

CITY COUNCIL AGENDA

Brainerd, Minnesota
TUESDAY, September 3, 2019
7:30 P.M.
Brainerd City Hall
Council Chambers

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

2. **Roll Call**

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

___ D. Badeaux ___ S. Hilgart ___ 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 August 19, 2019
2. Special Meeting Held on August 23, 2019
3. Budget Workshop Held on August 26, 2019

Documents:

20190819_CC draft.pdf

20190823 - Special Meeting.pdf

20190826_CC -Budget Workshop.pdf

B. **Approval Of Licenses**

Contractor Licenses - 2 - New

Documents:

CONTRACTOR LICENSE REPORT - 2019-09-03.pdf

C. **Department Activity Reports**

1. Fire Chief
2. Parks Director

Documents:

Fire Chief Report.pdf
Parks Director.pdf

D. Adoption Of Fair Housing Policy

Documents:

Fair Housing Policy.pdf

E. Extension Of Premises - Submitted By The Pit Stop Bar For An Event To Be Held On September 7, 2019 At 723 Laurel Street, Brainerd - Approval Of

F. South Water Tower Design

Documents:

South Water Tower.pdf

G. Temporary On-Sale Liquor License Application - Submitted By The Crossing Arts Alliance, 711 Laurel Street, Brainerd For A Community Fundraising Festival To Be Held On September 6, 2019 - Approval Of

6. Community Member Of The Month

7. Presentations

A. Presentation Of Tower Award To Departing Council Member Hilgart

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

C. Authorization To Go Out For Bid For City Hall, Police And Street Facilities

Documents:

Authorization to Bid City Hall, Police, and Streets Facilities Projects.pdf

8. Council Committee Reports

A. Personnel And Finance Committee - 6:45 P.M.

Documents:

2019-09-03_PF.pdf

1. Approval Of Bills

2. Authorization To Transfer And Dispose Of Retired Police Vehicles

Documents:

Authorization to Transfer and Dispose of Retired Police Vehicles.pdf

3. Resolution For Toward Zero Deaths (TZD) Traffic Safety Enforcement Grant

Documents:

Police Department Fiscal Year Toward Zero Death (TZD) Grant.pdf

4. Tower Award Funding

Documents:

Tower Award Funding.pdf

5. Street And Sewer Department Staffing

Documents:

Street and Sewer Department Staffing.pdf

6. Criteria To Consider For Initial Step Placement During Hiring Process

Documents:

Criteria for Initial Hiring Step Levels.pdf

7. Employee Policy Manual Update

Documents:

Employee Policy Manual Update.pdf

B. Safety And Public Works Committee - 7:00 P.M.

Documents:

20190903_SPW.pdf

1. Event/Sidewalk Closure Application - Pit Stop 20th Anniversary

Documents:

Event and Sidewalk Closure Application - Pit Stop.pdf

2. Event/Street Closure Application - Annual Fire Department Open House

Documents:

Event and Street Closure Application - Fire Department Open

House.pdf

3. Event/Street Closure Application - Brainerd ECCE And City Of Brainerd Touch A Truck Community Event

Documents:

Event and Street Closure Application - Touch a Truck.pdf

4. Gregory Park Utility Pole

Documents:

Gregory Park Utility Pole.pdf

5. Improvement 19-13 - SE Interceptor Replacement Project Authorization To Quote

Documents:

Improvement 19-13 - SE Interceptor Replacement Project.pdf

6. Resolution - Declaring Sufficiency Of Petition And Setting A Public Hearing - Vacation Of Northern Pacific Road And Blacksmith Circle - Northern Pacific Center Property

Documents:

Resolution - Petition to Vacate Northern Pacific Road and Blacksmith Circle.pdf

9. Unfinished Business

A. Final Reading - Proposed Ordinance No. 1499 - An Ordinance Enacting Local Sales And Use Tax

- a. Hold Final Reading of Ordinance (Voice Vote) City Administrator Torstenson Recommends to Dispense with the Actual Reading
- b. Adopt Ordinance (Roll Call)

Documents:

Final Reading - Proposed Ordinance 1499.pdf

B. Reorganization Of Management Team

Documents:

Reorganization of Management Team.pdf

C. Committee Resignations - Accept With Regret

- Bill Dian, Charter Commission - Effective 7/23/19
- Robert Brady, Cable TV Advisory Committee - Effective 8/20/19

- Rick Fargo, Charter Commission - Effective 8/31/19

D. 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: (terms to expire on 12/31 of said year)

Cable TV Advisory Committee - 2 terms (Expire 2021)
Charter Commission - 1 term (Expire 2020) - 1 term (Expire 2021) - 1 term (Expire 2022)

Mayor Recommended: (terms to expire 09/07 of said year)

Economic Development Authority (EDA) - 1 term (Expire 2020)

10. New Business

A. City Meeting Relocation Options And Streaming Update

Documents:

[City Meeting Relocation Options and Streaming Update.pdf](#)

B. Drivers License Testing Facility Lease Renewal

Documents:

[Drivers License Testing Facility Lease Renewal.pdf](#)

C. Trunk Highway 210 Corridor Study Project Management Team (PMT)

Documents:

[Trunk Highway 210 Corridor Study Project.pdf](#)

D. 2020 Preliminary Levy

1. Adopt Resolution Setting Preliminary Levy for City and HRA
2. Set Date and Time for Budget Public Hearing

Documents:

[Res 2020 Preliminary Levy.pdf](#)

11. Planning Commission

A. First Reading - Proposed Ordinance No. 1500 - An Ordinance To Amend Section 515-18 Outdoor Lighting Standards

- a. City Administrator Torstenson Recommends Dispensing with the Actual Reading (Unanimous Voice Vote)

b. Hold the First Reading of Proposed Ordinance (Voice Vote)

Documents:

First Reading - Proposed Ordinance No. 1500.pdf

B. Roundhouse Brewery Conditional Use Permit Amendment

Documents:

Roundhouse Brewery CUP Amendment.pdf

12. Public Forum

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

13. Staff Reports

(Verbal: Any Updates since Packet)

14. Council Member Reports

15. Adjourn Into Closed Session Pursuant To MN Statutes 13D.05, Subd. 3(A), To Conduct The City Administrator Performance Review

16. Adjourn To Special City Council Meeting - September 9th At 6:00 P.M.

Note: Safety and Public Works Committee will meet at 7:00 p.m.
Personnel and Finance Committee will meet at 6:45 p.m.

ANY INDIVIDUAL NEEDING SPECIAL ACCOMMODATIONS,
PLEASE CALL 828-2307

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

MISSION

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

**Brainerd, MN
August 19, 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: Hilgart, Lambert, Stunek, Pritschet, Bevans, Badeaux 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 PRITSCHET AND LAMBERT, DULY CARRIED, TO AMEND THE AGENDA BY MOVING THE BLAEDC PRESENTATION TO THE SEPTEMBER 3, 2019 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 August 5, 2019 - Approved

B. Approval of Licenses - Approved

Contractor Licenses – 1 – Renewal

C. Department Activity Reports - Approved

1. Police Chief
2. Finance Director

D. Approval of a Memorandum of Agreement Setting the 2019-2020 Wage Grid for the Zoning Specialist/Permit Technician Position - Approved

E. Continue the City Administrator Performance Review to the September 3, 2019 Meeting - Approved

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

Community Member of the Month

Mayor Menk asked the community to submit nominations for the Community Member of the Month. He stated submissions are accepted on the City website or at City Hall, 501 Laurel Street, Brainerd.

Presentations

The Chair welcomed Mr. Shane Zahrt, attorney/lobbyist with Flaherty Hood Law Office in St. Paul, who works with the Coalition of Greater Minnesota Cities (GCMC). Mr. Zahrt distributed the 2019 Legislative Session Report and gave an update of the highlighted changes and initiatives

of the coalition. Mr. Zahrt answered questions from the Council and thanked them for the opportunity to present tonight.

The Chair welcomed Transit Coordinator Stone who stated the idea of a Five-Year Transit Plan for Brainerd and Crow Wing County was introduced approximately one year ago. He said the plan was fully funded by the MnDOT Office of Transit and Active Transportation. He stated that project has been completed and introduced Mr. Andrew Ittigson, project manager at AECOM to present the final plan results. Mr. Ittigson gave a summary of the plan, which included the long-term vision, the benefits and the goals for the transit system in the coming years. The Council thanked him for the information.

The Chair welcomed City Engineer Sandy, who made a presentation explaining the purpose of the 5-year Street and Sewer Capital Plan as well as the importance of adopting the plan. The plan serves as a road map for future improvements, includes cost estimates for budgeting purposes and identifies revenue sources for project costs. He stated the plan is posted on the City website open for comment and will be brought back to Council the 1st meeting in October.

MOVED AND SECONDED BY ALDERMEN LAMBERT AND HILGART, DULY CARRIED, TO OPEN THE FIVE-YEAR STREET AND SEWER CAPITAL PLAN FOR PUBLIC COMMENT.

Council Committee Reports

Safety and Public Works Committee Report

Event Application – Brainerd Homecoming Run 2019 - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET, DULY CARRIED, TO ACCEPT STAFF'S RECOMMENDATION AND APPROVE THE EVENT APPLICATION FOR THE BRAINERD HOMECOMING RUN ON OCTOBER 5, 2019.

Event Application – DANGIE 5K – War Against Cancer One Step at a Time - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT, DULY CARRIED, TO ACCEPT STAFF'S RECOMMENDATION AND APPROVE THE EVENT APPLICATION FOR THE DANGIE 5K ON SEPTEMBER 14, 2019 UNDER THE CONDITION THAT SIGNS FOR THE EVENT ARE REMOVED IMMEDIATELY AFTER COMPLETION.

Improvement 17-08 – SP108-591-005 – Garfield Safe Routes to School Testing Services - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET, DULY CARRIED, TO ACCEPT STAFF'S RECOMMENDATION AND APPROVE THE PROPOSAL FROM BRAUN INTERTEC IN THE TOTAL ESTIMATED AMOUNT OF \$29,146 FOR TESTING SERVICES FOR THE GARFIELD SAFE ROUTES TO SCHOOL PROJECT.

Committee Chair Bevans indicated these funds are not eligible for federal aid reimbursement, but approximately half is eligible for state aid reimbursement.

Improvement 19-04 – 2019 Crack Sealing – Pay Estimate No. 1 Final - Approved

August 19, 2019 - **DRAFT**

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET, DULY CARRIED, TO ACCEPT STAFF'S RECOMMENDATION AND APPROVE THE FINAL PAY REQUEST FOR IMPROVEMENT 19-04 – 2019 CRACK SEALING PROJECT TO LOTS PROS LLC IN THE AMOUNT OF \$16,031.

Improvement 19-06 – 2019 Street Patching – Pay Estimate No. 1 Final - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT, DULY CARRIED, TO ACCEPT STAFF'S RECOMMENDATION AND APPROVE THE FINAL PAY REQUEST FOR IMPROVEMENT 19-06 – 2019 STREET PATCHING PROJECT TO ANDERSON BROTHERS CONSTRUCTION IN THE AMOUNT OF \$9,993.

Personnel and Finance Committee Report

Approval of Bills & Payments to Contractors - Approved

<u>Contractor</u>	<u>IMP#</u>	<u>Project</u>	<u>Amount Paid</u>	<u>Amount Authorized</u>
Lot Pros LLC	19-04	2019 Crack Sealing	\$16,031	\$17,000
Anderson Bros	19-06	2019 Street Patching	\$ 9,993	\$ 9,993

Finance Director Hillman clarified the total cost of the project for crack sealing was \$21,656 - \$16,031 for Lot Pros, LLC and \$5,625 for materials. She said the total amount authorized was \$17,927 - \$12,302 and \$5,625. Lot Pros used additional materials the City already had on hand. She stated \$25,000 is usually allocated in the construction fund for crack sealing.

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

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

Police Officer Resignation – Request to Hire - Approved

MOVED AND SECONDED BY ALDERMEN HILGART AND BADEAUX, DULY CARRIED, TO ACCEPT WITH REGRET OFFICER LYSCIO'S RESIGNATION AND AUTHORIZE MAKING A CONDITIONAL JOB OFFER TO THE NEXT AVAILABLE CANDIDATE WITH A TENTATIVE STARTING DATE OF MID-OCTOBER, PENDING THE SUCCESSFUL COMPLETION OF THE PRE-EMPLOYMENT SCREENING PROCESS.

Police Chief McQuiston stated training field officers can accommodate hiring of the officer in October rather than December.

Reorganization of Management Team – Item Postponed to September 3, 2019

MOVED AND SECONDED BY ALDERMEN HILGART AND STUNEK, DULY CARRIED, TO POSTPONE THIS ITEM TO THE SEPTEMBER 3, 2019 MEETING.

Committee Chair Hilgart stated since part of the HR salary is paid by Brainerd Public Utilities (BPU), the BPU Commissioners would like further discussion on this topic before a decision is made.

Council Member Lambert suggested the position of Transit Coordinator be considered for a Department Head level position as well.

Unfinished Business

Call for Applicants – Informational:

(Application Information at www.ci.brainerd.mn.us/boards/)

Mayor Recommended: (terms to 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)

Mayor Recommended: (terms to expire 09/07 of said year)

Economic Development Authority (EDA) – 1 term (Expire 2020)

New Business

Charter Commission Request – Authorize City Attorney to Review Charter - Approved

City Administrator Torstenson explained the Charter Commission had discussed the need to make changes and updates to the City Charter. She said many areas of the Charter conflict with State Law and some areas are obsolete. She indicated the Charter Commission is requesting authorization for the review to be completed.

Council Member Bevans stated he has not witnessed issues with the current document and does not think this is the best use of funds at this time.

City Attorney Langel stated after he reviewed the changes needed, the amount would be less than he initially estimated. He said he encourages the revision, as there have been times over the past several years he has had to interpret the current wording with state law for city staff.

Council discussion took place.

MOVED AND SECONDED BY ALDERMEN LAMBERT AND HILGART TO ACCEPT STAFF'S RECOMMENDATION AND AUTHORIZE A FULL REVIEW AND RED LINE CHANGES OF THE CITY CHARTER BY CITY ATTORNEY LANGEL NOT TO EXCEED \$10,000.

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

Planning Commission

Final Reading – Proposed Ordinance No. 1498 – An Ordinance to Rezone Property at 701 7th St., NW from a B-4 to an R-1 – Approved

Community Development Director Chanski explained the details of the application to rezone the property at 701 7th Street NW, as a previous application for a variance was denied.

MOVED AND SECONDED BY ALDERMEN LAMBERT AND BEVANS, DULY CARRIED, TO DISPENSE WITH AND HOLD THE FINAL READING OF PROPOSED ORDINANCE NO. 1498 – AN ORDINANCE TO REZONE PROPERTY AT 701 7TH ST. NW, BRAINERD FROM A B-4 (GENERAL COMMERCIAL) DISTRICT TO AN R-1 (SINGLE FAMILY RESIDENTIAL) DISTRICT.

MOVED AND SECONDED BY ALDERMEN LAMBERT AND BEVANS TO ADOPT ORDINANCE NO. 1498 - AN ORDINANCE TO REZONE PROPERTY AT 701 7TH ST. NW, BRAINERD FROM A B-4 (GENERAL COMMERCIAL) DISTRICT TO AN R-1 (SINGLE FAMILY RESIDENTIAL) DISTRICT.

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

Public Forum

The Chair opened the Public Forum at 9:00 p.m.

The Chair recognized Mr. Wayne Bailey, 1216 Norwood Street, Brainerd who said he has resided at his home since 1975. He stated he would like to comment on the volume level of the Jaycees Streetfest Dance at 11:45 p.m., Friday evening, July 26th. He said he is in full support of the organization, but that night was extremely loud, and consideration needs to be given regarding residents.

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

Direction was given to staff to note in the Special Event Application that volume levels need to decrease after 10:00 p.m.

Staff Reports

City Engineer Sandy announced he received a notice of retirement from Steve Olson in the street department, effective September 6, 2019.

MOVED AND SECONDED BY ALDERMEN HILGART AND PRITSCHET, DULY CARRIED, TO ACCEPT WITH REGRET THE RETIREMENT OF STEVE OLSON FROM THE STREET DEPARTMENT AND AUTHORIZE STAFF TO MOVE FORWARD WITH BACKFILLING THE POSITION.

City Engineer Sandy stated MnDOT requested his participation to be a part of a project management team who will be consulting on the reconstruction of highway 210 corridor, which will take place in 2025. He said he recommended a project management team be assembled at the City level, so communication is maintained throughout. He requested the participation of Council Members willing to be a part of the group, which would include City Administrator Torstenson, Community Development Director Chanski, and himself. He will bring back to Council a detailed outline of what is needed.

Community Development Director Chanski stated the Comprehensive Plan 30-day public comment period will close on September 7, 2019. He said the plan is posted online and can also be requested at City Hall.

City Administrator Torstenson requested that Council Members please let her know if there are any Council priorities that they would like to discuss at the workshop scheduled for Monday, August 26th. She stated the September 3rd meeting will include a presentation for the facilities contract and would like to request two council members to be a part of a construction team for the choosing of materials being used in the City Hall remodel. She will bring back to Council an outline of what is needed.

City Administrator Torstenson stated a revised employee policy manual was sent to the Council for their review and input by August 27th. She said the draft was reviewed by the attorney and suggestions were noted.

Council Member Reports

Council Member Stunek said he attended the dedication of the mural at the Legion and he encourages everyone to see it.

Council Member Hilgart attended the Fire Advisory Board last week and Fire Chief Holmes presented the Five-Year Capital Plan which shows the strategy of reinvesting the funds from bond payments back into capital. She indicated the study looking into the facility location was disconcerting to some of the members and is hopefully alleviated after the consultant completes his report.

Council Member Johnson also attended the mural dedication and thanked Brainerd Restoration for the placemaking efforts being done downtown. He indicated he attended the EDA meeting last week and discussion took place regarding the budget.

Council Member Bevans attended the Northside Residents Association picnic which had a great turnout and included staff from Essentia Health St. Joseph's Hospital.

Council Member Pritschet received an email from Mr. Klinger, who works with Sourcewell and offered staff First Aid and CPR training at no cost. He said the participant level would need to be between 3 – 50 individuals willing to attend more than one session. He indicated he forwarded the email to City Administrator Torstenson for consideration.

Mayor Menk reminded everyone of the Farmer's Market taking place Tuesday, August 20th downtown. He said Brainerd Lakes Music Festival had a fantastic turnout for their concert last week. He also indicated that there is only one remaining tower award and asked if the Council was still interested in presenting tower awards. Staff was directed to research where the funding for the awards came from and return to Council at the September 3rd meeting.

Adjourn to Budget Workshop on August 26th at 5:30 p.m.

The Chair adjourned the meeting at 9:20 p.m.

Cassandra Torstenson
City Administrator

**Brainerd, MN
August 23, 2019**

Pursuant to due call and notice thereof, the Special Meeting of the Brainerd City Council was called to order at 9:00 a.m. by Council President Johnson.

Upon roll call, the following members were noted present: Bevens, Hilgart, Lambert, Johnson and Mayor Menk. Members Badeaux, Stunek and Pritschet were noted as absent. Also present was Finance Director Hillman.

Temporary On-Sale Liquor License – Brainerd Jaycees - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT, DULY CARRIED, TO APPROVE THE TEMPORARY ON-SALE LIQUOR LICENSE SUBMITTED BY THE BRAINERD JAYCEES FOR A COMMUNITY FESTIVAL TO BE HELD ON AUGUST 24 AND 25, 2019 AT MEMORIAL PARK, 1700 MILL AVENUE, BRAINERD.

Adjourn to Council Workshop – August 26, 2019 – 5:30 p.m. – 9:04 a.m.

Cassandra Torstenson
City Administrator

Pursuant to due call and notice thereof, the Budget Workshop of the Brainerd City Council was called to order at 6:00 P.M. by Council President Johnson.

Upon roll call, the following members were noted present: Hilgart, Lambert, Stunek, Pritschet, Bevans, Johnson, and Mayor Menk. Member Badeaux was absent. Also present were City Administrator Cassandra Torstenson, Finance Director Connie Hillman, City Engineer Paul Sandy, Police Chief Corky McQuiston, Fire Chief Tim Holmes, Community Development Director David Chanski, and Park Director Tony Sailer.

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

2020 Budget and Levy Discussion

Finance Director Hillman reviewed the goals of municipal budgeting and how the process is different from a private, or non-governmental organizations, and the responsibilities of Staff and Council in the budget process. Hillman shared that a city needs to adopt a budget for at least the General fund but are not required to adopt a budget for all funds and how a city develops a budget. Hillman stated the discussion of the workshop focuses on the Working Funds (General, Public Safety, Parks, & Streets), debt and capital which are the funds the City needs to levy for operations.

Finance Director Hillman stated, that if the Council desired to have a balanced budget, the levy would need to be raised by \$5,180 considering currently proposed 2020 budget. Hillman then went through various revenue and expense categories, as well as the capital and debt needs for 2020, explaining the assumptions used in the budget and reasons for the changes between the proposed 2020 budget and the revised 2019 budget. Police Chief McQuiston shared with the Council the need for an additional sworn officer and Community Development Director Chanski stated the need to continue and increase the contract with Sourcewell for the Riverfront Project with expanded duties to include comprehensive plan implementation and mobility and trails planning. Finance Director Hillman shared the preliminary estimated market value of the City for pay year 2020 and discussed the impact of the change that the estimated market value has on the tax rate of a city. Assuming the same percentage increase in the City's tax capacity, Hillman presented the estimates of the City's tax rate with various changes to the levy, and the estimated impact to a residential and commercial property assuming no change in estimated market value.

Council discussion was held. Council directed staff to update the budget for an additional officer, keeping the increase in the contract with Sourcewell, update health insurance estimate, have expenditures exceed revenues by \$15,000 for 2020, and prepare a resolution for the preliminary levy for the September 3, 2019 Council meeting.

Adjourn

The Chair adjourned the meeting at 6:40 P.M.

Cassandra Torstenson
City Administrator

CITY OF BRAINERD
LICENSED CONTRACTORS
CITY COUNCIL MEETING
September 3, 2019

(2 New)

CONTRACTOR	TELEPHONE	TYPE	INSURANCE	BOND	STATE NO.
CROSS COUNTRY SIGN & NEON, INC 14800 170TH AVE FORESTON, MN 56330- 19-0217	(612) 865-4228	SIGN	9/12/2019	10/23/2020	
PATRIOT ROOFING PLUS LLC 6206 N SLUETTER ROAD PEQUOT LAKES, MN 56472- 19-0216	(218) 838-4169	CROO	4/17/2020	12/31/2019	BC744083

Brainerd Fire Department

To: Mayor and City Council
From: Tim Holmes, Brainerd Fire Chief
Date: August 29, 2019
Re: August 2019 Activity Report



Fire pump testing, hose testing, and ground ladder testing was completed in August. Over 14,000 feet of fire hose and 422 feet of ground ladders were tested. We appreciate CLC letting us use their parking lot for hose testing, as it makes the process much easier and more efficient.

Firefighters represented the Fire Department at numerous community events in August, including Edina Realty Client Appreciation, Kids Day at the Crow Wing County Fair, Brainerd and Baxter Night to Unite, TCC-Head Start Father/Child event, Viking Harley Davidson Support Our Heroes, Women's Center Family Fun event, Josh Duda Road to Recovered Benefit, BIR Lucas Oil Nationals Heroes Recognition, Prince of Peace Lutheran Church event, Walk a Mile in Her Shoes, Smile Fest and the Safari North Hanging with Heroes event.



We hosted the Chamber of Commerce Leadership Experience for Public Service. This program provides a great opportunity to learn about fire service and structure, as well as our commitment to the community.

Firefighters participated in the Active Shooter training event at the Brainerd High School, along with our public safety partners. This training was very beneficial for all that participated, as it builds community trust and partnerships.



Chief Holmes attended the Sutphen factory tour and pre-construction build meeting for the new ladder apparatus in Ohio. Our apparatus will begin production in a few months.



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

Structure Fire	4
Vehicle Fire	5
Outside Rubbish Fire	2
Vehicle Crash	6
Gas Leak	2
Carbon Monoxide Incident	1
Assist Other Governmental Agency	1
Unauthorized Burning	1
Good Intent Call	4
Canceled Enroute	4
Alarm Activation	4
Carbon Monoxide Alarm	1
Total	35

City of Brainerd Incident Report

Structure Fire	3
Outside Rubbish Fire	2
Vehicle Crash	2
Unauthorized Burning	1
Good Intent Call	2
Canceled Enroute	2
Alarm Activation	3
Total	15

Parks and Recreation Report

September 2019

- The Park Board approved the 2020 Parks and Recreation Department's budget and it will be submitted to the City Council to be part of the City's budget discussions.
- Special Park Board meetings will take place on a weekly basis at Widseth Smith Nolting through Oct. 1 to discuss the scope of the proposed Memorial Park project.
- The Park Board approved increasing the youth baseball state qualifier team registration fees from \$375 to \$400 and to increase umpire pay rates from \$35 to \$45 for 10U and 11U tournaments, and from \$40 to \$50 for 12U through 14U tournaments. Staff struggled to find umpires for tournaments this year because of the low per game rates. Based on the number of tournament teams this year, increasing the registration fee would result in \$1,550 in revenue and increasing the umpire pay rates would be an expense of \$1,510.
- Parks maintenance employee Joe Koering was honored with the Innovation Award at the City's annual picnic on Aug. 13. Joe was nominated for "an amazing work ethic and out-of-the-box problem solving." Joe has created numerous things in-house such as dog park equipment/play structures, snow blower attachments, scoreboard brackets and numerous other mechanical/welding solutions that has saved the department a considerable amount of money.
- The Parks and Recreation Department received a \$2,500 grant from Crow Wing Energized. Funds will be used to place distance along the Buffalo Hills Trail from Buffalo Hills-Lions Park to Bane Park along. Any excess funds may be used to install benches along the trail.
- Staff installed cement pads at the entrance of Buster Park. Because of heavy foot traffic the entrance was often muddy or had standing water, especially in the spring and after heavy rains, which most of the dogs didn't mind, but their owners did!
- Brainerd Public Utilities will install three light poles around the perimeter of Buster Park. Many users have requested lights at the dog park since it gets dark by 5 p.m. during the winter months making it difficult to use facility. Park Dedication funds will be used to fund the lighting project.





- About 150 youths participated in the free night of bowling and pizza at Jack's House on July 25. Funds for the event were provided by Minnesota Charitable Gambling. Ginger Lorentz said Jack's House served 25 large pizzas and she probably could have made 10 more. She hopes to make this an annual event for youths in the Miracle League and competitive youth softball and baseball leagues.
- The underground plumbing has been installed, the foundation set, concrete floor poured, and pillars built at the Gregory Park warming house. The framing has started. The project is scheduled to be completed in time for the Great Pumpkin Festival on Oct. 12.
- Eight teams participated in the state Co-Rec tournament on Aug. 24 and five teams played in the Masters state tournament on Aug. 25. Both tournaments were played at Memorial Park.



Brainerd City Council Agenda Request

Requested Meeting Date: September 3, 2019

Title of Item: Adoption of Fair Housing Policy

☐ INFORMATION ONLY ☒ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Connie Hillman	Department: Finance
Presenter (Name & Title): N/A	Estimated Time Needed: N/A
Summary of Issue: As part of the SCDP grants, the City needs a fair housing policy. Attached is a draft policy that has been reviewed by our City Attorney. This item is on the consent agenda because it is the same language that has been included in the guidelines for rehabilitation that have been previously adopted by council.	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion: Adoption of the attached fair housing policy.	
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 SCDP Fair Housing Policy

Fair-Housing/Equal Opportunity

It is the policy of the City of Brainerd to work to further fair housing opportunities in its programs and to administer housing programs in a way that all residents of similar incomes have equal access to programs regardless of race, color, creed, assistance, disability, sexual orientation, or familial status.

No person or business will be denied services, contracts for project services, or access to program information and materials due to race, color, creed, religion, national origin, sex, marital status, status with regard to public assistance, disability, sexual orientation, or familial status. There will be no discrimination of persons in the administration of the Rehabilitation Program.

