.00
1162□	Sieve analysis & 200 wash (ASTM C 136 & C 117) per sample	2.00	Each	136.00	\$272.00
Activity 1.2	Concrete Testing				\$1,635.00
261□	Concrete Testing	8.00	Hour	81.00	\$648.00
	<i>Work Activity Detail</i>	<i>Qty</i>	<i>Units</i>	<i>Hrs/Unit</i>	<i>Extension</i>
	Curb & Gutter	2.00	Trips	4.00	8.00
278□	Concrete Cylinder Pick up	5.00	Hour	81.00	\$405.00
	<i>Work Activity Detail</i>	<i>Qty</i>	<i>Units</i>	<i>Hrs/Unit</i>	<i>Extension</i>
	Cylinder Pickup	2.00	Trips	2.50	5.00
1861□	CMT Trip Charge	4.00	Each	99.00	\$396.00
1364□	Compressive strength of concrete cylinders (ASTM C 39), per specimen	6.00	Each	31.00	\$186.00
Activity 1.3	Project Management				\$240.00
226□	Project Manager	1.00	Hour	165.00	\$165.00
238□	Project Assistant	1.00	Hour	75.00	\$75.00
Phase 1 Total:					\$2,489.00

Proposal Total: \$2,489.00

General Conditions

Construction Material Testing and Special Inspections

Section 1: Agreement

1.1 Our agreement with you consists of these General Conditions and the accompanying written proposal or authorization ("Agreement"). This Agreement is the entire agreement between you and us. It supersedes prior agreements. It may be modified only in a writing signed by us, making specific reference to the provision modified.

1.2 The words "you," "we," "us," and "our" include officers, employees, and subcontractors.

1.3 In the event you use a purchase order or other documentation to authorize our scope of work ("Services"), any conflicting or additional terms are not part of this Agreement. Directing us to start work prior to execution of this Agreement constitutes your acceptance. If, however, mutually acceptable terms cannot be established, we have the right to terminate this Agreement without liability to you or others, and you will compensate us for fees earned and expenses incurred up to the time of termination.

Section 2: Our Responsibilities

2.1 We will provide Services specifically described in this Agreement. You agree that we are not responsible for services that are not expressly included in this Agreement. Unless otherwise agreed in writing, our findings, opinions, and recommendations will be provided to you in writing. You agree not to rely on oral findings, opinions, or recommendations without our written approval.

2.2 In performing our professional services, we will use that degree of care and skill ordinarily exercised under similar circumstances by reputable members of our profession practicing in the same locality. If you direct us to deviate from our recommended procedures, you agree to hold us harmless from claims, damages, and expenses arising out of your direction. If during the one year period following completion of Services it is determined that the above standards have not been met and you have promptly notified us in writing of such failure, we will perform, at our cost, such corrective services as may be necessary, within the original scope in this Agreement, to remedy such deficiency. Remedies set forth in this section constitute your sole and exclusive recourse with respect to the performance or quality of Services.

2.3 We will reference our field observations and sampling to available reference points, but we will not survey, set, or check the accuracy of those points unless we accept that duty in writing. Locations of field observations or sampling described in our report or shown on our sketches are based on information provided by others or estimates made by our personnel. You agree that such dimensions, depths, or elevations are approximations unless specifically stated otherwise in the report. You accept the inherent risk that samples or observations may not be representative of things not sampled or seen and

further that site conditions may vary over distance or change over time.

2.4 Our duties do not include supervising or directing your representatives or contractors or commenting on, overseeing, or providing the means and methods of their services unless expressly set forth in this Agreement. We will not be responsible for the failure of your contractors, and the providing of Services will not relieve others of their responsibilities to you or to others.

2.5 We will provide a health and safety program for our employees, but we will not be responsible for contractor, owner, project, or site health or safety.

2.6 You will provide, at no cost to us, appropriate site safety measures as to work areas to be observed or inspected by us. Our employees are authorized by you to refuse to work under conditions that may be unsafe.

2.7 Unless a fixed fee is indicated, our price is an estimate of our project costs and expenses based on information available to us and our experience and knowledge. Such estimates are an exercise of our professional judgment and are not guaranteed or warranted. Actual costs may vary. You should allow a contingency in addition to estimated costs.

Section 3: Your Responsibilities

3.1 You will provide us with prior environmental, geotechnical and other reports, specifications, plans, and information to which you have access about the site. You agree to provide us with all plans, changes in plans, and new information as to site conditions until we have completed Services.

3.2 You will provide access to the site. In the performance of Services some site damage is normal even when due care is exercised. We will use reasonable care to minimize damage to the site. We have not included the cost of restoration of damage in the estimated charges.

3.3 If we notify you that radiographic or gamma ray equipment or other nuclear testing or measuring device will be used, you will be responsible for the cooperation of your employees and your contractors in observing all radiation safety standards.

3.4 You will notify us of any knowledge or suspicion of the presence of hazardous or dangerous materials present on any work site. If we observe or suspect the presence of contaminants not anticipated in this Agreement, we may terminate Services without liability to you or to others, and you will compensate us for fees earned and expenses incurred up to the time of termination.

3.5 The time our field personnel spend on the job site depends upon the scheduling of the work we are observing or testing. You agree that any changes in scheduling may result in additional

costs and agree to pay for those services at the rates listed in our cost estimate.

3.6 You agree to include us as an indemnified party in your contracts, if any, for work by others on the project, protecting us to the same degree as you are protected. You agree to list us as an Additional Insured under your liability insurance policies and to require subrogation be waived against us and that we will be added as an Additional Insured on all policies of insurance, including any policies required of your contractors or subcontractors, covering any construction or development activities to be performed on the project site.

Section 4: Reports and Records

4.1 Unless you request otherwise, we will provide our report(s) in an electronic format.

4.2 Our reports, notes, calculations, and other documents and our computer software and data are instruments of our service to you, and they remain our property. We hereby grant you a license to use the reports and related information we provide only for the related project and for the purposes disclosed to us. You may not transfer our reports to others or use them for a purpose for which they were not prepared without our written approval. *You agree to indemnify, defend, and hold us harmless from claims, damages, losses, and expenses, including attorney fees, arising out of such a transfer or use.*

4.3 If you do not pay for Services in full as agreed, we may retain work not yet delivered to you and you agree to return to us all of our work that is in your possession or under your control.

4.4 Electronic data, reports, photographs, samples, and other materials provided by you or others may be discarded or returned to you, at our discretion, unless within 15 days of the report date you give us written direction to store or transfer the materials at your expense.

Section 5: Compensation

5.1 You will pay for Services as stated in this Agreement. If such payment references our Schedule of Charges, the invoicing will be based upon the most current schedule. An estimated amount is not a firm figure. You agree to pay all sales taxes and other taxes based on your payment of our compensation. Our performance is subject to credit approval and payment of any specified retainer.

5.2 You will notify us of billing disputes within 15 days. You will pay undisputed portions of invoices upon receipt. You agree to pay interest on unpaid balances beginning 30 days after invoice dates at the rate of 1.5% per month, or at the maximum rate allowed by law.

5.3 If you direct us to invoice a third party, we may do so, but you agree to be responsible for our compensation unless the third party is

creditworthy (in our sole opinion) and provides written acceptance of all terms of this Agreement.

5.4 Your obligation to pay for Services under this Agreement is not contingent on your ability to obtain financing, governmental or regulatory agency approval, permits, final adjudication of any lawsuit, your successful completion of any project, receipt of payment from a third party, or any other event. No retainage will be withheld.

5.5 If you do not pay us in accordance with this Agreement, you agree to reimburse all costs and expenses for collection of the moneys invoiced, including but not limited to attorney fees and staff time.

5.6 You agree to compensate us in accordance with our Schedule of Charges if we are asked or required to respond to legal process arising out of a proceeding related to the project and as to which we are not a party.

5.7 If we are delayed by factors beyond our control, or if project conditions or the scope or amount of work changes, or if changed labor conditions result in increased costs, decreased efficiency, or delays, or if the standards or methods change, we will give you timely notice, the schedule will be extended for each day of delay, and we will be compensated for costs and expenses incurred in accordance with our Schedule of Charges.

5.8 If you fail to pay us in accordance with this Agreement, we may consider the default a total breach of this Agreement and, at our option, terminate our duties without liability to you or to others, and you will compensate us for fees earned and expenses incurred up to the time of termination.

5.9 In consideration of our providing insurance to cover claims made by you, you hereby waive any right to offset fees otherwise due us.

Section 6: Disputes, Damage, and Risk Allocation

6.1 Each of us will exercise good faith efforts to resolve disputes without litigation. Such efforts will include, but not be limited to, a meeting(s) attended by each party's representative(s) empowered to resolve the dispute. Before either of us commences an action against the other, disputes (except collections) will be submitted to mediation.

6.2 *Notwithstanding anything to the contrary in this Agreement, neither party hereto shall be responsible or held liable to the other for punitive, indirect, incidental, or consequential damages, or liability for loss of use, loss of*

business opportunity, loss of profit or revenue, loss of product or output, or business interruption.

6.3 You and we agree that any action in relation to an alleged breach of our standard of care or this Agreement shall be commenced within one year of the date of the breach or of the date of substantial completion of Services, whichever is earlier, without regard to the date the breach is discovered. Any action not brought within that one year time period shall be barred, without regard to any other limitations period set forth by law or statute. We will not be liable unless you have notified us within 30 days of the date of such breach and unless you have given us an opportunity to investigate and to recommend ways of mitigating damages. You agree not to make a claim against us unless you have provided us at least 30 days prior to the institution of any legal proceeding against us with a written certificate executed by an appropriately licensed professional specifying and certifying each and every act or omission that you contend constitutes a violation of the standard of care governing our professional services. Should you fail to meet the conditions above, you agree to fully release us from any liability for such allegation.

6.4 *For you to obtain the benefit of a fee which includes a reasonable allowance for risks, you agree that our aggregate liability for all claims will not exceed the fee paid for Services or \$50,000, whichever is greater. If you are unwilling to accept this allocation of risk, we will increase our aggregate liability to \$100,000 provided that, within 10 days of the date of this Agreement, you provide payment in an amount that will increase our fees by 10%, but not less than \$500, to compensate us for the greater risk undertaken.* This increased fee is not the purchase of insurance.

6.5 *You agree to indemnify us from all liability to others in excess of the risk allocation stated herein and to insure this obligation. In addition, all indemnities and limitations of liability set forth in this Agreement apply however the same may arise, whether in contract, tort, statute, equity or other theory of law, including, but not limited to, the breach of any legal duty or the fault, negligence, or strict liability of either party.*

6.6 This Agreement shall be governed, construed, and enforced in accordance with the laws of the state in which our servicing office is located, without regard to its conflict of laws rules. The laws of the state of our servicing office will govern all disputes, and all claims shall be heard in the state or federal courts for that state. Each of us waives trial by jury.

6.7 No officer or employee acting within the scope of employment shall have individual liability for his or her acts or omissions, and you agree not to make a claim against individual officers or employees.

Section 7: General Indemnification

7.1 *We will indemnify and hold you harmless from and against demands, damages, and expenses of others to the comparative extent they are caused by our negligent acts or omissions or those negligent acts or omissions of persons for whom we are legally responsible. You will indemnify and hold us harmless from and against demands, damages, and expenses of others to the comparative extent they are caused by your negligent acts or omissions or those negligent acts or omissions of persons for whom you are legally responsible.*

7.2 To the extent it may be necessary to indemnify either of us under Section 7.1, you and we expressly waive, in favor of the other only, any immunity or exemption from liability that exists under any worker compensation law.

Section 8: Miscellaneous Provisions

8.1 We will provide a certificate of insurance to you upon request. Any claim as an Additional Insured shall be limited to losses caused by our negligence.

8.2 You and we, for ourselves and our insurers, waive all claims and rights of subrogation for losses arising out of causes of loss covered by our respective insurance policies.

8.3 Neither of us will assign or transfer any interest, any claim, any cause of action, or any right against the other. Neither of us will assign or otherwise transfer or encumber any proceeds or expected proceeds or compensation from the project or project claims to any third person, whether directly or as collateral or otherwise.

8.4 This Agreement may be terminated early only in writing. You will compensate us for fees earned for performance completed and expenses incurred up to the time of termination.

8.5 If any provision of this Agreement is held invalid or unenforceable, then such provision will be modified to reflect the parties' intention. All remaining provisions of this Agreement shall remain in full force and effect.

8.6 No waiver of any right or privilege of either party will occur upon such party's failure to insist on performance of any term, condition, or instruction, or failure to exercise any right or privilege or its waiver of any breach.



Brainerd City Council Agenda Request

Requested Meeting Date: May 6, 2019

Title of Item: Improvement 19-03 - 2019 Seal Coat Authorization 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 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: City Engineer Sandy	Department: Engineering
Presenter (Name & Title): City Engineer Sandy	Estimated Time Needed: 5 Minutes
Summary of Issue: Staff is looking for authorization to bid the annual seal coat project for 2019.	
Alternatives, Options, Effects on Others/Comments: Staff is proposing to seal coat the following Streets: S 7th Street, Willow Street, N 8th Street, Birchridge Drive, S 6th Street West Frontage Road, Wright Street, Kitty Hawk Court, and Thiesse Drive. Staff is also proposing to crack seal (different contract) and fog seal the Buffalo Hills Trail which consists of the segment on the old spur line, the trail adjacent to Buffalo Hills Lane and Industrial Park Road, the trail through Kiwanis and Rotary Park, and the trail along College Drive. The total estimated cost for this seal coat project is approximately \$145,000, as seen in the attachment.	
Recommended Action/Motion: Staff recommends authorizing advertisement of bids for Improvement 19-03 - 2019 Seal Coat Project.	
Financial Impact: <i>Is there a cost associated with this request:</i> ☒ Yes ☐ No <i>What is the total cost, with tax and shipping</i> \$ <u>Estimated \$145,235</u> <i>Is this budgeted?</i> ☒ Yes ☐ No <i>Please Explain:</i> Funds for this project typically come from Construction Fund 401 as part of our annual maintenance projects.	

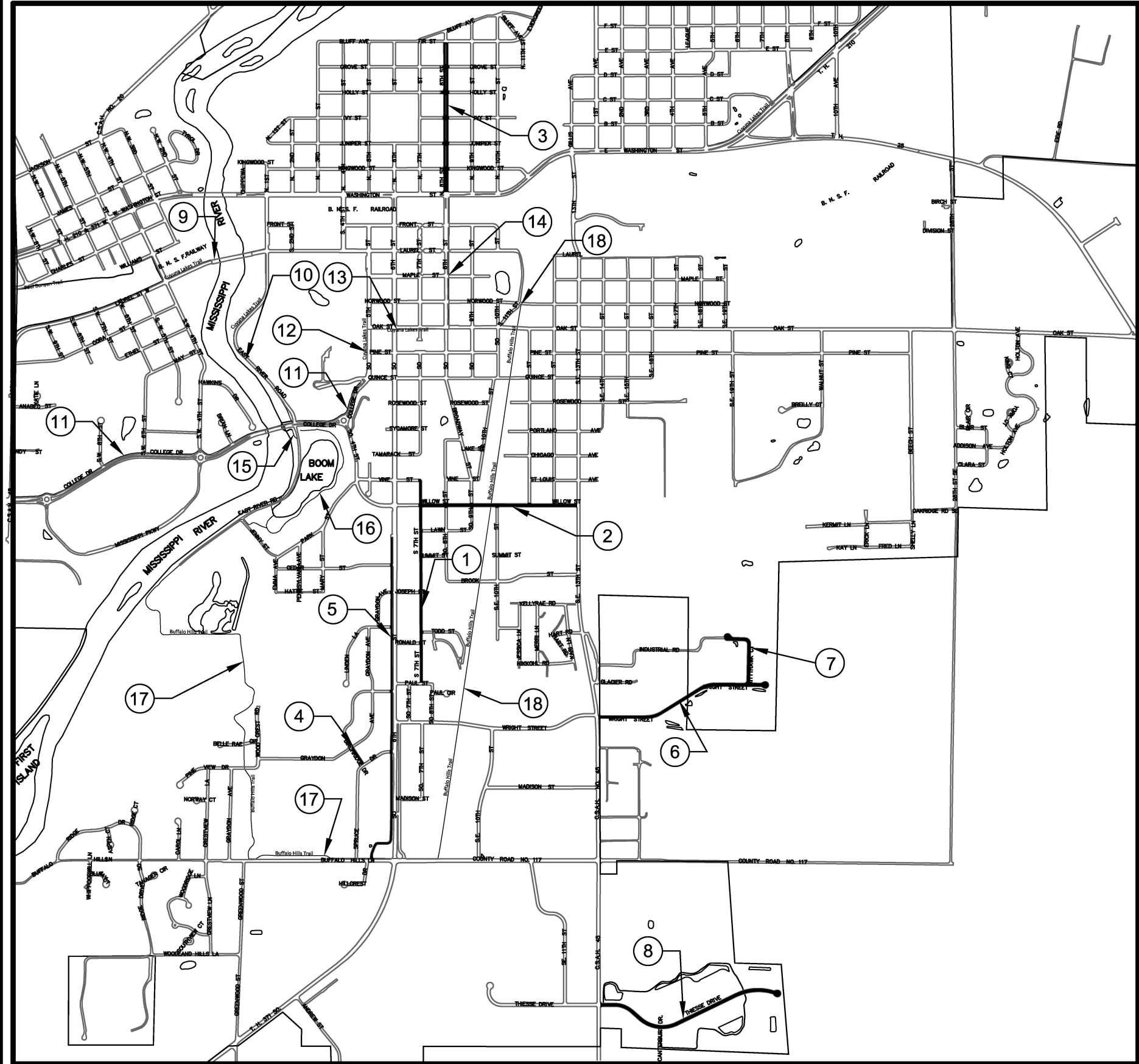
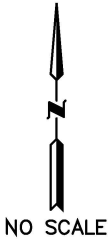
CITY OF BRAINERD, MINNESOTA
DEPARTMENT OF ENGINEERING
CONSTRUCTION PLAN FOR:
IMPROVEMENT PROJECT 19-03
2019 CHIP SEAL PROJECT

PROJECT LOCATION AREAS

- 1: S. 7th Street - (Vine St to Paul St)
- 2: Willow Street - (S. 7th St to 13th St SE)
- 3: N. 8th Street - (TH 210 to Kingwood St)
- 4: Birchridge Drive - (Spruce Dr to Graydon Ave)
- 5: S. 6th Street West Frontage Road - (Buffalo Hills Lane to 450' N. of Cedar St)
- 6: Wright Street - (13th St SE to End of Cul-De-Sac)
- 7: Kitty Hawk Court - (Wright St to End of Cul-De-Sac)
- 8: Thiesse Road - (CR 45 to End of Cul-De-Sac)
- 9: Cuyuna Lakes Trail (Laurel St) - (SW 4th St to E. River Rd)
- 10: Cuyuna Lakes Trail (E. River Rd) - (Laurel St to College Dr)
- 11: College Drive Trail - (CSAH 48 to Quince St)
- 12: Cuyuna Lakes Trail (S. 5th St) - (Pine St to Oak St)
- 13: Cuyuna Lakes Trail (Oak St) - (S. 5th St to S. 8th St)
- 14: S. 8th St Trail - (Oak St to TH 210)
- 15: Kiwanis Park Trail - (Concrete Sidewalk to E. River Rd)
- 16: Kiwanis Park Trail - (E. River Rd to Buffalo Hills Trail)
- 17: Buffalo Hills Trail- (Kiwanis Park Trail to CR 117 approx. 600' E of S. 6th St)
- 18: Buffalo Hills Trail - (CR 117 to Norwood St)

*ALL APPLICABLE FEDERAL, STATE AND LOCAL LAWS AND ORDINANCES
WILL BE COMPLIED WITH IN THE CONSTRUCTION OF THIS PROJECT.

NOTE: MATERIALS STORAGE IS AVAILABLE ON CITY PROPERTY.



REV.	DATE	DESCRIPTION	SHEETS REVISED



City of Brainerd
Engineering Department
501 Laurel Street
Brainerd, MN 56401

I hereby certify that this plan, specification, or report was prepared by me
or under my direct supervision and that I am a duly licensed professional
engineer under the laws of the state of Minnesota.
Paul Sandy Date 04/18/19
Paul Sandy, P.E. License No. 53635

NOT TO SCALE

NO.	SHEET INDEX
1	TITLE SHEET
2	ESTIMATED QUANTITIES
3-5	PROJECT LOCATIONS

**City of Brainerd
Engineer's Estimate**

Project Number: 19-03 Project Title or Road Number: 2019 Chip Seal Project Work Type: Seal Coat						
Item No.	Description	Units	Base Bid / Alternate	Quantity	Unit Price	Total Price
2019 Chip Seal Project						
2021.501	MOBILIZATION	LS	Base Bid	1.00	\$7,500.00	\$7,500.00
2355.506	BITUMINOUS MATERIAL FOR FOG SEAL	GAL	Base Bid	14,300.00	\$1.25	\$17,875.00
2356.504	BITUMINOUS SEAL COAT	S Y	Base Bid	79,214.00	\$0.75	\$59,410.50
2356.506	BITUMINOUS MATERIAL FOR SEAL COAT	GAL	Base Bid	27,725.00	\$2.00	\$55,450.00
2563.601	TRAFFIC CONTROL	LS	Base Bid	1.00	\$5,000.00	\$5,000.00
Total 2019 Chip Seal Project						\$145,235.50
Total						\$145,235.50

Certified By: Paul Sady License No. 53635

Date: 4/29/19



Brainerd City Council Agenda Request

Requested Meeting Date: May 6, 2019

Title of Item: Wetland Conservation Act Administration

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☒ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☒ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1st Reading *provide copy of published hearing notice
Submitted by: City Engineer Sandy	Department: Engineering
Presenter (Name & Title): City Engineer Sandy	Estimated Time Needed: 10 Minutes
Summary of Issue: The City has received notice from the Crow Wing County Soil and Water Conservation District on January 22, 2019 that they would no longer be administering the Wetland Conservation Act of 1991 for the City, as of March 31, 2019. This notice came as a surprise to City staff, but staff has worked to have a meeting with affected parties and CWSWCD and Crow Wing County staff to look into options for 2019 along with a long term resolution to this decision.	
Alternatives, Options, Effects on Others/Comments: The City of Brainerd had a resolution in place with CWSWCD for the district to administer the Wetland Conservation Act on behalf of the City. The SWCD claims budget constraints, trained staff constraints, and other reasons for not being able to provide this service to the City any longer. Staff met with other city jurisdictions once this notice was received, and eventually met as a whole with SWCD staff, Crow Wing County Environmental Services staff, and other city jurisdictions. This request was made on behalf of the City's affected, and was made in an effort to have an open dialogue with the parties involved in this decision. An extension to the March 31 deadline was also requested but not granted. It seems there is not interest for SWCD to continue this work on behalf of cities in Crow Wing County, and therefore, we must come to a solution in the interim. Attached, you will find 3 resolutions in which: 1. Delegates the authority to administer the Wetland Conservation Act to the City of Brainerd; 2. Places the decision making authority with the City Engineer for exemption, no-loss, wetland boundary and type, sequencing, replacement plan, and wetland banking applications with the City Engineer; and 3. A resolution in which requests the Crow Wing County Board of Commissioners to administer the WCA on behalf of the City of Brainerd. Upon conversation with other cities in the area, there seemed to be an interest for all the cities to request this of Crow Wing County, as they currently administer the WCA for the Highway Department and Townships in Crow Wing County. They have the trained and knowledgeable staff in Wetlands and the WCA to be able to perform these duties on a fee basis. For the time being, staff requests that Widseth Smith Nolting be hired on the fee structure as proposed in the email from Brian Ross that can be seen attached. WSN would charge time for reviewing the applications, preparing and distributing forms, reviewing reports, attending TEP meetings, etc. They would not charge for calls requesting info or general questions, visiting sites, or meets with property owners. These charges are typically passed through to the applicants and are no cost to the City. The City does not have the trained personnel in the administration of the WCA nor a certified wetland biologist or delineator, therefore we need to get someone on board that meets these requirements for the time being until further determination can be made. Other options we may consider through this process are continuing the service through WSN, having a staff member on board that can perform these duties and with some sort of cost sharing agreement with other cities that may be interested, or the County taking over all administration of the WCA. For now, these are the necessary steps to be in compliance with the WCA and Minnesota Rule 8420.	
Recommended Action/Motion: Staff recommends: - Adopting the attached resolution in which accepts the authority and administrative responsibility to implement the Wetland Conservation Act within the legal boundaries of Brainerd. - Adopting the attached resolution in which delegated the decision making authority for WCA exemption, no-loss, wetland boundary and type, sequencing, replacement plan, and wetland banking applications with the City Engineer or their designee. - Adopting the resolution in which requests the Crow Wing County Board of Commissioners to administer the WCA on behalf of the City of Brainerd. - Accepting the proposed fee schedule proposed for Mr. Brian Ross from Widseth Smith Nolting for a time period of May 6, 2019 to December 31, 2019, until such time further determination can be made on the administration of the Wetland Conservation Act within the Brainerd corporate boundaries.	
Financial Impact: <i>Is there a cost associated with this request:</i> ☐ Yes ☐ No <i>What is the total cost, with tax and shipping</i> \$ <i>Is this budgeted?</i> ☐ Yes ☐ No <i>Please Explain:</i>	



Crow Wing Soil and Water Conservation District

322 Laurel St. Suite 22 • Brainerd, MN 56401

January 22, 2019

2020

RECEIVED

JAN 28 2019

CITY OF BRAINERD
ADMINISTRATION

City of Brainerd
501 Laurel St.
Brainerd, MN 56401

Subject: Resolution Regarding the Administration of the Minnesota Wetland Conservation Act of 1991
No. 9:13

Dear Staff and City Council:

Thank you for your partnership in providing services to your city residents on Minnesota State Wetland Conservation Act (WCA) of 1991. Since 2013, the SWCD has had resolution No 9.13 with the City of Brainerd to administer Minnesota State Wetland Conservation Act of 1991 on your behalf to implement the rules and regulations promulgated by the Board of Water and Soil Resources pertaining to wetland draining, filling, and excavation.

On January 16, 2019, the Crow Wing SWCD Board of Supervisor voted to terminate the MOU delegating administration of the WCA to the SWCD. The termination of the MOU will begin March 31, 2019. The decision for this was based off the following items:

1. Budget Constraints the SWCD does not have funds to pay for this program. The SWCD is not a county entity and does not have taxing authority and does not receive funds from the County to implement this program.
2. The SWCD no longer has staff with training and skills required to administer this program.
3. The SWCD roots are in voluntary conservation and big part of our mission. The SWCD Board would like to ensure that we are fulfilling our mission of voluntary conservation.

MN State WCA Statue 8420.0200, Subp A and E requirements for cities administration:

- A. Outside the seven-county metropolitan area, the local government unit is the county or city in which the activity is located, or its delegate.
- E. Implementation of this chapter and the act may be delegated from a county, city, or town, as applicable according to item A or B, to a soil and water conservation district or other governmental entity by the passage of resolutions by both parties. The delegation becomes effective when resolutions have been passed by both parties, or on the date specified in the resolutions, whichever is later. Both parties must provide notice to the board, the commissioner, and the soil and water conservation district within 15 business days of adoption

Phone: 218-828-6197

website: www.crowwingswcd.org

facebook: CWSWCD



Crow Wing Soil and Water Conservation District

322 Laurel St. Suite 22 • Brainerd, MN 56401

of the resolution. The notice must include a copy of the resolution and a description of the applicable geographic area.

MN State WCA Statute 8420.200, Subp 2. B related to staff requirements:

- B. A local government unit must provide knowledgeable and trained staff with expertise in water resource management to manage the program or secure a qualified delegate. Otherwise, the board may declare a moratorium as prescribed in subpart 3 or take other appropriate legal action to ensure proper implementation and compliance with this chapter. The board may establish standards and requirements for training, experience, and certification.

Below are some additional resources for you:

MN Statue 8420: <https://www.revisor.mn.gov/rules/pdf/8420/2018-09-10%2015:15:12+00:00>

BWSR WCA: http://www.bwsr.state.mn.us/wetlands/WCA_Statutes_and_Rules.html

Training information: <https://www.mnwetlands.umn.edu/>

MN State Certified Wetland Delineators:

https://www.mnwetlands.umn.edu/sites/mnwetlands.umn.edu/files/9.27.18_master_cert_list_for_bwsr_website.pdf

Thank you for the opportunity to work with you. The BWSR contact for the WCA Program is Cade Steffenson e-mail cade.steffenson@state.mn.us or phone (320) 223-7073. Please contact Cade to discuss options available for administering the WCA, duties and requirements of the LGU, and methods for assisting this transition.

Feel free to contact me with your questions or concerns.

Sincerely,

A handwritten signature in black ink, appearing to read "Melissa Barrick".

Melissa Barrick

District Manager

218-828-6198

melissa.barrick@crowwingswcd.org

Enclosures: Resolution 9.13 and WCA Rule 8420.0200, Determining Local Government Unit Duties.

Phone: 218-828-6197

website: www.crowwingswcd.org

facebook: CWSWCD

**RESOLUTION
NO. 09:13**

**RESOLUTION REGARDING THE ADMINISTRATION OF THE
MINNESOTA WETLAND CONSERVATION ACT**

WHEREAS, The Crow Wing Soil and Water Conservation District has accepted the authority and administrative responsibility to implement the Wetland Conservation Act (WCA) within the legal boundaries of the City of Brainerd in accordance with Minnesota Rules, Chapter 8420; and

WHEREAS, the City of Brainerd is authorized by Minnesota Administrative Rules Part 8420.0200, Subpart 2, Item C, to delegate certain functions with regard to implementation of WCA, including the authority to make decisions on applications, with its staff.

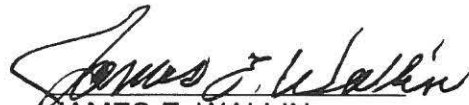
NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BRAINERD, MINNESOTA that decision making authority for WCA, exemption, no-loss, wetland boundary and type, sequencing, replacement plan, and wetland banking applications is placed with the Crow Wing Soil and Water Conservation District, Board of Supervisors or their designee, Beth Hippert, Crow Wing Soil and Water Conservation District Technician.

BE IT FURTHER RESOLVED that the City Council reserves the right to withdraw from the agreement upon written notice.

Adopted this 4th day of February, 2013


BONNIE K. CUMBERLAND
President of the Council

Approved this 5th day of February, 2013


JAMES E. WALLIN
Mayor

ATTEST:


THERESA A. GOBLE
City Administrator

Office of the Revisor of Statutes

Minnesota Administrative Rules

Authenticate 

8420.0200 DETERMINING LOCAL GOVERNMENT UNIT; DUTIES.

Subpart 1. **Determining local government unit.** The local government unit responsible for making decisions must be determined according to items A to J.

A. Outside the seven-county metropolitan area, the local government unit is the county or city in which the activity is located, or its delegate.

B. In the seven-county metropolitan area, the local government unit is the city, town, or water management organization regulating surface-water-related matters in the area in which the activity is located, or its delegate. The watershed management plan adopted under Minnesota Statutes, section 103B.231, and related board rules will normally indicate the appropriate local government unit. Lacking an indication, the local government unit must be the city, town, or its delegate.

C. For activities on state land, the local government unit is the state agency, or the agency's designee, with administrative responsibility for that land. However, state agencies must coordinate with local government units that would otherwise have jurisdiction, according to items A and B, when conducting or making decisions on activities in wetlands.

D. Notwithstanding items A to G, the Department of Natural Resources is the approving authority for activities associated with projects requiring permits to mine under Minnesota Statutes, section 93.481, and for projects affecting calcareous fens.

E. Implementation of this chapter and the act may be delegated from a county, city, or town, as applicable according to item A or B, to a soil and water conservation district or other governmental entity by the passage of resolutions by both parties. The delegation becomes effective when resolutions have been passed by both parties, or on the date specified in the resolutions, whichever is later. Both parties must provide notice to the board, the commissioner, and the soil and water conservation district within 15 business days of adoption of the resolution. The notice must include a copy of the resolution and a description of the applicable geographic area.

F. If the activity is located in two jurisdictions, the local government unit is the one exercising zoning authority over the project or, if both have zoning authority, the one in which most of the wetland impacts will occur. If no zoning permits are required, the local government unit is the one in which most of the wetland impacts will occur. If an activity will affect wetlands in more than one local government unit, the board may coordinate the project review to ensure consistency and consensus among the local government units involved. Local government units may maintain separate jurisdiction if mutually agreed upon.

G. For a replacement site located in more than one jurisdiction, the local government unit is the one in which most of the replacement wetland area occurs.

H. For replacement plans where the project-specific replacement will occur in a different local government unit than the impact, approval of all local government units involved or as specified in items A to G constitutes final approval of the replacement plan and is required before the project may proceed. The local government unit with jurisdiction for the impact site must approve all components of the replacement plan, following the procedures required by this chapter. The local government unit with jurisdiction for the replacement site must limit the review to evaluation of the replacement site and make a decision accordingly. As part of the approval of the replacement plan, the local government unit with jurisdiction for the replacement site assumes responsibility for ensuring compliance with monitoring provisions according to parts 8420.0800 to 8420.0820. The local government unit with jurisdiction for the replacement site may enter into joint powers agreements with a local government unit with jurisdiction for the impact site, assess fees, or develop other procedures considered necessary to facilitate the process.

I. For instances where the activity or replacement occurs in multiple jurisdictions, the local government unit with decision-making authority must coordinate with the other local government units.

J. The board shall resolve all questions as to which government entity is the responsible authority, applying the guidelines in items A to I.

Subp. 2. **Local government unit duties.**

A. Local government units are responsible for making decisions on applications made under this chapter. Each local government unit of the state, except tribal lands and state agencies, must send a written acknowledgment, including a copy of the adopting resolution, to the board that it is assuming its responsibilities under this chapter and the act.

B. A local government unit must provide knowledgeable and trained staff with expertise in water resource management to manage the program or secure a qualified delegate. Otherwise, the board may declare a moratorium as prescribed in subpart 3 or take other appropriate legal action to ensure proper implementation and compliance with this chapter. The board may establish standards and requirements for training, experience, and certification.

C. The local government unit may, through resolution, rule, or ordinance, place decision-making authority with staff according to procedures it establishes. For final decisions made by staff, the local government unit must establish a local appeal process that includes an evidentiary public hearing before appointed or elected officials.

D. As provided for in part 8420.0240, technical questions concerning the public value, location, size, and type of wetland must be submitted to the technical evaluation panel. The local government unit may use a technical evaluation panel to predetermine public value, location, size, or type of wetlands under its jurisdiction and use this determination in administering this chapter and the act.

E. An application must not be approved unless entitlement thereto is established by a fair preponderance of the evidence. For each finding of fact and recommendation included in a written technical evaluation panel report that is not adopted by the local government unit, the local government unit must provide detailed reasons for rejecting the finding of fact or recommendation in its record of decision; otherwise, the local government unit has not sufficiently considered the technical evaluation panel report.

F. In the absence of an application, the local government unit may evaluate information related to a potential activity upon the request of a landowner. The evaluation provided does not constitute a decision for the purposes of parts 8420.0100 to 8420.0935.

G. The local government unit must retain a record of all decisions for a minimum of ten years after all applicable requirements and conditions pertaining to the project are fulfilled.

H. The local government unit and soil and water conservation district may charge processing fees in amounts not greater than are necessary to cover the reasonable costs of implementing this chapter and for technical and administrative assistance to landowners in processing other applications for projects affecting wetlands.

I. The local government unit must annually report information to the board regarding implementation of this chapter in a format and time period prescribed by the board. Failure to comply with the board's reporting requirements may subject the local government to a penalty under subpart 3.

Subp. 3. Failure to apply law.

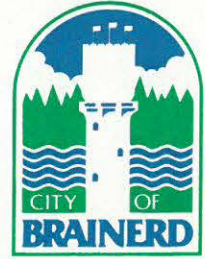
A. If a local government unit fails to acknowledge in writing its responsibilities under this chapter and the act, as required in subpart 2, the board must impose, in the local government unit's jurisdiction, a 60-day moratorium on making decisions and implementing this chapter and the act. The board must notify the local government unit in writing of the start and end dates of the moratorium. The board must end the moratorium within the 60 days upon written agreement by the local government unit that it will assume, and is currently capable of implementing, its duties under this chapter and the act. If at the end of the initial 60-day moratorium a written agreement has not been made for the local government unit to apply the law, the board may extend the moratorium until the local government unit agrees to apply the law.

B. If the board has information that a local government unit is not following this chapter or the act in making decisions; if the local government unit does not have knowledgeable and trained staff with experience in water resource management; or if the local government unit fails to comply with the board's reporting requirements, the board must notify the local government unit in writing of its concerns. The local government unit must respond in writing within 60 days of being notified by the board. If not satisfied with the local government unit's written response, or none is received, the board must ask the local government unit to appear at a hearing before the board to discuss the matter. The board may invite comments from other local governments or state and federal agencies. If the board determines at the hearing that corrective action is necessary, the board must write the local government unit directing specific corrective action to occur within 60 days of receiving the board's decision. The notice must explain the reason for the action. If, after the 60-day period, the local government unit has not corrected the problem to the satisfaction of the board, the board must declare a moratorium as prescribed in item A or take other appropriate legal action to ensure compliance.