It is the policy of the City of Brainerd that marketing efforts will be such that no potentially eligible applicants or providers of services are excluded from participation. Affirmative marketing will include efforts to reach people who have traditionally not participated in similar programs or have not been aware of available assistance. This includes, but is not limited to, single heads of households, people of color, or people with disabilities.

Approved this _____ day of _____, 2019.

Mayor, City of Brainerd

President of the Council

City Administrator

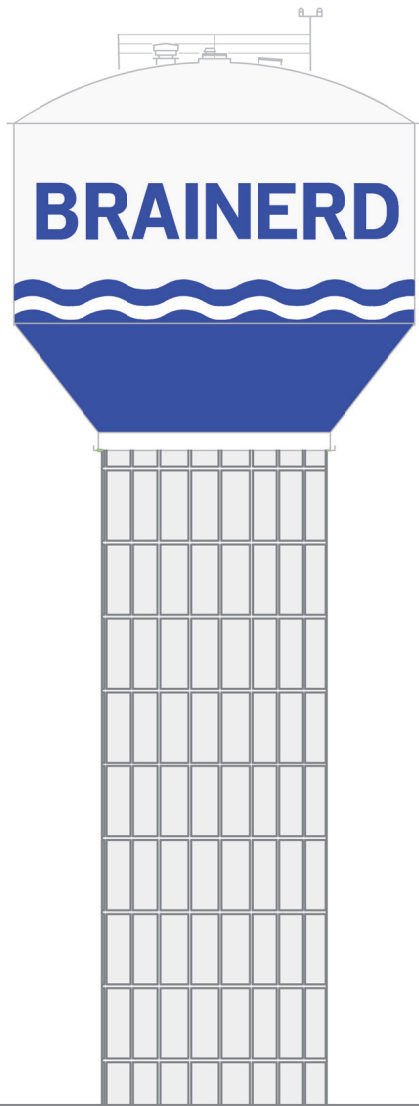


Brainerd City Council Agenda Request

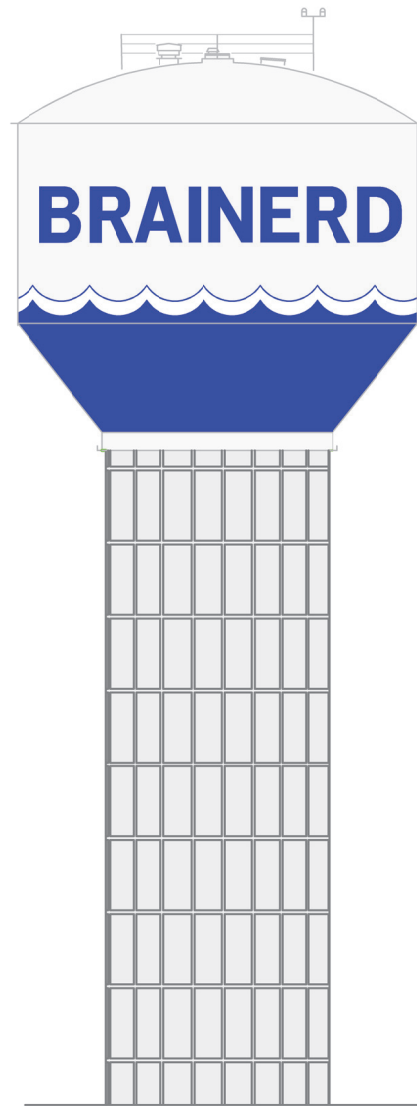
Requested Meeting Date: September 3, 2019

Title of Item: South Water Tower Design

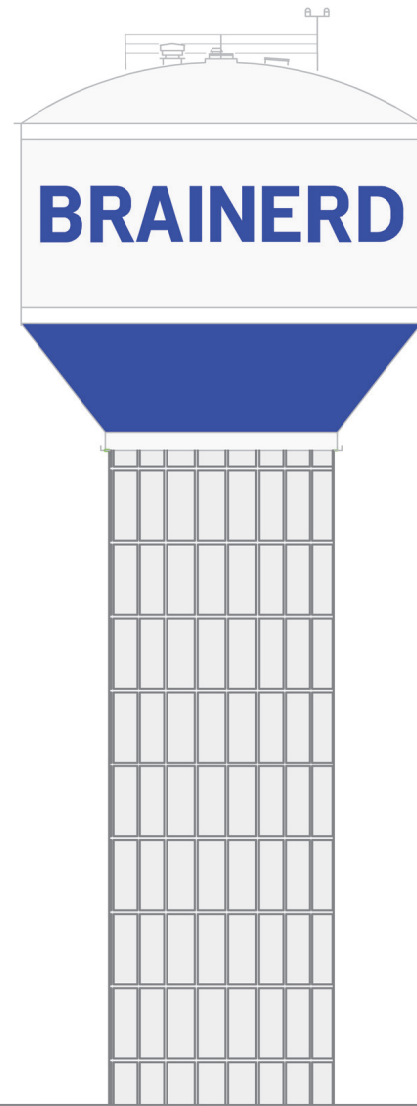
☒ INFORMATION ONLY ☒ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☐ Adopt Resolution (attach draft) <i>*provide copy of published hearing notice</i> ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading
Submitted by: Cassandra Torstenson	Department: BPU
Presenter (Name & Title): Cassandra Torstenson	Estimated Time Needed:
Summary of Issue: The south water tower was painted beginning last week using Concept 1 from the drawings attached.	
Alternatives, Options, Effects on Others/Comments: None	
Recommended Action/Motion: There is no action needed - This is just informational.	
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>	



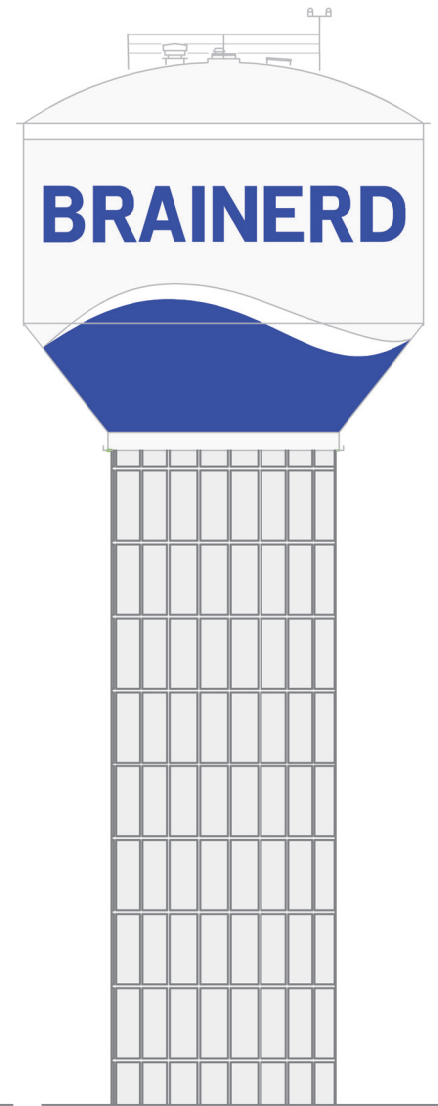
Concept 1



Concept 2



Concept 3



Concept 4



Brainerd City Council Agenda Request

Requested Meeting Date: September 3, 2019

Title of Item: Authorization to go out for Bid for City Hall, Police, and Street Facilities

☐ 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): WSN and Contegrity Group	Estimated Time Needed: 5-10 Minutes
Summary of Issue: WSN and Contegrity Group will be at the meeting with a short presentation, cost estimate handouts, and answering any questions as it relates to the scope, design, schedule, and costs of the facilities projects planned for 2019, 2020, and 2021.	
Alternatives, Options, Effects on Others/Comments: The presentation is informational.	
Recommended Action/Motion: Staff recommends authorization to proceed into the bidding phase of the project, as stated during the presentation.	
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
PERSONNEL AND FINANCE COMMITTEE
AGENDA**

TUESDAY, September 3, 2019
City Hall Conference Room
6:45 PM

1. Approval of Bills
2. Authorization to Transfer and Dispose of Retired Police Vehicles
3. Resolution for Toward Zero Deaths (TZD) Traffic Safety Enforcement Grant
4. Tower Award Funding – Discussion Of
5. Street and Sewer Department Staffing
6. Criteria to Consider for Initial Step Placement During Hiring Process
7. Employee Policy Manual Update



Brainerd City Council Agenda Request

Requested Meeting Date: September 3rd, 2019

Title of Item: Disposal of Retired Police Vehicles

☐ 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: 3 MINUTES
Summary of Issue: We are requesting authorization for the dispositions of the following retired police vehicles that have been replaced this year. We would like to use Central Minnesota Dealer Auction located south of Brainerd to sell: 1. 2015 Ford Police Interceptor Utility VIN 1FM5K8AR5FGC51703 Unit #419 We are also requesting authorization to transfer the below listed retired K-9 Squad to Brainerd Parks and Rec: 2. 2013 Chevrolet Tahoe VIN 1GNSK2E0XDR309023 Unit #415	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion: Authorize the sale of retired police vehicle Unit # 419 utilizing Central Minnesota Dealer Auction and the transfer of retired police vehicle Unit # 415 to Brainerd Parks and Rec.	
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: September 3rd, 2019

Title of Item: Resolution for Toward Zero Deaths (TZD) Traffic Safety Enforcement Grant

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☒ P&F COMMITTEE ☐ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☒ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: CHIEF MCQUISTON	Department: POLICE
Presenter (Name & Title): CHIEF MCQUISTON	Estimated Time Needed: 5 MINUTES
Summary of Issue: The Police Department is requesting authorization and a resolution to apply for the FY 2020 TZD Traffic Safety Enforcement Grant, from the State Office of Traffic Safety (OTS). This period begins October 1st, 2019 and ends September 30, 2020. The resolution needs to be approved and signed so it can be uploaded into the E-grants system to complete the application. OTS has approved our proposal and tentatively award our grant \$52,250. This is an increase from the 2019 award of \$44,740.	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion: Approve the attached Resolution authorizing the Police Department to enter into a cooperative agreement with the State of Minnesota Office of Traffic Safety for the FY 2020 TZD Traffic Safety Enforcement Grant.	
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 AUTHORIZING EXECUTION OF
THE TZD ENFORCEMENT GRANT CONTRACT**

BE IT RESOLVED BY THE CITY COUNCIL OF BRAINERD, MINNESOTA, that the Brainerd Police Department is hereby authorized to enter into a cooperative agreement with the State of Minnesota Department of Public Safety, for traffic safety enforcement projects as specified in the Grant Contract during the period from October 1, 2019, through September 30, 2020, or until all obligations have been satisfactorily fulfilled, whichever occurs first.

BE IT FURTHER RESOLVED, that Police Chief Corky McQuiston of the Police Department of the City of Brainerd is hereby authorized to execute such agreements and amendments as are necessary to implement the project on behalf of the Brainerd Police Department and to be the fiscal agent and administer the grant.

Adopted this 3rd day of September, 2019.

GABE JOHNSON
President of the Council

Approved this 4th day of September, 2019.

EDWIN L. MENK
Mayor

ATTEST: _____
CASSANDRA TORSTENSON
City Administrator

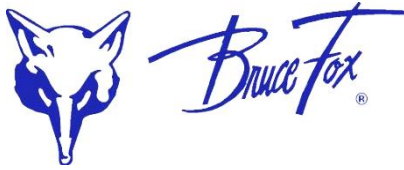


Brainerd City Council Agenda Request

Requested Meeting Date: September 3, 2019

Title of Item: Tower Award Funding

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☒ P&F COMMITTEE ☐ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Connie Hillman	Department: Finance
Presenter (Name & Title): Finance Director Hillman	Estimated Time Needed: 5 Minutes
Summary of Issue: At the August 19th council meeting, Mayor Menk shared with council the City is running low on tower awards. The general consensus of the council was to continue the award and direction was given to Staff to research a funding source. The last time tower awards were ordered was at the end of 2004. Fifty plaques were ordered and paid out of the general fund, unallocated miscellaneous account. The cost was \$58.23 per award. Staff has contacted the company and received a quote for 50 at \$93.17 each + shipping. This price does not include the engraving (personalization), which the Mayor has been doing at no cost.	
Alternatives, Options, Effects on Others/Comments: Tower awards started in 1997. An order of 50 was placed then and again in 2004. Previous quotes had an increase in unit price with lower quantities. Attached are the guidelines for the tower award that are still followed today.	
Recommended Action/Motion: Authorize continuation of tower award program and the funding of the awards from the general fund, unallocated miscellaneous account.	
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> \$ approx 5,000 <i>Is this budgeted?</i> ☒ Yes ☐ No <i>Please Explain:</i> There was \$10,000 in budgeted in 2019. I believe that the budget could absorb this cost at this time.	



PRODUCT QUOTATION

TO: Stephanie Bestul

COMPANY: City of Brainerd

DATE: July 29, 2019

Dear Stephanie ,

Please find below our updated pricing for the City of Brainerd Tower Awards.

Sincerely,

Angela Neuman

aneuman@brucefoxinc.com

City of Brainerd Tower Award

1. NET UNIT PRICING

50 @ \$ 93.17 each net

2. TOOLING/SET-UP COSTS

N/A, existing

3. ESTIMATED PRODUCTION & DELIVERY SCHEDULE

6-8 weeks

4. METHOD OF PERSONALIZATION

N/A , shipped with blank plates and/or laser engraved.

5. SPECIFICATIONS

VERTICAL HANGING PLAQUE; SOLID WALNUT LASER ENGRAVED PANEL 8-1/2 X 11 X 3/4; HAS SPIN CAST TOWER 1-3/4 X 6-3/4 BRASS PLATED, LIGHT ANTIQUE; (1) ENGRAVED PLATE 3 X 3/4 X .032 YB WITH CONSECUTIVE NUMBERS FROM 151-200

(2) BLANK PLATES

(1) 4-1/32 X 1-3/32 AND

(1) 4-1/32 X 1-3/8

BOTH .032 YB, SATIN FINISH LONG DIRECTION, CLEAR LACQUER

6. DROP-SHIPMENT QUOTATION

- Drop-shipment distribution costs do not include personalization
- Applicable when the customer requires simultaneous shipment of product to individual destinations
- Drop-shipments are made as soon as the product is fully manufactured
- Add the costs for the required services to the accompanying Product Quotation
- These costs will be invoiced separately, following shipment, along with applicable personalization and freight charges

NET PRICE: \$4.75 per location

7. STOCK & RELEASE QUOTATION

- Does not include personalization
- An effective system for maintaining an inventory of product and shipping to individual destinations according to customer call-outs
- Add applicable costs corresponding to the available listed services to the Product Quotation
- These costs will be invoiced separately following shipment, along with applicable personalization and freight charges
- One year after original shipment to inventory area, Bruce Fox will conduct a physical inventory, identify inventory value and contact customer
- The customer can maintain inventory for an additional year for a fee of 10% of inventory value, or excess inventory will be shipped to the customer, with release charges applied
- Based on average number of units per destination; round down to the nearest quantity break

NET PRICE PER UNIT:

1 unit average per destination @ \$14.50
2 units average per destination @ \$11.25
5 units average per destination @ \$ 8.85
10 units average per destination @ \$ 8.25
25 units average per destination @ \$ 6.55

8. OTHER TERMS & CONDITIONS

- Minimum billing \$ 50.00
- Unit cost based on quantity ordered, manufactured, and bulk shipped to a single location upon completion of manufacturing are included; add appropriate costs for selected/optional distribution method and personalization
- Freight costs not included
- Prices are net FOB New Albany, Indiana
- All prices valid for 30 days from date of quotation
- Variation in quantity or lead time will require new quotation; rush charges may apply
- Terms with approved account: Net 30 days
- Net orders totaling \$10,000 or more may require a deposit payment and/or installment payment schedule
- Foreign shipments @ \$40.00 each net
- Incorrect address charge @ \$25.00 each net

- Call tag issue @ \$7.50 each net
- Unauthorized consignee billing charge @ \$30.00 each net
- Return shipments will be subject to applicable freight charges
- Third party freight service is available at an additional cost of \$2.50 net per shipment plus \$0.40 net per product unit
- Third party freight service is not available for international shipments
- Shipment tracking, damage/loss claims, and replacement costs for shipments made via third party service are the responsibility of the bearer of the third party account
- Data file manipulation; per record charge for correction, addition or deletion to customer-supplied recipient/address data @ \$0.75 net per record
- All amounts presented on this quotation are due and payable in US Dollars

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TOWER AWARD MEETING

JULY 15, 1997

Mayor's Office

4 p.m.

ATTENDING: Mayor Bonnie Cumberland, former Mayor George Bedard and Council President James Wallin.

BUSINESS DISCUSSED:

1. The Tower Award should be treated with respect and be prestigious.
2. The maximum number of Tower Awards given to businesses/business or community people should be two each year.
3. Prior to giving a Tower Award, potential recipients should be nominated in writing by stating reasons why they would be eligible to receive the award. The Tower Award Committee would meet at least two times a year to decide the award recipient(s). Meetings could be scheduled or they could be called for by a member of the Tower Award Committee.
4. The Tower Award Committee should be composed of the current Mayor, current President of the City Council, and former Brainerd Mayors.
5. Extensive discussion was held regarding the purpose of the Tower Award. In the 1978 Tower Award Guidelines, it states, "...originally to be given to local businesses for appreciation of what they do for the community..." Therefore, Mayor Cumberland will prepare some statistics regarding past awards and award recipients, while Council President Wallin will work on a special design that would distinguish employee and elected official awards from the business Tower Award.
6. Employees and elected officials would still receive an award. Employees with 10 or more years of service to the City of Brainerd would receive the revised plaque. Longevity to the City would continue to be recognized through the tower/gem stone pins.
7. Elected officials would be recognized by the revised award upon the time of their retirement from Council.

The meeting adjourned at 4:50 p.m.

The next meeting will be set after hearing Council's response to these revised guidelines.

Respectfully submitted,

Bonnie K. Cumberland
Recorder



Brainerd City Council Agenda Request

Requested Meeting Date: September 3, 2019

Title of Item: Street and Sewer Department Staffing

☐ 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 & Kris Schubert	Department: Engineering/HR
Presenter (Name & Title): HR Coordinator Kris Schubert	Estimated Time Needed: 5 minutes
Summary of Issue: At the last meeting, Council accepted Steve Olson's retirement and authorized backfilling his position. Two employees applied for the vacant Street Maintenance III position with interviews conducted on August 29th. The Interview Panel consisted of City Engineer Sandy, Street Foreman Middagh and HR Coordinator Kris Schubert. The panel recommends to promote Darin Caughey to the Street Maintenance III position effective September 4, 2019; further, that Mr. Caughey be placed on Step 1 of the Street Maintenance III wage grid. This effective date will allow for a few days of cross-training before Mr. Olson's retirement.	
Alternatives, Options, Effects on Others/Comments: If this recommendation is approved, we will then have a vacancy in our Street Maintenance I position. Staff requests authorization to begin the hiring process to fill said vacancy. Please note we had advertised for this position in July 2019 when Shawn Middagh was promoted. We had several quality candidates from that pool and we would like to utilize that pool list if possible. If that process goes well, we may not need to re-advertise for the position again which will help us expedite the hiring process.	
Recommended Action/Motion: 1. Approve the promotion of Darin Caughey to Street Maintenance III effective September 4, 2019; further, that Mr. Caughey be placed at Step 1 of the Street Maintenance III wage grid (\$24.65 per hour). 2. Authorize backfilling the Street Maintenance I position; further, allow Staff to utilize its discretion when advertising for the vacant position.	
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> Both the Street Maintenance III and Street Maintenance I positions are included in the 2019 budget.	



Brainerd City Council Agenda Request

Requested Meeting Date: September 3, 2019

Title of Item: Criteria for Step Placement at Initial Hiring

☐ 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: Councilwoman Sue Hilgart	Department: Council
Presenter (Name & Title): Councilwoman Sue Hilgart	Estimated Time Needed: 5 minutes
Summary of Issue: With our new pay philosophy and step system, Council would like to provide guidance to Staff to help justify recommended step level placement at initial hiring. New employees generally will start at Step 1. The hiring range can include Step 2 - 4 based on the items noted in the below Alternatives Section. Placement above Step 4 requires Council approval.	
Alternatives, Options, Effects on Others/Comments: Items that may be considered for initial placement for Step 2 - 4: - o Previous work experience in exact position = 3 years experience for each step. - o Previous work experience in similar position = 6 years of experience for each step. - o Additional education level = an additional step if applicable for the position. • Additional step recommendations may also be considered on a case-by-case basis for: - o difficulty attracting/retaining employees in the classification - o to match or offer an acceptable wage for the top candidate (we want to hire the best fit when possible); etc.	
Recommended Action/Motion: Motion to approve the guidance for initial hiring within the framework of the compensation system.	
Financial Impact: Is there a cost associated with this request: ☒ Yes ☐ No What is the total cost, with tax and shipping \$ unknown Is this budgeted? ☒ Yes ☐ No Personnel costs are budgeted and costs may vary by position. <u>Please Explain:</u>	



Brainerd City Council Agenda Request

Requested Meeting Date: September 3, 2019

Title of Item: Employee Policy Manual 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: Cassandra Torstenson & Kris Schubert	Department: Administration
Presenter (Name & Title): Cassandra Torstenson & Kris Schubert	Estimated Time Needed: 15 minutes
Summary of Issue: Attached you will find the updated Employee Policy Manual. This update includes input received from Department Heads, IT Coordinator Strong as well as the Mayor and Council. All feedback was submitted and reviewed by our City Employment Law Attorney Christian Shafer. You will notice that there are a few areas highlighted in yellow. On these areas, we are looking for specific feedback if the items is acceptable or should be revised. These areas are primarily in Employee Leaves - Catastrophic Leave (pages 35 & 36); the Education, Training and Development Section (Page 39); and the Department Heads have requested to update their Health Care Savings Plan contribution (Exhibit C - Page 82 & 83).	
Alternatives, Options, Effects on Others/Comments: Staff will need to be trained on this updated policy since it received a major overhaul.	
Recommended Action/Motion: Motion to approve the revised Employee Policy Manual if acceptable.	
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>	



9/3/2019

Employee Policy Manual

City of Brainerd

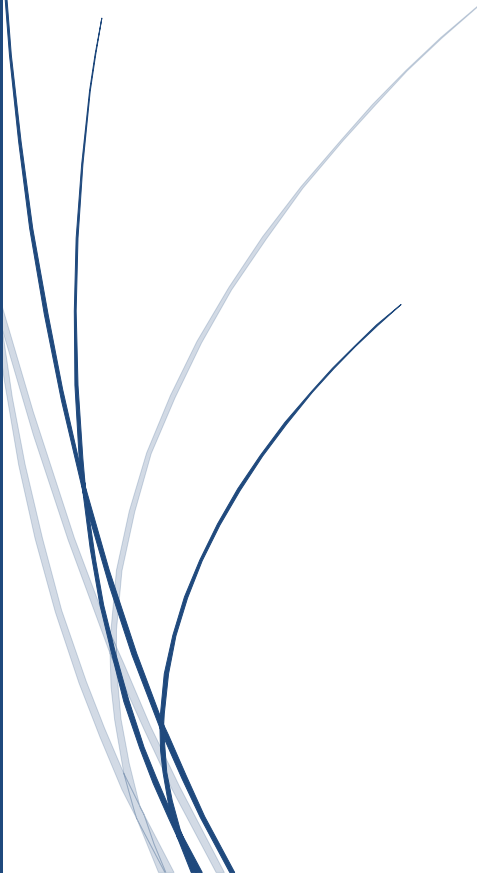


TABLE OF CONTENTS

	Page No.
SECTION 1 - PURPOSE.....	1
SECTION 2 - SCOPE OF POLICY	2
SECTION 3 - INTERPRETATION	3
SECTION 4 - IMPLEMENTATION OF POLICY	3
SECTION 5 - GENERAL INFORMATION	4
SECTION 6 - APPOINTMENTS AND PROMOTION	15
SECTION 7 - PROBATIONARY PERIOD	18
SECTION 8 - HOURS OF WORK	19
SECTION 9 - OVERTIME HOURS.....	21
SECTION 10 - LUNCH AND COFFEE BREAKS	23
SECTION 11 - HOLIDAYS	23
SECTION 12 - REGULAR VACATION.....	24
SECTION 13 - EMPLOYEE LEAVES.....	26
SECTION 14 - EMPLOYEE INSURANCE	37
SECTION 15 – HEALTH CARE SAVINGS PLAN	38
SECTION 16 - CAFETERIA PLAN.....	38
SECTION 17 - EDUCATION, TRAINING AND DEVELOPMENT	39
SECTION 18 - EMPLOYMENT RELATED REIMBURSEMENTS.....	42
SECTION 19 - DRUG-FREE WORKPLACE/DRUG & ALCOHOL POLICIES.....	46
SECTION 20 - EMPLOYEE SAFETY MANUAL.....	49
SECTION 21 - POLITICAL ACTIVITY	49
SECTION 22 - HARASSMENT	50
SECTION 23 - GRIEVANCES.....	55
SECTION 24 - DISCIPLINE AND DISCHARGE	56
SECTION 25 - PERSONNEL/PAYROLL.....	60
SECTION 26 – SEPARATION FROM EMPLOYMENT	61
SECTION 27 - RETIREMENT AND SEVERANCE PAY	62
SECTION 28 - ACCIDENT PROCEDURES.....	63
SECTION 29 - SALARY ADMINISTRATION PLAN	64
SECTION 30 - STATEMENT OF POLICIES & PROCEDURES RE: REIMBURSEMENT OF ATTORNEY FEES	66
SECTION 31 – TECHNOLOGY USE	66
SECTION 32 - QUESTIONS OR CONCERNS	77
SECTION 33 - ACKNOWLEDGMENT PAGE	78
EXHIBIT A – HEALTHCARE INSURANCE PREMIUM CONTRIBUTIONS	79
EXHIBIT B – LONG-TERM DISABILITY COVERAGE & LIFE INSURANCE	81
EXHIBIT C – MN HEALTH CARE SAVINGS PLAN CONTRIBUTIONS	82

SECTION 1. PURPOSE

Subdivision 1. Policy Statement

The City Council of the City of Brainerd ("City") deems it advisable to establish a policy governing the relationship between the employees and the City, and to provide procedures for its administration. In the formation of this policy, the Council recognized that the City is a political subdivision of the State of Minnesota and the Employee Policy Manual must conform to applicable law. Within this framework, the Council can establish governing principles upon which a progressive, comprehensive and efficient program of employee relations may be based.

Subdivision 2. General

The purpose of this manual is to help you to better understand the policies and procedures which affect and guide your employment with the City of Brainerd. These policies should not be construed as contract terms, a guarantee of continued employment, or terms and conditions of employment. This manual replaces, revokes, and supersedes any previous personnel policies, interpretations, and practices. This manual is only valid until amended or replaced by the City Council.

This manual is not intended to cover all circumstances that might arise. Employees should become thoroughly familiar with the provisions of this manual within ten (10) business days of their receipt of this manual. Except as modified by an individual contract or a collective bargaining agreement, all employment with the City is "at-will" employment.

Subdivision 3. Amendment to Policy

The City reserves the right to modify, revoke, suspend, or change the language of this personnel policy, in whole or in part, at any time, with or without notice, at the City Council's sole discretion.

Subdivision 4. Equal Opportunity Statement

The City of Brainerd is an Equal Opportunity Employer. The City provide equal employment and advancement opportunity on the basis of merit within the context of its unique business environment and without regard to race, color, creed, religion, national origin, sex, sexual orientation, marital status, familial status, status with regard to public assistance, membership or activity in a local commission, disability, age, or other characteristic protected by a State or federal law.

Subdivision 5. Affirmative Action Program

This Employee Policy Manual is established in compliance with provisions of the City's Affirmative Action Program as adopted by the City Council on November 22, 1988. The City will take affirmative action to ensure that all employment practices are free of discrimination on the bases described in subdivision 4. Such employment practices include, but are not limited to the following; hiring, promotion, upgrading, demotion, transfer, recruitment or recruitment advertising, selection, layoff, disciplinary action, termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship.