C. When a moratorium is declared as prescribed in item A or B, a decision cannot be made on an application because a local government unit authorized to implement this chapter does not exist while the moratorium is in effect. An application pending a local government unit decision when a moratorium is declared must be returned by the local government unit to the applicant within 15 business days of the moratorium being placed in effect. An application submitted while a moratorium is in effect must be

March 15, 2019

Ms. Melissa Barrick
District Manager
Crow Wing County Soil and Water Conservation District
322 Laurel Street, Suite 22
Brainerd, MN 56401



www.ci.brainerd.mn.us

**Re: Response to Letter Dated January 22, 2019 regarding City of Brainerd Resolution 9:13
Regarding the Administration of the Minnesota Wetland Conservation Act of 1991**

Melissa,

Thank you for the opportunity to review and respond accordingly to your letter dated January 22, 2019 regarding the Crow Wing County SWCD Board of Supervisor's decision to terminate the MOU for the administration of the Wetland Conservation Act of 1991 with the City of Brainerd and numerous other jurisdictions.

I had the opportunity to meet with numerous cities in which this determination by the Board of Supervisor's impacts, and we are concerned with the potential consequences that this determination will have on all jurisdictions that are currently being served by your office in relation to the administration of this Act.

We are all very familiar with budget constraints and how they impact local government, and we understand the need for the Crow Wing County SWCD to cover its costs in relation to the administration of the WCA for these local jurisdictions. We are, however, troubled by the lack of notification in which this process took place and the way this process has evolved. This has put a burden on the cities, both large and small, to come together to find a solution to this issue in an extremely short amount of time.

While we respect the Board of Supervisor's decision, we respectfully and collectively ask you and the Board of Supervisors to re-evaluate the Board's decision not to administer this Act through your office. We would like to further understand the reasoning behind the Board's decision, and we request you actively engage with us in a conversation about what options are available that will meet the needs of all parties. In the meantime, while these potential conversations continue, we ask that the deadline provided of March 31, 2019 in your letter to be extended to December 31, 2019.

This letter is submitted to you on behalf of the cities: Crosby, Deerwood, Fifty Lakes, Garrison, Nisswa, Pequot Lakes, Brainerd and Baxter.

Your attention and response to this letter is greatly appreciated. Please feel free to contact me with questions or concerns.

Sincerely,

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

Cc (via email):

Cade Stephenson – BWSR

Trevor Walter and Brad Chapulis – City of Baxter

Jenny Max – City of Nisswa

Justin Burslie – Sourcewell (representing Cities of Crosby, Deerwood, Fifty Lakes, Garrison and Pequot Lakes)

David Chanski and Cassandra Torstenson – City of Brainerd

RESOLUTION
NO. _____

**A RESOLUTION REGARDING THE ADMINISTRATION OF THE MINNESOTA WETLAND
CONSERVATION ACT**

WHEREAS, the Minnesota Wetland Conservation Act of 1991 (WCA) requires local government units (LGUs) to implement the rules and regulations promulgated by the Board of Water and Soil Resources (BWSR) pertaining to wetland draining, filling and excavation; and

WHEREAS, Minnesota Rules, chapter 8420 have been adopted by BWSR in accordance with the rulemaking provisions of Minnesota Statutes, chapter 14, for the purpose of implementing WCA; and

WHEREAS, the City of Brainerd agrees to provide knowledgeable and trained staff with expertise in water resource management to manage the program as required by Minnesota Rule 8420.0200, Subpart 2, Item B; and

WHEREAS, Minnesota Rule 8420.0200, Subpart 2, Item A requires that each LGU of the State send a written acknowledgement, including a copy of the adopting resolution, to BWSR that it is assuming its responsibilities under chapter 8420 and the act.

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

that the City of Brainerd hereby accepts the authority and administrative responsibility to implement WCA as the LGU within the legal boundaries of City of Brainerd as of May 6, 2019 in accordance with Minnesota Rules, Chapter 8420.

Adopted this ____ day of _____, 2019

GABE JOHNSON
President of the Council

Approved this ____ day of _____, 2019

EDWIN L. MENK
Mayor

ATTEST: _____
CASSANDRA TORSTENSON
City Administrator

RESOLUTION
NO. _____

**A RESOLUTION REGARDING THE ADMINISTRATION OF THE MINNESOTA WETLAND
CONSERVATION ACT**

WHEREAS, the City of Brainerd has accepted the authority and administrative responsibility to implement the Wetland Conservation Act (WCA) within the legal boundaries of the City of Brainerd in accordance with Minnesota Rules, Chapter 8420; and

WHEREAS, the City of Brainerd is authorized by Minnesota Administrative Rules Part 8420.0200, Subpart 2, Item C, to delegate certain functions with regard to implementation of WCA, including the authority to make decisions on applications, with its staff.

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

that decision-making authority for WCA exemption, no-loss, wetland boundary and type, sequencing, replacement plan, and wetland banking applications is placed with the City Engineer or their designee.

Adopted this ____ day of _____, 2019

GABE JOHNSON
President of the Council

Approved this ____ day of _____, 2019

EDWIN L. MENK
Mayor

ATTEST: _____
CASSANDRA TORSTENSON
City Administrator

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

A RESOLUTION REGARDING A REQUEST TO THE CROW WING COUNTY BOARD OF COMMISSIONERS TO ADMINISTER THE WETLAND CONSERVATION ACT ON BEHALF OF THE CITY OF BRAINERD

WHEREAS, the City of Brainerd and the Crow Wing Soil & Water Conservation District previously held an Agreement designating the administration of the Minnesota Wetland Conservation Act of 1991 to the Crow Wing Soil & Water Conservation District titled a Resolution Regarding the Administration of the Wetland Act that was adopted by the City of Brainerd on February 4, 2013; and

WHEREAS, under the previous agreement the Crow Wing Soil & Water Conservation District agreed to assume administrative responsibility for implementing the rules and regulations promulgated by the Board of Water and Soil Resources pertaining to wetland draining, filling and excavation for applications received within the City of Brainerd city limits on behalf of the City of Brainerd; and

WHEREAS, as a result of this notification the City of Brainerd and other area Local Government Units no longer have the necessary resources in place to respond to wetland applications received within their city limits; and

WHEREAS, area Local Government Units within Crow Wing County feel that the most important asset in the Brainerd Lakes Area is our natural resources and that all forms of government should ensure that our natural resources are preserved and safeguarded with the utmost care; and

WHEREAS, area Local Government Units within Crow Wing County seek to find a resolution for the preservation and safeguarding of our natural resources through a consistent and logical approach to administering the Minnesota Wetland Conservation Act of 1991; and

WHEREAS, Crow Wing County currently provides administration services of the Minnesota Wetland Conservation Act of 1991 for its Highway Department and County Townships and has qualified staff capable to perform these services; and

WHEREAS, area Local Government Units within Crow Wing County feel that Crow Wing County is in the best position to administer the Minnesota Wetland Conservation Act of 1991 County-wide via its existing, qualified staff and department structures currently in place beginning in 2020 and continuing in perpetuity.

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

that the City of Brainerd asks the Crow Wing County Board of Commissioners to support area Local Government Units in the preservation and safeguarding of our natural resources by agreeing to provide the administration of the Minnesota Wetland Conservation Act of 1991 for all area Local Government Units who request this service.

Adopted this ____ day of _____, 2019

GABE JOHNSON
President of the Council

Approved this ____ day of _____, 2019

EDWIN L. MENK
Mayor

ATTEST: _____
CASSANDRA TORSTENSON
City Administrator

Paul Sandy

From: Brian Ross <Brian.Ross@wsn.us.com>
Sent: Wednesday, April 24, 2019 5:31 PM
To: Paul Sandy
Cc: Tim Ramerth; Tim Houle; Dave Reese; Joey Goeden; Mark Hallan; Tony Pohl
Subject: {external} RE: WACA administration

Hi Paul,

Here is the fee structure we are proposing for WCA administration. We would charge time for the reviewing applications, preparing the distribution forms, reviewing reports, attending TEP meetings, and preparing and distributing decision forms, but we would not charge time for calls requesting information, calls from city staff with general questions, site visits for complaints, and visits to meet with property owners who have questions. The charge rate would be \$105.00/hour for time when we are dealing with formal submittals such as those listed above and then the costs billed to the City would be pass through costs to the applicant. Here are some estimated costs for standard WCA projects. In general, a wetland delineation submitted for review and approval with a site visit is going to take about four hours or \$420. A simple wetland exemption application will also take about four hours or \$420. A wetland replacement plan or sequencing application would take 9 to 10 hours including reviewing the application, preparing WCA forms, attending a TEP meeting, and preparing decision documents, so \$950 to \$1050. If a project appears like it would exceed these estimated costs because it is a large area or complicated, WSN would communicate with City staff and the applicant to give an estimate of what those costs would likely be; again, the costs would be pass through costs to the applicant. WSN would handle all the WCA duties, but would need some administrative help from the City to send us the applications, process our bills, and bill applicants.

If the City wants to set up a formal Fee Schedule, we are open to that option, but for this year, at least, we believe approaching it based on hourly billing is the preferred method.

Let me know if you have any other questions or if you want a formal proposal.

Thanks, Brian

Brian Ross, PG

Director of Environmental Services | Vice President
218-316-3628
Brian.Ross@wsn.us.com



7804 Industrial Park Road | Baxter, MN 56425-2720

WidethSmithNolting.com

Engineering | Architecture | Surveying | Environmental

From: Paul Sandy <psandy@ci.brainerd.mn.us>

Sent: Monday, April 22, 2019 7:21 AM

To: Brian Ross <Brian.Ross@wsn.us.com>

Subject: WACA administration

Brian,

Can you send me some information on what the fee structure would look like to have WSN administer our WACA program in the City? Would WSN provide all of the WACA duties? Just looking for a little more clarification on what the City's role would be.

Thanks!

Paul G. Sandy, P.E.

City Engineer | City Of Brainerd

501 Laurel Street, Brainerd, MN 56401

218.454.3411 direct | 218.828.2316 fax

218.513.0172 mobile

Email | psandy@ci.brainerd.mn.us

www.ci.brainerd.mn.us

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Brainerd City Council Agenda Request

Requested Meeting Date: May 6, 2019

Title of Item: Set Council Workshop Date

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☒ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Cassandra Torstenson	Department: Administration
Presenter (Name & Title): City Administrator Torstenson	Estimated Time Needed: 5 Minutes
Summary of Issue: At the April 29, 2019 workshop, discussion was held by Council to schedule an additional workshop to continue to discuss economic development incentives.	
Alternatives, Options, Effects on Others/Comments: Some options for Council to consider are: Monday, May 13, 2019 at 5:30 pm Saturday, May 18, 2019 at 8:00 am Monday, June 10, 2019 at 5:30 pm	
Recommended Action/Motion: Set a date and time for a council workshop to continue discussion of economic development incentives	
Financial Impact: <i>Is there a cost associated with this request:</i> ☐ Yes ☒ No <i>What is the total cost, with tax and shipping</i> \$ _____ <i>Is this budgeted?</i> ☐ Yes ☐ No <i>Please Explain:</i>	



Brainerd City Council Agenda Request

Requested Meeting Date: May 6, 2019

Title of Item: Variance Request - 214 2nd Ave. NE Accessory Structure

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☒ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Community Development Director	Department: Community Development
Presenter (Name & Title): David Chanski, CDD	Estimated Time Needed: 2 minutes
Summary of Issue: On April 1, 2019, the City Council waived the 6 month waiting period for an accessory structure (garage) variance reapplication for Mr. William John Cory at 214 2nd Ave. NE. On April 15th, the Planning Commission conducted a public hearing and considered Mr. Cory's variance request to construct a 24' x 24' garage on his properties at 212 and 214 2nd Ave NE, which has a primary structure less than 750 square feet in size. Per the Code of Ordinances, properties with a primary structure less than 750 square feet in size are limited to a 16' x 20' garage.	
Alternatives, Options, Effects on Others/Comments: The Planning Commission unanimously voted to recommend approval of Mr. Cory's variance application conditional on the approval of the consolidation of lots at 212 and 214 2nd Ave. NE.	
Recommended Action/Motion: Motion to approve a variance to construct a 24' x 24' accessory structure at 212 and 214 2nd Ave NE conditional on the approval of the consolidation of lots at the aforementioned addresses.	
Financial Impact: <i>Is there a cost associated with this request:</i> ☐ Yes ☒ No <i>What is the total cost, with tax and shipping</i> \$ _____ <i>Is this budgeted?</i> ☐ Yes ☒ No <i>Please Explain:</i>	

City of Brainerd Community Development Department

TO: Planning Commission

FROM: David Chanski, Community Development Director

DATE: April 12, 2019

RE: 214 2nd Ave. N.E. Accessory Structure

William John Cory, PO Box 123 Crosslake, MN 56442, has submitted a plan to construct a 24' x 20' accessory structure (garage) with a 11/12 roof pitch on his properties at 212 and 214 2nd Ave. N.E., Brainerd, MN 56401. The property is in an R-2 (Medium Density Residential) District

Mr. Cory is seeking a variance from Section 515-17-A.2.d. of the Code of Ordinances. The aforementioned section states that garages for dwellings greater than 500 square feet but less than 750 square feet shall be limited in size to 16 feet by 20 feet.

On February 4, 2019, Mr. Cory was granted a variance by the City Council to construct a 20' x 17.5' garage on his property at 214 2nd Ave. N.E. Mr. Cory has since acquired the property to his immediate south (212 2nd Ave. N.E.) and has applied through Crow Wing County to have the two parcels consolidated into one. Once the parcels are consolidated, the only variance Mr. Cory would need to construct a garage to his desired specifications would be to Section 515-17-A.2.d as previously described.

Findings of Fact

1. Mr. Cory's house, constructed near the turn of the 20th century, is less than 750 square feet.
2. 212 and 214 2nd Ave. N.E. are currently nonconforming lots, each with a width of 25 feet and a total lot area of 3,500 square feet.
 - a. Section 515-56-7-A.1 requires lots within a R-2 district to be a minimum of 6,000 square feet.
 - b. Section 515-56-7-B.1 requires single family lots within a R-2 district to have a minimum width of 50 feet.
3. Upon finalization of the lot consolidation, the new lot will have a conforming width of 50 feet and a conforming lot area of 7,000 square feet.
4. The existing accessory structure on 214 2nd Ave. N.E. will be demolished upon construction of the proposed accessory structure.
5. The primary and accessory structures on 212 2nd Ave. N.E. have been demolished.
6. With the proposed accessory and lot combination, the total lot coverage will be less than the maximum 60 percent allowed in a R-2 district.
7. The proposed accessory structure would be homogenous with the surrounding neighborhood.

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

Staff Opinion

As the property owner has taken the initiative to purchase the neighboring property and has applied to have the two properties combine into one, which will bring the property back into zoning compliance, and as the structures on 212 2nd Ave. N.E. have been demolished, and as the existing accessory structure on 214 2nd Ave. N.E. will be demolished upon construction of the proposed accessory structure, and as the construction and size of the proposed accessory structure is a reasonable use not currently permitted by the Zoning Ordinance, and as the plight of the landowner is due to circumstances unique to the property not created by the landowner as his home was constructed near the turn of the 20th century, and as the variance, if granted, will not alter the essential character of the locality, staff recommends approval of this variance request conditional on the approval of the consolidation of lots at 212 and 214 2nd Ave. N.E.



City Planning Department

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

Receipt # 56414
Check # _____
Date Paid: 4-4-19

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: 214 2ND AVE NE

LEGAL DESCRIPTION: Lot(s): _____ Block: _____ Addition: EAST BRAINERD
(attach description if lengthy)

Property Owner Name: WILLIAM J CORY

Street Address: PO BOX 123 City: CROSSLAKE State: MN Zip Code 56442

Phone Number: 218-232-5697 Fax: _____ E-mail: JMCORY24@YAHOO.COM

Applicant Name: (If different than Property Owner) _____

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

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

Description of Request: N 1/2 LOT 10 BLOCK 6 (09122006010A009) & S 1/2 LOT 10 BLOCK 6 (09122006010B009) - APPLICATION TO COMBINE ATTACHED.

I WOULD LIKE TO BUILD A 20'x24' GARAGE TO REPLACE EXISTING STORAGE SHED.
ORDINANCE ONLY ALLOWS 16'x20' DUE TO HOUSE BEING SMALLER THAN 750 SQFT

Property Owner Signature

WILLIAM J CORY

(Please print name)

4/4/19

Date

Applicant Signature

(Please print name)

RECEIVED Date

APR 04 2019

CITY OF BRAINERD
ADMINISTRATION

(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 Control)

Attn: Chris Pence; 1601 Hennepin Ave; St. Paul, MN 55103; 612-296-3000; chris.pence@state.mn.us

CITY OF BAXTER

Attn: Josh Doty; Comm **CITY OF BRAINERD** r; Baxter, MN 56425; 218-454-5100

CROW WING COUNTY

Attn: Tim Bray, County
tim.bray@crowwing.us

REC#: 00056414 4/04/2019 8:13 AM
OPER: count TERM: 005
REF#:

1; 218-824-1110/FAX 218-824-1111

CROW WING COUNTY

Attn: Melissa Barrick; 3
melissa.barrick@crow

TRAN: 100.0000 REVENUE
214 2ND AVE NE - CORY
CONDITIONAL USE ACCESSORY
101-32220
ZONING & SUBDIVISIO 250.00CR

5197/FAX 828-6095

CROW WING COUNTY

322 Laurel St Ste 14.;

TENDERED: 250.00 CHECK
APPLIED: 250.00-

6

HRA

Attn: Jennifer Berg
jennifer@brainerdhra.org

CHANGE: 0.00

01; 218-828-3705/FAX 828-8817;

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



Scale: 1"=20'

Street

Sidewalk

House 4' N of line
& 14' E of sidewalk

Shed
1' N
of line

Garage 5' N of line
& 16.5' W of alley

House

40.75' x 14.5'
18" S of line & 13.5' E sidewalk

22'

Stoop
9' x 5'

Shed
8'x12'

Shed 5.5' S
of Line &
22' W of
alley

Alley

Existing 214 2nd Ave NE – 140'x50'

Water

Gas – 21.5'-22.5' S of N Line

Sewer – 212 Demolition cap 23'-24' S of N Line, Old books list 160' S of C street center (27' S of N Line)



Scale: 1"=20'

Street

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House 4' N of line
& 14' E of sidewalk

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Garage 5' N of line
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House

40.75' x 14.5'
18" S of line & 13.5' E sidewalk

22'

Stoop
9' x 5'

Garage

24' x 20'
3' S of line &
16.5' W of alley

Alley

Proposed 214 2nd Ave NE – 140'x50'

Electric

Water

Gas – 21.5'-22.5' S of N Line

Sewer – 212 Demolition cap 23'-24' S of N Line, Old books list 160' S of C street center (27' S of N Line)

Garage



CROW WING COUNTY CONSOLIDATION REQUEST

For more information or questions, please call us: (218) 824-1010

LIST PARCEL IDENTIFICATION NUMBERS TO BE CONSOLIDATED:	09122006 010A 009		
	09122006 010B 009		

THE FOLLOWING CONDITIONS MUST BE MET PRIOR TO PROPERTY CONSOLIDATION:

- Any delinquent and all current year taxes must be paid in full on all parcels being considered for consolidation.
- The fee title of all parcels must be the same. If under Contract for Deed, contract holder must also sign this consolidation request.
- The unique taxing areas must be the same (city/town, school, fire, water, etc.).
- Applicant does not plan to subdivide the consolidated parcels; subdivision of a consolidated parcel may need to be approved by the governing municipality.
- Application must be received by the Land Services Department of Crow Wing County by December 31st of the current year to be considered for the following tax year.