The City fully supports incorporation of non-discrimination and Affirmative Action rules and regulations into contracts. Any employee of this City, or subcontractor to this City, who does not comply with the equal employment opportunity policies and procedures as set forth in this manual will may be subject to disciplinary action, up to and including immediate termination. Any subcontractor not complying with all applicable equal employment opportunity/affirmative action laws, directives and regulations of the federal, State and local governing bodies or agencies thereof, will may be subject to appropriate legal sanctions.

The City has appointed the Human Resources Coordinator to manage the equal employment opportunity activities and reporting the effectiveness of this affirmative action program, as required by federal, State and local laws, rules, and regulations. The City Administrator will receive and review reports on the progress of the program. If any employee, or applicant for employment, believes he/she has been discriminated against, please contact the Human Resources Coordinator at 501 Laurel Street, Brainerd, MN 56401 or call (218) 828-2307.

SECTION 2. SCOPE OF POLICY

Subdivision 1. Personnel Covered

This manual generally applies to all City and BPU employees, including probationary employees, appointed officials, and elected officials, except to the extent that this manual conflicts with applicable law or collective bargaining agreements. Certain provisions of this manual may be inapplicable to the following individuals:

1. All elected officials;
2. Members of City boards, commissions and committees;
3. Volunteer personnel and emergency employees;
4. Consultants and/or contracted personnel.

Subdivision 2. Employees Covered by Labor Contracts/Civil Service Rules

All provisions of this policy apply to employees covered by collective bargaining agreements, except when such provisions are in conflict with collective bargaining agreement provisions and/or Civil Service Rules, in which case, such provisions of the collective bargaining agreement and/or Civil Service Rules shall control.

SECTION 3. INTERPRETATION

The purpose of this manual is to provide a basis for the a safe, orderly, and disciplined employment environment. This policy will promote knowledge of what is expected of personnel generally, which should result in a greater degree of self-assurance in all positions. In relationships between positions it should be each City employee's individual aim to build mutual respect and confidence which is essential to local government service.

Any local, state, or federal laws that impose stricter requirements or regulations shall be used in lieu of policies or procedures outlined in this personnel policy, whenever they apply.

Additional information or clarification as to each section of this personnel policy may be obtained from your supervisor, department head or the Human Resources Department Coordinator. This manual is only a start in our communication network because the City maintains a continuous process of communicating policies and benefits to all staff members. The text of this manual, however, takes precedence over and controls any inconsistent communication from any City employee or elected official.

This manual summarizes the various policies and benefits currently provided by the City. Nothing contained in this personnel policy or in any other City document, and nothing said or done by a City employee, may be construed as an employment contract between the City and an employee, as a guarantee of continued employment, or terms and conditions of employment. The City and the employee both have the right to terminate the employment relationship at any time. Except as modified by an individual contract or a collective bargaining agreement, all employment with the City is "at-will" employment

SECTION 4. IMPLEMENTATION OF THIS POLICY

It is the responsibility of all City and BPU Department Heads and Supervisors to ensure implementation of this policy. Failure of any employee to perform in a manner consistent with this policy, State or federal Law will be grounds for discipline, up to and including immediate termination.

The City Administrator is hereby given authority for the administration of the policies contained in this manual, as directed by the City Council.

SECTION 5. GENERAL INFORMATION

Subdivision 1. Data Practices Advisory

In accordance with the Minnesota Government Data Practices Act, the City is required to inform employees of their rights as they pertain to any private information that the City collects from them. During the course of City employment, an employee will likely be asked to provide information which is classified by state law as either private or confidential. Private data is information which generally cannot be given to the public but can be given to the subject of the data. Confidential data is information which generally cannot be given to either the public or the subject of the data. Much of the data the City has about individual employees, however, is classified as public according to Minnesota Statutes, section 13.43, subdivisions 2 and 3. All public data is available for inspection and copying by members of the public, with or without the employee's consent.

Information about employees requested by the City may be used for the following purposes: (1) to process payroll, including accounting for wages and fringe benefits and to justify any reimbursed expenses; (2) enroll in benefit programs and pension plans; (3) evaluate the employee's job performance, eligibility and abilities; (4) distinguish the employee from other applicants and employees and identify the employee in the correct personnel file; (5) determine the employee's eligibility for employment or promotion, and make employment decisions about the employee's performance; (6) contact the employee or other significant persons in case of an emergency; (7) compile equal opportunity and any affirmative action reports required by applicable law; (8) make decisions regarding the employee's eligibility for sick leave, family and medical leave, parenting leave, and other available leave; (9) make decisions regarding the employee's eligibility for workplace accommodations, including accommodations for disabilities; (10) comply with workers compensation requirements in the event of an injury; and (11) provide information during workplace investigations. Such information may also be used and disclosed for other purposes consistent with applicable law. The information provided by the employee may be used in performance evaluations, determinations regarding merit pay, applications for different employment positions, and other matters which involve a review of the employee's personnel file and past performance.

Unless the employee is told otherwise, the employee is required to provide this information. If the employee refuses to supply the information, the employee may face disciplinary action. Any information which the employee is required to provide cannot be used against the employee in a criminal proceeding. Even if the employee is not required to provide information, it is generally to the employee's best interest to provide it. Without

the requested information, the City may not be able to determine the employee's eligibility for employment opportunities, compute wages, or grant the employee other benefits. The employee's refusal to provide information during an employment investigation may also necessitate that the investigation be completed without his or her input.

Federal law permits government agencies to require individuals to provide their social security number for the administration of any tax. Please be aware that when an employee is asked to give his or her social security number on revenue forms, this collection is mandated by law. This information will be shared with the Minnesota Department of Revenue, the Internal Revenue Services, and security tax programs. In most other cases, the disclosure of an employee's social security number is voluntary.

Any information an employee is asked to provide may be shared with individuals within the City whose job duties reasonably require access, as well as individuals outside of the City whose duties require access, such as insurance vendors, consultants, attorneys, and retirement plan employees. Information may also be shared with other agencies authorized by law to receive specific data.

If litigation arises, the information may be provided in documents filed with the court which are available to any member of the public. If it is reasonably necessary to discuss the information at a City Council meeting or meeting of the BPU Commission, it will be available to members of the public. To the extent that some or all of the information is part of the basis for a final decision on disciplinary action, that information is available to any member of the public.

Subdivision 2. Conduct as a City Employee

A. Scope of Policy

It is the policy of the City of Brainerd to maintain a respectful work and public service environment free from violence, discrimination, and offensive or degrading remarks or conduct. Preserving a respectful environment in which to work is the shared responsibility of both management and employees. Inappropriate conduct or communication can interfere with an individual's employment or use of public services, or create an intimidating, hostile or offensive work environment. Any employee found to have acted in violation of this policy shall be subject to appropriate disciplinary action, which may include dismissal from employment.

This policy governs the conduct of all City employees, including; union, non-union, supervisory, non-supervisory, managerial, full-time, part-time and temporary employees; and members of City boards and commissions. This policy is also applicable to City elected officials.

B. Definitions of Prohibited Behaviors

Violent behavior includes the use or threat of physical force, harassment, or intimidation, or abuse of power or authority when the impact is to control others by causing pain, fear or hurt.

Discriminatory behavior includes inappropriate remarks about or conduct related to an employee's race, color, creed, religion, national origin, disability, sex, marital status, age, sexual orientation, or status with regard to public assistance, including behavior specifically prohibited by Section 22 of these policies.

Offensive behavior may include, but is not limited to, such work-related actions as rudeness, exclusionary behavior, creating or displaying graphics depicting co-workers or customers inappropriately, angry outbursts, inappropriate joking, vulgar obscenities, name calling, disrespectful language, or the intentional filing of an unfounded complaint under this policy.

C. Expected Conduct of City Employees

1. City Employee Conduct in General

Employees of the City shall conduct themselves at all times while on duty or on the employer's premises, in such a manner as to reflect most favorably on the City. Conduct unbecoming a City employee shall include any conduct that tends to bring the City into disrepute or reflects discredit on the person as an employee of the City, or that which tends to impair the functioning of an employee, a department, or the City.

Your conduct as a City employee is an extremely important part of your job. You are a representative of our City, and as such, the way you perform your job and your neat and clean appearance reflects upon our entire organization. Your willingness to assist people, to courteously and accurately respond to their questions or complaints, and to refer them to the proper source when you are unable to solve their problems, are all important facets of your position with the City and impact upon each member of our staff.

2. Conduct in Dealing with the Public

While representing the City, employees shall be courteous to all members of the public and City customers. They shall be tactful in the performance of their duties, control their tempers and exercise the utmost patience and discretion. They shall not engage in argumentative discussions, even in the face of extreme provocation. They shall not use coarse, violent, profane or insolent language or gestures, and shall not express any prejudice concerning race, religion, politics, national origin, lifestyle, or other personal characteristics.

In the event a member of the public or City customer becomes abusive on the phone or in person, employees should refrain from escalating the situation and if possible, employ tactics to defuse the situation, e.g. lower the voice, ask the person to sit down. If the situation doesn't improve, the employee can refer the person to a supervisor or request that a police officer be called to the scene. Employees are not required to continue telephone or in-person conversations in which the caller uses profanity or threats. In those situations, the employee should refer the call to a supervisor or inform the caller, as courteously as possible, that the employee is hanging up and will talk with the caller after the caller has calmed down. If a member of the public becomes abusive the employee should refer the person to a supervisor or request that a police officer be called to the scene depending on the level of concern.

3. Conduct Between Employees

Employees shall cooperate with and be courteous to co-workers at all levels. While everyone is entitled to their feelings, they are not entitled to act on their feelings inappropriately in the workplace. Employees shall control their tempers and refrain from behaviors that are hostile, offensive, intimidating, degrading, or exploitative. Inappropriate displays include, but are not limited to: slamming doors, pounding tables, kicking furniture, unwanted physical contact of any nature, making threats, berating or belittling others, speaking in raised voices, using coarse, violent or profane language or gestures, refusing to speak or respond when spoken to, and refusing to provide assistance when requested.

Employees shall treat each other with respect. They shall refrain from making remarks about or using nicknames for other employees that are disparaging or based on a personal characteristic; producing cartoons or other graphics displaying other employees in an unfavorable light; communicating threatening or disparaging remarks via any medium (voice, e-mail, notes, etc.); engaging in unwanted horseplay or practical jokes; failing to relay written, verbal or telephone messages; unwanted, unwarranted physical contact of any nature, including "roughhousing" such as punching in the arm, pinching, arm twisting, etc., and other, similar unwanted conduct

D. Reporting Inappropriate Workplace Behavior

Any employee who feels he or she is being subjected to intimidating, offensive, or harassing behaviors should take the following steps:

1. If possible, politely but firmly tell the person who is behaving inappropriately that you are uncomfortable with or offended by the behavior and ask them to stop.

2. Write a memorandum for personal reference that describes the inappropriate behavior, the date the inappropriate behavior occurred, how it made you feel, what you did, how the offending party responded, and the names and titles of any witnesses.
3. If confronting the offending party is not practical or possible, or if the person refuses to discontinue the inappropriate behavior, the employee should, adhering to the chain of command, contact someone on the list below verbally or in writing:
 - a. The employee's immediate supervisor
 - b. The employee's department head, including, as applicable, a BPU department head (For BPU employees)
 - c. The Human Resources Coordinator
 - d. The City Administrator, for City-side employees

Reports of conduct by the Human Resources Coordinator or the City Administrator may be made to the Mayor or the Personnel Committee of the City Council.

Reports of conduct by a BPU Department Head may be made to the Human Resources Coordinator or the Chair of the BPU Commission.

When making a report, the complaining party should be prepared to provide the following information:

1. The complainant's name, department and position title.
2. The name, department, and position title of the offending party, if known.
3. The specific facts of the allegedly inappropriate behavior, how long it has allegedly gone on, any employment action (demotion, failure to promote, dismissal, refusal to hire, transfer, etc.) that was supposedly taken against the employee who is filing the complaint.
4. Names of witnesses, if any, to the allegedly inappropriate behavior.
5. Whether the complainant has previously reported the allegedly inappropriate behavior and, if so, to whom.

E. Investigating Complaints of Inappropriate Conduct

The Human Resources Coordinator, the City Administrator, the BPU Department Head (as appropriate), or a designee of the City Administrator or BPU Department Head (as appropriate), shall investigate complaints of inappropriate workplace conduct.

The determination of whether inappropriate workplace conduct has occurred will be made on a case by case basis. Disciplinary action will also be determined on a case by case basis in accordance with these policies, applicable policies of the Police and Fire Departments, and applicable collective bargaining agreements.

Employees who are found to have filed bad faith complaints of inappropriate workplace conduct will be subject to disciplinary action as described in the preceding paragraph.

F. Consequences of Engaging in Inappropriate Workplace Conduct

Employees who are found to engage in inappropriate workplace conduct may be subject to disciplinary action, up to and including immediate termination, subject only to the provisions of these policies, applicable policies of the Police and Fire Departments, and applicable collective bargaining agreements.

Supervisors are required to deal swiftly and vigorously with employees who treat others disrespectfully. Any supervisor who condones or allows inappropriate workplace conduct or fails or refuses to respond appropriately to complaints of inappropriate workplace conduct, may be subject to disciplinary action as described in the preceding paragraph, whether or not the supervisor actually engaged in inappropriate workplace conduct.

G. Retaliation for Complaints of Inappropriate Workplace Conduct

All employees are prohibited from retaliating or threatening to retaliate against anyone who complains of inappropriate workplace conduct. Any employee found to engage in retaliatory actions is subject to discipline, up to and including immediate termination, subject only to the provisions of these policies, applicable policies of the Police and Fire Departments, and applicable collective bargaining agreements.

H. Relationship of Code of Conduct to Harassment Policy.

This policy supplements and does not replace the City's policies prohibiting discrimination, harassment in the workplace, and workplace violence.

Subdivision 3. Gifts and Endorsements

No employee shall directly or indirectly solicit, receive, or agree to receive any compensation, "tip," gift, reward, gratuity, payment of expense, or promise of future employment or other future benefit from any source except the City, for any matter or proceeding connected with or related to the duties of the employee. Notwithstanding the above rule, employees may accept the following:

- A. Gifts of nominal value (\$5 or less) that were not solicited;

- B. Plaques or similar mementos recognizing an individual's service in a field of specialty or to a charitable cause;
- C. Reimbursement of actual expenses incurred for lodging, mileage, meals, and other travel expenses that are not reimbursed by the City, but which have been approved in advance by the employee's Department Head (or City Administrator, for costs incurred by Department Heads other than BPU Department Heads) as part of the work assignment. For costs incurred by BPU Department Heads, the costs must be approved in advance by the BPU Commission. This includes food and refreshment provided at a meeting, conference, or other event as a normal courtesy to all attendees incidental to the performance of official duty.

Employees and elected officials qualifying as "local officials" pursuant to M.S. 471.895 (as amended) must comply with the terms of that statute.

Subdivision 4. Solicitations

The City does not allow solicitations to take place on City time or property. If you are asked to purchase goods, contribute funds, etc. while on City premises, please notify your supervisor immediately.

Subdivision 5. Conflicts of Interest

No City employee shall engage in any act which is in conflict, or creates an appearance of impropriety or conflict, with the performance of official duties. When an employee believes the potential for a conflict of interest exists, it is the employee's responsibility to avoid the situation. Employees must notify their supervisor if a conflict of interest or perception of a conflict of interest situation exists or may exist. Employees who knowingly fail to avoid or disclose a potential, perceived or actual conflict of interest situation are subject to disciplinary action in addition to any criminal penalty that may be involved. An employee shall be deemed to have a conflict if the employee:

- A. Has any financial interest in any sale to the City of any goods or services;
- B. Engages in conduct that violates Subdivision 3 (Gifts and Endorsements) of this Section;
- C. Participates in his/her capacity as a City employee in the issuing of a purchase order or contract in which he/she has a private financial interest, direct or indirect, or performs in regard to such contract some function requiring the exercise of discretion on behalf of the City; or

- D. Engages in, accepts employment from, or renders services for private interests for any compensation or consideration having monetary value when such employment or service is incompatible with the proper discharge of official duties or would tend to impair independence of judgment or action in performance of official duties, or give the appearance of the above.

An employee should not make a unilateral decision if there is any doubt about his/her private employment. The City Administrator or Human Resources Coordinator should be consulted.

Except as provided in section "B" above, no employee shall, directly or indirectly, give or receive, or agree to give or receive any compensation, gift, reward, commission or gratuity from any source except the City for any matter directly connected with or related to his official services as such employee with this City.

- E. Discloses or uses without authorization from the City Administrator or BPU Department Head (for BPU employees only), private, confidential, or other non-public information to further the employee's private interest, or accepts outside employment or involvement in a business activity that will require the employee to disclose or use such information .
- F. Has a financial interest or personal interest in any legislation or decision coming before the City Council and participates in discussion with or gives an official opinion to the City Council unless the employee discloses on the record of the Council the nature and extent of such interest.

Subdivision 6. Outside Employment

Employees may not engage in outside employment which might in any way hinder their objective and impartial performance of their public duties, be incompatible with their City employment, or impair their efficiency on the job. Employees must obtain prior authorization from their Department Head, the City Administrator, if the Department Head is seeking outside employment, or the BPU Commission, if a BPU Department Head is seeking outside employment, before accepting outside employment. The Department Head will consult with the City Administrator (or Human Resources Coordinator, for BPU Department Heads) or designee, before granting any employee authorization to engage in outside employment. Outside work shall be regarded as secondary to regular City employment and shall not interfere with the availability of employees for regularly scheduled work, emergency, or on-call duties. The City's Workers Compensation insurance does not cover any individual injured in the course of outside employment.

Subdivision 7. Incompatible Activities

As a City employee, you have a responsibility to uphold a high standard of honesty and integrity.

You may not engage in any activities which are inconsistent, incompatible or in conflict with the duties of your position. These incompatible activities include activities such as using your position or City resources for personal gain or advantage, accepting money or gifts for performing your duties as a City employee, or engaging in activities which impair your attendance or efficiency in the performance of your duties. If an employee has any question as to whether an activity is “incompatible” with his or her work for the City, the employee must ask his or her department head or, if the employee is a department head, his or her immediate supervisor for clarification.

Subdivision 7. Use of City Vehicles, Facilities and Equipment (Amended 11/30/09)

No employee of the City shall request, use, or permit the use of City-owned vehicles, clothing, equipment, materials, or other property for: unauthorized personal convenience, for profit, for private use, or as part of secondary employment, or any other use not in the interest of the City, except as provided by law. Use of such City property is to be restricted to such services as are available to the City generally and for the conduct of official City business.

Employees are responsible for appropriate use of time, telephones, cellular telephones, computers, printers, paper, pens, stationery, facsimile machines, and pages. They are expected to adhere to the highest ethical standards when conducting City business and to follow these policies.

Management personnel are responsible for ensuring the appropriate use of all City property, including e-mail and internet access through training, supervising, coaching and taking disciplinary action, when necessary.

Employees who are required to take a City vehicle or equipment home due to the nature of their work for the City, shall do so only with the approval of the City Administrator or BPU Commission (for BPU employees only) and in accordance with IRS reporting requirements. City vehicles shall be allowed to leave the City limits (or service area for Fire Department, Police, and BPU vehicles) only while on official City business.

City employees shall have no expectation of privacy in any property or equipment of the City, including, but not limited to, offices, cubicles, desks, files, vehicles, filing cabinets, voice mail, text messages on City paid cellular telephones, PDAs, computers, laptops, mass storage devices, e-mails, electronic media or devices of any kind, or any other type of equipment, property, or space provided by the City. Except when accessed by the

police department for law enforcement purposes, any such property or equipment may be accessed by the City at any time, for any purpose, with or without notice to the employee, and with or without reasonable suspicion.

Staff members shall operate City vehicles in a careful and prudent manner and shall obey all laws of the state and all City orders pertaining to such operation. Staff members shall set a proper example for others when operating City vehicles. Any City employee who drives a City vehicle regularly or occasionally in order to conduct City business, must promptly report loss or suspension of a driver's license to the department head.

The City Council approved the following policy regarding vehicle use. The intent of this policy is to ensure appropriate use of City vehicles and rolling stock by municipal employees and to ensure a clear understanding thereof.

- A. To the extent feasible, all City employees should use a City-owned vehicle when traveling for City work, including conferences, seminars, and meetings that the employee is attending in his or her role as a City employee.
- B. Conferences, schools, seminars and meetings: For purposes of this policy it is intended that training opportunities during the regular work shift within a 90-mile distance of the work location is considered an acceptable work-related activity in as much as the vehicle will be returned to the work site either during or shortly after the completion of the shift.
- C. Out-of-town and overnight conferences and schools: To the extent feasible, all employees should use an available City-owned vehicle when traveling to overnight conferences, schools, and events. For travel which has a duration of more than one work day in length, the employee may utilize a non-fleet vehicle, if a City-owned vehicle is not available, the use for which will be compensated at the approved rate. Alternatively, upon prior approval of the City Administrator or BPU Commission (for BPU employees only) or designee the employee can receive the use of a vehicle previously determined as an excess vehicle by the City Council.
- D. Lunch hours and authorized breaks: For purposes of this policy when an employee is scheduled to work at a site other than their normal reporting location, and for Police Officers on duty, use of a City vehicle for travel within one mile of the City limits for the purpose of lunch and other authorized breaks shall not be considered personal use.
- E. Overnight use: It is the intent of this policy that all municipal vehicles will have returned to their designated work location by the end of the work shift unless

prior written authorization has been received from the City Administrator or Human Resources Coordinator (for BPU employees only).

- F. Personal use: Personal use of City vehicles by City employees or elected officials is prohibited without the express written consent of the City Administrator or BPU Commission (for BPU employees only).

Subdivision 9. Firearms at Work

All employees, except sworn employees of the Police Department, are prohibited from carrying or possessing firearms while acting in the course and scope of employment for the City. The possession or carrying of a firearm by employees other than sworn Police Officers is prohibited while working on City property or while working in any location on behalf of the City. This includes but is not limited to:

- ~Driving on City Business;
- ~Riding as a passenger in a car or any other type of transit on City business;
- ~Working on the City's property, including City Hall or any other City-owned work site;
- ~Working off site on behalf of the City;
- ~Performing emergency or on-call work after normal business hours and on weekends;
- ~Working at private residences and at businesses on behalf of the City;
- ~Attending training or conferences on behalf of the City.

To the extent required by Minnesota Statutes, section 624.714 (as amended), an exception to this policy is that City employees may carry and possess firearms in City-owned parking areas if they have obtained the appropriate permits(s) and/or their carrying and possession of the firearm(s) is otherwise lawful. If a City employee must drive his or her personal vehicle on City business, he or she may check a firearm with the City Police Department during the workday and retrieve it after work. The Police Department will establish procedures to ensure that the firearm is locked up and is not able to be retrieved by anyone other than the owner/employee.

When responding to on-call work from home after regular work hours, an employee is prohibited from bringing a firearm in their private vehicle unless the vehicle remains in a parking lot and is not needed in order to respond to the call.

In addition, the City prohibits the discharge of firearms on City property, except as necessary for the performance of duties by sworn Police Department employees. Any employee in violation of this policy will be subject to disciplinary action, up to and including discharge.

This policy is administered and enforced by the Human Resources department. Anyone with questions or concerns specific to this policy should contact the Human Resource Coordinator.

SECTION 6. APPOINTMENTS AND PROMOTION

Subdivision 1. Appointment Procedure

It is the intent of the City of Brainerd to recruit and select qualified candidates for available positions, as it deems necessary. The City is committed to recruitment and selection practices that are based on merit. The recruitment and selection processes will be conducted to ensure an open and competitive process. Human Resources staff are responsible for managing the recruitment and selection process including, but not limited to, obtaining authorization to hire, evaluating job descriptions, preparing vacancy announcements, scoring applications, conducting interviews, facilitating background checks, scheduling various assessments and medical examinations, scheduling interviews, and making and withdrawing job offers.

Every appointment to municipal service shall be recommended by the City Administrator to the Personnel and Finance Committee and approved by the City Council. When required by law or by the City Administrator, merit and fitness shall be ascertained by written, oral or other examinations designed to evaluate the ability of the candidate to discharge the position for which the examination is held.

For an existing position that becomes vacant and new positions approved as part of the budget, the City Administrator shall direct the Human Resources Coordinator to inform the City Council of the vacancy to receive the City Council's authorization to begin recruitment and, when complete, to bring a hiring recommendation to the City Council for authorization to hire. Furthermore, when a position has already received approval from the City Council and an offer is made to a candidate who then declines, the Human Resources Coordinator and the department head may use their judgment in reviewing the list of applicants or re-advertising for the same position.

Unless otherwise required by law or applicable collective bargaining agreement, in no event shall the hiring or continued employment of any person be considered a contractual relationship between the employee and the City. Further, unless otherwise provided, such relationship shall be defined as employment "at-will," which allows either party to dissolve the relationship at any time, for any legal reason or no reason at all.

With respect to employees of BPU, the BPU Department Heads will make a recommendation to the BPU Commission, which shall approve all appointments for BPU employees. When required by law or by the BPU Department Heads, merit and fitness shall be ascertained by written, oral or other examinations designed to evaluate the ability of the candidate to discharge the position for which the examination is held.

For an existing BPU position that becomes vacant and new positions approved as part of the budget, the BPU Department Heads shall direct the Human Resources Coordinator to inform the BPU Commission of the vacancy to receive the BPU Commission's authorization to begin recruitment and, when complete, to bring a hiring recommendation to the BPU Commission for authorization to hire. Furthermore, when a position has already received approval from the BPU Commission and an offer is made to a candidate who then declines, the Human Resources Coordinator and the Department head may use their judgment in reviewing the list of applicants or re-advertising for the same position.

Subdivision 2. Physical Examination and Background Checks

To the extent authorized by law, the City reserves the right to require applicants to complete a pre-employment physical examination by a physician designated by the City as part of the hiring process. Likewise, to the extent authorized by law, the City reserves the right to require employees to complete physical examinations related to their ability to complete the essential functions of their positions. The cost of any such examination shall be paid by the City.

To the extent required or authorized by law, the City reserves the right to require applicants to submit to a background checks, including a criminal history background check, as part of the hiring process. Likewise, to the extent authorized by law, the City reserves the right to require internal applicants for promotional positions to submit to a background check, including a criminal history background check, as part of the recruitment and appointment process.

Subdivision 3. Promotion from Within

To the extent feasible, notice of all new job openings or vacancies shall be posted for at least three (3) working days in an appropriate place. Any employee desiring to apply for such job opening shall do so in writing, which must be submitted to person designated in the job posting, typically the Human Resources Coordinator or BPU Department Head, by 4:30 p.m. on the closing day. If a person other than the Human Resources Coordinator is designated in the job posting, the designated individual shall provide the application to the Human Resources Coordinator within one (1) working day of receipt of the application. The internal recruitment process in no way prohibits the City from seeking and hiring qualified applicants through an external recruitment process. Except as required by the

provisions of a collective bargaining agreement, the City reserves the right to recruit external candidates with or without conducting an internal recruitment process and has no obligation to select an internal candidate over an external candidate.

Subdivision 4. Acting Department Head Policy

The following provisions shall be followed for appointment of Acting Department Heads:

- (a) An employee who is designated to act as a Department Head shall be compensated at the rate of pay of the lowest step on the wage grid for the Department Head position that would represent an increase in pay for the employee if appointed to the Department Head position as of the date of such designation consistent with these policies.
- (b) An employee may be appointed to the position of Acting Department Head upon recommendation of the City Administrator through the Personnel and Finance Committee and final approval of the City Council.
- (c) Subject to the provisions of any applicable collective bargaining agreement, upon appointment of a Department Head, the City may return the employee who was Acting Department Head to the position and rate of pay he or she held prior to appointment as Acting Department Head, unless the Acting Department Head is appointed to the Department Head position.
- (d) It is understood that the employee appointed as Acting Department Head is receiving additional compensation as per the terms of this policy and that no additional compensation will be made if or when the employee returns to his/her previous position regardless if this policy is amended at any point in the future.
- (e) With respect to BPU Department Head positions, an employee may be appointed to the position of Acting BPU Department Head upon approval by the BPU Commission. The BPU Commission shall seek the recommendation of the Human Resources Coordinator and any remaining BPU Department Head before reaching a decision to appoint an acting BPU Department Head.
- (f) Nothing in this policy provides, or can be construed as providing, any employee with the right to be selected as Acting Department Head or Department Head. Nothing within this policy alters, or can be construed as altering, the “at-will” nature of employment of Acting Department Heads.