NOTE:

- The governing municipality where the parcel is located may have restrictions on consolidation of parcels different from those of Crow Wing County. Therefore, it is the responsibility of the person(s) requesting this consolidation to be informed of any/all effects of this transaction (City of Baxter approves its own consolidation requests by resolution; please contact the City of Baxter directly at: (218) 454-5100).
- Crow Wing County reserves the right to reject any parcel consolidation.
- For this application to be approved the Land Services Department of Crow Wing County must favorably recommend its approval; each consolidation is reviewed on a case-by-case basis.

Fee Owner Signatures/Date/Phone/Email:

By signing below you are authorizing Crow Wing County to consolidate for tax purposes the parcels listed above.

	3/7/19	218 232 5697
Signature	Date	Phone No. or Email
_____ Signature	_____ Date	_____ Phone No. or Email

Please submit completed form in person or by mail to: Crow Wing County Land Services, Attention: Consolidation Request, 322 Laurel Street, Suite 15, Brainerd, MN 56401; by E-mail to: consolidation@crowwing.us

ACCESSORY BUILDING CROSS SECTION

Duel Pitch - Rafter Attached

Circle Selections

Roofing Material: Asphalt Specify Other _____

APA Roof Sheeting: OSB or Plywood / 7/16" or 1/2"

Roofing Framing: Trusses Hand Frame

Roof Frame Spacing: 16" O.C. 24" O.C. (comment line below)

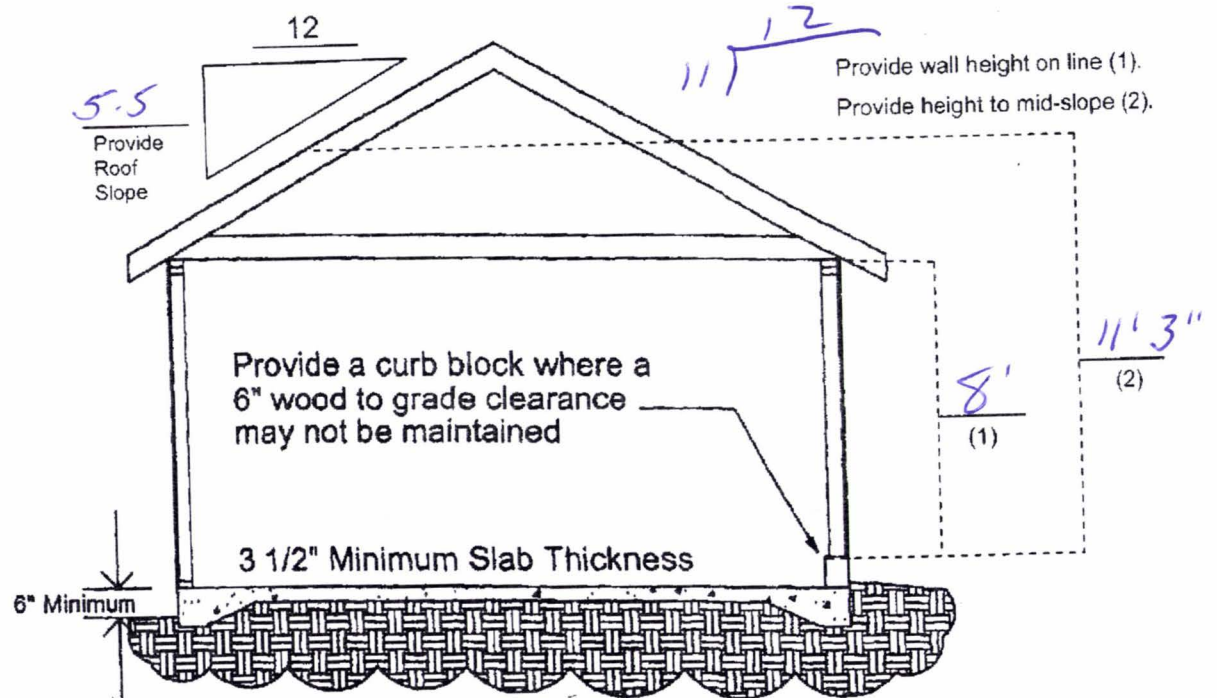
Siding Type: _____

Wall Sheathing: OSB or Plywood / 7/16" or 1/2"

Wall Framing Members and Spacing: 2 x 4 or 2 x 6
16" O.C. or 24" O.C.

Anchor Bolts - 1/2 Dia. / 6' O.C. / 7" into Concrete

Interior Finish: Yes No Sheetrock Specify Other _____



Submit overhead door wind limitations meeting Minnesota wind loading of 90 mph for three seconds.

House midline ~ 12' 2" per previous App. 1/2 pitch, 14.5' wide

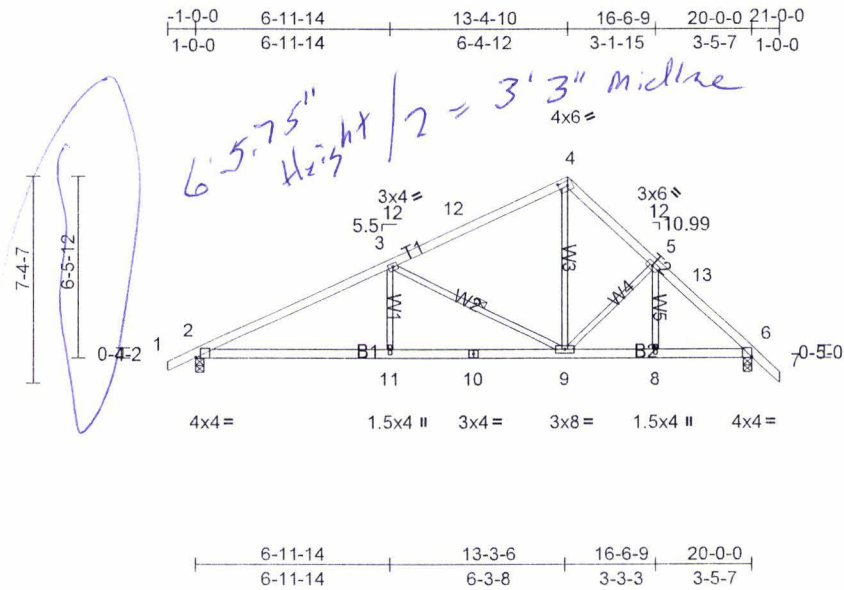
Job	Truss	Truss Type	Qty	Ply	Job Reference (optional)
QTREC0584368	XT1	DUAL PITCH	11	1	

Midwest Manufacturing, Eau Claire, WI

Run: 8.23 S Aug 28 2018 Print: 8.230 S Aug 28 2018 MiTek Industries, Inc. Tue Mar 26 15:52:07

Page: 1

ID: OctuEVuR4Ad417pir74G9LzX0Wq-I5Ogl7?a6eYOvs691XC4C1SPZbLlfpSqdlumLzX0U6



Scale = 1:79.4

Plate Offsets (X, Y): [2:0-2-1,Edge], [4:0-3-12,0-2-0], [6:Edge,0-0-4]

Loading	(psf)	Spacing	2-0-0	CSI		DEFL	in	(loc)	l/defl	L/d	PLATES	GRIP
TCLL (roof)	42.0	Plate Grip DOL	1.15	TC	0.80	Vert(LL)	-0.11	2-11	>999	240	MT20	197/144
Snow (Ps/Pg)	35.2/60.0	Lumber DOL	1.15	BC	0.78	Vert(TL)	-0.24	2-11	>999	180		
TCDL	7.0	Rep Stress Incr	NO	WB	0.63	Horiz(TL)	0.06	6	n/a	n/a		
BCLL	0.0 *	Code	IRC2012/TPI2007	Matrix-S								
BCDL	10.0											
											Weight: 72 lb	FT = 15%

LUMBER

TOP CHORD 2x4 SPF 1650F 1.5E *Except* T2:2x4 SPF No.2
 BOT CHORD 2x4 SPF No.2
 WEBS 2x3 SPF Stud

REACTIONS (lb/size) 2=1285/0-3-8, (min. 0-2-1), 6=1344/0-3-8, (min. 0-2-4)
 Max Horiz 2=144 (LC 13)
 Max Uplift 2=-94 (LC 14), 6=-61 (LC 15)
 Max Grav 2=1307 (LC 2), 6=1438 (LC 2)

FORCES

(lb) - Max. Comp./Max. Ten. - All forces 250 (lb) or less except when shown.
 TOP CHORD 2-3=-2136/209, 3-12=-1157/138, 4-12=-1006/158, 4-5=-1359/187, 5-13=-1505/155, 6-13=-1704/150
 BOT CHORD 2-11=-126/1818, 10-11=-126/1818, 9-10=-126/1818, 8-9=-23/1115, 6-8=-23/1115
 WEBS 3-11=0/296, 3-9=-1052/176, 4-9=-80/774, 5-9=-413/109

JOINT STRESS INDEX

2 = 0.80, 3 = 0.65, 4 = 0.82, 5 = 0.52, 6 = 0.70, 8 = 0.51, 9 = 0.62, 10 = 0.85 and 11 = 0.51

NOTES

- Unbalanced roof live loads have been considered for this design.
- Wind: ASCE 7-10; Vult=115mph (3-second gust) V(IRC2012)=91mph; TCDL=4.2psf; BCDL=6.0psf; h=25ft; Cat. II; Exp B; Enclosed; MWFRS (envelope) exterior zone and C-C Exterior (2) zone; cantilever left and right exposed; end vertical left and right exposed; C-C for members and forces & MWFRS for reactions shown; Lumber DOL=1.60 plate grip DOL=1.60
- ** TCLL: ASCE 7-10: Pr=42.0 psf (roof live load); Lumber DOL=1.15 Plate DOL=1.15; Pg=60.0 psf (ground snow); Ps= varies (min. roof snow=35.2 psf Lumber DOL=1.15 Plate DOL=1.15) see load cases; Category II; Exp B; Fully Exp.; Ct=1.10
- Roof design snow load has been reduced to account for slope.
- Unbalanced snow loads have been considered for this design.
- This truss has been designed for greater of min roof live load of 12.0 psf or 1.00 times flat roof load of 41.6 psf on overhangs non-concurrent with other live loads.
- This truss has been designed for a 10.0 psf bottom chord live load nonconcurrent with any other live loads.
- * This truss has been designed for a live load of 20.0psf on the bottom chord in all areas where a rectangle 3-06-00 tall by 2-00-00 wide will fit between the bottom chord and any other members.
- Provide mechanical connection (by others) of truss to bearing plate capable of withstanding 61 lb uplift at joint 6 and 94 lb uplift at joint 2.
- This truss is designed in accordance with the 2012 International Residential Code sections R502.11.1 and R802.10.2 and referenced standard ANSI/TPI 1.
- In the LOAD CASE(S) section, loads applied to the face of the truss are noted as front (F) or back (B).

LOAD CASE(S)

- Standard
- Dead + Snow (balanced): Lumber Increase=1.15, Plate Increase=1.15
 Uniform Loads (lb/ft)
 Vert. 2-6=-20, 1-4=-97, 4-6=-114 (F=-30), 6-7=-84

BRACING

TOP CHORD
 BOT CHORD
 WEBS

Structural wood sheathing directly applied or 3-10-7 oc purlins.
 Rigid ceiling directly applied or 10-0-0 oc bracing.
 1 Row at midpt 3-9

MiTek recommends that Stabilizers and required cross bracing be installed during truss erection, in accordance with Stabilizer Installation guide.

Drainage Plan

N ↑
Scale: 1"=20'

Street

Sidewalk

House 4' N of line
& 14' E of sidewalk

House
40.75' x 14.5'
18" S of line & 13.5' E sidewalk

22'

Stoop
9' x 5'

Shed
1' N
of line

Garage 5' N of line
& 16.5' W of alley

Shed
8'x12'

Shed 5.5' S
of Line &
22' W of
alley

Alley

Existing 214 2nd Ave NE – 140'x50'

Water

Gas – 21.5'-22.5' S of N Line

Sewer – 212 Demolition cap 23'-24' S of N Line, Old books list 160' S of C street center (27' S of N Line)

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Electric
Water

Gas – 21.5'-22.5' S of N Line

Sewer – 212 Demolition cap 23'-24' S of N Line, Old books list 160' S of C street center (27' S of N Line)

Garage

NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that William John Cory, PO Box 123 Crosslake, MN 56442, has submitted a plan to construct a 24' x 20' accessory building (garage) with an 11/12 roof pitch on his properties at 212 and 214 2nd Avenue NE, Brainerd, MN 56401. The property is in an R-2 (Medium Density Residential) District.

Variances from the following Zoning Ordinance sections are requested: *SECTION 515-17
GENERAL BUILDING, USE AND DESIGN PROVISIONS*

A. Single Family Standards

2. Garages for dwellings greater than five hundred (500) square feet and less than seven hundred fifty (750) square feet shall meet the following design criteria:

- a. An attached or detached garage is limited in size to sixteen (16) ft by twenty (20) ft.

The properties are legally described as follows:

*N. ½ of Lot 10 Block 6 EAST BRAINERD ADDITION
P.I.N. 09122006010A009
Section 19 Township 45 Range 30*

*S. ½ of Lot 10 Block 6 EAST BRAINERD ADDITION
P.I.N. 09122006010B009
Section 19 Township 45 Range 30*

Notice is further given that the Planning Commission of the City of Brainerd will meet in the Brainerd City Hall Council Chambers, 501 Laurel Street, at 6:00 p.m., Wednesday, April 17, 2019 to consider the request for the Variance.

An application is on file for review at the City Community Development, 501 Laurel Street.

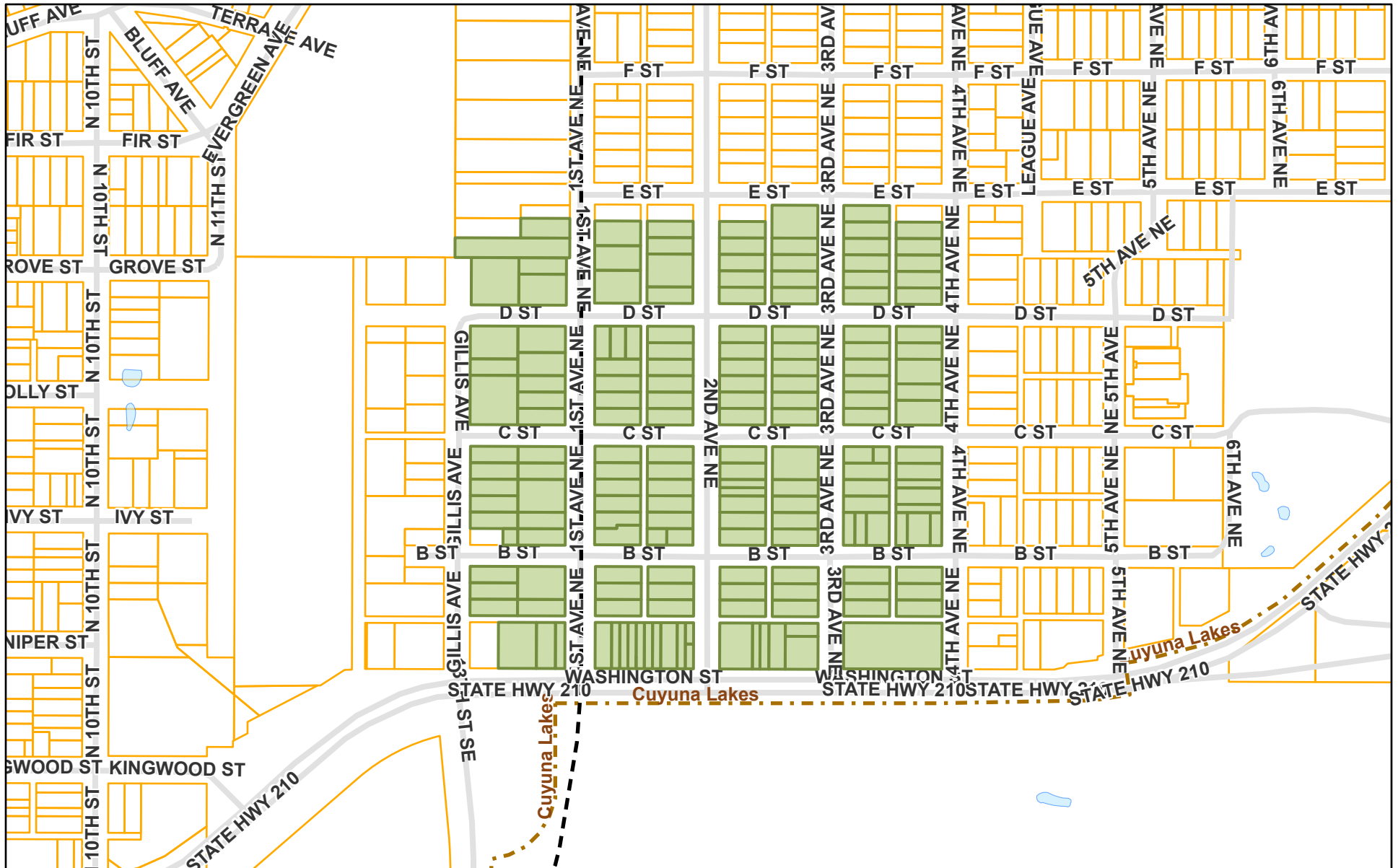
Any individual needing special accommodations, please call (218) 828-2307.