SECTION 7. PROBATIONARY PERIOD

Subdivision 1. Duration and Purpose

Subject to the provisions of an applicable collective bargaining agreement and applicable law, all new, rehired, promoted, or reassigned employees shall serve a twelve (12) month probationary period upon assuming their new positions. This period shall be used to observe the employee's work habits and ability to perform the work that they are required to do. Department Heads shall file with the City Administrator or, for BPU employees only, the BPU Commission, a written summary of the probationary period and include a recommendation for continued employment of the employee.

Subdivision 2. Extension

An employee's probationary period may be extended for an additional period of time not to exceed six (6) months at the sole discretion of the Human Resources Coordinator.

Subdivision 3. Termination

The City Council, upon recommendation of the Personnel and Finance Committee, may terminate without cause a probationary employee anytime during the probationary period if in the City Administrator's opinion, the employee's performance indicates that the employee is unable or unwilling to perform the duties of the position satisfactorily. The employee so terminated shall be notified in writing of the reasons for the termination and shall not have the right to appeal, subject to the provisions of Minnesota Statutes Section 197.46 (as amended), which shall apply to veterans, as defined in Minnesota law.

The BPU Commission, upon recommendation of a BPU Department Head, may terminate without cause a probationary BPU employee anytime during the probationary period if in the BPU Department Head's opinion, the employee's performance indicates that the employee is unable or unwilling to perform the duties of the position satisfactorily. The employee so terminated shall be notified in writing of the reasons for the termination and shall not have the right to appeal, subject to the provisions of Minnesota Statutes Section 197.46 (as amended), which shall apply to veterans, as defined in Minnesota law.

Subdivision 4. Completion

At the end of the probationary period, the Department Head will recommend that the City Administrator (or, for BPU employees only, the BPU Commission), take one (1) of the following actions:

- 1) Extension of Probation;
- 2) Regular Employment; or
- 3) Termination.

If the recommendation is for an extension of probation or termination, the City Administrator will take the recommendation to the Personnel and Finance Committee for consideration, before receiving final approval from the City Council.

An employee's completion of the probationary period does not guarantee employment. All employees, including employees who have successfully completed a probationary period are "at will" employees. Nothing in this personnel policy provides, is intended to provide, or should be construed as providing additional rights to employees who complete the probationary period.

With respect to BPU employees, the BPU Department Head will make the above recommendation to the BPU Commission.

Subdivision 5. Vacation and Sick Leave

During a new or rehired employee's probationary period, vacation leave and sick leave shall be earned. Employees may use vacation leave after the first six months of their probationary period at the sole discretion of the City Administrator, BPU Department Head (For BPU employees only), or designee. Sick leave may be taken during the probationary period not to exceed the sick leave time earned.

SECTION 8. HOURS OF WORK

Subdivision 1. Work Schedule

Due to the necessity of providing service twenty-four hours per day, seven days per week, it is a reasonable condition of employment to require that employees work a regular schedule of hours as established by the City. Regular schedules shall not be construed as excluding shift rotation and emergency work schedules based on public necessity as determined by the City.

The following are descriptions of the work schedules for the types of employees utilized by the City of Brainerd.

1. Subject to the terms of any applicable collective bargaining agreement, regular full-time and probationary full-time employees, included in the annual budget, normally have a work schedule of forty (40) hours per week (five (5) days per week, eight (8) hours per day). The City reserves the right to set employees' schedules and hours of work as required to deliver City services.
2. Regular part-time and probationary part-time employees have a work schedule that is less than forty (40) hours per week. Employees who work less than thirty (30) hours per week shall not be eligible for fringe benefits, except as required by

law. Employees who work thirty (30) hours per week or more shall be eligible for the following fringe benefits on a pro-rata basis:

Holidays - As established in Section 11 of this manual.

Vacation - As established in Section 12 of this manual.

Sick Leave - As established in Section 14, Subdivision 6 of this manual.

Employees who work thirty (30) hours per week or more shall be eligible to participate in the City's group health insurance, cafeteria plan and life and long-term disability ("LTD") insurance provided that the participation of such employees is allowed by the insurance carrier/plan eligibility rules.

The employer's contribution for health insurance and life and LTD insurance for eligible participating employees shall be determined on a pro-rata basis.

3. Temporary or seasonal employees may work a flexible schedule for a period not exceeding 185 consecutive calendar days in each year of employment, or such other amount of time as determined by the City Administrator, BPU Department Head (for BPU employees only), or designee. Full-time students under the age of 23 may also work a flexible schedule as allowed by law. Employees who are temporary, seasonal, and/or full-time students are not eligible for fringe benefits.

Employees should be made aware of their work schedules by a method suitable for the various city departments. Any changes in work schedules usually will be made known to employees affected ahead of time when the schedules take effect, except in the case of emergencies.

Subdivision 2. Time Sheets

Each employee of the City shall complete a time sheet or absence report. Time sheets/absence reports shall cover a two (2) week (fourteen (14) day) period. Time sheets for hourly employees shall be signed by each employee and shall show all hours worked and the department said work is to be charged to. Absence reports shall be completed and signed by all salaried employees and shall show total hours absent in each pay period. All overtime, if applicable, shall be approved and initialed by the department head.

Subdivision 3. Supervisory Employees

The City Administrator, Department Heads, and non-union supervisory employees who are exempt from the overtime and minimum wage provisions of the Fair Labor Standards

Act may be allowed to maintain limited flexibility in their work schedule from the normal work day to the extent that job performance and service responsibilities of the City to the public remains satisfactory and at the approval of the employee's supervisor.

The regular work week for all regular employees, including Department Heads and non-union supervisors consists of five work days. Even though Department Heads and non-union supervisors may be required to work additional hours for night meetings, City functions and duties, etc., the employee must report to work all five days per week, even if the actual hours worked exceeds 40 hours prior to the fifth day. If an employee does not report to work for an entire day in a work week, the absence report must show which type of appropriate leave is being taken (e.g., eight hours of vacation time).

Department Heads and non-union supervisors are allowed "limited flexibility" in their work schedule. This limited flexibility means that, if a Department Head or non-union supervisor is absent for four or more hours in any normal work day, appropriate leave must be utilized to account for the absence.

If a Department Head or non-union supervisor needs to work a full day on a weekend or holiday, he or she may make a request to the Department Head (for non-union supervisors), City Administrator (for City-side Department Heads), or BPU Commission (for requests made by BPU Department Heads) to have this work day switched to allow for a day off on another day. This request must be approved by the Department Head, City Administrator, or BPU Commission, as appropriate, before the employee switches his or her work schedule.

SECTION 9. OVERTIME HOURS

Subdivision 1. General

Overtime pay for employees will be in conformance with State and federal law, including Minnesota Statutes, section 177.25 (as amended) and the Federal Fair Labor Standards Act, 29 United States Code, section 201 et seq., ("FLSA") as amended, and all applicable State and federal rules and regulations implementing Section 177.25 and/or the FLSA.

1. For purposes of computing overtime for employees, other than BPU employees, work weeks shall begin at 12:00 a.m. on Saturday. For purposes of computing overtime for BPU employees, work weeks shall begin at 12:00 a.m. on Sunday.
2. Hours worked by non-exempt, non-union employees in excess of forty (40) per week shall be compensated at one and one-half (1 ½) times their hourly wage rate unless a different rate is established by an employment contract.

3. Holiday hours actually worked are calculated as time worked in the computation of overtime pay. For the purposes of computing overtime compensation, overtime hours worked shall not be pyramided, compounded, or paid twice for the same hours worked.
4. No employee may work overtime without the prior approval of his or her Department Head, or designee.
5. Exempt, non-union employees shall not be eligible for overtime compensation or compensatory time, except as provided in Subdivision 4 of this Policy.

Subdivision 2. Payment

Department heads are responsible to schedule the work in their departments to minimize overtime. Overtime shall be calculated in 1/4 hour (fifteen minute) increments.

Subdivision 3. Compensatory Time

Upon request, non-exempt, non-union employees, other than BPU employees, will be allowed to take compensatory time off in lieu of receiving overtime compensation. In no event, shall accrued compensatory time off exceed the limitations provided in the FLSA . Once an employee has reached maximum accrual, compensation for additional hours must be paid in cash, rather than accrued as compensatory time off.

Compensatory time shall be determined at the rate of one and one-half (1½) hours off for every hour of overtime worked.

The City reserves the right to pay out any compensatory time off in excess of 80 hours, as it deems necessary. Accrued compensatory time off may be used with prior approval from the employee's Department Head, which shall be granted unless use of compensatory time off would unduly disrupt the operations of the City.

Upon separation from the City's employment, employees shall be paid for their accrued, but unused compensatory time off in accordance with the FLSA and other applicable law.

Subdivision 4. Overtime for Exempt Employees

Notwithstanding the above, exempt employees may receive overtime compensation to the extent provided in an intergovernmental agreement or other contract between the City and another entity, if the contract requires the other entity to pay the cost of overtime hours.

SECTION 10. LUNCH AND COFFEE BREAKS

All hourly employees shall receive one (1) fifteen (15) minute rest period during each four (4) consecutive hours of work. Rest periods are part of the paid work shift. An employee shall not be compensated additional wages or time off for not taking a scheduled rest period. Employees are expected to use these breaks as intended and will not be permitted to adjust work start time, end time, or lunch time, including any standard lunch time designated by a specific Department—or accrue compensatory time—by saving these breaks. Breaks should be scheduled so as to not interfere with work requirements.

In general, City employees working a scheduled full-time shift are entitled to a one (1) hour uncompensated meal period. Meal periods shall be scheduled by the department head or supervisor. Employees will not be permitted to adjust work start time or accrue compensatory time by skipping lunch breaks.

SECTION 11. HOLIDAYS

The following holidays, or days observed as such, shall be considered paid holidays for all regular employees:

- New Year's Day
- Martin Luther King, Jr. Day
- Presidents' Day
- Memorial Day
- Veterans' Day
- Independence Day
- Labor Day
- Thanksgiving Day
- Friday after Thanksgiving Day
- Christmas Day
- 2 "Floating" holidays

When an official holiday recognized in this policy falls on a Saturday, the preceding Friday shall be declared a holiday for employees whose normal work schedule is Monday through Friday. When an official holiday recognized in this policy falls on a Sunday, the following Monday shall be declared a holiday for employees whose normal work schedule is Monday through Friday.

If a recognized holiday falls during an eligible employee's paid absence (e.g., vacation, sick leave), holiday pay will be provided instead of the paid time off benefit that would otherwise have applied.

Union employees shall be compensated according to the terms and conditions of their collective bargaining agreement.

Requests for floating holidays shall require three (3) days' written notice to the Department Head. Such requirement may be waived when absence of the employee will not unduly affect the functioning of the department.

New employees receive the two floating holidays (16 hours) on a pro-rata basis based on their date of hire. After the initial year of employment, one floating holiday should be taken in the first six months of the year, the other one in the remaining six months of the year.

All floating holidays must be taken in one (1) day (or eight (8) hour) increments. Floating holidays are not carried over year-to-year and must be used in the calendar year that they are received. Floating holidays not used by December 31 of the calendar year they were received are forfeited.

SECTION 12. REGULAR VACATION

Subdivision 1. Responsibility

Vacations are granted under the following rules.

Subdivision 2. General Vacation Rules

1. When Taken

Vacation leave may be taken after written approval by the Department Head. Vacation leave will be granted in not less than one-quarter hour units. Probationary employees' use of vacation leave is subject to Section 7 of these policies.

2. Length of Service

Length of service for the purpose of determining vacation accrual is calculated from the date of hire with the City. If an employee returns to work at the City after a break in service, the employee's length of service will be calculated from the date of rehire.

3. Scheduling Vacation

Department Heads are responsible for approving the scheduling of vacation leaves for employees under their supervision, and approval is not automatic.

A. Consideration shall be given to seasonal demands and departmental staffing needs before granting any vacation leave requests.

B. Preference in scheduling shall be based on the order in which vacation requests are received and/or seniority of employees.

4. Monetary Consideration in Lieu of Vacation

Vacation pay shall be reflected on the paycheck issued for the pay period in which the vacation is taken. No vacation shall be paid in lieu of taking time off, except as authorized under the City's Cafeteria Plan.

5. Accrual of Vacation

Employees may accumulate vacation time equal to a maximum of 240 hours. Vacation accrual will cease if an employee is off of the City's payroll system for any reason whatsoever, except as required by law.

All full-time employees, except the City Administrator and Department Heads, shall earn vacation at the rate of: 6.66 hours per full month worked during the employee's first five years of employment. Thereafter, employees shall earn paid vacation as follows:

After completion of:

5 years of service - 10.00 hours per month
10 years of service - 10.67 hours per month
11 years of service - 11.33 hours per month
12 years of service - 12.00 hours per month
13 years of service - 12.67 hours per month
14 years of service - 13.33 hours per month
15 years of service - 14.00 hours per month
16 years of service - 14.67 hours per month
17 years of service - 15.33 hours per month
18 years of service - 16.00 hours per month
19 years of service - 16.67 hours per month
20 years of service - 17.33 hours per month
21 years of service - 18.00 hours per month
22 years of service - 18.67 hours per month
23 years of service - 19.33 hours per month
24 years of service - 20.00 hours per month

City Administrator and Department Heads shall earn vacation at the rate of:

Ten (10) hours per full month worked during the first year of employment. Thereafter, employees shall earn paid vacation as follows:

After completion of:

- 1 year of service - 10.67 hours per month
- 2 years of service - 11.33 hours per month
- 3 years of service - 12.00 hours per month
- 4 years of service - 12.67 hours per month
- 5 years of service - 13.33 hours per month
- 6 years of service - 14.00 hours per month
- 7 years of service - 14.67 hours per month
- 8 years of service - 15.33 hours per month
- 9 years of service - 16.00 hours per month
- 10 years of service - 16.67 hours per month
- 11 years of service - 17.33 hours per month
- 12 years of service - 18.00 hours per month
- 13 years of service - 18.67 hours per month
- 14 years of service - 19.33 hours per month
- 15 years of service - 20.00 hours per month

SECTION 13. EMPLOYEE LEAVES

Subdivision 1. Jury Duty

Any employee who is required to serve as a juror shall be granted a leave of absence with pay while serving in such capacity. An employee cannot receive more than the employee's normal take-home pay as a result of any employer pay supplemented to Jury Duty pay. Jury duty pay must be remitted to the City. When employees are excused from jury duty during their regular working hours, they are expected to return to work if practicable. If a holiday occurs during jury duty, the employee shall be paid for the holiday.

Insurance benefits will remain in effect for the full term of jury duty leave. Employees must continue to make employee contributions for any insurance that requires payment on their part.

Vacation time and sick time shall continue to accrue during the period of leave. Benefits will continue to accrue as though the employee were actively at work.

Subdivision 2. Military Leave

Employees shall be entitled to leave without pay for military service, including training in the National Guard, consistent with the Uniformed Services Employment and Re-employment Rights Act of 1994 ("USERRA") (as amended) and Minnesota law, including, but not limited to, Minnesota Statutes, chapter 192 (as amended).

Employees may be entitled to leave of absence with pay for military service, including training in the National Guard or Reserves, in accordance with the USERRA or Minnesota law, including, but not limited to, Minnesota Statutes, Chapter 192, as amended.

Subdivision 3. Leave for Service in Organizations

The City Council with the recommendation of the City Administrator and Personnel and Finance Committee, may grant a leave of absence without pay for reasonable periods not to exceed one (1) year to any regular employee for the purpose of serving in an elected or appointed position in a professional organization or a governmental commission or committee, provided such leave will not reduce the quality or level of service to the public.

No vacation leave, sick leave, holiday leave or compensatory time off benefits shall be used or accrued during a leave of absence and the City will not contribute to insurance premiums.

With respect to BPU employees, the BPU Commission may approve the above-leave of absence upon the recommendation of the BPU Department Head.

Subdivision 4. Parental Leave

Parenting Leave, as provided for in Minnesota Statutes, including section 181.941, as amended, grants qualifying employees unpaid leave of up to twelve (12) weeks for: (1) a biological or adoptive parent in conjunction with the birth or adoption of a child; or (2) a female employee for prenatal care, or incapacity due to pregnancy, childbirth, or a related health condition. Parental Leave is considered to be taken simultaneously with FMLA leave. If leave is taken due to the birth or adoption of a child, the leave must begin within twelve (12) months of the birth or adoption, unless the child remains in the hospital after the mother has been discharged, in which case the leave must begin within twelve (12) months after the child leaves the hospital.

Subdivision 5. Funeral Leave

All regular full-time employees shall be permitted paid funeral leave not to exceed three (3) consecutive working days, if necessary, for the death of an immediate family member (employee's spouse, child, step-child, father, mother, brother, sister, father-in-law, mother-in-law) and one (1) working day, if necessary, for the death of an employee's grandparent. Funeral leave for other relatives may be granted at the discretion of the Human Resources Coordinator. Up to twenty-four (24) additional hours of sick leave may be used as additional funeral leave at the discretion of the City Administrator or BPU Department Head (for BPU employees only). For purposes of this policy, the term "working day," means a regularly scheduled shift, excluding any time that an employee

would be considered “on call” unless the employee actually would have been called to perform duties during that period.

Subdivision 6. Sick Leave

All full-time employees shall earn sick leave at the rate of one (1) day (8 hours) per month of employment. Sick leave will be granted in not less than one-quarter hour units. Sick leave accumulation shall be a maximum of 120 days (960) hours.

An employee may use sick leave when the employee is unable to attend work or perform work duties due to illness, injury, the necessity for medical, dental, or chiropractic care, childbirth, or exposure to contagious disease where such exposure may endanger the health of others with whom the employee would come in contact during the course of performing work duties. Employees may also use their accrued sick leave for the following:

1. Illness or injury of the employee’s spouse, child, adult child, sibling, parent, mother-in-law, father-in-law, grandchild, grandparent, or stepparent. Sick leave to care for an injury or illness of the employee’s adult child, spouse, sibling, parent, mother-in-law, father-in-law, grandchild, grandparent, or stepparent is limited to 160 hours (20 days) in any given twelve (12) month period;
2. “Safety leave,” as provided in Minnesota Statutes, section 181.9413(b). Employees may use up to 160 hours (20 days of an eight-hour shift) of sick leave for “safety leave” during any given twelve (12) month period.
3. Any other purpose for which the City is required to allow an employee to use sick leave by State or federal law, including, but not limited to, Minnesota Statutes, section 181.9413.

When requesting sick leave, employees must notify the supervisor prior to the start of a scheduled shift.

Sick leave accrual will cease if an employee is off of the City’s payroll system for any reason whatsoever.

To be eligible for sick leave with pay, an employee shall:

- a. report as soon as possible to the employee’s immediate supervisor the need to be absent and identify if the absence is due to the employee’s illness or the employee’s immediate family, as listed above;

- b. keep the employee's immediate supervisor informed of such employee's need for continued absence; and
- c. to the extent allowable by law, for any absence that exceeds three days, upon request by the City Administrator or BPU Department Head (for BPU employees only), submit a medical certificate before the employee will be allowed to return to work.

To the extent allowable by law, the City reserves the right to require any employee returning from sick leave to provide a certificate stating that he or she is able to perform the essential functions of his or her position, with or without reasonable accommodation.

In case of disability caused by sickness or injury and covered by Workers Compensation, the City will pay to the employee only such sums, as together with Workers Compensation payments, will equal their base pay but never for a longer period than their accumulated sick leave and vacation leave. In such case, to the extent allowable by law, once sick leave is exhausted, the time deducted from accumulated vacation leave shall be in the same amount as the proportion of wages paid by the City bears to the entire base pay of the employee. No sick leave or vacation leave will be paid employees while actually working for others.

Subdivision 7. Extended Medical Leave

When medically necessary, and upon receipt of a medical certificate from an employee's treating physician, the City Administrator or BPU Department Head (for BPU employees only) may approve a request for a medical leave extension of up to 90 days due to the employee's serious medical condition or to care for a spouse, parent or child who has suffered a serious medical condition.

Before using unpaid leave under this section, the employee must use all paid leave. Leave granted pursuant to this Subdivision may run concurrently with leave under the Family and Medical Leave Act ("FMLA").

Employees will not earn or accumulate benefits or other compensation while on unpaid leave, except as required by law. A medical certificate attesting to the employee's fitness for duty shall be required prior to any employee returning to work from medical leave. Also, the City may require that the employee submit to an examination by a medical provider selected by the City to determine whether the employee is able to perform the essential functions of his or her job, with or without reasonable accommodation.

The Human Resources Coordinator may consult with a physician or other expert to determine reasonable accommodations for any employee who is a "qualified disabled" employee under the Americans with Disabilities Act. If a fitness for duty certification is required, the City may deny reinstatement until it is provided.

Subdivision 8. Personal Leave

Upon written request of an employee, the City Council or BPU Commission (for BPU employees only) may grant an employee a leave of absence without pay for a period of up to 90 consecutive calendar days.

Employees will not earn or accumulate leave, benefits, or other compensation while on unpaid leave except as required by law.

Subdivision 9. School Leave

Employees may take up to a total of sixteen (16) hours per twelve (12) month period of unpaid leave to attend school conferences and school-related activities related to the employee's child, provided the conferences or other school-related activities cannot be scheduled during non-work hours. Employees taking leave for this purpose may, but are not required to, substitute vacation or compensatory time for any part of this unpaid leave.

Subdivision 10. Family & Medical Leave

Eligible employees, as determined by the Human Resources Coordinator or designee, may be entitled to take unpaid leave pursuant to the Family and Medical Leave Act ("FMLA") for the purposes described in 29 U.S.C. § 2612 (as amended). All such leave, including the responsibilities of the City and its employees related to such leave, is subject to the conditions prescribed in the FMLA and the Department of Labor's regulations implementing the FMLA.

A. Restrictions on FMLA Leave

For additional information regarding FMLA leave, including the circumstances in which such leave may be taken, employees should consult the posted notices. In addition, as permitted by the FMLA, the City places the following restrictions on eligible employees' use of FMLA leave:

1. The City has designated a "rolling" twelve (12) month period for purposes of determining employees' entitlement to FMLA leave. The "rolling" twelve (12) month period is measured backward from the date the employee uses any FMLA leave.

2. Spouses employed by the City are permitted to take a combined total of twelve (12) work weeks of FMLA leave during a single twelve (12) month period if the FMLA is: (1) due to the birth of a son or daughter of the employees; (2) due to the placement of a son or daughter with the employees for adoption or foster care; or (3) in order to care for a parent of the eligible employee.
3. Employees who request leave under this policy based on: (1) their own serious health condition; (2) to care for a parent, spouse, or child's serious health condition; or (3) military caregiver leave, are required to submit a completed medical certification that complies with the requirements of the FMLA. Medical certification forms are available from Human Resources. The City reserves the right to request a second opinion, at the expense of the City, to the extent permitted by the FMLA. If the results of the employee's certification differs from the results of the City's certification, the City may obtain a third opinion at the City's expense. The City also reserves the right to require periodic recertification, to the extent allowed by the FMLA and to contact the certifying medical provider to authenticate or clarify the medical certification in lieu of seeking a second opinion. Separate certification may also be required regarding the nature of the family member's military service and/or the existence of a qualifying exigency, if leave is requested for that purpose.
4. Except in emergency situations, the employee is required to provide written notice of the need to take leave to his or her immediate Supervisor not less than thirty (30) days before the date the leave is scheduled to begin. If the leave is to begin in less than thirty (30) days, the employee shall provide such written notice as soon as practicable.
5. Employees are required to use all accrued sick leave, vacation leave, and any other accrued paid leave concurrently with leave provided under the FMLA. Employees with both accrued sick and vacation leave are required to use sick leave and compensatory time, if any, before using accrued vacation leave. The combined paid and unpaid leave cannot exceed the applicable twelve (12) week or twenty-six (26) week maximum FMLA leave time. FMLA leave may run concurrently with a worker's compensation absence if the on-the-job injury or illness also qualifies as a serious health condition under the FMLA.
6. Subject to the terms, conditions, and limitations of applicable plans, eligible employees are entitled under the FMLA to the same health insurance benefits provided by the City while on FMLA leave to the same extent as if the employee were not on FMLA leave. Employees who contribute toward their health care coverage must continue to make that contribution while on leave, either through payroll deduction (if using paid leave) or by personal check (if using unpaid leave). If the employee fails to return to work after taking family or medical

leave, the City may recover the premiums paid by the City for group health and life insurance unless the serious health condition of the spouse, child, parent or employee continues or for other circumstances beyond the control of the employee.

7. Vacation, sick, and holiday leave will not be earned during a period of unpaid FMLA leave. FMLA leave, whether paid or unpaid, will not constitute a break in service for purposes of computing years of service.
8. The City requires a medical certificate attesting to the employee's fitness for duty prior to the employee being allowed to return to work. The fitness for duty report must be based on the particular health condition(s) for which the leave was approved and must address whether the employee can perform the essential functions of the job. The Human Resources Coordinator or designee may consult with a physician or other expert to determine reasonable accommodations for any employee who is a "qualified disabled" employee under the Americans with Disabilities Act. If a fitness for duty certification is required, the City may deny reinstatement until it is provided.
9. Records of FMLA leave will be kept along with normal personnel records except that any medical record(s) will be maintained separately in accordance with applicable laws.

B. Effect on Pension:

Employees should contact the Public Employees Retirement Association ("PERA") for information about how FMLA leave may affect their retirement benefits.

C. Training:

Employees who have missed training sessions while on FMLA leave will be given a reasonable opportunity to make them up upon returning to work.

Subdivision 11. Department Head Absenteeism Notification

Except in the event of an emergency that prevents such notice, Department Heads shall notify the City Administrator prior to any absence from the office.

Subdivision 12. Catastrophic Leave Bank

POLICY STATEMENT

The City of Brainerd recognizes that occasions arise when employees may have exhausted their vacation leave, sick leave and compensatory time, due to a non-work related injury or prolonged illness that has not yet qualified for long-term disability insurance benefits. It is the intent of this policy to provide an opportunity for City employees to voluntarily donate vacation leave hours to an emergency medical leave bank for use by other City employees who demonstrate a catastrophic medical emergency. The program is voluntary in nature and does not guarantee any resulting benefit to any employee in need nor does it require participation of any employee. This policy applies to employees of bargaining units upon agreement of their exclusive representative.

Eligibility

All non-probationary City employees, including members of collective bargaining units whose exclusive representatives have agreed to this policy, are eligible to participate in this Catastrophic Medical Leave Sharing Bank ("CMLSB"). Donation to the bank is entirely voluntary.

Definitions

- A. "Catastrophic Medical Emergency" is a major life-threatening disease or illness or non-work related major injury involving a prolonged absence from work.

Examples may include: heart attack, stroke, organ transplant, cancer or major non-work-related injury.

The medical emergency must result in the incapacitation of the employee, spouse, or child/stepchild for a minimum of 80 consecutive work hours (subsequent intermittent absences involving the same illness or condition shall also qualify) which requires the employee to take time off from work and creates a financial hardship because all of the employee's paid leave has been exhausted.

"Catastrophic medical emergency" is specifically not defined as all "serious health conditions" as defined under the FMLA.