Dated this 5th day of April, 2019

David C. Chanski
Community Development Director

Publication date: April 8, 2019

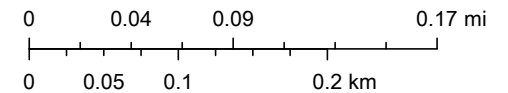
214 2nd Ave NE



12/31/2018 11:27:50 AM

- Select Parcels _Query result
- Trails
- Parcels Crow Wing
- City Limits
- Roads
- Railroad
- Water

1:7,335



Esri, HERE, Garmin, © OpenStreetMap contributors, and the GIS user

PIN	TDTDNM	Owner Name	Owner Address	OWADR2	OWADR3	OWADR4	Physical Address	PHYS CITY	PHYS ZIP
91270000000000	CITY OF BRAINE	ANDERSON, LLOYD T	201 1ST AVE NE	BRAINERD MN	56401		201 1ST AVE NE	BRAINERD	56401
09122005007Z009	CITY OF BRAINE	AUSTIN, NANCY	111 B ST NE	BRAINERD MN	56401		111 B ST NE	BRAINERD	56401
09122012011Y009	CITY OF BRAINE	BANKS, TRAVIS	15359 SHELLISA LN	BRAINERD, MN	56401		106 D ST NE	BRAINERD	56401
91220100000000	CITY OF BRAINE	BANKS, TRAVIS E & TRACY L	15359 SHELLISA LN	BRAINERD, MN	56401		201 B ST NE	BRAINERD	56401
09122012011X009	CITY OF BRAINE	BANKS, TRAVIS E & TRACY L	15359 SHELLISA LN	BRAINERD, MN	56401		110 D ST NE	BRAINERD	56401
09122004005B889	CITY OF BRAINE	BARRETT'S HOLDINGS LLC	PO BOX 933	BRAINERD, MN	56401		105 WASHINGTON ST NE	BRAINERD	56401
09122004006B009	CITY OF BRAINE	BARRETT'S HOLDINGS LLC	PO BOX 933	BRAINERD, MN	56401		101 WASHINGTON ST NE	BRAINERD	56401
91220000000000	CITY OF BRAINE	BEMENT, HARRY & ARLISS	11279 ASH AVE	BRAINERD, MN	56401		118 3RD AVE NE	BRAINERD	56401
91220000000000	CITY OF BRAINE	BEMENT, HARRY & ARLISS	11279 ASH AVE	BRAINERD, MN	56401		122 3RD AVE NE	BRAINERD	56401
91220100000000	CITY OF BRAINE	BEMENT, HARRY & ARLISS	11279 ASH AVE	BRAINERD, MN	56401		209 3RD AVE NE	BRAINERD	56401
91220100000000	CITY OF BRAINE	BEMENT, HARRY & ARLISS	11279 ASH AVE	BRAINERD, MN	56401		207 3RD AVE NE	BRAINERD	56401
91220100000000	CITY OF BRAINE	BEMENT, HARRY & ARLISS	11279 ASH AVE	BRAINERD, MN	56401		201 3RD AVE NE	BRAINERD	56401
91220100000000	CITY OF BRAINE	BEMENT, HARRY & ARLISS	11279 ASH AVE	BRAINERD, MN	56401		224 2ND AVE NE	BRAINERD	56401
91220100000000	CITY OF BRAINE	BEMENT, HARRY & ARLISS	11279 ASH AVE	BRAINERD, MN	56401		224 D ST NE	BRAINERD	56401
91220100000000	CITY OF BRAINE	BEMENT, HARRY & ARLISS	11279 ASH AVE	BRAINERD, MN	56401		317 3RD AVE NE	BRAINERD,	56401
91220100000000	CITY OF BRAINE	BEMENT, HARRY & ARLISS	11279 ASH AVE	BRAINERD, MN	56401		309 3RD AVE NE	BRAINERD	56401
91220100000000	CITY OF BRAINE	BEMENT, HARRY & ARLISS	11279 ASH AVE	BRAINERD, MN	56401		303 3RD AVE NE	BRAINERD	56401
09127003003Z009	CITY OF BRAINE	BEMENT, HARRY & ARLISS	11279 ASH AVE	BRAINERD, MN	56401		209 1ST AVE NE	BRAINERD	56401
91280200000000	CITY OF BRAINE	BEMENT, HARRY & ARLISS	11279 ASH AVE	BRAINERD, MN	56401		404 3RD AVE NE	BRAINERD	56401
09122006001Z009	CITY OF BRAINE	BEMENT, HARRY S	11279 ASH AVE	BRAINERD, MN	56401		219 3RD AVE NE	BRAINERD	56401
91220100000000	CITY OF BRAINE	BEMENT, HARRY S	11279 ASH AVE	BRAINERD, MN	56401		213 3RD AVE NE	BRAINERD	56401
91270000000000	CITY OF BRAINE	BEMENT, HARRY S	11279 ASH AVE	BRAINERD, MN	56401		219 1ST AVE NE	BRAINERD	56401
91270000000000	CITY OF BRAINE	BEMENT, HARRY S	11279 ASH AVE	BRAINERD, MN	56401		223 1ST AVE NE	BRAINERD	56401
91220100000000	CITY OF BRAINE	BENDER, CLYDE & NOTES INC	18016 HARTLEY LAKE RD	BRAINERD, MN	56401		213 2ND AVE NE	BRAINERD	56401
09122005006A009	CITY OF BRAINE	BETCHER, PAT	13569 SYLVAN DAM RD	PILLAGER, MN	56473		201 2ND AVE NE	BRAINERD	56401
91220000000000	CITY OF BRAINE	BLUEFROG RENTALS LLC	14320 SHOREVIEW DR	BAXTER MN	56425		113 3RD AVE NE	BRAINERD	56401
91220100000000	CITY OF BRAINE	BURGSTALLER, JAMES B & AURO	404 4TH AVE NE	BRAINERD MN	56401		304 2ND AVE NE	BRAINERD,	56401
91270000000000	CITY OF BRAINE	COLD NORTH PROPERTIES LLC	C/O WILLIAM & LISA DESROCHER	16032 MCK	BRAINERD MN	56401	25 WASHINGTON ST NE	BRAINERD	56401
09122006010A009	CITY OF BRAINE	CORY, WILLIAM J	P O BOX 123	CROSSLAKE, MN	56442		214 2ND AVE NE	BRAINERD	56401
91220100000000	CITY OF BRAINE	CULLINANE, JOHN D & TAMYRA	315 3RD ST N	BRAINERD MN	56401		306 1ST AVE NE	BRAINERD	56401
91270000000000	CITY OF BRAINE	DALE, LAURA & ROBERT &	COLVIN, WAYNE F & OLENA	205 1ST AV	BRAINERD MN	56401	205 1ST AVE NE	BRAINERD	56401
91220100000000	CITY OF BRAINE	DEGEN, MICHAEL S & JULIE L	8595 DOROTHY AVE	BRAINERD MN	56401		219 4TH AVE NE	BRAINERD	56401
91220100000000	CITY OF BRAINE	DEGEN, MICHAEL S & JULIE L	10935 GULL RIVER RD	EAST GULL LAKE, MN	56401		320 2ND AVE NE	BRAINERD	56401
09122010004Z009	CITY OF BRAINE	DOUST, PEGGY L	309 4TH AVE NE	BRAINERD, MN	56401		309 4TH AVE NE	BRAINERD	56401
91280100000000	CITY OF BRAINE	DUBOIS, LORI J	403 3RD AVE NE	BRAINERD, MN	56401		403 3RD AVE NE	BRAINERD	56401
09122007005X009	CITY OF BRAINE	EBERLY, PEARL & PATRICIA DAV	323 B ST	BRAINERD, MN	56401		323 B ST NE	BRAINERD	56401
91220000000000	CITY OF BRAINE	ENGHOLM, ROGER	2145 MARION RD SE	ROCHESTER, MN	55904		118 1ST AVE NE	BRAINERD	56401
91220100000000	CITY OF BRAINE	FARGO, JANE FRANCES	324 3RD AVE NE	BRAINERD MN	56401		324 3RD AVE NE	BRAINERD	56401
91220000000000	CITY OF BRAINE	FIRST FEDERAL BANK OF MINNE	NO VALID ADDRESS 1997 DLQ				122 1ST AVE NE	BRAINERD	56401
91220000000000	CITY OF BRAINE	FLEISCHHACKER, TIMOTHY R	114 3RD AVE NE	BRAINERD MN	56401		114 3RD AVE NE	BRAINERD	56401
91270100000000	CITY OF BRAINE	FOSS, JARED D	918 GROVE ST	BRAINERD MN	56401		303 1ST AVE NE	BRAINERD	56401

91220000000000	CITY OF BRAINE FULLERTON, AARON L & JENNIFER	119 4TH AVE NE	BRAINERD, MN 56401	119 4TH AVE NE	BRAINERD	56401
91220100000000	CITY OF BRAINE FUSSY, MELISSA	221 2ND AVE NE	BRAINERD, MN 56401	221 2ND AVE NE	BRAINERD	56401
91220000000000	CITY OF BRAINE GOTTSCH, JAYME & HALEY	10719 E SHORE DR	MERRIFIELD MN 56465	114 1ST AVE NE	BRAINERD	56401
09122003001Y009	CITY OF BRAINE GOULD, WILLIAM	109 3RD AVE	BRAINERD, MN 56401	109 3RD AVE NE	BRAINERD	56401
91220100000000	CITY OF BRAINE GRECUA, BRETT M	315 3RD AVE NE	BRAINERD, MN 56401	315 3RD AVE NE	BRAINERD	56401
09122007003A009	CITY OF BRAINE H & H PROPERTIES OF MN LLC	4689 ASHLEY RD	BAXTER, MN 56425	215 4TH AVE NE	BRAINERD	56401
09122007003B009	CITY OF BRAINE H & H PROPERTIES OF MN LLC	4689 ASHLEY RD	BAXTER, MN 56425	211 4TH AVE NE	BRAINERD	56401
91220100000000	CITY OF BRAINE HABERLE, TAMARA K	318 3RD AVE NE	BRAINERD, MN 56401	318 3RD AVE NE	BRAINERD	56401
91220100000000	CITY OF BRAINE HACK, AMBER	323 2ND AVE NE	BRAINERD, MN 56401	323 2ND AVE NE	BRAINERD	56401
91220000000000	CITY OF BRAINE HANNAHS, DONALD C JR & MAI	119 3RD AVE NE	BRAINERD, MN 56401	119 3RD AVE NE	BRAINERD	56401
91220100000000	CITY OF BRAINE HAYES, PAMELA A	301 2ND AVE NE	BRAINERD MN 56401	301 2ND AVE NE	BRAINERD	56401
91280100000000	CITY OF BRAINE HEATON, LYNETTE R & PHILLIP	402 2ND AVE NE	BRAINERD, MN 56401	402 2ND AVE NE	BRAINERD	56401
91280200000000	CITY OF BRAINE HENDERSON, TODD	2716 WILDERNESS DR SW	PILLAGER MN 56473	408 3RD AVE NE	BRAINERD	56401
91280100000000	CITY OF BRAINE INNES, JEFFERY S	409 2ND AVE NE	BRAINERD MN 56401	409 2ND AVE NE	BRAINERD	56401
91270100000000	CITY OF BRAINE JENKINS, JAMES A & JUDITH A	309 1ST AVE NE	BRAINERD MN 56401	309 1ST AVE NE	BRAINERD	56401
91220100000000	CITY OF BRAINE JENTSCH, MICHAEL & BRENDA	14190 MEMORYWOOD DR	BAXTER MN 56425	224 1ST AVE NE	BRAINERD	56401
91220100000000	CITY OF BRAINE JM ANDERSON PROPERTIES LLC	23226 ANDERSON BLVD	MERRIFIELD MN 56465	316 D ST	BRAINERD,	56401
09122010003Z009	CITY OF BRAINE JM ANDERSON PROPERTIES LLC	23226 ANDERSON BLVD	MERRIFIELD MN 56465	315 4TH AVE NE	BRAINERD	56401
91220100000000	CITY OF BRAINE JOHNSON, BETTY J	315 2ND AVE NE	BRAINERD MN 56401	315 2ND AVE NE	BRAINERD	56401
91220100000000	CITY OF BRAINE JUSTIN, RYAN M	810 10TH ST S	BRAINERD, MN 56401	324 2ND AVE NE	BRAINERD	56401
09122007005Z009	CITY OF BRAINE KAMPEN, TROY J	14936 WELTON RD	BAXTER, MN 56425-8227	309 B ST NE	BRAINERD	56401
91220100000000	CITY OF BRAINE KARLSON, MICHAEL B & DEBOR	208 2ND AVE NE	BRAINERD MN 56401	208 2ND AVE NE	BRAINERD	56401
09122005008A009	CITY OF BRAINE KERAN, SHANE P & CHRISTINE	208 1ST AVE NE	BRAINERD, MN 56401	208 1ST AVE NE	BRAINERD	56401
09122007004B009	CITY OF BRAINE KOEHLER FAMILY REV LIVING T	313 B ST NE	BRAINERD, MN 56401		BRAINERD	56401
09122007005Y009	CITY OF BRAINE KOEHLER FAMILY REV LIVING T	313 B ST NE	BRAINERD, MN 56401	313 B ST NE	BRAINERD	56401
91220100000000	CITY OF BRAINE KOTH, GARY D	205 2ND AVE NE	BRAINERD, MN 56401	205 2ND AVE NE	BRAINERD	56401
912700500200009	KOWALCZYK, RONALD	11524 STATE HIGHWAY 210	BRAINERD, MN 56401	305 1ST AVE NE	BRAINERD	56401
91280100000000	CITY OF BRAINE KREBSBACH, MATTHEW D	10624 LEISURE LN	BRAINERD, MN 56401-4707	405 3RD AVE NE	BRAINERD	56401
09122010005Z889	CITY OF BRAINE LARSON, ROBERT A & JEAN E	315 C ST NE	BRAINERD MN 56401	313 C ST	BRAINERD,	56401
91220100000000	CITY OF BRAINE LARSON, ROBERT A & JEAN E	315 C ST NE	BRAINERD MN 56401		BRAINERD	56401
91220100000000	CITY OF BRAINE LARSON, ROBERT A & JEAN E	315 C ST NE	BRAINERD MN 56401	308 3RD AVE NE	BRAINERD	56401
91220100000000	CITY OF BRAINE LARSON, ROBERT K	315 C ST	BRAINERD, MN 56401	310 3RD AVE NE	BRAINERD	56401
91220000000000	CITY OF BRAINE LEETCH, RAY V & BARBARA J	121 4TH AVE NE	BRAINERD MN 56401	121 4TH AVE NE	BRAINERD	56401
91220000000000	CITY OF BRAINE LOEFFELBEIN, JERRY E & PAMEL	111 4TH AVE NE	BRAINERD MN 56401	111 4TH AVE NE	BRAINERD	56401
09122005006B009	CITY OF BRAINE LORIMOR, DIANNA C	16380 BIRCHWOOD LN	BRAINERD, MN 56401	113 B ST NE	BRAINERD	56401
91220100000000	CITY OF BRAINE LORIMOR, DIANNA C	16380 BIRCHWOOD LN	BRAINERD, MN 56401	214 3RD AVE NE	BRAINERD	56401
91220100000000	CITY OF BRAINE LORIMOR, DIANNA C	16380 BIRCHWOOD LN	BRAINERD, MN 56401	310 1ST AVE NE	BRAINERD	56401
91220100000000	CITY OF BRAINE LOTZER, ANDREW J	209 2ND AVE NE	BRAINERD, MN 56401	209 2ND AVE NE	BRAINERD	56401
09122003001Z009	CITY OF BRAINE LUNCH BOX PROPERTIES LLC	1303 S LE HOMME DIEU DR NE	ALEXANDRIA MN 56308	217 WASHINGTON ST NE	BRAINERD,	56401
91220000000000	CITY OF BRAINE LUNCH BOX PROPERTIES LLC	1762 KARNIS DR	ALEXANDRIA, MN 56308	215 WASHINGTON ST NE	BRAINERD	56401
91220000000000	CITY OF BRAINE LUNCH BOX PROPERTIES LLC	1762 KARNIS DR	ALEXANDRIA, MN 56308		BRAINERD	56401
09122003004A009	CITY OF BRAINE LUNCH BOX PROPERTIES LLC	1762 KARNIS DR	ALEXANDRIA, MN 56308			