- B. "Verification of catastrophic illness or injury" shall consist of a physician's statement verifying that:
1. The employee is suffering from a major life-threatening disease, illness or non-work related major injury requiring a prolonged absence from work; or

2. That the employee must be present to care for the employee's spouse, child or stepchild who is suffering from a major life-threatening disease or illness or major injury; and
 3. A brief description of the nature of the illness or injury and the anticipated duration of the incapacity.
 4. The Verification of catastrophic illness or injury shall be in addition to the FMLA certification of health care provider.
- C. "Donor" is an employee who donates vacation leave to the Emergency Medical Leave Sharing Bank.
 - D. "Applicant" or "Recipient" is a non-probationary City employee who has applied for or received leave from the CMLSB.
 - E. "Committee" as referenced in this policy shall consist of the City Administrator, Human Resources Coordinator, and the Chair of the Personnel and Finance Committee.

Catastrophic Medical Leave Sharing Bank BENEFITS AND LIMITATIONS

- A. The applicant must have exhausted all of the employee's own accrued vacation, sick leave, and compensatory time in order to receive any Catastrophic Medical Leave ("CML").
- B. The applicant may apply for CML while still in paid status, but no sooner than 80 hours before the exhaustion of all of the applicant's paid leave or CML.
- C. An applicant may be eligible to receive up to a maximum of 160 hours of CML per request, which shall be placed in the recipient's sick leave bank as needed per pay period in increments of no more than 80 hours at a time. Additional requests for CML may be submitted upon the anticipated exhaustion of the initial hours and medical verification of continued need, but the total CML granted to one recipient in relation to one medical emergency shall not exceed 480 hours. Part-time employees shall be eligible to receive CML on a pro-rata basis.
- D. Recipients of CML must use the leave only for the Catastrophic Medical Emergency. Any CML which is not used for the medical emergency shall be returned to the bank and cannot be retained by the recipient.
- E. An applicant shall be required to apply for FMLA leave in conjunction with the application for CML. Catastrophic Medical Leave time will run concurrently with any applicable FMLA leave.

- F. The recipient shall be in a paid status when using CML for the purpose of receiving benefits. When a pay period includes a holiday, a participant using CML shall receive holiday pay provided they are in a pay status the last regular shift prior to, and the first regular shift following the holiday.
- G. A recipient's CML pay will continue to be taxed in accordance with state and federal law, and all authorized deductions will continue to be deducted from the participant's paycheck, provided sufficient wages are available.
- H. All time donated to the pool shall be converted to a dollar amount based upon the donor's hourly rate of pay. All CML shall be used at the recipient's rate of pay.
- I. Leave from the CML may not be used for illness or disability which qualifies the participant for Worker's Compensation, long term disability, PERA disability or Social Security benefits.
- J. An applicant shall be required to apply for long term disability and PERA disability, as applicable, for the employee's own medical condition which results in the employee's absence from work for more than 60 calendar days, whether before or after the employee has exhausted his/her own paid leave. The recipient applicant shall provide verification of such application.
- K. Leave donated to the CML Bank shall remain in the bank from year to year and shall be available to eligible employees. Donation of leave to the CML Bank is irrevocable.

Application Process

- A. Applicants shall be required to complete a form setting forth their request for CML, the reason, number of hours requested and the anticipated duration of the medical emergency. A new request form shall accompany each subsequent request. The CML Request form will be turned into the Human Resource Coordinator prior to the start of the leave if possible. Requests will be reviewed by the Committee.
- B. The Applicant shall sign a waiver of liability in connection with the CML request and any subsequent request. The applicant shall provide a "verification of catastrophic illness or injury" with the request form or within (10) calendar days of the request. In the event that the Verification is not submitted in a timely manner, the CML request may be considered by the Committee but no leave will be disbursed to the applicant until the verification is received and reviewed by the committee.
- C. Applicants who are denied CML or whose withdrawal is not renewed or is terminated may, within fifteen (15) calendar days of denial, appeal the denial, non-renewal or termination by providing new or additional information to the Committee and completing a supplemental application

and waiver. The final decision will be reported to the applicant, in writing, within ten (10) working days of the decision. This decision of the Committee is final. Such final authority is not subject to the grievance procedure or litigation and the applicant shall specifically waive any rights to review by any of these options.

- D. All requests for CML, verifications of catastrophic illness or injury and other documentation related to an applicant's medical condition or that of the applicant's family member shall be kept confidential and shall only be disclosed as necessary to administer request for withdrawal.
- E. If the CML bank does not have sufficient hours to fund a withdrawal request, the City is under no obligation to pay the applicant any funds. If a withdrawal request is denied in whole or in part because of insufficient dollars to fund the request, the applicant shall be notified in writing of the reason for the denial.

DONATION PROCESS

- A. A regular full or part time employee may donate vacation leave to the Catastrophic Medical Leave Sharing Bank **once annually**, which shall occur with the first pay period in December. In the event that the CML Bank becomes depleted, the City Council may, in its sole discretion, authorize a second open window period for donation to the Bank.
- B. Donors are required to have a minimum of **80** hours of vacation leave available to them in their accrued vacation leave bank after a donation is made.
- C. Donation to the CML bank is irrevocable.

TENNESSEN WARNING

Information provided pursuant to the Catastrophic Leave Donation Policy is classified as personnel data pursuant to Minnesota Statutes, section 13.43. You are not legally required to participate in the program and are therefore not required to provide any information. If you choose to participate in this voluntary program, you will be required to provide the information set forth above in order to donate or received donated leave.

The requested and required information regarding leave donation requests, including medical information and the basis for leave donation requests will disclosed to those individuals whose work assignments reasonably require access, including committee members, insurance vendors, consultants and attorneys. The information may also be used to make decisions regarding your eligibility for extended sick leave, family and medical leave, and other leaves; your eligibility for workplace accommodations, including accommodations for disabilities; and other benefits. The information may also be shared

with other agencies authorized by law to receive specific data, including but not limited to: Civil/human rights; Worker's Compensation; Unemployment Compensation; and Labor Contracts

Information regarding the value of donated leave as taxable income will be reported to the Minnesota Department of Revenue, the Internal Revenue Services and security tax programs

SECTION 14. EMPLOYEE INSURANCE

Subdivision 1. Benefits - Health Insurance

The City provides a medical coverage insurance plan for eligible employees, as described in the Summary of Benefits.

The insurance coverage takes effect the first day of the calendar month following date of hire, except as required by applicable law, including, but not limited to, the Affordable Care Act. The City provides contributions to health insurance premiums as approved annually by the City Council.

The City will contribute towards the health insurance premiums of employees and elected officials as described in Exhibit A to this Policy Manual. Information regarding health insurance benefits will be provided by the Human Resources Coordinator for new employees and periodically thereafter. Any further questions pertaining to insurance coverage shall be directed to the Human Resources Coordinator, or designee.

Subdivision 2. Benefits - Life and LTD Insurance

The City provides a term life insurance policy for all eligible employees, as described in Exhibit B. The plan takes effect the first day of the calendar month coincident with or next following completion of six months of employment. The amount of life insurance coverage provided is described in an applicable collective bargaining agreement or determined by the City Council. For elected officials, Department Heads, and non-union Supervisors, the City will provide life insurance in the face amount described in Exhibit B.

The terms of the long-term disability coverage, including the formula used to calculate the benefit and the waiting period before an employee may receive long term disability benefits will be established by the City, as described in Exhibit B to this Policy Manual.

Subdivision 3. Benefits - Workers Compensation

State law requires that an employee report all injuries to his/her supervisor. If necessary, you will be sent to a doctor or to the hospital for treatment.

Pursuant to Minnesota State law, the officials of the City elected or appointed for a regular term of office or appointed to complete the unexpired portion of a regular term are included in the coverage of the Minnesota Workers' Compensation Act.

SECTION 15. HEALTH CARE SAVINGS PLAN

The City Administrator, Department Heads, and Non-Contract Supervisors are eligible to participate in the Minnesota Health Care Savings Plan ("HCSP"). This plan is pursuant to the Minnesota Statutes, section 352.98 (as amended). Details regarding employees' participation in the Minnesota Health Care Savings Plan are included in Exhibit C. Employees should direct any questions about participation in this plan to the Human Resources Coordinator.

SECTION 16. CAFETERIA PLAN

The City of Brainerd offers its employees a cafeteria plan. The plan allows employees to pay for health insurance premiums, and medical and/or dependent care expenses on a before-tax basis.

The flexible spending program is divided into 3 separate accounts, which are summarized below:

A. Insurance Premiums Deducted from Paychecks: The amount of premium which is deducted per pay period for health insurance coverage per settled wage/benefits negotiations. Some voluntary insurance deductions may also be eligible.

B. Medical Expenses: Out-of-pocket medical, dental & vision expenses not covered by insurance.

C. Dependent/Childcare Expenses: Dependent care expenses for the care of a child under age 13 and/or a dependent regardless of age who requires care due to an inability to care for himself or herself.

The law limits the maximum contributions that employees can make to their flexible spending account and the specific expenses that can be paid out of such accounts. Employees should contact the Human Resources office for additional details.

Further information on the City's Cafeteria Plan may be obtained from the Human Resources Coordinator.

SECTION 17. EDUCATION, TRAINING AND DEVELOPMENT

The City Council has determined that it is in the best interest of the City of Brainerd to support continuing education, training, and development of staff members in order that they may carry out their duties in the most efficient and productive manner possible.

To further this policy the City Council does authorize payment for education, training and/or staff development directly related to an employee's current position in order to increase his/her efficiency and productivity in that position in accordance with the following criteria and procedure.

1. **EDUCATION.** The City may reimburse a regular employee for tuition expenses and course fees under certain circumstances. There shall be no reimbursement for mileage/parking expense. Qualifying tests (SAT, ACT, GRE, CLEP, etc.), required books, student activity fees, and material costs will not be reimbursed. Courses for which the employee receives another source of funding, such as a grant or scholarship, will not be eligible for reimbursement.
 - a. **Pre-Approval.** Prior to starting a class or classes, and in any event no later than August 1 of each year, the employee must obtain written approval from the employee's Department Head and the City Administrator or BPU Commission (for BPU employees only) that the class, certificate, or degree is job related and that the request would benefit the City . Specifically, the courses must be from an accredited institution and directly related to the employee's current assignment or has the potential for promotional opportunities for the employee. The Department Head must verify that the Department budget will cover this expense before recommending approval to the City Administrator or BPU Commission. Each approval shall be limited to a single course or academic term. Enrollment in a multiple-year course of study, or approval of reimbursement for any portion of such a course of study does not guarantee that funding will be available in subsequent years or that the City will approve any future course of study, even if related to one that was approved in the past. An employee who is requesting reimbursement for education expenses must have been a regular employee of the City for at least one year before the scheduled course is scheduled to begin.
 - b. **Satisfactory Completion.** The employee shall provide the Department Head with proof of satisfactory completion with a grade of **"B"** or better of any course requested for reimbursement, prior to reimbursement.
 - c. **Employees seeking reimbursement must present a paid fee statement and grade transcript in order to receive reimbursement.**
 - d. **Reimbursement for classes taken at private institutions shall not exceed the tuition charged by the Minnesota State University system.**

- e. Time Off. If class is during the regular workday, an employee must take that time as compensatory time, vacation time, or leave of absence without pay, or the employee can request a flexible scheduling arrangement, subject to approval by the Department Head and City Administrator or BPU Commission (for BPU employees only). Classes or course work taken by the employee must not disrupt or interfere with the normal Departmental operations. Completion of preparatory work and homework are not permitted during scheduled work hours.
- f. Continued Employment. The employee must remain with the City of Brainerd following completion of the course for which the City provided reimbursement pursuant to this policy, or else return to the City the expense amount(s) reimbursed pursuant to this policy. If the employee voluntarily terminates employment with the City after receiving education reimbursement pursuant to this policy, the employee must repay the reimbursed tuition immediately according to the following schedule:
- Up to 1 year after receiving reimbursement – 100 % of the tuition reimbursement
 - 1 year but less than 2 years after receiving reimbursement –66% of tuition reimbursement
 - 2 years but less than 3 years after receiving reimbursement –33% of tuition reimbursement
 - 3 years or longer after receiving reimbursement – 0% of tuition reimbursement
- g. Funding Procedure. Subject to paragraph (d), above, the City will reimburse its employees for tuition expenses up to a maximum of \$1,500 per calendar year with a total lifetime maximum of \$6,000 which will be indexed by the same percentage as employee salaries each year. All reimbursements shall be subject to applicable IRS regulations. The scope, terms and conditions of this reimbursement shall be defined and interpreted by the City Administrator or BPU Commission (for BPU employees only). Reimbursement is further limited based on availability of budgeted funds. Reimbursements are on a first come, first served basis and shall not exceed the department budget. In the event a department receives reimbursement requests that exceed its budget allocation for education reimbursement, the Department Head and City Administrator (or BPU Commission, for BPU Employees only) shall have the discretion to apportion the available funds, including the discretion to refuse reimbursement.
- h. The Human Resources Coordinator will develop and maintain forms for requesting approval of class eligibility prior to registration and forms requesting reimbursement after successful completion of classes.

2. TRAINING AND DEVELOPMENT.

- a. The City will pay for job-related, position specific training approved by the Department Head and City Administrator or BPU Commission (for BPU employees only) and deemed necessary to effectively complete the requirements of the position, provided there is adequate funding in the budget appropriation for training.
- b. The City will pay for, or reimburse employees for, any and all training required by the City, including training required to attain or maintain job-related certification.
- c. The Department Heads will maintain records on all employee training done at City expense and report annually on the training received and funds expended to the City Council or BPU Commission (for BPU Department Heads only).
- d. The procedure for payment for training and development is as follows:
 - i. A request for payment of fees and course materials must be approved by the Department Head and the City Administrator or BPU Commission (for BPU employees only). Such approval will only be granted when it can be demonstrated that the training directly relates to the employee's present position and that it will potentially enable the employee to perform his/her duties in a more efficient and productive manner.
 - ii. All course materials paid for by the City are the property of the City of Brainerd and shall be brought to the Department Head of the appropriate Department upon completion of the training.

For purposes of this policy, training and development will include seminars, workshops, and training sessions designed to provide specific applications to an employee's present position. Such training must be approved by the Department Head or the City Administrator.

The City Administrator or BPU Department Head (for BPU employees only) may grant a leave of absence with or without pay to an employee for the purpose of attending schools, meetings, conferences, and other functions which are a benefit to the City of Brainerd, if, in the City Administrator's judgment (or that of the BPU Department Head, for BPU employees only), such leave will not cause disruption of service.

All training and education opportunities described in this policy are subject to the availability of funds and the budgets of individual departments as well as the City's overall budget.

SECTION 18. EMPLOYMENT RELATED REIMBURSEMENTS

Subdivision 1. Mileage, Meals and Lodging

If employees are required to travel outside of the area in the performance of their job duties, they will receive reimbursement of expenses for meals, lodging and necessary expenses incurred. However, the City/BPU will not reimburse employees for meals connected with training or meetings within the Brainerd/Baxter area, unless the training or meeting is held as a breakfast, lunch or dinner meeting.

The City Administrator or applicable BPU Department Head is responsible for determining job-relatedness and approving or disapproving training, conference or meeting attendance. Such authorization must be received by the employee prior to incurring the actual expenses and shall be subject to the availability of funds. Expenses will be reimbursed as follows:

- 1) Mileage for use of personal vehicle when traveling to or from a training or work location other than the employee's regular work location is reimbursed at the rate established by the Internal Revenue Service, based on a statement from the employee as to number of miles traveled. All mileage must be computed from the employee's regular work location, or from home, if the employee's home is closer to the destination. For purposes of this policy, the term "regular work location" means the work location from which the employee departs for the regular performance of official duties.
- 2) Reimbursement for travel by bus, airline, or train will be at the actual rate charged (which must be the lowest rate available for the mode transportation in question). No payment will be made without a receipt accompanying the voucher. All airline and rental car travel arrangements must be approved by the City Administrator or applicable BPU Department Head prior to booking.
- 3) Lodging - Expenses will be paid based upon receipt from the motel or hotel. The City will reimburse for lodging at the lowest rate for a single occupancy room. All hotels or motels must be approved by the City Administrator or applicable BPU Department Head prior to booking.
- 4) Meals. Actual meal cost, inclusive of sales tax and a reasonable gratuity up to 20%, and not to exceed a total \$47.00 per day shall be reimbursed according to the following. No expenses for alcoholic beverages may be reimbursed. Meals eligible for reimbursement are breakfast, lunch, and dinner. Meals are reimbursable to employees absent from their normal place of employment or residence on official business at the customary mealtime. No claim for breakfast

is allowable when departure from home or regular work location occurs after 7:00 a.m. No claim for lunch is allowable if the employee's regular work location could have been reached between the hours of 11:00 a.m. and 1:00 p.m. No claim for dinner is allowable if the employee's residence or regular work location could have been reached before 6:30 p.m. Times of departure and arrival should be listed for all trips where meal expense is claimed.

Claims for meals for employees will be for the actual amount expended and will include tips or gratuities. Claims for meals will not exceed the following maximum allowance, or the maximum allowed by applicable law, if lower than the below amount, and must be accompanied by an itemized receipt. Credit card receipts stating the amount without itemization of the purchase is not sufficient:

Breakfast	\$10.00
Lunch	\$14.00
Dinner	\$23.00

Meals included as part of a conference, convention, or similar program will be paid in full, whether those meals are included in any registration or tuition fees or presented as a separate charge, and regardless of whether the cost exceeds the established maximum. All such expenses must be approved in advance by the applicable Department Head prior to registration. The Department Head will notify the City Administrator (or Human Resources Coordinator, for BPU employees only) upon approval of any such expenses.

- 5) Parking fees will be allowed if a receipt is given.
- 6) Registration fees paid by an employee will be reimbursed upon a receipt for the funds expended.
- 7) Mayor and City Council members, when out of town on intergovernmental business, shall receive a per diem of \$15.00 per day.
- 8) Department Heads are not required to obtain approval for budgeted travel or training activities within the State of Minnesota, including attendance at such training by non-union supervisors who report to them, but must provide a written report of these items to the City Administrator or BPU Commission (for BPU Department Heads only), if requested. All out-of-state travel or training, other than training attended only by the City Administrator or Department Heads, must receive prior approval from the City Administrator or BPU Commission (For BPU employees only).

Subdivision 2. Prescription and Non-Prescription Safety Glasses

The City will pay the cost of prescription safety glasses for employees required by OSHA regulations to wear same in performing their work functions, up to a maximum of the base cost as stated in the City's agreement with a local vision provider(s). The employee is responsible for all other costs associated with obtaining the prescription, including eye examination.

The City will provide non-prescription safety glasses for employees required by OSHA regulations to wear same in performing their work functions.

Subdivision 3. Safety Boot Policy

The City will pay up to 50% of the cost for safety boots for employees required by OSHA regulations to wear same in performing their work functions.

Subdivision 4. Damage to Personal Items

An employee's personal items, such as watches and eyeglasses, which are damaged or destroyed during the course of his/her work shall be reimbursed by the City for the value of the item damaged or the cost of the repair, if possible, up to \$150.00 per employee annually. In order to receive such reimbursement, the employee must submit a detailed statement describing the item, how it was damaged, whether the employee believes it to be reparable, how the employee determined the value of the item, and any estimated costs of repair.

Subdivision 5. Cold Weather Outerwear

Some employees may be required to work outdoors in cold weather for extended periods of time. The City will furnish each such employee one set of insulated cold weather outerwear at a frequency of no greater than once every 36 months, unless damaged beyond repair, as determined at the discretion of the Department Head. The cold weather outerwear will consist of three pieces - a coat, a vest, and a bib overall, and will be insulated brown duck canvas or ANSI, with a City of Brainerd insignia (or BPU insignia, as appropriate) on the coat. The employee will be responsible to keep his or her cold weather outerwear clean and in good repair at all times. The cold weather outerwear shall be kept at work at all times, except for the purpose of cleaning and/or repair to the outerwear.

Subdivision 6. Personal Cell Phone Stipend

Employees whose work requires the use of a cell phone and who have been designated to receive a cell phone stipend by the City Council, BPU Commission (for BPU employees only), or designee will receive a monthly stipend in the amount determined by the City Administrator or BPU Commission (for BPU employees only). Employees receiving a stipend are responsible for:

1. Providing proof of purchase/lease of cell service, and other documents prescribed by the City to activate and maintain stipend payments, at intervals to be determined by the City Administrator or BPU Commission (for BPU employees only);
2. Purchase, replacement, repair, or service or operational questions of the phone will be the responsibility of the employee and at the employee's sole expense;
3. Using a secure password, PIN, or gesture to prevent unauthorized access;
4. Procuring and maintaining cellular service from a reliable carrier who provides service in the City service area;
5. Limiting personal use of the cell phone during work hours so as not to interfere with City business or the performance of the employee's job;
6. Agreeing that their cell phone may be physically or remotely wiped based on City security needs.

The cell phone stipend is intended to cover approximate costs of the employee's cell phone expenses related to work duties. Initial purchase of the cell phone, accessory equipment, and activation fees will be the responsibility of the employee, as will maintenance, insurance, and repair costs (if any). The employee will pay any and all costs exceeding the amount of the cell phone stipend. No stipend will be paid when an employee is in an unpaid leave status for more than 30 days or duties change in such a manner which no longer justifies the payment.

In addition, the City is subject to the Minnesota Government Data Practices Act ("MGDPA") and other laws governing the collection, storage, use, and disclosure of data. All files and documents, including personal e-mails, text messages, and social media messages created, received, collected, maintained, or generated on an employee's personal cellular device by virtue of his or her position with the City are subject to those laws.

Subdivision 7 Approval of Expenses

All claims for reimbursement must be submitted by the end of the month following the month in which the expense was incurred. As discussed above, detailed, itemized receipts shall be submitted with the claim for reimbursement.

Approval of all budgeted travel expenses incurred by employees, other than out of state travel will be subject to review and approval by the Department Head. Out of state travel must receive approval of the City Administrator (or BPU Commission, for BPU employees only) as described above. All travel expenses in excess of a department's budgeted travel or budget must be approved by the City Council (or BPU Commission, for BPU departments only) prior to being incurred.

Signing an expense voucher or request for reimbursement certifies the truth and correctness of the expense incurred. Knowingly submitting a false or inaccurate expense voucher, receipt, request for reimbursement, or other record may result in discipline, up to and including termination.

SECTION 19. DRUG-FREE WORKPLACE/ALCOHOL ABUSE POLICIES

Subdivision 1. Drug-Free Workplace/Alcohol Abuse

It is the policy of the City to provide a drug-free environment. The City's goal is to establish and maintain a healthy and efficient workforce free from the effects of drug and alcohol abuse in compliance with the requirements of the federal Drug-Free Workplace Act of 1988 (as amended) and other applicable law. This requires employees abstain from using alcoholic beverages, mood-altering drugs, and drugs that adversely impact performance, prior to the start of their workday, during the work period, during lunch and other work breaks. Any violation of this policy shall result in disciplinary action, up to and including discharge.

1. The misuse of alcohol and the illegal use of drugs by an employee on duty can result in a dangerous work environment by negatively affecting job performance and the ability to function safely at work.
2. The unlawful manufacture, distribution, transfer, possession, or use of drugs while on duty is strictly prohibited. Any such use may justify immediate discharge regardless of job performance.
3. Intoxication, illegal, or unauthorized use of alcohol while on duty is also prohibited and may justify immediate dismissal regardless of job performance.
4. Tolerance may be shown to an employee expressing a desire and willingness to receive treatment for their drug or alcohol use.
5. Human Resources will provide any employee, upon request, information regarding alcohol abuse and drug dependency as well as information on available treatment programs.

6. Confidentiality will be maintained, to the extent permitted by the Minnesota Government Data Practices Act and other applicable laws.

7. It is the responsibility of the employee to correct his or her unsatisfactory behavior or job performance resulting from drug or alcohol use.

8. The Human Resources Coordinator must be notified by the employee no later than five (5) calendar days following any criminal drug statute conviction for a violation occurring in the workplace or any arrest or conviction of any criminal drug offense.

9. Violations of this policy may constitute cause for discipline, up to and including discharge. Each situation will be evaluated on a case-by-case basis depending on the severity and circumstances involved.

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

Subdivision 2. Drug & Alcohol Testing

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

Subdivision 3. Drug-Free Awareness Program

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

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

Subdivision 4. Tobacco Use

A. PURPOSE

The City has established this policy regulating tobacco use in City-owned buildings and vehicles:

1. To comply with the Minnesota Clean Air act.
2. To respond to the increasing evidence that tobacco use creates a danger to the health of persons who use tobacco as well as persons who are present in a smoke-filled environment.
3. To promote a safe and healthy environment for staff and citizens and to set an example to the community in limiting tobacco use.

B. STATEMENT OF POLICY

1. All City-owned buildings and vehicles shall be tobacco-free which includes smoking, as defined by Minnesota Statutes, section 144.413, as amended, the use of tobacco products, including chewing tobacco, and electronic cigarettes, as defined in Minnesota Statutes, 609.685, as amended. Park shelters are exempt from this policy, to the extent provided by applicable law.
2. Tobacco use is prohibited within all City-owned buildings, this includes employee workstations, employee break areas, reception areas, storage areas, hallways, meeting rooms and all other areas inside buildings not specifically mentioned herein.
3. Within City-owned vehicles, smoking and other tobacco use is prohibited by any and all occupants.
4. All individuals on City premises share in the responsibility for adhering to and enforcing this policy. The responsibility for compliance is shared by employees, Supervisors, and the general public.

5. Employees hosting visitors are expected to inform them of the City's tobacco free policy.
6. Information on approved smoking cessation programs is available to City staff by the Human Resources Coordinator.
7. Complaints of violation of the policy should be directed to the Department Head responsible for the particular work area or facility involved in the complaint. The Department Head shall be responsible for notifying the violator of the pertinent portions of this policy. Failure to comply with the policy after proper notification shall initiate the City's discipline procedures, if the violation is committed by an employee, or may result in the individual being asked to leave the City's premises, if the violation is committed by a member of the public.

SECTION 20. EMPLOYEE SAFETY MANUAL

The City has adopted an Employee Safety Manual, separate from the Employee Policy Manual. All employees are required to sign a document that states that they have received a copy of the manual. Each employee must review the manual and abide by its provisions. Copies can be obtained from the City Administrator's office or the Human Resources Coordinator's office.

SECTION 21. POLITICAL ACTIVITY

City employees have the right to vote as they please, to express their personal opinions on political subjects in their capacity as individuals, and retain membership in political parties

An employee may be a candidate for partisan or non-partisan public office provided that no employee shall campaign for such office during actual hours of work. City employees' political activity may be subject to state and federal laws including, but not limited to, the federal Hatch Act, the Minnesota Fair Campaign Practices Act, and Minnesota Rules part 9575.0080, and all amendments thereto.

No employee will be permitted to express any view on any legislative protocol, candidate for office, elected official, or other topic on behalf of the City unless expressly approved to do so by the City Council or designee. Any and all lobbying activities undertaken, or purportedly undertaken, on behalf of the City must be approved in advance by the City Administrator and comply with the City's expectation and direction for such activities.

The City prohibits employees from participating in political activities on City time or while performing City functions, except as required by law. Employees must not identify themselves as a City employee by either appearance or declaration while expressing personal political opinions.

SECTION 22. HARASSMENT

It is the policy of the City that harassment and inappropriate conduct of employees is prohibited. The City seeks to promote a professional work environment where employees can perform their jobs free from abuse by others. This policy applies to all of the City's employees while performing their duties as employees within or outside the workplace. For purposes of this policy, employees include all individuals who are hired, elected, appointed, or contracted to provide services to the City.

Harassment is unwarranted and unwanted verbal or nonverbal conduct which threatens, intimidates, or insults another person, where such conduct has the purpose or effect of creating an offensive, intimidating, or degrading environment, or interferes with or adversely affects a person's work performance based on race, national origin, sex, religion, disability, age, marital status, public assistance status and sexual orientation.

Harassment does not include the conduct or actions of Supervisors intended to provide employee discipline, such as deficiency notices, performance evaluations, oral warnings, reprimands or other supervisory actions intended to promote productive performance.

A. STATEMENT OF POLICY

It is the policy of the City that harassment will not be tolerated. All employees are prohibited from engaging in the harassment of any other employee or other person in the course of or in connection with employment. The desired standard of employee behavior is one of cooperation and respect for each other, despite any differences. Employees have a right to a workplace free of verbal and/or physical harassment.

B. SEXUAL HARASSMENT

1. Definition

For purpose of this policy, sexual Harassment is defined as physical or verbal conduct relating to an individual's gender or directed at an individual because of gender, unwelcome sexual advances, request for sexual favors, sexually motivated physical conduct or other verbal or physical conduct or communication of a sexual or gender-related nature when:

- a. submission to that conduct or communication is made a term or condition, either explicitly or implicitly, of obtaining or continuing

- employment or a basis for employment decisions affect that individual; or
- b. submission to or rejection of that conduct or communication by an individual is used as a factor in any employment decisions affecting the individual or decision related to the individual's access to public services or public accommodations affecting said individual; or
- c. that conduct or communication has the purpose or effect of substantially interfering with an individual's employment, public service, or public accommodation, or of creating an intimidating, hostile or offensive employment environment.

A single act or communication may constitute sexual harassment.

2. Examples of Conduct that can Constitute Unlawful Sexual Harassment

Examples of sexual harassment include, but are not limited to, the following:

- a. Unwelcome subtle or overt pressure for sexual activity.
- b. Repeated, unwelcome suggestions regarding, or invitations to, social engagements or work-related social events.
- c. Verbal abuse or innuendo of a sexual nature.
- d. Unwelcome physical contact such as touching, hugging, patting, pinching, pawing, poking, or slapping.
- e. Any unwelcome sexually motivated touching.
- f. Comments of a sexual nature about an individual's body or sexual terms used to describe an individual.
- g. Display or distribution of sexually suggestive or sexually explicit objects or pictures, including cartoons, articles, pictures, and other graphics which have a sexual conduct and which are not necessary for work.
- h. Jokes or remarks of a sexual nature to, or in the presence of, people who may find them offensive.
- i. Prolonged staring or leering at a person.
- j. Use of suggestive facial expressions, gestures of a sexual nature, or sexually suggestive or insulting sounds.
- k. Any demand for sexual favors accompanied by an implied or overt threat concerning an individual's employment status or promises of preferential treatment or other indication, express or implied, that an employee's job security, assignment, opportunities for advancement, or other terms or conditions of employment may depend on the granting of sexual favors to any other employee, supervisor, elected official, or manager.
- l. Any action relating to an employee's job status, which is taken as a direct result of the granting or refusal of social or sexual favors.
- m. The deliberate or careless creation of an atmosphere of sexual harassment or intimidation.
- n. Indecent exposure.

Normal, courteous, mutually respectful, pleasant, non-coercive interactions between people that are acceptable to both parties are not considered to be sexual harassment.

C. OTHER PROTECTED CLASS HARASSMENT

Other protected class harassment is offensive conduct or communication based on an individual's race, color, creed, religion, national origin, sexual orientation, disability, age, marital status, familial status, status with regard to public assistance, or any other characteristic protected by state or federal law when:

1. Submission to such unwelcome conduct or communication is made either explicitly or implicitly as a term or condition of obtaining or retaining employment or access to public services or accommodations;
2. Submission or rejection of such unwelcome conduct or communication by an individual is used as a factor for any employment decision or decision related to the individual's access to public services or public accommodations affecting said individual; or
3. Such unwelcome conduct or communication has the purpose or effect of substantially interfering with any person's employment, public services or public accommodation, or creating an intimidating, hostile, or offensive work environment.

D. Department Head/Supervisory Responsibilities

Department Heads and Supervisors are responsible for maintaining a work environment free of sexual harassment and other protected class harassment. It is their responsibility to ensure that all employees comply with the City's Policy. Department Heads and Supervisors must respond promptly and appropriately to both allegations and confirmed reports of harassment.

In the absence of a complaint, Supervisors and Department Heads observing conduct that may constitute prohibited harassment in the workplace are responsible for calling such behavior and this policy to the attention of the participants at the time of the observance. A written summary of the discussion shall immediately be forwarded to the City Administrator.

Supervisors and Department Heads receiving complaints or reports of alleged inappropriate conduct shall immediately forward a report to the City Administrator prior to taking any action on the complaint. The City Administrator or designee will make the determination as to whether, and to what extent, an investigation is warranted, who will investigate, and what methods will be used in the investigation.

Failure of a supervisory employee to immediately forward reports of observances or complaints to the City Administrator shall be grounds for disciplinary action, up to and including termination of employment.

E. Employee Responsibilities

All City employees are expected to treat all other employees and the public with respect and to comply with this policy. Any employee found to have violated this policy will be subject to appropriate disciplinary action, up to and including discharge from employment.

F. Complaint Procedure

Any employee who believes he or she is being subjected to sexual harassment or other protected class harassment in any form, or any employee with knowledge or belief of conduct on the part of another employee or other individual which may constitute a violation of this policy, is required to report the alleged conduct immediately to a Supervisor, the Department Head, or the City Administrator. While the City encourages written reports of the alleged conduct, verbal reports will be accepted. The individual receiving the report should be prepared to supply the following information:

1. Date, time and location of incident
2. Identification of the offender(s)
3. A detailed description of the incident
4. Any materials in the complaining employee's possession related to the incident (e.g. cartoons, articles, pictures)
5. Identification of any potential witnesses to the incident

Additionally, at the time of the incident, if you are the employee being subjected to the inappropriate behavior and feel comfortable in so doing, you may, but are not required to, courteously, but firmly, tell the individual(s) engaging in the inappropriate behavior to stop the behavior because the behavior makes you feel intimidated, offended or uncomfortable. Include a summary of this discussion in your report to the Supervisor or City Administrator.

Any Department Head or other supervisory employee who receives a formal or informal, oral or written report of harassment shall inform the City Administrator immediately without screening or investigating the report, unless the City Administrator is involved or has a conflict of interest, in which case the report shall be made to the Mayor pursuant to the reporting procedures. Failure of any supervisory employee of the City to forward such a report to the appropriate party shall be grounds for discipline.

By the authority of the City Council, the City Administrator, upon receipt of a report or complaint of sexual harassment or other protected class harassment, shall undertake or authorize an investigation. The investigation may be conducted by City Officials or by a third party designated by the City.

The City may take immediate steps, at its discretion, to protect the complainant and other employees or members of the public pending completion of the investigation.

The investigation methodology will be determined by the investigator depending on the specifics of each complaint. Investigations typically include, at a minimum, interviews with the reporting employee, the complaining employee (if different from the reporting employee) and alleged offender(s). The investigation methodology may additionally include additional interviews, document review and other methods deemed pertinent by the investigator.

G. Confidentiality

Records maintained pursuant to this policy are subject to the Minnesota Government Data Practices Act, the Minnesota Records Retention Act, and other applicable laws. Subject to those laws, every effort shall be made to respect the privacy of the parties to a complaint, without compromising the thoroughness of the investigation.

H. No Reprisal for Filing Complaint of Harassment

The City will not tolerate acts of retaliation against employees who have made a good faith report of suspected violations of this policy or any person who assists in the investigation of such a complaint regardless of the outcome of such investigation. The City will discipline or take other appropriate action against any employee who engages in acts of retaliation toward these individuals. For purposes of this policy, retaliation includes, but is not limited to, any form of intimidation, reprisal, or harassment.

I. Disciplinary Procedure

1. An employee who violates this policy will be subject to disciplinary action up to and including discharge.
2. Any employee who prevents or attempts to prevent an individual from reporting a suspected violation of this policy or who interferes in any way with the investigation of such a report will be subject to disciplinary action, up to and including discharge.

3. Any employee who retaliates or discriminates against an individual who reports a suspected violation of this policy or assists in the investigation of such a report will be subject to disciplinary action, up to and including discharge.
4. Supervisor, managers, or Department Heads who become aware of violations of this policy in their department, even in the absence of a formal complaint, shall take appropriate disciplinary action, in consultation with the City Administrator.
5. Any non-employee found to have violated this policy may be removed from the City property or other appropriate action may be taken.

The Data Practices Act may allow individuals who are not directly involved with the complaint to access records related to the complaint in certain circumstances.

- J. For purposes of BPU employees, the applicable BPU Department Head will perform the duties of the City Administrator.

SECTION 23. GRIEVANCES

It is the policy of the City insofar as possible to prevent the occurrence of grievances and to deal promptly with those which occur. For purposes of this policy, a grievance is defined as a dispute or disagreement as to the interpretation or application of the City's personnel policies.

Employees shall have the right to present grievances either individually or as a group. Grievances shall be presented to the City Administrator or applicable BPU Department Head, in writing, within five (5) calendar days of the occurrence of the alleged grievance.

The City Administrator or applicable BPU Department Head shall respond to an employee's grievance within fourteen (14) calendar days after receiving the alleged grievance. The decision of the City Administrator or applicable BPU Department Head is final, except that when the City Administrator or applicable BPU Department Head is directly involved in the grievance, appeal may be made to the Personnel and Finance Committee for (City-side employees) or BPU Commission (for BPU employees) for final decision within fourteen (14) calendar days of the City Administrator's decision or that of the applicable BPU Department Head. In such an appeal, the Personnel and Finance Committee's decision, or that of the BPU Commission, is final. In the event that the City Administrator or applicable BPU Department Head does not respond to the grievance within fourteen (14) calendar days of receipt, the grievance shall be considered denied for purposes of the appeal time period discussed above.

In compliance with federal or state law, an employee may also grieve any alleged unsafe act or practice, adverse working conditions, violation of civil rights, and alleged hazardous materials management.

Concerns that employees have cannot go directly to individual members of the City Council. The City Council acts as a body and not as individuals and going directly to the City Council with problems is inappropriate. Likewise, for individual Council members to be giving direction to staff without the knowledge of the City Administrator is inappropriate. Again, the City Council gives its direction, as a policy making body, to the staff through the Administrator.

SECTION 24. DISCIPLINE AND DISCHARGE

Subdivision 1. Just Cause

City employees shall be subject to disciplinary action for failing to fulfill their duties and responsibilities, including failure to observe proper workplace conduct adopted by the City Council. It is the policy of the City to administer disciplinary penalties without discrimination. Except for probationary employees and as expressly described in this Policy, employees may use the grievance procedure as per the personnel policy with respect to any disciplinary action. To the extent feasible, the supervisor or department head shall gather relevant information before reporting the incident to the Human Resources Coordinator. At the direction of the Human Resources Coordinator, the supervisor or department head may gather additional relevant information and investigate any allegation on which disciplinary action might be based before any disciplinary action is taken.

Nothing in this Policy shall be interested as altering the City employees' status as "at-will" employees or creating any type of "just cause" standard for discipline or termination. When determining whether to impose discipline, including termination, the City may consider all relevant factors, including, but not limited to, the seriousness and frequency of misconduct, and the employee's discipline history.

Cause for discipline and discharge will include, but is not limited to the following:

- 1) Incompetence, ineffectiveness, or inefficiency in the performance of duties;
- 2) Criminal conduct which would constitute a felony, gross misdemeanor, or misdemeanor except as limited by Minnesota Statutes, Chapter 364;
- 3) Violation of any City policy, procedures, work rule, regulation or City ordinance, including the provisions of this manual and any safety and/or health policies and procedures;

- 4) Being under the influence of alcohol, drugs, or controlled substances while performing duties for the City, while on City premises, or while acting as a representative of the City off premises;
- 5) Discourteous, hostile, insulting, abusive, or inflammatory conduct toward the public, a fellow employee or fellow employees, a supervisor or supervisors, a member of the City Council or members of the City Council, or a member of any City commission, or members of any City commission;
- 6) Theft, misuse, carelessness and/or negligence in the handling or control of City property or property entrusted to the employee by the City, including allowing unauthorized persons to ride in City vehicles, or the unauthorized appropriation of City property for the employee's own use;
- 7) Inducing or attempting to induce a person, officer or employee of the City to commit an unlawful act or to act in violation of any City policy, procedure, regulation, ordinance, or workplace directive or order;
- 8) Dishonesty in the performance of duties;
- 9) Sleeping during work hours.
- 10) Willful misconduct or insubordination;
- 11) Acceptance of a gift under circumstances from which it could be inferred that the giver expected or hoped for preferred or favorable treatment in conduct of City business;
- 12) Unapproved use of paid work time and/or equipment in outside employment or for personal benefit;
- 13) Falsely stating or falsely making claims of injury or illness;
- 14) Gambling while on duty, on City property, or using City equipment or resources;
- 15) Inability to perform the essential functions of the employee's job, whether due to physical or mental impairment, or otherwise;
- 16) Any possession, sale, distribution, possession, or unauthorized use of alcohol or controlled substances, during working hours and/or while representing the City;
- 17) Unexcused absence from work;

- 18) Tardiness in reporting to work;
- 19) Improper reproductions or misuse of copyrighted computer software or other copyrighted materials;
- 20) Theft of City property or personal belongings of others;
- 21) Abuse of official position with the City to achieve personal, political, or financial gain;
- 22) False or inaccurate claims for reimbursement of expenses;
- 23) Disorderly, abusive, or indecent conduct that causes disruption of the work environment, including fighting;
- 24) Unauthorized possession of weapons on City property;
- 25) Allowing unauthorized visitors into unauthorized City offices and locations;
- 26) Unauthorized disclosure of private, confidential, or nonpublic data;
- 27) Failure or refusal to comply with City or department regulations, policies, or procedures; and
- 28) Any other conduct which, in the discretion of the City, constitutes a breach of the standards of behavior which it should reasonably expect of its employees.

Employment at the City may be terminated at the will of either the employee or the City, at any time, and for any legal reason or no reason.

Subdivision 2. Procedures

- 1) Discipline may be in one or more of the following forms, although **The City of Brainerd reserves the right to take any disciplinary action at any time:**
 - a. oral reprimand;
 - b. written reprimand;
 - c. suspension;
 - d. demotion; or
 - e. discharge.
- 2) Suspension, demotion and discharge will be in written form and will state the reasons for such action.

3) Reprimands, notice of suspension, and notice of discharge are to become part of an employee's personnel file. The employee will receive a copy of any reprimands and/or notices.

4) Employees receiving a written reprimand, suspension, demotion, or discharge shall be given a copy of the discipline document and sign the original, acknowledging that he or she has received the written reprimand, suspension, demotion, or discharge. The signature of the employee does not necessarily indicate that he or she agrees with the disciplinary action. If the employee refuses to sign the original written reprimand, suspension, demotion, or discharge, such refusal will be noted on the discipline document. All written discipline will be placed in the employee's personnel file.

5) Consistent with applicable law, employees may examine their own individual personnel files at reasonable times under the direct supervision of the City Administrator, BPU Department Head (for BPU employees), or designee.

Subdivision 3. Supervisory Authority

1) Oral and Written Reprimands. Department Heads have the authority to impose oral and written reprimands without prior approval of the City Administrator. The department head must maintain a record of each verbal reprimand. A verbal reprimand may not be appealed or submitted through the grievance process

2) Suspension. The City Administrator or applicable BPU Department Head (for BPU employees only) may suspend an employee.

3) Demotion and Discharge. An employee may be demoted or discharged by recommendation of the City Administrator or applicable BPU Department Head (for BPU employees only) and final determination by the City Council or BPU Commission (for BPU employees only).

Subdivision 4. Right of Appeal

An employee may appeal an oral or written reprimand verbally or in writing to the City Administrator or BPU Commission (for BPU employees only) within five (5) work days after disciplinary action has been imposed. The City Administrator or BPU Commission (for BPU employees only) will make the final determination and will inform the employee in writing regarding the decision made.

An employee may appeal a suspension without pay, or recommendation for demotion or discharge to the City Council or BPU Commission (for BPU employees only) by

requesting, in writing, that a hearing be conducted for that purpose. Such request must be made by the employee to the City Administrator or BPU Commission (for BPU employees only) within five (5) days after disciplinary action has been imposed. At its sole discretion, the City Council or BPU Commission may hold the hearing at its next regularly scheduled meeting or any date within thirty (30) days of such meeting. The City Council or BPU Commission has the sole discretion to conduct the hearing or to appoint a subcommittee to conduct the hearing. If the City Council or BPU Commission appoints a subcommittee, the subcommittee shall make its recommendation to the City Council or BPU Commission at the next regularly scheduled meeting of the City Council or BPU Commission following the hearing. The decision of the City Council or BPU Commission will be final.

If the appeal is upheld by the City Council or BPU Commission, the employee shall receive all payments, benefits and service accrual which the employee would have earned during the period of suspension without pay, demotion or discharge and be reinstated to the position.

For purposes of the Minnesota Government Data Practices Act, the initial disciplinary decision constitutes the final disposition of a disciplinary matter, unless the employee files a timely appeal with the City Council or BPU Commission. In such cases, the City Council's decision or BPU Commission's decision constitutes the final disposition.

SECTION 25. PERSONNEL/PAYROLL

Subdivision 1. Personnel Records

An employee must notify the Department Head and the Human Resources Coordinator in case of a change in address, telephone number, marital status, or number of dependents. If at any time an employee's address or telephone number is changed and the change is not reported, it may be difficult or impossible to complete delivery of messages, notices, or other information which should be received. Incomplete information creates problems with payroll deductions and fringe benefits, such as medical coverage. Accordingly, the failure to provide such information may impact the City's ability to provide pay and/or benefits to City employees.

Subdivision 2. PERA (NOTE: Check PERA's Website to verify contribution rates)

Almost all city employees in the State of Minnesota are covered by a public pension system known as the PERA. Both the City and employees contribute to PERA. For specific information regarding annual contribution rates, contact the Human Resources Coordinator. Vesting time varies depending on your membership eligibility date and the pension is portable among public employers throughout the state. Being vested means you qualify for benefits at the minimum allowable age.

In normal situations, employees and employers both contribute a percentage of the employee's gross salary to PERA. However, Minnesota law provides that some income received by an employee are not eligible for PERA contributions. Employees should contact the Human Resources Coordinator with specific questions regarding PERA contributions.

Subdivision 3. FICA

All full-time, part-time, temporary and/or seasonal employees are mandatory members of Federal Insurance Contribution Act (commonly known as Social Security). The City is required to deduct certain amounts from such employees' gross salary. Certain employees may be exempt from this deduction. Employee should contact the Human Resources Coordinator with specific questions regarding FICA deductions.

Subdivision 4. Medicare

All full-time, part-time, temporary and/or seasonal employees have a mandatory deduction for Medicare tax taken from their paychecks. Employee should contact the Human Resources Coordinator with specific questions regarding Medicare deductions.

Subdivision 5. MN Deferred Compensation

The City is a member of the Minnesota Deferred Compensation Plan. An employee may, at their option, defer any part of income, to a maximum amount set by law, of gross salary. The City does not contribute any monetary amount, except as identified in Attachment C:

SECTION 26. SEPARATION FROM EMPLOYMENT

Subdivision 1. General Statement

Separation from employment is an inevitable part of personnel activity within any organization, and there are many reasons for separation. The reasons for separation include: (1) resignation; (2) discharge (in accordance with Section 24 of these policies); (3) layoff; and (4) retirement (in accordance with Section 27 of these policies).

An employee leaving the City, for any reason, must turn in his/her identification badge and card, tools, shop coats, keys, books, and other City equipment no later than the last day of work. The employee is expected to go through an exit interview with the Human Resources Coordinator on his/her last day of work. This interview is important for both the City and the employee. Through this interview, information may be provided which can lead to the causes of turnover, absenteeism, poor communication, etc. Oftentimes problems are discovered which appeared non-existent previously. It can be an effective means for gaining insight into potential personnel problems.

Subdivision 2. Resignation

As at-will employees, all City employees may resign at any time, for any reason. In order to be considered “in good standing” at the time of resignation, an employee must file with employee’s department head, at least 14 days before leaving, a written resignation stating the effective date of the resignation. Department Heads and non-union supervisors wishing to resign “in good standing” should give the City as much advance notice as possible, but must provide at least 30 days’ notice. Failure to comply with this 14 day or 30-day notice procedure may be considered cause for denying the employee future employment by the City and denying termination benefits. Unauthorized absence from work for a period of three working days may be considered by the City Administrator (or applicable BPU Department Head, for BPU employees only) as a resignation “not in good standing” and without benefits.

Subdivision 3. Layoffs

After at least two weeks’ notice to the employee, the City Administrator or applicable BPU Department Head (for BPU employees only) may lay off any employee when such action is necessary because of shortage of work or funds, the abolition of a position, or changes in organization. If it should become necessary to reduce the City work force, the City may give consideration to the employees’ on-the-job performance, abilities, job knowledge and the potential for other jobs within the City.

Subdivision 6. Final Pay Following Termination of Employment

Subject to applicable law, employees who terminate employment with the City shall receive their final pay settlement a maximum of two weeks from the date of resignation, coinciding with the next normal payday.

SECTION 27. RETIREMENT AND SEVERANCE PAY

Subdivision 1. Procedure

Regular employees who retire voluntarily in good standing after giving at least two (2) weeks notice to the City and are eligible to begin receiving monthly retirement benefits under the provisions of PERA as of the date of his or her retirement shall be granted severance pay based on the following conditions and rates:

Conditions:

1. Retirement - voluntary and in good standing
2. Voluntary retirement or termination of employment due to health reasons, service-connected injury, or illness.

Rates:

All regular employees, regardless of the date of hire, shall be entitled to 100 percent of their unused sick leave as severance pay, with a maximum of nine hundred sixty (960) hours, upon retirement in good standing, as defined above, or if they become disabled and must terminate their employment, with written proof by a physician. In the event of death, severance pay shall be paid to the beneficiary. Pay for unused sick leave shall be based on existing annual wage.

SECTION 28. ACCIDENT PROCEDURES

As a City employee, it is important that you are aware of certain procedures to be followed if you are injured on the job or involved in an accident while operating City equipment. These procedures have been established to protect your interests as an employee, as well as protect the City.

Employees shall comply with all federal and state laws and rules concerning vehicles and their safe operation. Safety devices, such as seat belts, lights, horns, etc., shall be utilized.

Compliance with speed limits, safe driving procedures, and proper licensing requirements will be enforced by the City.

Employees are responsible for performing routine checks (i.e., tire pressure, oil, turn signals, lights) before operating a City-owned vehicle.

If you are involved in an accident while operating any City-owned vehicle or piece of equipment, or while engaged in City business with any hired or privately-owned vehicle:

- 1) Notify the police and/or emergency medical services, as appropriate, by dialing 911, and your supervisor IMMEDIATELY.

- 2) Request that all parties and property concerned remain at the scene of the accident, if possible, until a law enforcement representative has released them.

3) Obtain identifying data from the driver of the other vehicle (i.e. name, address and insurance company).

4) Secure names and addresses of injured persons and any witnesses to the accident.

5) Employee responsibility is to refrain from making statements regarding the accident with anyone other than the investigating law enforcement representative, appropriate City officials, and representatives of his or her own insurance company, if the employee's privately-owned vehicle is involved. Statements made to investigating authorities should be confined to factual observations. A copy of all police reports and any statements attached thereto will be forwarded to City Administration or designee within one day of receipt by the employee(s) involved in the accident.

6) Employees shall refrain from admitting fault or liability and must gather all applicable loss data, witnesses, injured parties, passenger names, vehicle and driver's license numbers.

Employees who sustain personal injury in any work-related accident are REQUIRED to report the injury to their supervisor immediately. Once your supervisor has been notified of an accident, he/she will inform you of the steps to be taken to properly report and record the occurrence. Your supervisor may also direct you to proper medical attention where necessary. If it is necessary for you to complete an "Employee Incident" form, it should immediately be completed and returned to your supervisor. If it is necessary for you to miss work because of a work-related accident, it is your responsibility to keep your supervisor informed of the date you are able to return to work. In most instances, your treating physician will provide you with that information during your initial visit.

Please remember that following these simple procedures not only ensures accurate record keeping of accidents and personal injuries as required by law, but also protects your interests as an employee. For your own protection, be sure to report any accidents and injuries you may have, no matter how small.

Employees using a City-owned vehicle may be held liable for accidents in which he or she is involved. Employees will be personally responsible for paying any citation or other criminal sanction received while operating a City-owned vehicle.

SECTION 29. SALARY ADMINISTRATION PLAN

Non-union supervisory employees and Department Heads shall be compensated in accordance with wage resolutions adopted by the City Council.

New employees will generally start at Step 1. Promoted employees will generally start at the lowest step that is paid at a higher rate than the employee received in his or her previous position with the City. The City retains the sole discretion to start an employee at a higher step depending on qualifications and needs of the City.

Performance evaluations shall be based on job descriptions and result-oriented performance standards. Performance evaluations are intended to assist the employee in reaching maximum potential, enhance services provided by the City, and provide for periodic, formal review by the employee's supervisor and Department Head. The performance evaluation system shall be conducted in the following way:

It shall be the responsibility of each City and BPU Department Head to provide periodic written evaluations of subordinate employees, on at least an annual basis. This once a year annual evaluation shall coincide with the determination of the appropriateness of granting a merit (step) increase in accordance with this policy, if the employee is eligible.

It shall be the responsibility of the City Administrator to provide periodic written evaluations of City Department Heads, the Human Resources Coordinator, and the Information Technology and Geographic Information Systems ("IT/GIS") Coordinator, on at least an annual basis. This once a year annual evaluation shall coincide with the determination of the appropriateness of granting a merit (step) increase in accordance with this policy, if the employee is eligible.

It shall be the responsibility of the City Council to provide periodic written evaluations of the City Administrator, on at least an annual basis. This once a year annual evaluation shall coincide with the determination of the appropriateness of granting a merit (step) increase in accordance with this policy, if the employee is eligible.

It shall be the responsibility of the BPU Commission to provide periodic written evaluations of the BPU Department Heads, on at least an annual basis. This once a year annual evaluation shall coincide with the determination of the appropriateness of granting a merit (step) increase in accordance with this policy, if the employee is eligible.

The decision to provide a merit (step) increase shall be the determination, at the discretion of the Department Head, City Administrator, City Council, or BPU Commission, as applicable. Pay steps through step 6 are based on satisfactory performance.

In order to advance to Step 7 on an applicable wage grid approved by the City Council, an employee must be on Step 6 and obtain two “achieves expectations” and one “exceeds expectations” on their annual performance evaluation in any given three-year cycle beginning January 1, 2019. In order to advance to Step 8, an employee must be on Step 7 and obtain another “exceeds expectations” with two prior “achieves expectations” on their annual performance evaluation in any given three-year cycle.

Except for employees hired or promoted on or after September 30 of any year, any step increases will become effective on January 1 of each year following the employee’s performance review. For employees hired or promoted on or after September 30, any step increase will become effective on June 1 of the following calendar year. Progression through the pay steps will be accomplished by an annual review of employee performance, as described above.

Employees shall have no right under this policy to file a grievance regarding initial placement on the pay table. Denial or delay of a step increment shall be subject to the grievance procedures described in these policies.

SECTION 30. STATEMENT OF POLICIES AND PROCEDURES FOR PAYMENT AND/OR REIMBURSEMENT OF COSTS AND ATTORNEY'S FEES FOR MUNICIPAL OFFICERS AND EMPLOYEES

The City may reimburse its employees or officers for costs and reasonable attorney’s fees incurred by an employee or officer, to the extent permitted by Minnesota Statutes, section 465.76.

SECTION 31. TECHNOLOGY USE

General Information

This policy serves to protect the security and integrity of the City of Brainerd and Brainerd Public Utilities ("City") electronic communication and information systems by educating employees about appropriate and safe use of available technology resources. All employees are responsible for reading and following information that may be distributed from time-to-time about appropriate precautions to protect City systems.

City-owned computers, cellular telephones, mass storage devices, and related equipment used by City employees are property of the City. Except when accessed by the police department for law enforcement purposes, the City specifically reserves the right to audit, monitor, and inspect, without notice, without the user’s consent, and for any reason or no

reason, employees' use of its computers and related equipment and all data, emails, files, settings, or any other aspect of a City-owned computer or related system, including personal information created or maintained by an employee. An audit may result in the removal of hardware and/or software not compliant with this policy, revocation of permission to use the City's computers and/or related equipment, employee discipline, up to and including immediate termination, and/or criminal charges, depending on the nature of the violation.