09122003005Z009	CITY OF BRAINE LUNCH BOX PROPERTIES LLC	1762 KARNIS DR	ALEXANDRIA, MN 56308	201 WASHINGTON ST NE	BRAINERD	56401
91220000000000	CITY OF BRAINE LUNCH BOX PROPERTIES LLC	1762 KARNIS DR	ALEXANDRIA, MN 56308	116 2ND AVE NE	BRAINERD	56401
09122004005A009	CITY OF BRAINE LUTTER, ANDREW J & KATHLEE	16396 STATE HWY 371	BRAINERD, MN 56401	107 WASHINGTON ST NE	BRAINERD	56401
91220100000000	CITY OF BRAINE MAKI, DEREK	307 2ND AVE NE	BRAINERD, MN 56401	307 2ND AVE NE	BRAINERD	56401
09122004003B889	CITY OF BRAINE MATTHEWS, KEVIN	113 WASHINGTON ST NE	BRAINERD, MN 56401	113 WASHINGTON ST NE	BRAINERD	56401
09122004001C889	CITY OF BRAINE MATTSON PROPERTIES LLC	109 2ND AVE NE	BRAINERD, MN 56401	123 WASHINGTON ST NE	BRAINERD	56401
09122004001D009	CITY OF BRAINE MATTSON PROPERTIES LLC	109 2ND AVE NE	BRAINERD, MN 56401	121 WASHINGTON ST NE	BRAINERD	56401
91220000000000	CITY OF BRAINE MATTSON PROPERTIES LLC	109 2ND AVE NE	BRAINERD, MN 56401	119 WASHINGTON ST NE	BRAINERD	56401
09122004003A009	CITY OF BRAINE MATTSON PROPERTIES LLC	109 2ND AVE NE	BRAINERD, MN 56401	115 WASHINGTON ST NE	BRAINERD	56401
91220000000000	CITY OF BRAINE MATTSON PROPERTIES LLC	109 2ND AVE NE	BRAINERD, MN 56401		BRAINERD	56401
91220000000000	CITY OF BRAINE MATTSON PROPERTIES LLC	109 2ND AVE NE	BRAINERD, MN 56401	111 2ND AVE NE	BRAINERD	56401
91220000000000	CITY OF BRAINE MATTSON PROPERTIES LLC	109 2ND AVE NE	BRAINERD, MN 56401	113 2ND AVE NE	BRAINERD	56401
09122004001A889	CITY OF BRAINE MATTSON, FRANK	PO BOX 137	BRAINERD MN 56401	109 2ND AVE NE	BRAINERD,	56401
91220000000000	CITY OF BRAINE MEYER, JOSEPH	23270 133RD ST	PIERZ, MN 56364-2562	121 3RD AVE NE	BRAINERD	56401
91220100000000	CITY OF BRAINE MILES, SYLVAN FOREST	8090 WHITSTROM RD	NISSWA, MN 56468	319 2ND AVE NE	BRAINERD	56401
09122007007Y009	CITY OF BRAINE MILLOCH, ROBERT F & RUTH	14082 INGLEWOOD DR	BAXTER, MN 56425	303 B ST NE	BRAINERD	56401
91220100000000	CITY OF BRAINE MONASMITH, RYAN J	216 1ST AVE NE	BRAINERD, MN 56401	216 1ST AVE NE	BRAINERD	56401
91220100000000	CITY OF BRAINE NEDBERG, JOANNA M & JEDD E	JAMI F VANFELT	C/O ERLINC 22989 LON ESTERO, FL	318 2ND AVE NE	BRAINERD	56401
09122007012A889	CITY OF BRAINE NELSON, SHIRLEY G TESTAMEN TRUST		C/O DEBBIE 1820 S 8TH BRAINERD	310 C ST NE	BRAINERD	56401
09122004004A009	CITY OF BRAINE NORTH CENTRAL STATES REGIC COUNCIL OF CARPENTERS (THE)		N2216 BOE KAUKAUNA, WI 54130	111 WASHINGTON ST NE	BRAINERD	56401
91220100000000	CITY OF BRAINE O'DAY, JAMES T	316 1ST AVE NE	BRAINERD MN 56401	316 1ST AVE NE	BRAINERD	56401
91270000000000	CITY OF BRAINE OSCARSON, TROY A & KIMBERL	115 1ST AVE NE	BRAINERD, MN 56401	115 1ST AVE NE	BRAINERD	56401
91220100000000	CITY OF BRAINE PALMER, VENETTIE	317 4TH AVE NE	BRAINERD MN 56401	317 4TH AVE NE	BRAINERD	56401
09122002004X889	CITY OF BRAINE PBJ RENTALS LLC	PO BOX 60	ABERDEEN, SD 57401	106 3RD AVE NE	BRAINERD	56401
09122011007Z009	CITY OF BRAINE PIKUS, HANNAH MARIE	121 WASHINGTON AVE S APT 718	MINNEAPOLIS MN 55401-2127	302 2ND AVE NE	BRAINERD	56401
91220100000000	CITY OF BRAINE REINKE, MARJORIE L & ANDREA	212 1ST AVE NE	BRAINERD MN 56401	212 1ST AVE NE	BRAINERD	56401
91220100000000	CITY OF BRAINE RICHTER, LAURA	307 - 3RD AVE NE	BRAINERD MN 56401	307 3RD AVE NE	BRAINERD	56401
91220100000000	CITY OF BRAINE RILEY, JEANNE	218 3RD AVE NE	BRAINERD, MN 56401	218 3RD AVE NE	BRAINERD	56401
91220100000000	CITY OF BRAINE RIVERS, RYAN F	218 DELOACH RD NE	LUDOWICI, GA 31316-3246	212 3RD AVE NE	BRAINERD	56401
09128013007Z009	CITY OF BRAINE ROHL, SHARON L	PO BOX 928	BRAINERD, MN 56401	103 D ST NE	BRAINERD	56401
91220100000000	CITY OF BRAINE RUNBERG, JAMES P REVOCALBI	1205 LAKEVIEW LN N	BRAINERD, MN 56401	223 4TH AVE NE	BRAINERD	56401
91220100000000	CITY OF BRAINE SCHMIDT, TIMOTHY J & SAMAN	219 2ND AVE NE	BRAINERD, MN 56401	219 2ND AVE NE	BRAINERD	56401
09127005004Z009	CITY OF BRAINE SCHWENDEMAN, JEFFREY & MI	313 1ST AVE NE	BRAINERD, MN 56401	313 1ST AVE NE	BRAINERD	56401
09127005005Z009	CITY OF BRAINE SCOTT, GEORGE M & PATRICIA	323 1ST AVE NE	BRAINERD MN 56401	323 1ST AVE NE	BRAINERD	56401
09127001012Z009	CITY OF BRAINE SMART, SARAH M & MAATTAL	121 1ST AVE NE	BRAINERD, MN 56401	121 1ST AVE NE	BRAINERD	56401
91220000000000	CITY OF BRAINE STANGLER PROPERTIES LLC	7384 LONE OAK RD	BRAINERD MN 56401	124 2ND AVE NE	BRAINERD	56401
91220100000000	CITY OF BRAINE STANGLER PROPERTIES LLC	7384 LONE OAK RD	BRAINERD MN 56401	316 3RD AVE NE	BRAINERD	56401
91280100000000	CITY OF BRAINE STARR, BENNY	C/O PATRICIA DUROSE	602 POPLA CROSBY, MN 56441	401 2ND AVE NE	BRAINERD	56401
91220100000000	CITY OF BRAINE STODDARD, JESSICA	310 2ND AVE NE	BRAINERD, MN 56401	310 2ND AVE NE	BRAINERD	56401
91270100000000	CITY OF BRAINE STRECK, SUSAN J	NO VALID ADD 2012 LAND SALE		305 1ST AVE NE	BRAINERD	56401
91220100000000	CITY OF BRAINE STUART, DEON V & MARGARET	218 FIRST AVE NE	BRAINERD MN 56401	218 1ST AVE NE	BRAINERD	56401
09122007007Z009	CITY OF BRAINE SZUDY, NICOLE M	202 3RD AVE NE	BRAINERD, MN 56401	202 3RD AVE NE	BRAINERD	56401

91220100000000	CITY OF BRAINE TAP, LLC	17668 JOHNSON ROAD	BRAINERD MN 56401	210 2ND AVE NE	BRAINERD	56401
09122004004C009	CITY OF BRAINE TAX FORFEITED	CROW WING COUNTY LAND SERV	322 LAURE BRAINERD, MN 56401-3590		BRAINERD	56401
09122006010B009	CITY OF BRAINE TAX FORFEITED	CROW WING COUNTY LAND SERV	322 LAURE BRAINERD, MN 56401	212 2ND AVE NE	BRAINERD	56401
91220100000000	CITY OF BRAINE THELEN, MICHAEL J & CARMON	4117 SUNSET VIEW RD	NISSWA, MN 56468	218 2ND AVE NE	BRAINERD	56401
09122004004D009	CITY OF BRAINE TJ SPECIALTY CONSTRUCTION L	109 E WASHINGTON ST	BRAINERD MN 56401	109 WASHINGTON ST NE	BRAINERD	56401
91280100000000	CITY OF BRAINE VEITH, STEVEN H	9797 LEGIONVILLE RD	BRAINERD, MN 56401	408 2ND AVE NE	BRAINERD	56401
09122012011Z009	CITY OF BRAINE WARREN, HAROLD L & MONA F	4643 CINOSAM RD	BRAINERD, MN 56401	104 D ST NE	BRAINERD	56401
09122007012B009	CITY OF BRAINE WEIDEMAN, PATRICK V	13982 CHERRYWOOD DR	BAXTER, MN 56425	224 3RD AVE NE	BRAINERD	56401
91220100000000	CITY OF BRAINE WIECZOREK, STEPHANIE LYNN	311 2ND AVE NE	BRAINERD, MN 56401	311 2ND AVE NE	BRAINERD	56401
91220000000000	CITY OF BRAINE WILT, RICHARD E & DAVID A	5389 PIONEER TRL	BRAINERD, MN 56401	120 2ND AVE NE	BRAINERD	56401
09122007007X009	CITY OF BRAINE YOUNG, MARILYN T	305 B ST NE	BRAINERD MN 56401	305 B ST NE	BRAINERD	56401
91220100000000	CITY OF BRAINE YOUNG, SHELLEY A &	JOHNSTON, KIM MARIE	6756 BARR BRAINERD, MN 56401	302 1ST AVE NE	BRAINERD	56401



Brainerd City Council Agenda Request

Requested Meeting Date: May 6, 2019

Title of Item: Variance Request - 701 NW 7th St. Nonconforming Structure

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☒ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Community Development Director	Department: Community Development
Presenter (Name & Title): David Chanski, CDD	Estimated Time Needed: 2 minutes
Summary of Issue: Please see attached memo.	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion: 1) Motion to not require a variance to construct at 16' x 40' addition to the home at 701 NW 7th St as it is not an expansion of a nonconforming use. If motion fails or is not considered... 2) Motion to deny the variance request to construct a 16' x 40' addition to the home at 701 NW 7th St as it does not conform to the spirit of a B-4 General Commercial District.	
Financial Impact: <i>Is there a cost associated with this request:</i> ☐ Yes ☒ No <i>What is the total cost, with tax and shipping</i> \$ _____ <i>Is this budgeted?</i> ☐ Yes ☒ No <i>Please Explain:</i>	

City of Brainerd Community Development Department

TO: Mayor and City Council

FROM: David Chanski, Community Development Director

DATE: May 1, 2019

RE: 701 7th St. N.W. Nonconforming Structure

Mitch Tuomi, 701 7th Street NW, Brainerd, MN 56401, on behalf of property owner David Muhonen, has submitted a plan to construct a 16' x 40' addition which would include a garage, bedroom and bathroom. The property is located in a B-4 (General Commercial) District.

Mr. Tuomi is seeking a variance from Section 515-15-2.d. of the Code of Ordinances. The aforementioned section states, "Any nonconformity, including the lawful use or occupation of land or premises existing at the time of adoption of an additional control under this Ordinance, may be continued in the same size and manner, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion, except as specifically provided in this Section."

Findings of Fact

1. 701 7th St. N.W. was rezoned from an R-3 High Density Residential District to a B-4 General Commercial District in June 1978.
2. The property has continued as a legal nonconforming residential use since the time the property was rezoned.
3. The proposed addition will increase the structure from approximately 756 square feet to approximately 1,396 square feet.
4. With the proposed addition, the structure will cover approximately 20 percent of the 7,000 square foot lot area.
 - a. The maximum lot coverage allowed in residential districts is 60 percent.
5. The proposed addition will have the follow setbacks at its closest points:
 - a. 9'1" from the north property line
 - b. 21' ½" from the south property line
 - c. 57' 2 ½" from west property line
6. The accessory structure located near the west property line will be removed upon completion of construction.
7. 701 7th St. N.W. is in close proximity to other residential structures with the 28-unit Circle Pines Apartments one block to the north on 7th St. N.W. and the Westwood trailer park, a similar legal nonconforming residential use, located across the street.

Only one member of the community, a Mr. Tom Haglin, raised the question as to whether the construction of an addition is the best finance investment into a nonconforming residential

structure in a commercial district. However, Mr. Haglin stated that he is not against the variance request.

Staff Opinion

As the 701 7th St. N.W. property has remained as a legal nonconforming residential use for almost 41 years, and as there are other residential structures in close proximity within a commercial area, and as the proposed addition will have adequate setbacks to the north, south, and west property lines, and as the total lot coverage with the proposed addition would be below the 60 percent lot coverage allowed in residential districts, and as the addition to this property will improve both its function and aesthetic appeal, and the applicant proposes to use the property in a reasonable manner not permitted by the Zoning Ordinance, and as the plight of the applicant is due to circumstances unique to the property not created by the landowner, and as the variance, if granted, will not alter the essential character of the locality, staff recommends approval of this variance request.

Planning Commission Action

The Planning Commission split an initial motion 2-2 that a variance is not required as the addition to the home is not an expansion of a nonconforming use. This motion came in contradiction to City Attorney Joe Langel's legal opinion, supported by a Minnesota Supreme Court decision, that an expansion of a nonconforming structure is the expansion of a nonconforming use. The Planning Commission then put forward a second motion (should the City Council disagree with their first motion), which passed unanimously, to deny the variance request as a residential use does not conform to the spirit of a B-4 General Commercial District.



City Planning Department

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

Receipt # 2019-00008
Check # Cash
Date Paid: 3/28/19

CONDITIONAL USE/REZONING/VARIANCE APPLICATION

RESIDENTIAL

CONDITIONAL USE PERMIT
REZONING
VARIANCE

☐ (\$250.00)
☐ (\$300.00)
☒ (\$250.00)

COMMERCIAL

☐ (\$400.00 + \$500.00 escrow deposit)
☐ (\$500.00)
☐ (\$400.00 + \$500.00 escrow deposit)

PROPERTY ADDRESS: 701 7th Street NW Brainerd
LEGAL DESCRIPTION: Lot(s): 1 Block: U Addition: West Brainerd
(attach description if lengthy)

Property Owner Name: David Mutionen
Street Address: 1023 Linden Pl City: Costa Mesa State: Ca Zip Code: 92627
Phone Number: 218 330 4564 Fax: _____ E-mail: _____
Applicant Name: (If different than Property Owner) Mitch Tuomi
Street Address: 701 7th Street NW City: Brainerd State: MN Zip Code: 56401
Phone Number: 218 330 4564 Fax: _____ E-mail: rydermitch@gmail.com

Description of Request: Add on attached garage including bedroom and bathroom. Addition would be 16 x 40 ~~mm~~ feet within all zoning set backs from streets, alleys, and property lines. * Addition would meet all proper required set backs. This addition is a hardship request for elderly disabled persons in the home.

David Mutionen
Property Owner Signature

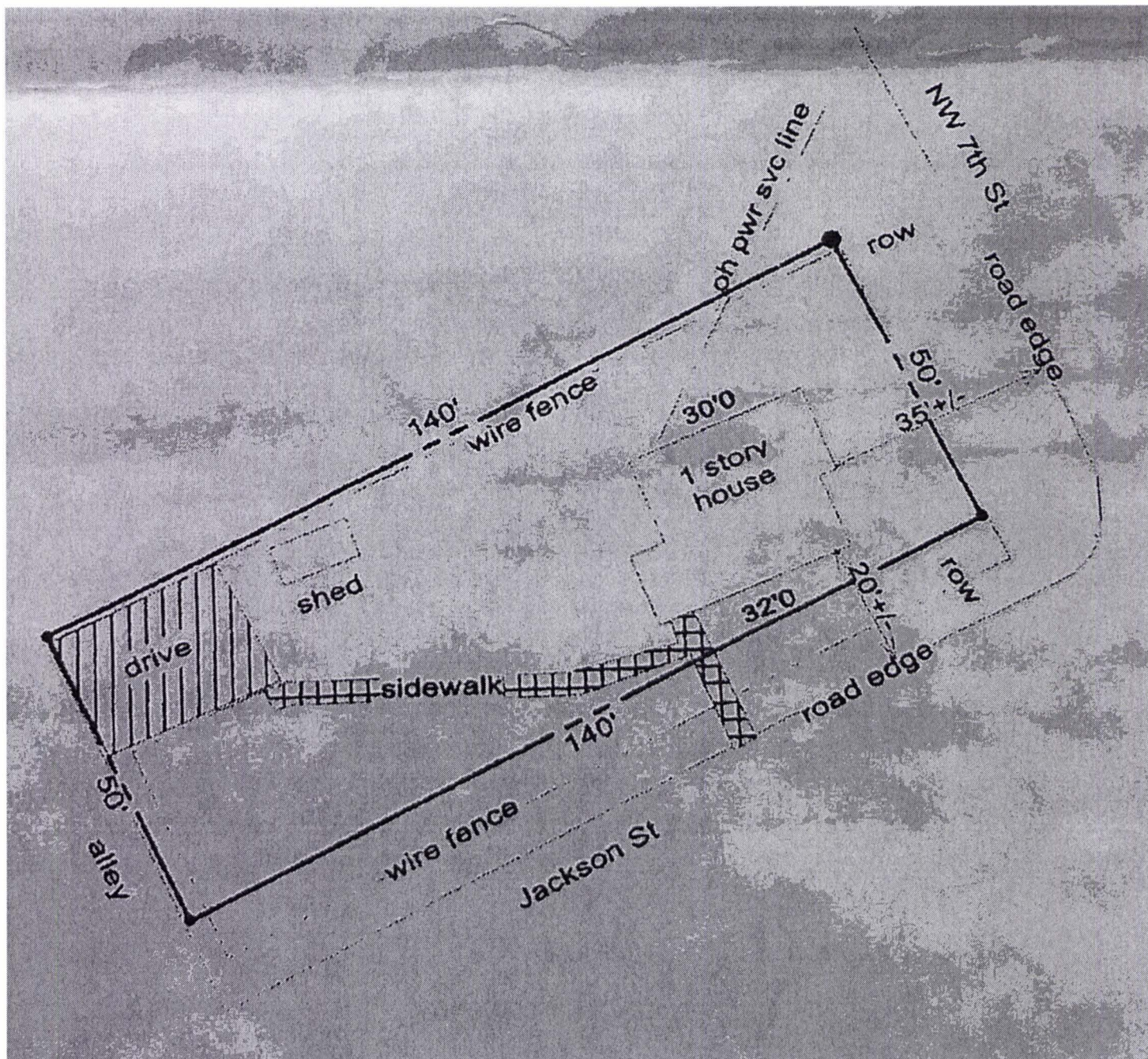
3-28-19
Date

David Mutionen
(Please print name)

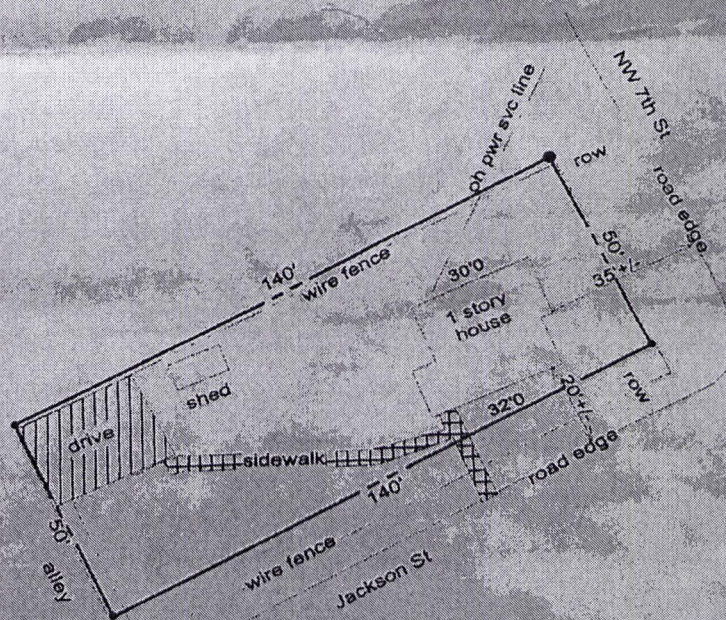
Mitchel Tuomi
Applicant Signature

3/26/19
Date

Mitch Tuomi
(Please print name)



File: 4927-18
Address: 701 NW 7th St, Brainerd, MN 56401
Legal: Lot 1, Block U, West Brainerd



40.00 feet
1:480



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.

David Muhonen

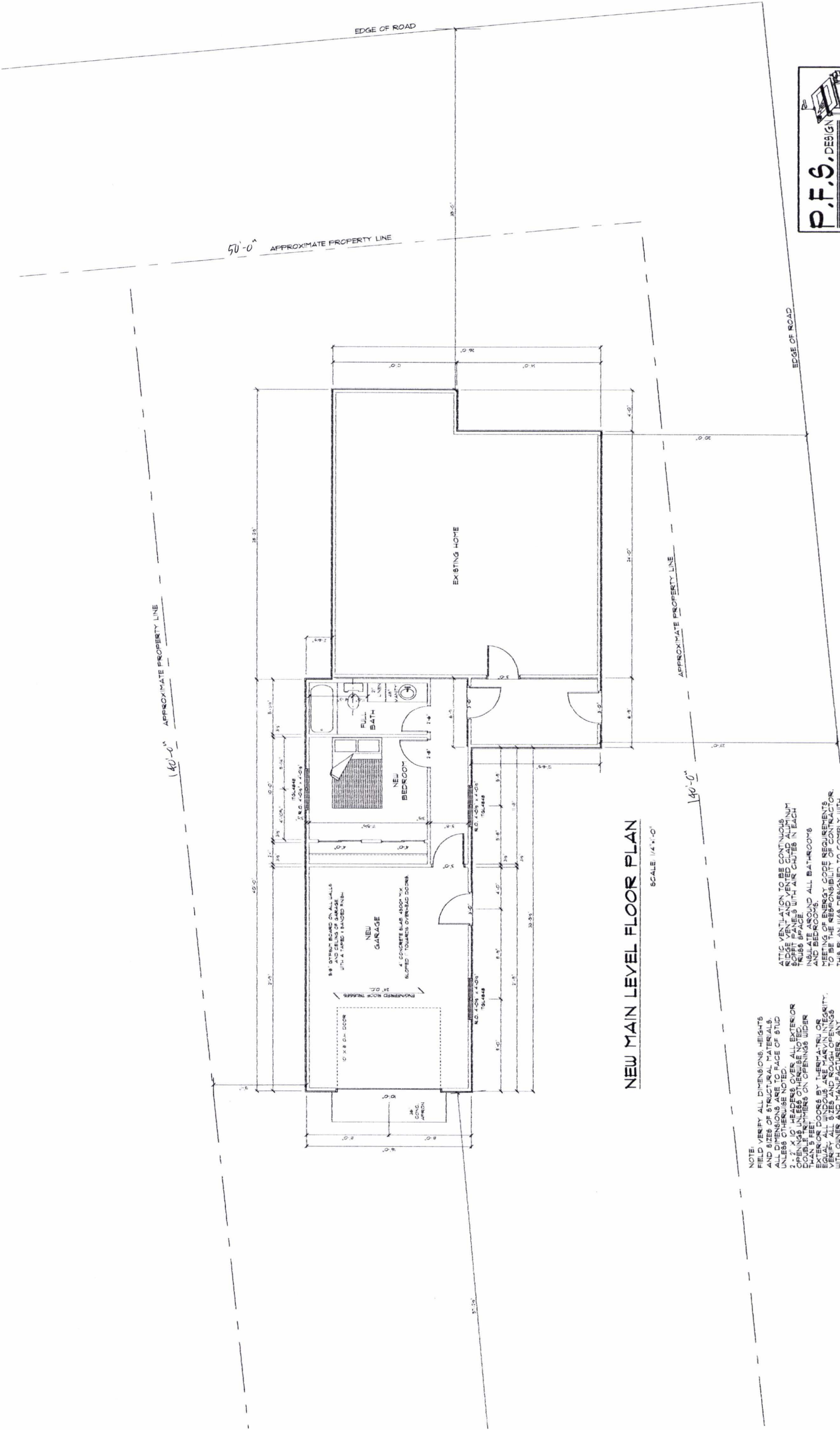
Date: 3/7/2019 Time: 8:53:45 AM







1/23/2019



NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that Mitch Tuomi, 701 7th Street NW, Brainerd, 56401, on behalf of property owner David Muhonen, has submitted a plan to construct a 16' x 40' addition which would include a garage, bedroom and bathroom. The property is in a B-4 (General Commercial) District.

A variance from the following Zoning Ordinance section is requested: *SECTION 515-15 NON-CONFORMING LOTS, BUILDINGS, STRUCTURES AND USES*

2.d. Any nonconformity, including the lawful use or occupation of land or premises existing at the time of adoption of an additional control under this Ordinance, may be continued in the same size and manner, including through repair, replacement, restoration, maintenance, or improvement, but not including expansion, except as specifically provided in this Section

The property is legally described as follows:

*LOT 1 BLOCK U
P.I.N. No. 0919800U0010009
Section 4 Township 133 Range 28*

Notice is further given that the Planning Commission of the City of Brainerd will meet in the Brainerd City Hall Council Chambers, 501 Laurel Street, at 6:00 p.m., Wednesday, March 17, 2019 to consider the request for the Variance.

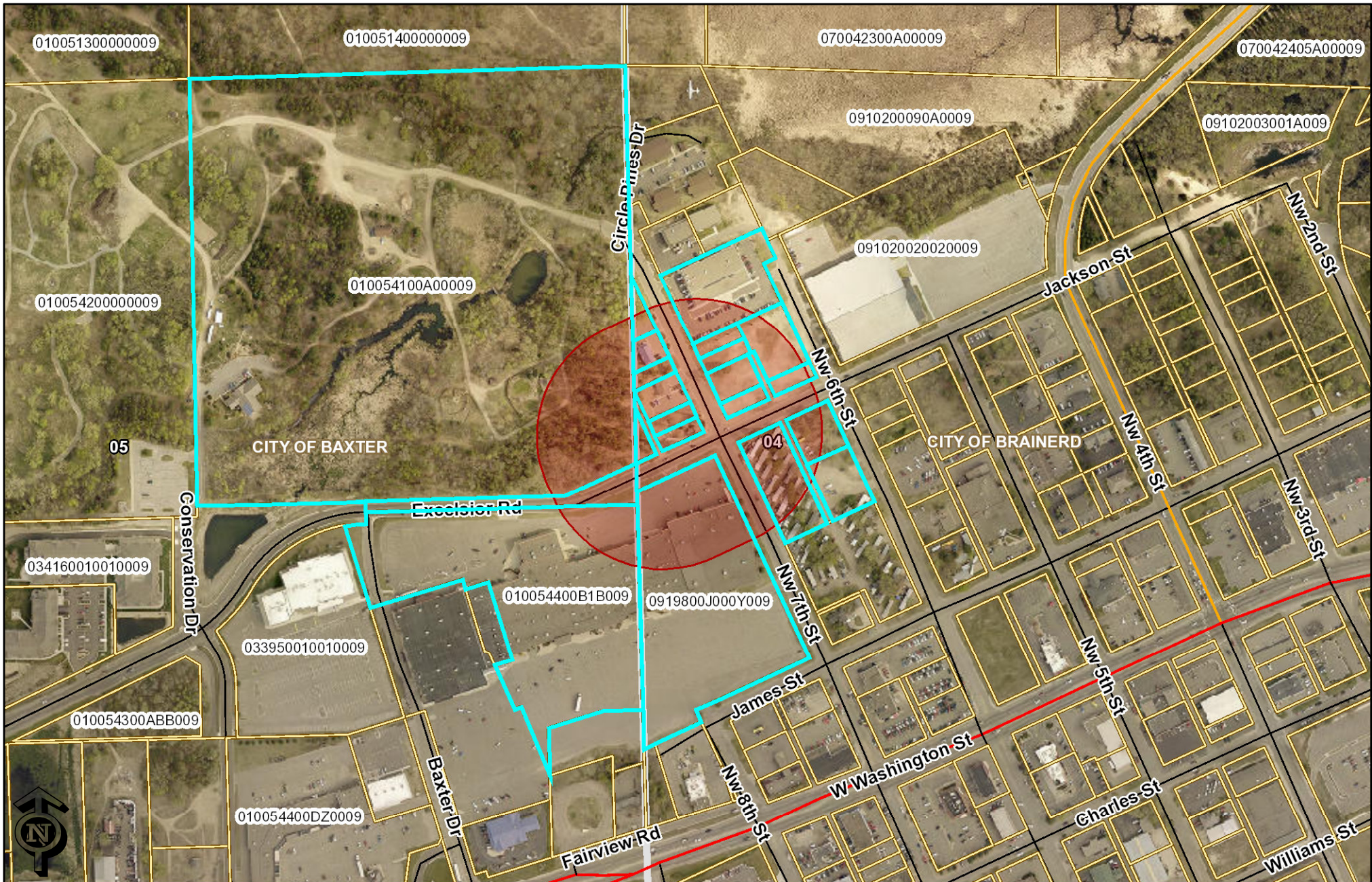
An application is on file for review at the Community Development Department, 501 Laurel Street.

Any individual needing special accommodations, please call (218) 828-2307.

Dated this 5th day of April, 2019

David C. Chanski
Community Development Director

Publication date: April 8, 2019



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.

701 7th St NW

Date: 4/4/2019 Time: 4:07:23 PM



Owner Name	Owner Address	Owner Address 2	Owner Address 3
A & E PROPERTIES OF BRAINERD	16348 AHRENS HILL RD	BRAINERD MN	56401
DELESANTE, FRANK W	PO BOX 1031	BRAINERD, MN	56401
HAGLIN, TIMOTHY M & LADONNA A	13754 TWO MILE RD	BRAINERD MN	56401
MUHONEN, DAVID W	1023 LINDEN PL	COSTA MESA CA	92627
PAUL BUNYAN, ARBORETUM INC	P O BOX 375	BRAINERD MN	56401
ROCK, RODNEY L & SUSAN	8800 HAZELWOOD RD	BEMIDJI MN	56601
TAX FORFEITED	CROW WING COUNTY	322 LAUREL ST STE 15	BRAINERD, MN 56401-
WESTGATE MALL REALTY GROUP LLC	ATTN: LEXINGTON RE/	911 E COUNTY LINE RD	LAKEWOOD, NJ 08701



Brainerd City Council Agenda Request

Requested Meeting Date: May 6, 2019

Title of Item: Zoning Code Uses Matrix Discussion

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☒ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☒ Direction Requested ☒ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Community Development Director	Department: Community Development
Presenter (Name & Title): David Chanski, CDD	Estimated Time Needed: 5 minutes
Summary of Issue: The Planning Commission is taking steps toward simplifying at City's Zoning Code to make it more concise and user friendly. The Commission and staff desires to make the first step in this process by rewriting the zoning district section of the Zoning Code by using a Uses Matrix, which organizes the Code by use and not district. The Commission and staff are looking for direction from the City Council as to whether or not to pursue the endeavor.	
Alternatives, Options, Effects on Others/Comments: Please see attached Uses Matrix.	
Recommended Action/Motion: Discussion and direction on how to approach the simplification of the City Zoning Code to make it more concise and user friendly.	
Financial Impact: Is there a cost associated with this request: ☐ Yes ☒ No What is the total cost, with tax and shipping \$ _____ Is this budgeted? ☐ Yes ☒ No <u>Please Explain:</u>	

B - Zoning Ordinance Use Matrix

A “C” appearing in the table for any use means that the use will be permitted in the zoning district by a “Conditional Use Permit”. By “I” appearing in the table for any use means that the use will be permitted an “Interim Use Permit”. A “P” means that the use is permitted in the zoning district subject to the general provisions of the Zoning Ordinance, and “NP” means the use is not permitted in the zoning district. For uses not included on this list, application shall be made to the Board of Adjustment for interpretation.

B-1: Residential-Office District

B-2: Neighborhood Business District

B-3: Central Business District

B-4: General Business District

B-5: Commercial Amusement District

B-6: Washington Street Commercial District

USE	B-1	B-2	B-3	B-4	B-5	B-6
Accessory Building	P ¹	NP	NP	NP	NP	NP
Adult Uses	NP	NP	NP	P	NP	P
Agricultural Building	NP	NP	NP	NP	NP	NP
Agricultural Sales	NP	NP	NP	NP	NP	NP
Agricultural Uses	NP	NP	NP	NP	NP	NP
Amusement Park	NP	NP	NP	NP	C	NP
Animal Hospital or clinic and kennels	NP	NP	NP	C	NP	C
Antenna ²	P	P	P	P	NP	P
Armories	NP	NP	NP	C	NP	NP
Art Centers, museums	NP	NP	P	P	NP	NP
Automobile Dealership	NP	NP	NP	C	NP	C
Automobile & Truck Repair-including auto body shops	NP	NP	NP	C	NP	NP
Auto Racing Tracks	NP	NP	NP	NP	C	NP
Bed & Breakfasts	C	NP	NP	NP	NP	NP
Boarding Schools	NP	NP	NP	C	NP	NP
Brew Pub, Off-Sale	NP	C	C	C	C	C
Brew Pub, On-Sale	NP	C	C	C	C	C
Brewery Taproom, Off-Sale	NP	C	C	C	C	C
Brewery Taproom, On-Sale	NP	C	C	C	C	C
Business Conducted entirely within a building	NP	NP	P	NP	NP	NP
Business, vocational, colleges and universities located above first floor	NP	NP	P	NP	NP	NP
Business or trade school entirely within a building	NP	NP	NP	P	NP	NP
Campground	NP	NP	NP	NP	C	NP

¹ These are garages, private garages and sheds

² All antennas are accessory uses and require a permit

B - Zoning Ordinance Use Matrix

USE	B-1	B-2	B-3	B-4	B-5	B-6
Car Wash	NP	NP	NP	NP	NP	C
Car Wash as Accessory Use to Motor Vehicle Sales	NP	NP	NP	NP	NP	P
Cemeteries	NP	NP	NP	NP	NP	NP
Colleges and universities	NP	NP	NP	C	NP	NP
Commercial animal kennels	NP	NP	NP	NP	NP	NP
Commercial Car Wash	NP	NP	NP	C	NP	NP
Commercial Accessory Buildings	NP	NP	NP	P ³	NP	NP
Commercial recreational businesses	NP	NP	NP	NP	C ⁴	NP
Commercial Day Care Facility	NP	C	C	C	NP	C
Crematoriums	NP	NP	NP	P	NP	P
DHS (Dept of Human Services) licensed Drug & Alcohol Treatment Facilities	NP	NP	NP	C	NP	NP
Drive In Movie Theater	NP	NP	NP	NP	C	NP
Drive Up Service Facilities	NP	NP	NP	P ³	P ³	P ³
Equipment rental - indoor	NP	NP	NP	P	NP	NP
Essential Services	P	P	P	P	P	P
Farms, farmsteads and farming	NP	NP	NP	NP	I	NP
Fences ³	P	P	P	P	P	P
Financial Institutions	NP	NP	P	P	NP	P
Funeral Homes, Mortuaries	C	C	NP	P	NP	P
Golf Courses	NP	NP	NP	NP	C	NP
Government and public buildings, utilities and/or structure	P	P	P	P	NP	NP
Health Clubs	NP	NP	P	NP	P	NP
Home Businesses	P ³	NP	NP	NP	NP	NP
Hospitality Business	NP	NP	P	P	P	NP
Hospitals	NP	NP	NP	C	NP	NP
In home day care ³	P	NP	NP	NP	NP	NP

³ Are accessory uses

⁴ Commercial riding stables, rodeo facilities, zoos and biological facilities

B - Zoning Ordinance Use Matrix

USE	B-1	B-2	B-3	B-4	B-5	B-6
Light Manufacturing	NP	NP	NP	C	NP	NP
Liquor Sales, Off-Sale	NP	NP	P	P	NP	P
Liquor Sales, On-Sale	NP	C	P	P	P	P
Loading and unloading areas ³	NP	NP	P	P	NP	P
Microdistilleries & Cocktail Rooms	NP	C	P	P	P	P
Mining & Extraction	NP	NP	NP	NP	I	NP
Motor Fuel Sales	NP	C	NP	C	NP	C
Multifamily Dwelling	NP	P	NP	NP	NP	NP
Noncommercial Greenhouses ³	P	P	NP	NP	NP	NP
Non-Enclosed Areas for dining and/or serving alcohol when accessory to a restaurant or bar	NP	C	C	C	C	C
Nursing Home	NP	NP	NP	NP	NP	NP
Office Business-Clinic & General	P	P	P	P	NP	NP
Offices	NP	NP	NP	NP	NP	P
Off-Street Parking ³	P	P	P	P	P	NP
Off-Street Loading ³	P	P	NP	NP	NP	NP
On-site service businesses ⁵	NP	P	P	P	NP	P
Outdoor dining	NP	C	C	C	C	C
Outdoor Entertainment Venues	NP	NP	NP	NP	C	NP
Outdoor Storage	NP	NP	NP	C ³	NP	NP
Outside Services, sales, and equipment rental ⁶	NP	NP	NP	P ³	NP	P ³
Parking Lots	C ⁷	NP	NP	NP	NP	NP
Parking Structures	NP	NP	C ⁸	NP	NP	NP
Pawn Shops	NP	NP	NP	P	NP	P

³ Are accessory uses

⁵ Limited to tailoring/alterations, dry cleaners, self-service laundry and copy centers

⁶ Is an accessory to the principal use and limited in up to 15ft of the gross floor area of the principal building or 15% of the tenant bay if it is a multiple tenant building. Must be located on private property and shall not intrude on the public sidewalk or boulevard.

⁷ The parking lot shall be adjacent to or across an alley from an allowed B-6 district use. Parking lot shall be no wider than the boundary line of the primary parcel on which the associated B-6 use is located. Overnight parking will be limited to vehicles owned and operated by the business associated with the B-6 site. Alley improvements desired by the adjacent property owner shall be approved by the City of Brainerd and improved at the requesting party's expense.