All City owned equipment, including, but not limited to, offices, cubicles, desks, files, vehicles, filing cabinets, voice mail, text messages on City paid cellular telephones, computers, laptops, mass storage devices, e-mails, electronic media or devices of any kind, or any other type of equipment, property, or space provided by the City, including e-mail accounts provided by the City, are City property. Except when accessed by the police department for law enforcement purposes, any such property or equipment may be accessed by the City at any time, for any purpose, with or without notice to the employee, and with or without reasonable suspicion. City employees and other users shall have no expectation of privacy in any property or equipment of the City.

In addition, the City is subject to the Minnesota Government Data Practices Act ("MGDPA") and other laws governing the collection, storage, use, and disclosure of data. All files and documents, including personal messages and internet logs, created, received, collected, maintained, or generated by City employees or using the City's computer and/or related equipment are subject to those laws. In accordance with applicable law, such files and documents may be disclosed in certain circumstances without the permission of the employee or user.

Users should notify IT staff upon learning of violations of this policy. As discussed above, violation of this policy may result in the removal of hardware and/or software not compliant with this policy, revocation of permission to use the City's computers and/or related equipment, employee discipline, up to and including immediate termination, and/or criminal charges, depending on the nature of the violation. All violations will be addressed consistent with the City's Personnel Policies or applicable union contract.

Data Privacy and Retention

All data stored on computers, related equipment, and media owned, leased or rented by the City is considered to be owned by the City and is subject to the MGDPA, which governs its use and dissemination. As discussed above, all City owned equipment and Information Technology Systems, including e-mail, are City property and subject to inspection by the City at any time, without notice, and for any reason or no reason at all. The City Administrator or Human Resources Coordinator should be contacted with questions regarding the classification of public and private data.

Data Ownership: All information developed or introduced to a City computer or related equipment by a user in conjunction with employment with the City is the property of the City.

Data Storage: All City data must be saved to a network drive on a City server or City provided resource.

Data Deletion: Users are responsible for deleting outdated files that are no longer needed for compliance with of the City Records Retention Schedule; this includes data files and email messages. The City Administrator should be contacted with questions regarding the City Records Retention Schedule.

Data Back-up: The IT department backs up all data stored on network servers. Workstation hard drives or any other devices are not backed up.

Personal Use

The City offers employees the privilege of limited personal use of City-owned computers and related equipment. Personal use is allowed under the following guidelines and only during break times or before/after normal business hours:

- Only City employees may use City-owned equipment. Family member or friends of City employees are not allowed to use City equipment or technology resources.
- Employees shall not connect personal peripheral tools or equipment (such as cell phones, USB drives, flash drives/cards, disks, digital cameras, or printers) to City-owned systems, without prior approval from the IT staff. If permission to connect these tools/peripherals is granted, the employee must follow provided directions for protecting the City's computer network.
- Personal files should not be stored on City computer equipment. This also applies to personal media files, including but not limited to audio and video files such as mp3 files, wav files, movie files, iTunes files, or any other file created by copying a music CD, DVD, or files downloaded from the Internet. IT staff may delete these types of files if found on City-owned equipment. Exceptions would be recordings for which the City has created, owns, purchased, or has a license.

- City equipment or technology, including City-issued email accounts, shall not be used for: illegal activities, personal business interests, for-profit ventures, political activities, outside employment, any other public office or employment which is incompatible with City employment responsibilities as determined by the City Administrator, wagering, betting, or selling chances, annoying or harassing other individuals, fund-raising except for City-approved activities, religious activities, pornographic, obscene, or indecent images or content, forwarding junk email, advertisements, or chain emails, or other uses deemed by City management to be inconsistent with City activities. If any employee has a question as to whether a use is appropriate, that employee must contact the City Administrator or applicable BPU Department Head (for BPU employees only) for permission before engaging in the conduct in question.
- The City reserves the right to use management software to monitor end user activity. This software may monitor and limit internet activity. As discussed above, the City may inspect any data or information stored on its equipment or network, even if the information is personal to the employee.

Hardware

In general, the City will provide the hardware required for an employee to perform his or her job duties. Requests for new or different equipment should be made to the Department Head, who may consult with IT staff.

Unapproved hardware, including memory sticks, flash drives, and other external storage devices, that has not been specifically approved by the City may compromise the integrity of the City's computer system and are prohibited. IT staff may, without notice, remove any unauthorized equipment, other hardware attached to the City's computer system or network.

The City will not supply laptop computers based solely on the desire of employees to work offsite. A business need will be required for each laptop deployment and must be approved by the Department Head, at his or her sole discretion. In general, laptops will only be issued to employees who: regularly use their laptop offsite; require a laptop for access to special software or systems; have a documented business need for a laptop; and/or require the use of a full computer while traveling

Employees are responsible for the proper use and care of City-owned computer equipment. City employees are expected to provide reasonable security to all City-owned computers and related equipment. This includes ensuring that passwords comply with this policy. Removable media must be kept in a secured area. Non-public, private, and/or confidential

data must not be displayed in such a manner that unauthorized personnel or others can view or access it. All City-owned computers and related equipment must be secured while off City premises. For instance, employees must not leave computer equipment in an unlocked vehicle or unattended at any offsite facility. Computer equipment must not be exposed to extreme temperature or humidity.

Software

In general, the City will provide the software required for an employee to perform his or her job duties. Requests for new or different software should be made the Department Head, who may consult with IT staff.

Unapproved software or downloads (free or purchased), games, screen savers, toolbars, clipart, music and movie clips, that have not been specifically approved by the City may compromise the integrity of the City's computer system and are prohibited.

Employees shall not download or install any software (whether free or purchased) or add-on (such as toolbars or clipart) on any City computer or related device without the prior approval of the IT staff. The only exceptions to this policy are updates to software previously approved by IT such as anti-virus, anti-malware, etc. IT staff may, without notice, remove any unauthorized programs or software, downloads, or other files on any City computer, related equipment, network, or electronic resource.

Electronic Mail

The City provides most employees with an email address for work-related use. Minimal personal use of the City email system by employees is allowed, provided it does not interfere with an employee's work and is consistent with all City policies. Using the City's email to participate in any kind of personal listservs or mailing list is prohibited.

Employee emails (including those that are personal in nature) may be considered "public" data for both e-discovery and information requests and may not be protected by privacy laws. Personal e-mail transmitted through or saved on the City's e-mail system, computers, network, or other technological resources, may also be monitored as directed by the City Administrator or BPU Commission (for BPU employees only) and without notice to the employee.

In addition, employees must adhere to these email guidelines:

- Do not open email attachments or links from an unknown sender. Review sender's email address, date/time, subject line, and name and file type of attachments to verify legitimacy/relevance. Delete junk or "spam" email without opening. Do not respond to unknown senders.
- Never transmit an email that you would not want your supervisor, other employees, members, city officials, or the media to read or publish (e.g., avoid gossip, personal information, swearing, etc.).
- Use caution or avoid corresponding by email on confidential communications (e.g., letters of reprimand, correspondence with attorneys, medical information).
- Do not use harassing language (including sexually harassing language) or any other remarks, including insensitive language or derogatory, offensive, or insulting comments or jokes.
- Employees' email use must otherwise comply with all applicable provisions of this policy, all other applicable City policies, and all applicable laws.

Electronic Calendars

A shared calendar environment is provided as part of the City's email software program. All employees are encouraged to keep their electronic calendar up to date and may grant relevant staff the ability to view their calendar. All employees are encouraged to utilize the out of office automatic replies for known absences.

Phone/Voicemail

Voicemail that constitutes an official record of City business must be kept in accordance with all records retention requirements for the department and should be copied to the network for storage. All other voicemails should be deleted from the voicemail system (and email system) when no longer needed. Voicemail may be considered "public" data or otherwise subject to disclosure in accordance with the MGDPA. Employees should contact the City IT staff with any questions about voicemail storage and/or deletion.

Presence/Instant Messaging

Employees who are provided with the City's presence / instant messaging (IM) software should remain logged in and may utilize it for communications between City staff. Instant messaging may be considered "public" data, or otherwise subject to disclosure in

accordance with the MGDPA and must be kept in accordance with the City's records retention requirements if they constitute an official record of City business. Employees are not allowed to download or install any other IM software on their City computer.

Intranet

Employees must keep the City's Intranet as their web browser home page and are encouraged to utilize the announcements/links/calendars to remain informed and share information with other staff.

Storing and Transferring Files

If you are unsure whether an email or other file is a government record for purposes of records retention laws or whether it is considered protected or private data under the MGDPA or other law, you must check with the City Administrator or applicable BPU Department Head (for BPU employees only) before deleting or releasing the information or file in question. If you are unsure how to create an appropriate file structure for saving and storing electronic information, contact IT staff.

Employees must adhere to these guidelines when transferring and storing electronic files:

- All electronic files should be stored on network drives. IT staff will not back up documents stored on local computer hard drives and hold no responsibility for recovery of documents on local computer hard drives should they fail. Subject to the provisions of this policy, files may be temporarily stored on a laptop hard drive when an employee is offsite; however, the files should be copied to the network as soon as possible.
- Electronic files created on an employee's home or personal computer must not be transferred to the City's network. City-related files should not be created or stored on an employee's personal computer.
- All removable storage media (e.g., CDs, flash or USB drive, or other storage media) must be verified to be virus-free before being connected to City equipment.
- Email that constitutes an official record of City business must be kept in accordance with all records retention requirements for the department and should be copied to the network for storage.

- Email that is simple correspondence and not an official record of City business should be deleted (from both the "Inbox" and the "Deleted" box) when no longer needed.
- Electronic files or emails that contain nonpublic, private, or confidential data should be stored in a location on the City's network that is properly secured.

Any files containing nonpublic, private, or confidential data should not be stored anywhere other than the City's network. Employees must obtain the prior written approval of the Department Head before taking any file containing nonpublic, private, or confidential data offsite.

Personal Devices

Employees with prior approval may choose to use their own equipment to read or compose email or other City data as governed in this policy. Employees understand that by connecting their personal equipment to the City's email server, their personal devices could be searched during an e-discovery or other court-ordered scenarios, and agree to grant access to their personal devices should such a situation arise.

Passwords

Employees are responsible for maintaining computer/network passwords and must adhere to these guidelines:

- Passwords must be at least eight characters long and include at least three of the following: lowercase character; uppercase character; a number; and non-alpha-numeric character (e.g., *, &, %, etc.). (Example: JOyfully!) Password requirements may be changed as necessary as determined by IT staff.
- Passwords should not be shared with anyone including other staff. If it is necessary to access an employee's computer when he or she is absent, contact your supervisor; IT staff will not provide access to staff accounts without prior approval.
- Passwords should not be stored in any location on or near the computer, or stored electronically such as in a cell phone or other mobile device.
- Employees must change passwords when prompted or as scheduled by IT staff.

Computers should not be left unattended while a user is logged in - either lock the computer when away (Win+L or Ctrl+Alt+Del) or use a timed screen saver that will require a password to unlock upon return.

Network Access

Non-City-owned computer equipment used in the City's building should only use the wireless connection to the Internet. Under no circumstances should any non-City-owned equipment be connected to the City's computer network via a network cable.

Exceptions may be granted by IT staff.

Personal computer equipment may not be connected to the City's network without prior approval of the IT staff. Personal equipment may be subject to password requirements or other electronic security measures as determined by IT staff.

Staff shall not attempt to circumvent or disable firewalls, anti-virus/anti-malware software, software updates and patches, network/computer security settings, or any other measures put in place to protect the network. If access to necessary resources is obstructed, notify supervisor and/or IT staff to explore options.

Remote Access to the Network

Examples of remote access include, but are not limited to: Outlook Web Access (web mail), virtual private network (VPN), Windows Remote Desktop, and Windows Terminal Server connections. While remotely connected to City computer resources, all aspects of the City's Technology Policy will apply, including the following:

- Remote access to the City's network including Outlook Web Access requires a request from a supervisor. Remote access privileges may be revoked at any time by an employee's supervisor, department head, or IT staff.
- If remote access is from a non-City-owned computer, updated security software (anti-virus and anti-malware) must be installed and operational, and all critical operating system updates must be installed prior to connecting. Failure to comply could result in the termination of remote access privileges.
- Remote access/assistance from third parties is not allowed without prior approval from IT staff. When remote access/assistance from a third party is granted, their activities must be monitored.

- Recreational use of remote connections to the City's network is strictly forbidden. An example of this would be a family member utilizing the City's cellular connection to visit websites.
- Private or confidential data should not be transmitted over an unsecured wireless connection. Wireless connections that are not secure could pose a security risk if used to transmit City passwords or private data. Unsecure wireless connections may include cellular networks and wireless access points unless proper security protocols are in place.

Security Compromise

If a virus or malware is suspected, IT staff must be notified immediately. All other indications of computer/network security compromise must also be reported to IT staff immediately.

Internet

The internet is available to employees for research, education, and communication directly related to the mission, charter, and tasks of the City. Users must honor copyright laws regarding protected commercial software and intellectual property. Users accessing the internet through the City's computers and related equipment should minimize unnecessary network traffic that might interfere with the ability of others to make effective use of this shared network resource. Users are also responsible for adhering to City standards when browsing the internet. Failure to adhere to City standards puts the City and the individual at risk or legal or financial liabilities, potential embarrassment, and other consequences, including immediate termination of employment and other disciplinary actions. The following considerations apply to all uses of the Internet:

- Information found on the Internet and used for City work must be verified to be accurate and factually correct.
- Approved web browsers include Microsoft Internet Explorer 11, Microsoft Edge, Mozilla Firefox, and Google Chrome. Usage of other browsers requires prior authorize from IT staff.
- Browsing history including cookies, passwords, and temporary files should be cleared from web browsers frequently or set to automatic.
- Limited personal use of the Internet is permitted. Employees may not at any

time access inappropriate sites. Some examples of inappropriate sites include but are not limited to adult entertainment, sexually explicit material, or material advocating intolerance of other people, races, or religions. If you are unsure whether a site may include inappropriate information, you should not visit it.

- City data should not be stored in any cloud-based application without prior authorization from supervisor and IT staff.
- If an employee's use of the Internet is compromising the integrity of the City's network, IT staff may temporarily restrict that employee's access to the Internet. If IT staff does restrict access, they will notify the employee and the employee's supervisor as soon as possible, and work with the employee and supervisor to rectify the situation.
- Social media use on City owned computers should be limited to maintaining the City's social media presence. Personal use of social media on City owned computers is discouraged.
- Peer-to-peer software/applications are not permitted.
- All staff internet use must comply with all applicable provisions of this policy, all other applicable City policies, and all applicable law.

The City may monitor or restrict any employee's use of the Internet without prior notice, as deemed appropriate by the employee's supervisor.

Personal Social Networking on City-Owned Computers and Related Equipment

Employees should not use City-owned computers or related equipment to post to personal sites, including social networking sites. Employees' personal use of City-owned computers and related equipment should be minimal and must not interfere with their work duties. All personal social networking and other personal use of the City-owned computers and related equipment must comply with the terms of this policy.

Personal Social Networking While Off Duty and the City's Responsibility

The City of Brainerd has a duty to protect the reputation of the organization and its employees as well as guard against any liability and potential legal risk regardless of when and where social networking activity occurs. With this in mind, employees must use social media in a manner that follows the following guidelines:

- Individuals should exercise caution and good judgment when social networking.
- Individuals shall not represent that they are speaking or acting on behalf of the City or presenting any interests of the City.
- Individuals are not permitted to display the City of Brainerd logo on any part of their online profiles.
- Individuals never have the right to post non-public, private, or confidential data, such as information related to coworkers personnel data, medical information, or claims or lawsuits against the City, without obtaining the express written consent of the data subject and/or City Administrator or applicable BPU Department Head (for BPU employees only), as appropriate.
- Individuals who use personal social media accounts are not immune from the law. In general, all users of social networking should be aware that the content of these social networking sites can be subpoenaed and used in criminal and civil trials.
- Individuals need to be aware that they have no reasonable expectation of privacy when social networking and use of personal social media accounts are subject to all pertinent City policies, as well as local, state and federal laws.
- Content that violates existing City policies that exhibit hate, bias, discrimination, pornography, libelous or otherwise defamatory content will not be tolerated.

SECTION 32. QUESTIONS OR CONCERNS

All employees are required to be familiar with, and abide by, the terms of these policies. Department Heads and the Human Resources Coordinator are ready to answer questions, or to further explain and obtain information about any phase of this manual which is not clear. All employees should feel free to ask questions of their Department Head, the Human Resources Coordinator, and the City Administrator.

Reviewed and adopted by the City Council
Date:

ACKNOWLEDGMENT

I acknowledge that I have received a copy of the City of Brainerd Personnel Policy. I understand that this document contains important information regarding the City's general personnel policies and my privileges and obligations as an employee. I will familiarize myself with the personnel policy and I understand that I am governed by its contents. I further understand that the personnel policy is not an employment contract and that the City may change, rescind or add to any policies, benefits, or practices at its sole discretion with or without prior notice.

Employee Signature

Date

Employee Printed Name

Department

EXHIBIT A

HEALTHCARE INSURANCE PREMIUM CONTRIBUTIONS

- CITY ADMINISTRATOR, DEPARTMENT HEADS, AND SUPERVISORS:
 - The base City health insurance plan is the embedded High Deductible Health Insurance Plan, as approved by the City Council.
 - The City will pay 80% of the family premium for the embedded High Deductible Health insurance plan for the City Administrator, Department Heads and Supervisors hired or promoted to such a position after May 1, 2010, who choose to receive City sponsored family health insurance coverage. The premium cost for single coverage shall be paid at 95% by the City.
 - The City will pay 100% of the single and family premium for the Department Heads and Supervisors hired or promoted to such a position before May 1, 2010.
 - Employees may choose the \$1,000 Deductible Health Insurance Plan at the same premium splits as noted above at the increased premium cost.
 - The Additional Employer HSA Contribution and Opt-Out Payment shall follow other union contract provisions that offer the City's insurance plans.
- ELECTED OFFICIALS/BRAINERD PUBLIC UTILITIES (BPU) COMMISSIONERS:
 - Health insurance options for this group includes the following City contributions for the City-sponsored base High Deductible Health Insurance plan:
 - 100% of the premium if single health coverage is elected.
 - 80% of the premium if family health coverage is elected.
 - If someone in this group elects the \$1,000 Deductible Health Insurance Plan instead of the City's base health insurance plan, the individual will be responsible for the premium difference.
 - If someone is covered by a different group plan and is eligible to receive the City's Opt-Out payment, individuals in this group can elect to receive \$250 per month as taxable income in lieu of the health insurance benefit.

The City's contribution for all other employees is set in the applicable collective bargaining agreement and/or Council resolutions.

The City continues to provide coverage for City retirees indefinitely on a self-pay basis pursuant to state law. Please refer to your Group Insurance Plan booklet for a complete description of benefits.

EXHIBIT B

LONG TERM DISABILITY COVERAGE AND LIFE INSURANCE

- I. **Long Term Disability Coverage.** Should an employee become disabled as a result of a non-occupational injury or illness, the City will provide long term disability coverage in the amount of 50% of an employee's monthly earnings to a maximum of \$2,000 per month. This plan takes effect the 1st day of the month coincident with or next following six months of continuous employment.
- II. **Face Amount of Life Insurance for Certain Employees and Elected Officials.** Consistent with the Policy Manual, the City will provide life insurance coverage to elected officials, Department Heads, and non-union supervisors in the following amounts: Mayor, City Council and Public Utilities Commission \$50,000; City Administrator and Department Heads \$100,000; Non-union supervisors \$50,000;

EXHIBIT C

MINNESOTA HEALTH CARE SAVINGS PLAN CONTRIBUTIONS

All funds collected by the City on behalf of the employee for purposes of contributing to the Minnesota Health Care Savings Plan will be deposited into the employee's individual health care savings plan account as follows:

1. City Administrator and Department Heads:
 - a) Employees eligible for severance pay as outlined in Section 27 of the City Employee Policy Manual will contribute 100% of their severance pay into the Plan.
 - ~~b) Employees with 0 to 10 years of service will contribute 1% of gross pay each payroll period.
Employees with 10 to 20 years of service will contribute 2% of gross pay each payroll period.
Employees with 20 to 30 years of service will contribute 7% of gross pay each payroll period.
Employees with 30+ years of service will contribute 15% of gross pay each payroll period.~~
 - b) Employees with 0 to 4 years of service will contribute 1% of gross pay each payroll period.
Employees with 5 to 9 years of service will contribute 1.5% of gross pay each payroll period.
Employees with 10 to 14 years of service will contribute 2% of gross pay each payroll period.
Employees with 15 to 19 years of service will contribute 3% of gross pay each payroll period.
Employees with 20 or more years of service will contribute 5% of gross pay each payroll period
 - c) 50% of sick leave accrual over 960 hours, will on a calendar year basis, be paid by the Employer into the employee's health care savings plan. It is understood that any sick leave used throughout the year will be deducted from the 960-hour balance and that the employee must then earn back to the 960 hours before any hours are accumulated for purposes of the Health Care Savings Plan contribution.

~~d) Employees will contribute 100% of their accumulated vacation at retirement into the Plan.~~ (NOTE: Department Heads clarified they wish to be paid for any accumulated vacation at retirement (paid as taxable income).

2. Non-Contract Supervisors:

- a) Employees eligible for severance pay as outlined in Section 27 of the City Employee Policy Manual and have 25 years or more of service, will contribute 100% of their severance pay into the Plan.
- b) Employees with 0 to 10 years of service will contribute 1% of gross pay each payroll period.
Employees with 10 to 30 years of service will contribute 2% of gross pay each payroll period.
Employees with 30+ years of service will contribute 3% of gross pay each payroll period.
- c) 50% of sick leave accrual over 960 hours, will on a calendar year basis, be paid by the Employer into the employee's post-employment health care savings plan. It is understood that any sick leave used throughout the year will be deducted from the 960-hour balance and that the employee must then earn back to the 960 hours before any hours are accumulated for purposes of the Post Employment Health Care Plan contribution.
- d) 100% of accumulated vacation at retirement will be paid into the Plan.
- e) 100% of the City of Brainerd's Early Retirement Incentive Program (ERIP) payment will be paid into the Plan.

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

September 3, 2019
City Council Chambers
7:00 PM

1. Event and Sidewalk Closure Application – Pit Stop 20th Anniversary
2. Event/Street Closure Application – Annual Fire Department Open House
3. Event/Street Closure Application – Brainerd ECFE and City of Brainerd Touch a Truck Event
4. Gregory Park Utility Pole
5. Improvement 19-13 – SE Interceptor Replacement Project Authorization to Quote
6. Resolution – Declaring the Sufficiency of Petition and Setting a Public Hearing – Vacation of Northern Pacific Road and Blacksmith Circle – Northern Pacific Center Property



Brainerd City Council Agenda Request

Requested Meeting Date: September 3, 2019

Title of Item: Event and Sidewalk Closure Application - Pit Stop 20th Anniversary

☐ 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 an event/sidewalk closure application for the Pit Stop Bar 20 year Anniversary Party to be held on September 7, 2019 from 11 am - 1 am.	
Alternatives, Options, Effects on Others/Comments: The applicant is requesting to close the sidewalk on 8th Street south from Laurel Street to their side door located on S 8th Street. They plan on having a barbecue for their patrons and prize giveaways. The applicant has applied for an extension of premises permit. They have contracted with Waste Management for garbage service for the event, and plan on putting up a snow fence as a barrier for the event. The applicant indicates they will leave a walkway open for other people using the sidewalk for travel. The Police Chief was contacting the applicant to let them know of the intentions to recommend that the applicant supply a bouncer for the event to ensure the extension of the premises is watched closely, as a snow fence is not an ideal barrier for an event such as this.	
Recommended Action/Motion: Staff recommends approval of this application under the condition that the applicant supply a bouncer for the event or remove the outdoor activities after 10 pm when the noise ordinances take effect. Extension of premises permit is on the agenda for approval. Insurance certificate is also attached to the event application.	
Financial Impact: <i>Is there a cost associated with this request:</i> ☐ Yes ☒ No <i>What is the total cost, with tax and shipping</i> \$ _____ <i>Is this budgeted?</i> ☐ Yes ☐ No <i>Please Explain:</i>	

RECEIVED

PART 1: GENERAL INFORMATION

AUG 21 2019

Organizer Information

Organizer's name (Please print): CITY OF BRAINERD ADMINISTRATION Totten
Organizer's address: 153 Pineview Drive
Event contact person: Jeanne Totten
Event contact daytime phone number: (h) _____ (w) 829-9922 (c) 831-0071
Event contact e-mail address: _____

Contact name and phone number to be used on the day of the event:

(h) _____ (w) 829-9922 (c) 831-0071

For Profit/Nonprofit status (type): ☒ Profit (no charge on food just drinks)

Applicant Information, if different from the event organizer:

Applicant name (Please print): Danny Kuhn
Applicant address: 723 Laurel Street
Applicant's telephone number (h) _____ (w) 829-9922 (c) 839-9867
Applicant's e-mail address: _____

PART 2: EVENT INFORMATION

Event Name:

Pitstop Bar 20 year Anniversary Party

Event Details

EVENT DATES (LIST EACH DATE SEPARATELY)	START TIME	END TIME	DAY OF THE WEEK	TOTAL HOURS
<u>9.7.19</u>	<u>11-00am</u>	<u>1:00am</u>	<u>Saturday</u>	<u>14</u>

Event Location(s)

CITY HALL PARKING LOT ___ 130' X 146'

LAUREL STREET PARKING LOT ___ 92' X 120'

FRONT STREET PARKING LOT ___ 66' X 125'

ALL DIMENSIONS ARE PARKING LOT USABLE SPACE ESTIMATES

CITY STREET(S) (SEE PART 3) _____

CITY PARK – CONTACT THE PARKS AND RECREATION DEPARTMENT FOR INFORMATION.

OTHER ☒ SPECIFY LOCATION sidewalk on the corner of 8th
Description of Activities from pitstop side door to corner

Brief description of the activities planned during the event: _____

BBQ for our patrons
prize giveaways

If a parade/run/walk event is planned, please describe the proposed route with the assembly and dispersal locations and attach a route map:

N/A

Site Information

Electrical usage? Yes _____ No ☒

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

Industrial cooker that is
~~charcoal~~ wood or charcoal

Amplified sound? Yes _____ No ☒

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

Restrooms provided? Yes ☒ No _____

How many? 2

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

Company contracted for restrooms: existing @ the pitstop

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

Sign, banners, and posters/flyers? Yes ☒ No _____

Locations and descriptions: on the railing by the
pitstop

Trash Receptacle Disposal? Yes ☒ No _____

Company contracted for trash receptacle disposal: Waste management

Event Layout and Street Site Map Yes___ No___

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

Blocked Access Notification

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.

Event Deposit

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.

PART 3: STREET CLOSURE REQUEST INFORMATION

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 road of the proposed closure. All street closures shall be approved by City Council.

Please 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"):

sidewalk from south 8th door of
the pitstop to corner by front
door

Time and date for beginning of street closures: 10:00am - 1:00am Sept. 7th - 8th

Time and date for reopening of streets: just sidewalk closing

Failure to notify property owners and tenants in street closure areas will result in revocation of street closure permit.

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

we will leave a walkway for
pedestrians to be able to get
through to neighboring businesses

For information regarding a street closure, please contact the City of Brainerd Engineering Office.