⁸ First Floor contains a Business Use

B - Zoning Ordinance Use Matrix

USE	B-1	B-2	B-3	B-4	B-5	B-6
Personal, professional and recreational vehicle repair-major	NP	NP	NP	NP	NP	C
Personal, professional and recreational vehicle repair - minor	NP	NP	NP	NP	NP	P
Personal Services ⁹	NP	P	P	P	NP	P
Personal Wireless Service Antennas ¹⁴	P	P	P	P	NP	P
Place of Worship	C	C	C	P	NP	NP
Planned Unit Development	C	C ¹⁰	C ¹²	C ¹⁰	NP	C ¹⁰
Private Clubs	NP	C	C	NP	NP	NP
Public buildings	NP	NP	NP	NP	NP	NP
Public Parks & Playgrounds	NP	NP	NP	NP	P	NP
Public & Private Schools	NP	NP	NP	NP	NP	NP
Radio and television studios	NP	NP	NP	C	NP	C
Recreational business-indoor	NP	NP	P	P	P	P
Rental Offices	NP	NP	NP	NP	NP	NP
Repair Services	NP	P	P	P	NP	P
Residential and non-residential uses	NP	NP	C	NP	NP	NP
Restaurants-sit down, take out or delivery	NP	NP	P	P	NP	P
Restaurants and on-sale liquor establishments	NP	NP	NP	NP	P	NP
Restaurants without drive up window	NP	C	NP	NP	NP	NP
Retail businesses ¹⁵	NP	NP	P	P	NP	P
Retail establishments ¹³	NP	P	NP	NP	NP	NP
Seasonal non-agricultural merchandise sales	NP	NP	NP	P ¹⁴	NP	NP

³ Are accessory uses

⁹ Such as barber shops, beauty salons, nail salons, tanning salons, therapeutic massage & tattooing

¹⁰ Includes shopping centers

¹² Without first floor residential

¹³ Such as groceries, hardware, pharmacy, clothing furniture, liquor stores (off-sale only) florists, books, cards and gifts.

¹⁴ Requires a permit

¹⁵ Contained in a principal building

B - Zoning Ordinance Use Matrix

USE	B-1	B-2	B-3	B-4	B-5	B-6
Self Service Laundromat with dry cleaning pick up & drop off service	NP	NP	P	NP	NP	NP
Service business off site	NP	NP	NP	NP	NP	NP
Signs	P ³	P ³	P ³	P ³	P ³	P ³
Single family dwelling	P	P	NP	NP	NP	NP
Small engine and boat repair	NP	NP	NP	C	NP	C
Specialty Food Shops	NP	C	NP	NP	NP	NP
Sports Stadium	NP	NP	NP	NP	C	NP
State Licensed Treatment Facility	NP	NP	NP	C	NP	NP
Studios ¹⁶	C	P	P	P	NP	P
Swimming Pool & water parks	NP	NP	NP	NP	P	NP
Taxi or bus dispatch sites	NP	NP	NP	P	NP	NP
Temporary/seasonal outdoor events and sales ¹⁴	NP	P	P	P	NP	P
Testing labs for water and soil, rocks/minerals and air quality	NP	NP	NP	P	NP	NP
Theaters	NP	NP	NP	NP	P	NP
Theaters - except drive ins	NP	NP	P	P	NP	NP
Two family dwellings	NP	P	NP	NP	NP	NP
Wind Energy Conversion Systems ¹¹	C	C	C	C	C	NP

³ Are accessory uses

¹¹ Wind Energy Conversion Systems may be allowed as an accessory, conditional use, provided the property upon which the system is to be located is zoned R-A, B-1, B-2, B-3, B-4, B-5, I-1 or I-2 (Section 34 of the Zoning Ordinance)

¹⁴ Requires a permit

¹⁶ These are art, decorating, dance, music and photography studios

R - Zoning Ordinance Use Matrix

A “C” appearing in the table for any use means that the use will be permitted in the zoning district by a “Conditional Use Permit”. By “I” appearing in the table for any use means that the use will be permitted an “Interim Use Permit”. A “P” means that the use is permitted in the zoning district subject to the general provisions of the Zoning Ordinance, and “NP” means the use is not permitted in the zoning district. For uses not included on this list, application shall be made to the Board of Adjustment for interpretation.

R-A: Rural Agricultural District

R-E: Single Family Estate Residential District

R-1: Single Family Residential

R-3: High Density Residential

R-R: Rural Residential District

R-1A: Single Family Residential

R-2: Medium Density Residential

R-MH: Manufactured Housing District

USE	R-A	R-R	R-E	R-1	R-1A	R-2	R-3	R-MH
Accessory Building ^{1&3}	P	P	P	P	P	P	P	P
Adult Uses	NP	NP	NP	NP	NP	NP	NP	NP
Agricultural Building	P	P	NP	NP	NP	NP	NP	NP
Agricultural Uses	P	P	NP	NP	NP	NP	NP	NP
Antenna ²	P	P	P	P	P	P	P	NP
Auto Repair	NP	NP	NP	NP	NP	NP	NP	NP
Auto Sales	NP	NP	NP	NP	NP	NP	NP	NP
Bed & Breakfasts	NP	C	C	C	C	C	C	NP
Boarding or renting of rooms to not more than two individuals per dwelling	P ³	P ³	P ³	NP	NP	NP	NP	NP
Boarding Houses	NP	NP	NP	NP	NP	C	C	NP
Cemeteries	C	C	C	NP	C	NP	NP	NP
Commercial animal kennels	I	NP	NP	NP	NP	NP	NP	NP
Commercial riding stables	C	NP	NP	NP	NP	NP	NP	NP
Commercial Day Care Facility	NP	NP	NP	NP	NP	NP	P	NP

¹ These are garages, private garages and tool sheds

² All antennas are accessory uses and need a permit

³ Are accessory uses

R - Zoning Ordinance Use Matrix

USE	R-A	R-R	R-E	R-1	R-1A	R-2	R-3	R-MH
Community Laundry Facilities	NP	NP	NP	NP	NP	NP	NP	P ³
Essential Services	P	P	P	P	P	P	P	NP
Fences	P ³	P ³	P ³	P ³	P ³	P ³	P ³	NP
Forest and Game management areas	P	P	P	NP	NP	NP	NP	NP
Funeral Homes	NP	NP	NP	NP	NP	NP	NP	NP
Governmental and public regulated utility buildings	C	C	C	C	C	C	C	NP
Home Businesses ³	P	P	P	P	P	P	P	P
Home Extended Businesses	I	I	I	I	I	NP	I	NP
Hospitals	NP	NP	NP	C	C	C	NP	NP
In home day care serving 14 or fewer persons in a single family dwelling ³	P	P	P	P	P	P	P	NP
Mining & Extraction	I	NP	NP	NP	NP	NP	NP	NP
Multiple Family Dwellings	NP	NP	NP	NP	NP	P ⁴	P	NP
Nursing Home ⁵	NP	NP	NP	NP	NP	C	C	NP
Nurseries, greenhouses for growing only	P	NP	NP	NP	NP	NP	NP	NP
Noncommercial Greenhouses ³	NP	P	P	P	P	P	P	P
Non-profit and not-for profit offices in Brainerd Independent School District, not used for classroom education	NP	NP	NP	C	C	C	NP	NP
Open off-street parking space	NP	P ³	P ³	P ³	P ³	NP	NP	P ^{3&6}
Off-street parking for private residential use	NP	NP	NP	NP	NP	P	P ³	NP

³ Are accessory uses

⁴ One multiple family per building per lot or parcel containing 4 or less units

⁵ Includes nursing homes, senior homes and senior centers

R - Zoning Ordinance Use Matrix

USE	R-A	R-R	R-E	R-1	R-1A	R-2	R-3	R-MH
Off-premise surface parking lots and parking ramps	NP	NP	NP	C	NP	NP	NP	NP
Place of Worship	C	C	C	C	C	C	C	NP
Planned Unit Development	NP	C	C	C	C	C ⁷	C ⁷	NP
Private recreational facilities	P ³	P ³	P ³	P ³	P ³	P ³	P ³	NP
Public Buildings on Public Land	NP	NP	NP	NP	C	NP	NP	NP
Public & Private Schools	NP	C	C	C	C	C	C	NP
Public recreation areas and related accessory buildings and structures	P	P	P	P	P	P	P	P
Public or semi-public recreation buildings and neighborhood or community centers ⁸	NP	NP	NP	NP	NP	NP	C	NP
Regional pipelines power transmission lines and relay towers	NP	NP	C	NP	NP	NP	NP	NP
Rental Offices	NP	NP	NP	NP	NP	P ³	P ³	NP
Residential care facilities serving 6 or fewer persons	P ³	P	P	P	P	P	P	NP
Short Term Rentals	NP	NP	NP	I	I	I	I	NP
Single family detached dwelling	P ⁹	P ⁹	P ⁹	P ⁹	P ⁹	P ⁹	P	P ¹¹
Single family dwellings-(Greater than 500 sf. Less than 750 sf.)	NP	NP	NP	NP	NP	C	NP	NP
Solar ³	P	P	P	P	P	P	P	NP

³ Are accessory uses

⁶ R-MH regulates parking spaces and car ports

⁷ This includes Residential Townhome Planned Developments

⁸ This also includes public and private educational institutions limited to elementary, junior high and senior high school; religious institutions such as churches, chapels, temples and synagogues.

⁹ Residential facilities serving 6 or fewer persons in single family detached dwelling

¹¹ Only manufactured homes

R - Zoning Ordinance Use Matrix

USE	R-A	R-R	R-E	R-1	R-1A	R-2	R-3	R-MH
State Licensed residential serving 7 to 16 persons	NP	NP	NP	NP	NP	C	C	NP
Storage of recreational vehicles and equipment ³	P	P	P	P	P	P	P	P
Studios	NP	NP	NP	NP	NP	NP	NP	NP
Swimming Pool	NP	NP	NP	NP	NP	NP	NP	p ^{3&10}
Temporary buildings associated with a public or private principal school building and used for classrooms	NP	NP	NP	I	I	NP	I	NP
Temporary roadside sales of agricultural products produces on site ³	P	P	NP	NP	NP	NP	NP	NP
Two-family attached dwellings	NP	NP	NP	NP	NP	NP	P	NP
Two-family dwellings - Greater than 500 sf. and less than 750 s.f.	NP	NP	NP	NP	NP	C	NP	NP
Wind Energy Conversion Systems ¹²	C	C	C	C	C	C	C	NP

³ Are accessory uses

¹⁰ Common swimming pool, sport courts and similar recreational facilities for the use of residents of the park and their occasional guests

¹² Wind Energy Conversion Systems may be allowed as an accessory, conditional use, provided the property upon which the system is to be located is zoned R-A, B-1, B-2, B-3, B-4, B-5, I-1 or I-2 (Section 34 of the Zoning Ordinance)

Other (zones) Zoning Ordinance Use Matrix

A “C” appearing in the table for any use means that the use will be permitted in the zoning district by a “Conditional Use Permit”. By “I” appearing in the table for any use means that the use will be permitted an “Interim Use Permit”. A “P” means that the use is permitted in the zoning district subject to the general provisions of the Zoning Ordinance, and “NP” means the use is not permitted in the zoning district. For uses not included on this list, application shall be made to the Board of Adjustment for interpretation.

I-1: Light Industry District

I-2: General Industry District

MU: Mixed Use District

FW: Floodway District

FF: Flood Fringe District

USE	I-1	I-2	MU	FW	FF
Accessory Buildings and structures	NP	P ³	NP	NP	NP
Adult Uses	NP	P	NP	NP	NP
Agricultural Building	NP	NP	NP	NP	NP
Agricultural Uses	NP	NP	NP	P	P
Animal Hospital or clinic and kennels or shelters	C	NP	C	NP	NP
All accessory uses allowed in B-4, B-5 and I-1	NP	NP	P	NP	NP
All commercial uses permitted in B-1, B-2, B-3, B-4 and B-6	P	P	P	NP	NP
All uses allowed permitted uses and conditional uses in B-4, B-5, and I-1	NP	NP	P	NP	NP
Antenna ²	P	P	P	NP	NP
Automobile body shop	P	P	P	NP	NP
Auto wrecking or salvage yard, junk yard, used auto parts and similar uses	NP	C	NP	NP	NP
Beverage Bottling	P	P	P	NP	NP
Billboard signs	I	NP	NP	NP	NP
Brew Pub, Off-Sale	P	NP	NP	NP	NP
Brew Pub, On-Sale	P	NP	NP	NP	NP
Brewery Taproom, Off-Sale	P	NP	NP	NP	NP
Brewery Taproom, On-Sale	P	NP	NP	NP	NP
Brewery tasting rooms and product sales provided these do not occupy more than 10% of the site	NP	P ³	NP	NP	NP

² Are accessory uses and require a permit

³ Are accessory uses

Other (zones) Zoning Ordinance Use Matrix

USE	I-1	I-2	MU	FW	FF
Bulk Liquid Storage	C	NP	NP	NP	NP
Coal, tar, concrete or asphalt processing or distillation and acid manufacturing	NP	C	NP	NP	NP
Commercial printing and publishing establishments	P	P	P	NP	NP
Commercial sales incidental to the manufacture, processing or wholesaling of products manufactured on, processed on or wholesaled from the premises	P	P	P	NP	NP
Commercial stockyards and slaughtering of animals	NP	C	NP	NP	NP
Construction equipment sales and repair	P	P	P	NP	NP
Contractor Offices	P	P	P	NP	NP
Cosmetics/toiletries	P	P	P	NP	NP
Crude Oil, gasoline, liquid fertilizer or other liquid storage	NP	C	NP	NP	NP
Decommissioning the significant removal of machinery	I	I	I	NP	NP
Drugs and pharmaceuticals	P	P	P	NP	NP
Electronics assembly and testing	P	P	P	NP	NP
Electronics/Plumbing/Heating/Air Conditioning products and parts	P	P	P	NP	NP
Essential Services	P	P	P	NP	NP
Extraction of sand, gravel, and other materials	NP	NP	NP	C	C
Fences	P ³	P ³	P ³	P ³	P ³
Fitness and recreation centers	P	P	P	NP	NP
Food/beverage processing	P	P	P	NP	NP

³ Are accessory uses

Other (zones) Zoning Ordinance Use Matrix

USE	I-1	I-2	MU	FW	FF
Government and public utility buildings and structures	P	P	P	NP	NP
Guard/Reserve facilities	P	P	P	NP	NP
Industrial and commercial uses such as parking areas, loading areas and airport landing strips	NP	NP	NP	P	P
Kilns, forges or other heat processes fired by means other than electricity	NP	C	C	NP	NP
Laundry, dry cleaning or dyeing plants	P	P	P	NP	NP
Machine Shops	P	P	P	NP	NP
Major auto and truck repair	NP	P	C	NP	NP
Manufacturing compounding assembly, packaging and treatment or storage ¹⁶	NP	P	C	NP	NP
Marinas, boat rentals, docks, piers, wharves, and water control structures	NP	NP	NP	C	C
Metal Sales	P	P	P	NP	NP
Microdistilleries & Cocktail Rooms	P	P	P	NP	NP
Mini self storage facilities	C	NP	NP	NP	NP
Non-Enclosed Areas for dining and/or serving alcohol when accessory to a restaurant or bar	C	NP	NP	NP	NP
Nonresidential structures; Commercial; manufacturing and industrial structures	NP	NP	NP	NP	C
Office Business-Clinic & General	P	P	P	NP	NP
Off-Street Loading ³	P	P	P	NP	NP
Off-Street Parking ³	P	P	P	NP	NP

³ Are accessory uses

¹⁶ Of brewing; cement; stone cutting; glass wet or dry mill working; metal polishing and plating; vinegar works; rubber products; plastics; meat packing; flour; feed and grain milling; vegetable canning and processing; lime; gypsum and plaster of paris and similar uses

Other (zones) Zoning Ordinance Use Matrix

USE	I-1	I-2	MU	FW	FF
Other uses similar in nature	NP	NP	NP	C	C
Outdoor dining accessory to restaurant	C	NP	NP	NP	NP
Outdoor Sales Lot	C	NP	C	NP	NP
Outside Services, sales, and rental	NP	C	C	NP	NP
Outdoor Storage	I & P ³	NP	C	NP	NP
Paper products	P	P	P	NP	NP
Personal Wireless Service Antennas ²	P	P	P	NP	NP
Placement and operation of outdoor wood burning furnaces	C	C	C	NP	NP
Placement of fill	NP	NP	NP	C	C
Planned Unit Development	C	NP	NP	NP	NP
Private and public recreational uses	NP	NP	NP	P	P
Radio and television studios	P	P	P	NP	NP
Railroads, streets, bridges, utility transmissions line and pipelines	NP	NP	NP	C	C
Recycling Center	P	C	C	NP	NP
Refuse/garbage collection, recycling and incineration or reduction of waste materials	NP	C	NP	C	C
Research Laboratories	P	P	P	NP	NP
Residences for Security Personnel	P ³	NP	NP	NP	NP
Residential uses such as lawns, gardens, parking areas and play areas	NP	NP	NP	P	P
Retail sales operated by non-profit organizations	P	P	P	NP	NP
Sales and distribution of propane	P	P	P	NP	NP
Sale of parts and sale and repair of tires	P	P	P	NP	NP

² Are accessory uses and require a permit

³ Are accessory uses

Other (zones) Zoning Ordinance Use Matrix

USE	I-1	I-2	MU	FW	FF
Service facilities such as electrical and heating equipment shall be installed at or above the regulatory flood protection elevation ³	NP	NP	NP	NP	P ³
Signs	P ³	P ³	P ³	P ³	P ³
Storage, utilization or manufacture of materials which could decompose by detonation	NP	C	NP	NP	NP
Storage Yards for equipment, machinery or materials	NP	NP	NP	C	C
Structures accessory to park and recreational uses	NP	NP	NP	C	C
Structures shall be firmly anchored to prevent floatation ³	NP	NP	NP	NP	P
Structures shall have low flood damage potential ³	NP	NP	NP	NP	P
Structures shall not be designated for human habitation ³	NP	NP	NP	NP	P
Structural works for flood control such as levees, dikes and flood walls	NP	NP	NP	C	C
Telecommunications towers ¹⁴	P	P	P	NP	NP
Temporary mobile towers ¹⁴	P	P	P	NP	NP
Tire Vulcanizing	NP	P	C	NP	NP
Trade/Specialty Schools	C	NP	NP	NP	NP
Truck and semi tractor/trailer sales and repair	P	P	P	NP	NP
Trucking Terminals	NP	C	NP	NP	NP
Warehousing and distribution facilities	NP	P	NP	NP	NP

³ Are accessory uses

¹⁴ Requires a permit

Other (zones) Zoning Ordinance Use Matrix

USE	I-1	I-2	MU	FW	FF
Warehousing and wholesaling	P	P	P	NP	NP
Wholesale businesses	NP	P	NP	NP	NP
Wind Energy Conversion Systems ¹¹	C	C	C	NP	NP
Woodworking	P	P	P	NP	NP

¹¹ Wind Energy Conservation Systems may be allowed as an accessory, conditional use provided the property upon which the system is to be located is zoned R-A, B-1, B-2, B-3, B-4, B-5, I-1 or I-2 (Section 34 of the Zoning Ordinance)