501 Laurel Street
Brainerd, MN 56401
Phone: (218) 828-2309/Email: engineering@ci.brainerd.mn.us

PART 4: 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			X	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

Administrator's Office:
Commissioner of Revenue:
Parks and Rec. Department:
Planning Department:
Police Department:
Fire Department:
MN Department of Health
MNDOT Baxter Office

(218) 828-2307 EMAIL admin@ci.brainerd.mn.us
(651) 282-5225 EMAIL www.revenue.state.mn.us
(218) 828-2320 EMAIL parks@ci.brainerd.mn.us
(218) 828-2309 EMAIL planning@ci.brainerd.mn.us
(218) 829-2805 EMAIL police@ci.brainerd.mn.us
(218) 828-2312 EMAIL fire@ci.brainerd.mn.us
(320) 223-7300 EMAIL www.health.state.mn.us
(218) 828-5700 EMAIL www.dot.state.mn.us

PART 5: HOLD HARMLESS AGREEMENT AND INSURANCE INFORMATION

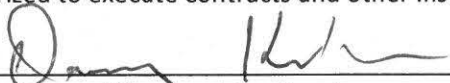
The Applicant covenants to save, defend, hold harmless, and indemnify the City of Brainerd and all of its officers, departments, agencies, agents, and employees (collectively the "City") from and against any and all claims, losses, damages, injuries, fines, penalties, costs (including court costs and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

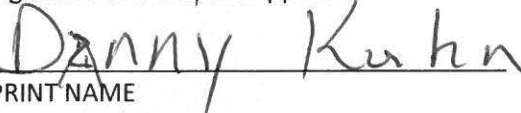
- a. Minimum of \$1,000,000 in commercial general liability insurance.
- b. Applicant's insurance shall be primary.
- c. Insurance shall cover liability for injury death and property damage including coverage for alcohol related claims if alcohol will be served.
- d. The insurance policy must be issued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

PART 6: 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 the Event Applicant



PRINT NAME

Date submitted to the City

PART 7: FOR OFFICIAL USE ONLY

Departmental Sign-Offs Required

	Approval Date/Initials	Comments
Brainerd Public Utilities	OK	None
City Administration	OK	None
Engineering Depart.	OK	None
Fire Department	OK	None
Fire Support/EMS	OK	None
Parks and Recreation	OK	None
Planning Department	OK	None
Police Department	OK	Police requests a bouncer at event or scale back the event to 10pm outside. Police Chief is calling applicant to discuss. Extension of premises submitted & attached. Food vendor license submitted.

Event Permit 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 and Recreation Director

Date

Approval Conditions

Certification of Street Closure Approval

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

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EXTENSION OF PREMISES

AUG 26 2019

This application is to be completed only by an establishment with a valid on sale liquor license.

CITY OF BRAINERD
ADMINISTRATION

Name of Applicant: Danny Kuhn

Business Name: Pitstop Bar

Business Address: 723 Laurel Street

Event Location: " " "

Date(s) of Event: Saturday ~~Oct~~ September 7th

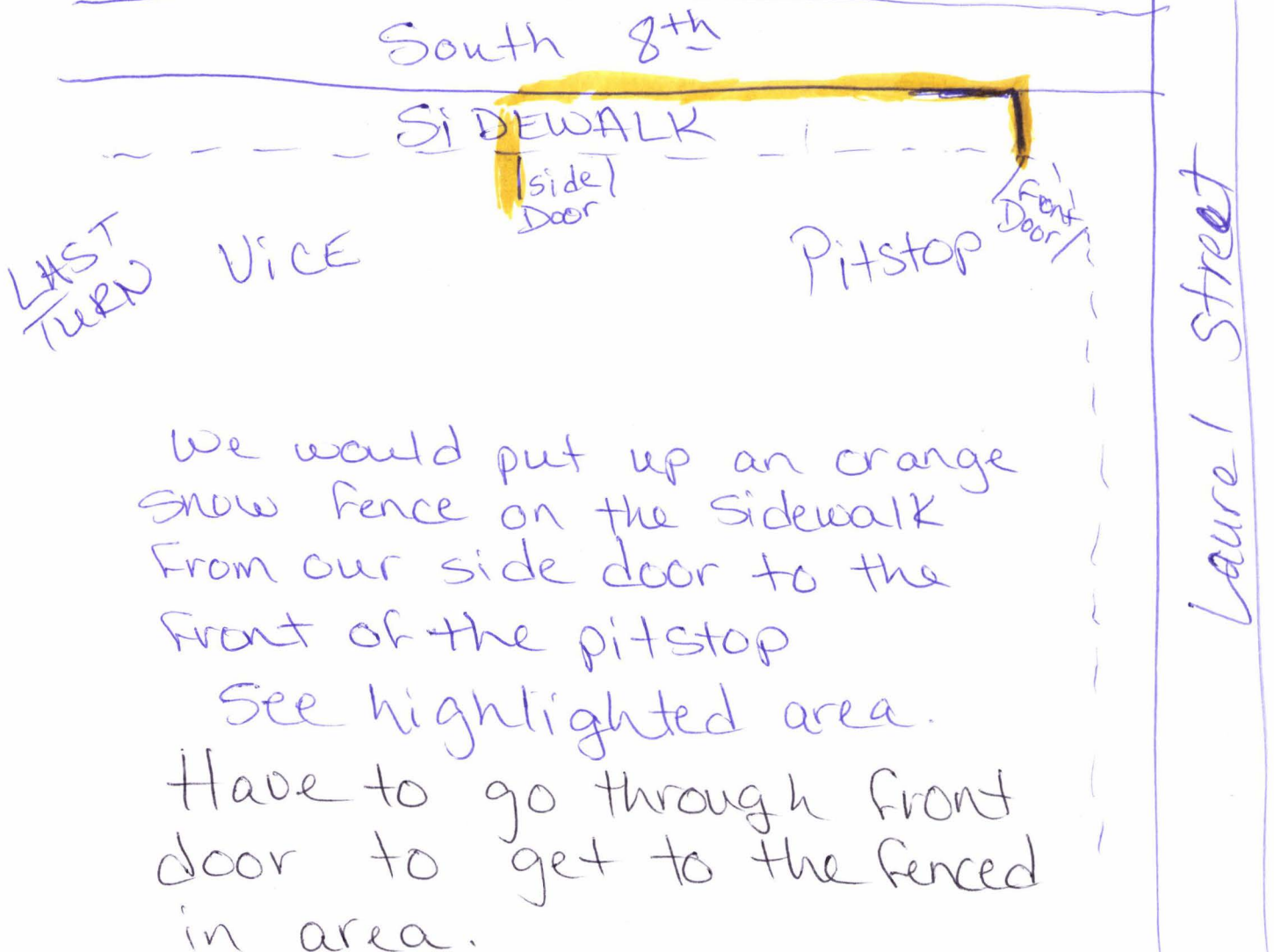
Start Time of Event: 11:00 a.m. End Time of Event: 1:00 a.m.

Danny Kuhn 8/26/19

Signature of Applicant

Date

Describe or draw the area in detail where the temporary on sale
will be sold during the event:





CERTIFICATE OF LIABILITY INSURANCE

DATE (MM/DD/YYYY)

8/27/2019

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER Associated Benefits and Risk Consulting 6000 Clearwater Drive Minnetonka MN 55343	CONTACT NAME: Julie Laarman PHONE (A/C, No, Ext): 952-945-5934 E-MAIL ADDRESS: Julie.Laarman@associatedbrc.com FAX (A/C, No): 952-945-9477
INSURED Danny E Kuhn Pit Stop Bar 723 Laurel Street Brainerd MN 56401	INSURER(S) AFFORDING COVERAGE INSURER A : Auto-Owners Insurance INSURER B : Illinois Union Insurance Company INSURER C : INSURER D : INSURER E : INSURER F : NAIC # 18988 19038

COVERAGES

CERTIFICATE NUMBER: 2090889585

REVISION NUMBER:

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL INSD	SUBR WVD	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	☒ COMMERCIAL GENERAL LIABILITY ☐ CLAIMS-MADE ☒ OCCUR GEN'L AGGREGATE LIMIT APPLIES PER: ☒ POLICY ☐ PRO-JECT ☐ LOC OTHER:			08117851	1/27/2019	1/27/2020	EACH OCCURRENCE \$ 500,000 DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 300,000 MED EXP (Any one person) \$ 10,000 PERSONAL & ADV INJURY \$ 500,000 GENERAL AGGREGATE \$ 1,000,000 PRODUCTS - COMP/OP AGG \$ 1,000,000 \$
	AUTOMOBILE LIABILITY ☐ ANY AUTO ☐ OWNED AUTOS ONLY ☐ SCHEDULED AUTOS ☐ HIRED AUTOS ONLY ☐ NON-OWNED AUTOS ONLY						COMBINED SINGLE LIMIT (Ea accident) \$ BODILY INJURY (Per person) \$ BODILY INJURY (Per accident) \$ PROPERTY DAMAGE (Per accident) \$ \$
	UMBRELLA LIAB ☐ OCCUR EXCESS LIAB ☐ CLAIMS-MADE DED ☐ RETENTION \$						EACH OCCURRENCE \$ AGGREGATE \$ \$
	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/MEMBER EXCLUDED? (Mandatory in NH) If yes, describe under DESCRIPTION OF OPERATIONS below	Y / N ☐	N / A				PER STATUTE ☐ OTH-ER ☐ E.L. EACH ACCIDENT \$ E.L. DISEASE - EA EMPLOYEE \$ E.L. DISEASE - POLICY LIMIT \$
B	Liquor Liability			LQRMNF136648084	7/1/2019	7/1/2020	Each Common Cause Aggregate \$500,000 \$1,000,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (ACORD 101, Additional Remarks Schedule, may be attached if more space is required)
For Location At 723 Laurel St, Brainerd, MN 56401 including outdoor patio

CERTIFICATE HOLDER**CANCELLATION**

City of Brainerd
501 Laurel Street
Brainerd MN 56401

SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS.

AUTHORIZED REPRESENTATIVE

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Brainerd City Council Agenda Request

Requested Meeting Date: September 3, 2019

Title of Item: Event/Street Closure Application - Fire Department Open House

☐ 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 an event/street closure application for the annual Fire Department Open House to be held on October 10, 2019 from 5 pm - 7 pm at the Fire Department.	
Alternatives, Options, Effects on Others/Comments: At the event, there are fire prevention, fire apparatus, and emergency provider displays. The Fire Department is requesting to close East River Road between Front Street and Laurel Street, as has been done in the past for this event. The applicant has contracted with Waste Partners for trash disposal for the event.	
Recommended Action/Motion: Staff recommends approval of the attached application under the conditions that the applicant request traffic control 1-week prior to 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: August 19, 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: Fire Department Annual Open House

Organizer Information

Organizer's Name: Tim Holmes
Organizer's Address: 23 Laurel Street, Brainerd
Event Contact Person: Tim Holmes
Event Contact Daytime Phone: 218.828.2312
Event Contact E-mail Address: tholmes@ci.brainerd.mn.us
Contact Name/Number Day of Event: 218.828.2312
For Profit/Nonprofit Status (type): _____

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
October 10, 2019	5 pm	7 pm	23 Laurel Street

☐ Recurring event (requires only one application submittal per year)

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:

Fire prevention, fire apparatus and emergency provider displays

Site Information

Electrical usage

☒

Yes

☐

No

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

On Scene

Amplified Sound

☐

Yes

☒

No

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

Restrooms provided

☒

Yes

☐

No

If yes, how many On Scene (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: Waste Partners

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 for publicly owned spaces ONLY 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):

East River Road between Front and Laurel Street

Date and time for beginning of street closures: **October 10 at 4 pm**

Date and time for reopening of streets: **October 10 at 8 pm**

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

No residential or businesses located in the closed street area.

Traffic cones are obtained prior to the event from the Street Department.

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.

A handwritten signature in black ink, appearing to read "Tim Holmes", is written over a horizontal line.

Signature of Applicant

Tim Holmes

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			X	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

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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>Please submit traffic control request to</u>
Fire Department	<u>OK</u>	<u>James 1 week prior to event</u>
Fire Support/EMS	<u>OK</u>	
Parks Department	<u>OK</u>	<u>None</u>
Planning Department	<u>OK</u>	<u>None</u>
Police Department	<u>OK</u>	<u>Police tries to send 1-2 officers</u> <u>to attend the 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):



Brainerd City Council Agenda Request

Requested Meeting Date: September 3, 2019

Title of Item: Event/Street Closure Application - ECFE Touch a Truck Event

☐ 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: CDD Chanski	Department: Engineering
Presenter (Name & Title): City Engineer Sandy	Estimated Time Needed: 5 Minutes
Summary of Issue: Attached to this request is an event and street closure application for the Brainerd ECFE and City of Brainerd Touch a Truck Community Event to be held in downtown Brainerd on October 5, 2019 on Laurel Street between S 6th and S 8th Street and S 7th Street between Front Street and Maple Street.	
Alternatives, Options, Effects on Others/Comments: The applicant states that this will be a free, family-friendly event for all ages and will have participants ranging from the Brainerd Police Department, Brainerd Fire Department, Crow Wing County, MN National Guard, and others. The applicant will be working with businesses on restroom usage. There will be small signs identifying public parking areas for the event, as the street parking will be removed for this event. Brainerd Parks and Recreation will assist in placing additional trash receptacles for the event. The applicant is requesting to close Laurel Street from Maple Street to Front Street and Laurel Street from S 6th Street to S 8th Street. The public access to parking at the Front and 7th Lot and Laurel lot will be maintained using the Front Street access for the Front Street Lot and the S 7th Street access in the alley for the Laurel Street Lot. Sidewalks will remain open for the event.	
Recommended Action/Motion: Staff recommends approval of this event and street closure application under the conditions that requests for traffic control be submitted one week prior to 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: 8/22/19

Event applications can be submitted to the Engineering Department at 501 Laurel Street, Brainerd, MN 56401 or engineer@ci.brainerd.mn.us. Event applications that include a street closure must be submitted at least 30 calendar days prior to the event and will require City Council approval. All other event applications must be submitted at least 14 calendar days prior to the event.

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

Name of event: Brainerd ECFE and City of Brainerd Touch a Truck Community Event

Organizer Information

Organizer's Name: City of Brainerd
Organizer's Address: 501 Laurel St
Event Contact Person: David Chanski
Event Contact Daytime Phone: 218-828-2307
Event Contact E-mail Address: dchanski@ci.brainerd.mn.us
Contact Name/Number Day of Event: Same as above
For Profit/Nonprofit Status (type): Local Government

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
10/5/19	8:00am	1pm	Laurel St between 6th St and 8th St
10/5/19	8:00am	1pm	7th St between Front St and Maple St

☐ Recurring event (requires only one application submittal per year)

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:

A free, family-friendly event for all ages. This Touch a Truck event will have participants ranging from the Brainerd PD Brainerd Fire, Crow Wing County, MN National Guard, and more.

Site Information

Electrical usage

☒

Yes

☐

No

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

Amplified Sound

☐

Yes

☐

No

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

Restrooms provided

☐

Yes

☒

No

If yes, how many 4+ (a ratio of 1 for every 100-150 people is recommended)

Company contracted for restrooms: City Hall will be available and we will work with other business as well

(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:

Small signs will be posted identifying public parking areas.

Trash Receptacle Disposal

☒

Yes

☐

No

Company contracted for trash receptacle disposal: Brainerd Parks and Rec will place additional receptacles

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 for publicly owned spaces ONLY 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):

Laurel St between 6th St and 8th

7th St between Front St and Maple St

Date and time for beginning of street closures: 8am

Date and time for reopening of streets: 1pm

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.

Laurel St between 6th St and 8th St and 7th St between Front and Maple will be closed.

However, sidewalks shall remain open. Front and Maple streets will remain open for east/west bound traffic and the Front St lot and Laurel Lot will remain open.

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

David C Chanski

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			X	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

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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>Submit traffic control plan and request</u>
Fire Department	<u>OK</u>	<u>1-week prior to event.</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>Give good notice so towing can</u> <u>commence before 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

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):



Brainerd City Council Agenda Request

Requested Meeting Date: September 3, 2019

Title of Item: Gregory Park Utility Pole

☐ 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: City Council requested the removal of the utility pole in the center court of Gregory Park as part of the warming house/pavilion construction. Mounted on the utility pole is the photo light cell which tells the lights when to turn on and off in Gregory Park, Holly Street and two electrical meters. The main source of electrical power for Gregory Park is fed to the utility pole and distributed.	
Alternatives, Options, Effects on Others/Comments: - Trent Hawkinson from BPU estimates the cost of labor and materials to remove the pole and install a flush mounted electrical hand hole is \$1,500. Photo light cells would be mounted on individual poles throughout the park and Holly Street. - Leave the utility pole as is.	
Recommended Action/Motion: - Remove utility pole, install a flush mounted electrical hand hole and mount photo light cells on park and Holly Street light poles.	
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> \$ 1,500 <i>Is this budgeted?</i> ☐ Yes ☒ No <i>Please Explain:</i> Staff was asked to look into the cost as part of the Gregory Park warming house/pavilion project.	

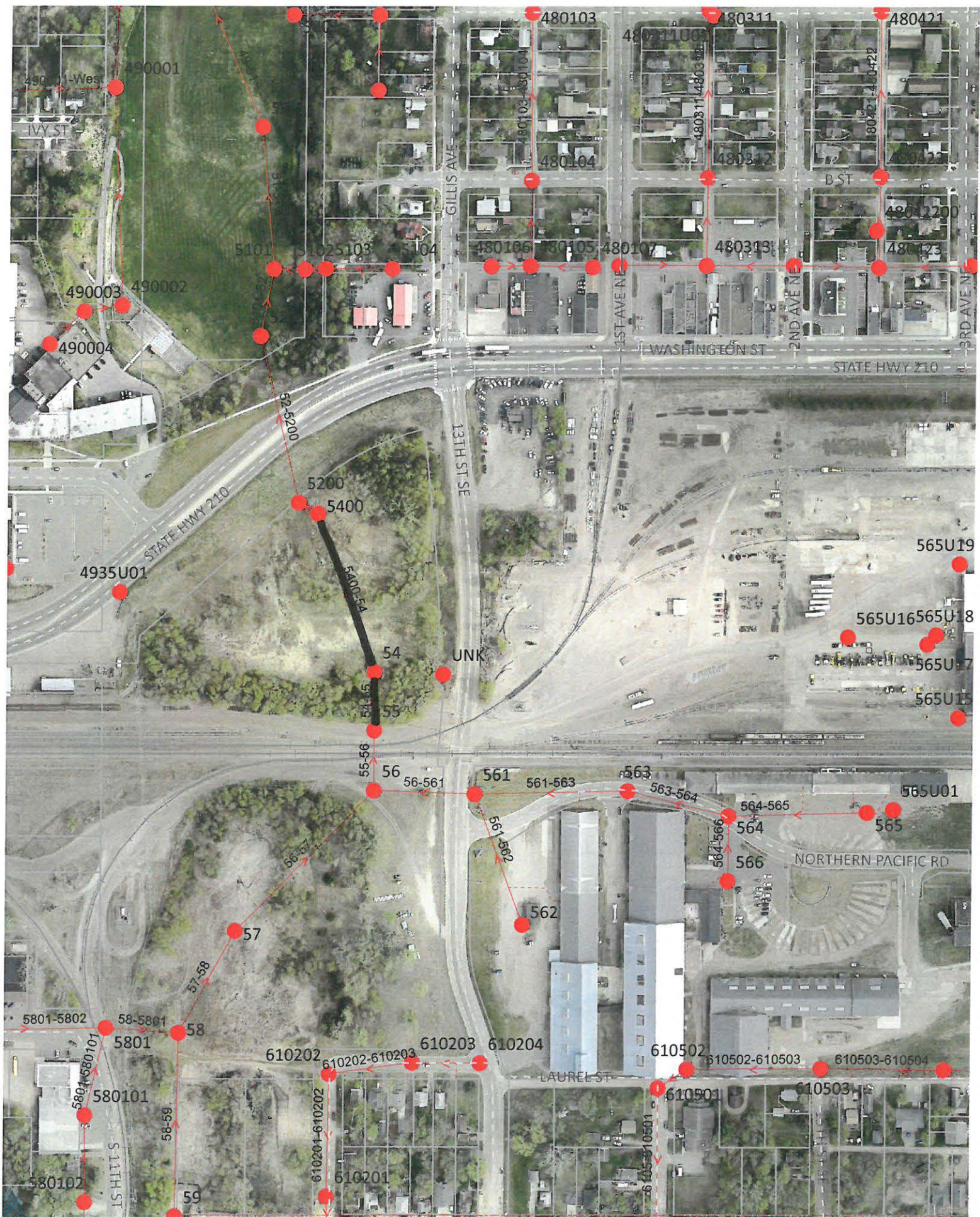


Brainerd City Council Agenda Request

Requested Meeting Date: September 3, 2019

Title of Item: Improvement 19-13 - SE Interceptor Replacement Project

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☒ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: City Engineer Sandy	Department: Engineering
Presenter (Name & Title): City Engineer Sandy	Estimated Time Needed: 5 Minutes
Summary of Issue: Back in the early summer, the sanitary sewer interceptor shown in the attached map experienced some issues. After these issues, staff began to survey and design a replacement of the sewer for a potential replacement this fall.	
Alternatives, Options, Effects on Others/Comments: There was a blockage in the sewer pipe that was between manhole 54 and 5400. Upon realization of the blockage, City maintenance staff were deployed to the area, and found that there was sewerage that was bubbling out of the ground just north of manhole 54. The blockage was cleared and found to be sand. Upon investigation, it was found to be caused by a large hole in the top of the pipe just north of manhole 54. Staff did some research on this pipe, and found that most of it has been replaced to the south and the portion that cuts under the highway was replaced back when Highway 210 was last reconstructed. Staff is proposing to fix this area between manhole 55 and 5400 by removing the old concrete interceptor and replacing it with PVC pipe. The total project estimate is approximately \$120,000, and upon authorization, we would go out for quotes this week. Staff proposes to use SAC funds for this replacement, as it meets the original intent of SAC funds in the fact that "which may be used to finance the costs of additions or expansions to facilities, and the payment of reasonable requirements or reserves for replacement in obsolescence thereof". This sanitary sewer was originally installed to accommodate future development, and was oversized for that purpose and therefore, over time, has become obsolete due to age, and therefore, staff feels it meets the criteria for use of SAC funds as stated in ordinance section 703. Estimated project cost is \$120,000.	
Recommended Action/Motion: Staff recommends authorization to pursue quotes for this work, to be paid out of the SAC fund at an estimated cost of \$120,000.	
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>120,000</u> <i>Is this budgeted?</i> ☐ Yes ☒ No <i>Please Explain:</i> This is a project that has become a priority due to an emergency situation.	





Brainerd City Council Agenda Request

Requested Meeting Date: September 3, 2019

Title of Item: Resolution - Petition to Vacate Northern Pacific Road and Blacksmith Circle

☐ 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 has received a petition from Mike Higgins to vacate Northern Pacific Road and Blacksmith Circle within the Northern Pacific Center Addition to the City of Brainerd.	
Alternatives, Options, Effects on Others/Comments: The first step in the process is adopting the attached resolution, in which declares the sufficiency of the petition (meaning it has the signatures of a majority of the abutting property owners) and setting the public hearing. Upon the adoption of the resolution, the attached vacation notice will be sent to all properties within 400 feet of the proposed vacation giving them notice of the public hearing. The notice can be seen attached. In this circumstance, the Northern Pacific Center is the only abutting property to these roadways, so only one signature is needed.	
Recommended Action/Motion: Staff recommends adopting the attached resolution, in which declares the sufficiency of the attached petition and sets the public hearing for Monday, October 7, 2019 at 7:30 PM during the regularly scheduled City Council Meeting.	
Financial Impact: <i>Is there a cost associated with this request:</i> ☐ Yes ☒ No <i>What is the total cost, with tax and shipping</i> \$ _____ <i>Is this budgeted?</i> ☐ Yes ☐ No <i>Please Explain:</i>	

PETITION FOR STREET OR ALLEY VACATION

Date Aug 23, 2019

Brainerd, Minnesota

To the City Council of Brainerd, Minnesota:

We, the undersigned, owners of real estate abutting on the following described street or alley hereby petition that such street be vacated as follows: That portion of Northern Pacific Road and Blacksmith Circle lying easterly of the easterly right-of-way line of 13th Street SE (County Road 45) in the Northern Pacific Center Addition to the City of Brainerd.

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

<u>NAME</u>	<u>ADDRESS</u>	<u>LEGAL DESCRIPTION</u>
Northern Pacific Center, LLC	1511 Northern Pacific Road, Brainerd, MN 56401	Lot 1, Block 1 Northern Pacific Center

STATE OF MINNESOTA }
 } ss
COUNTY OF CROW WING }

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

Stephanie M Bestul

Subscribed and sworn to before me
this 23rd day of August, 2019



RESOLUTION
NO _____

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

WHEREAS, a petition signed by the majority of property owners abutting Northern Pacific Road and Blacksmith Circle in the City of Brainerd and was received by the City Clerk on the 23rd day of August 2019; and

WHEREAS, the petition requested that the City Council pursuant to Minnesota Statute §412.851 vacate Northern Pacific Road and Blacksmith Circle legally described as:

That portion of Northern Pacific Road and Blacksmith Circle lying easterly of the easterly right-of-way line of 13th Street SE (County State Aid Highway 45) in the Northern Pacific Center Addition to the City of Brainerd.

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

WHEREAS, a copy of said petition is attached hereto.

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

The Council will consider the vacation of such street and a public hearing shall be held on such proposed vacation on the 7th day of October 2019, before the City Council in the City Hall located at 501 Laurel Street, Brainerd, MN 56401 at 7:30 p.m. and;

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

Adopted this _____ day of _____, 2019

GABE JOHNSON
President of the Council

Approved this _____ day of _____, 2019

EDWIN L. MENK
Mayor

ATTEST: _____
CASSANDRA TORSTENSON
City Administrator

NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that the City of Brainerd has received a petition from Michael D. Higgins for the vacation of Northern Pacific Road and Blacksmith Circle legally described below:

That portion of Northern Pacific Road and Blacksmith Circle lying easterly of the easterly right-of-way line of 13th Street SE (County State Aid Highway 45) in the Northern Pacific Center Addition to the City of Brainerd.

Notice is further given that the City Council of Brainerd will meet in the Council Chambers of the City Hall at Brainerd, Minnesota, at 7:30 p.m. on Monday, October 7, 2019 to conduct a Public Hearing to consider said Vacation.

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

Dated this 3rd day of September 2019

Cassandra Torstenson
City Administrator

Publish - 2 times on
September 13, 2019 and September 20, 2019





Brainerd City Council Agenda Request

Requested Meeting Date: September 3, 2019

Title of Item: Final Reading - Proposed Ordinance 1499 - An Ordinance to Enact Local Sales and Use Tax

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☒ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☒ Adopt Resolution (attach draft) *provide copy of published hearing notice ☐ Direction Requested ☐ Discussion Item ☒ Hold Public Hearing* ☒ Ordinance 2 nd Reading
Submitted by: Connie Hillman	Department: Finance
Presenter (Name & Title): Finance Director Hillman	Estimated Time Needed: 5 Minutes
Summary of Issue: The City received an e-mail from the LMC passing along a message from the Department of Revenue (DOR) because the City has a Local Option Sales Tax (LOST). The e-mail stated that the City should pass an ordinance as some ordinances have been challenged regarding online sales. Attached is a draft ordinance provided by the LMC modified according to the City's LOST. The first reading was held at the August 5, 2019 council meeting.	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion: * Hold the public hearing * Dispense with the actual reading of the ordinance (requires unanimous vote) * Motion to hold the final reading (requires majority vote) * Adoption of proposed ordinance No. 1499 - An ordinance enacting Chapter 259 of MN Laws, Local Sales and Use Tax.	
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>	

Client:

CITY OF BRAINERD

Account # 316123 Ad # 2783991

Phone: (218) 828-2307

Fax:

Address: 501 LAUREL STREET
BRAINERD, MN 56401

Sales Rep.:

3804 Ann Windorski

Phone: (218) 855-5804

Fax:

Email: ann.windorski@brainerddispatch.com

Class.: 9960 MINNESOTA LEGALS

Requested By:

Start Date: 08/16/2019

End Date: 08/16/2019

Nb. of Inserts: 2

Dimensions: 1 col. x 2.50 Inches

Publications: Brainerd Dispatch
brainerddispatch.com

Total Price:

Paid Amount:

Balance:

Page 1 of 1

(Published in the Brainerd Dispatch,
August 16, 2019, 1t.)

NOTICE OF PUBLIC HEARING

Notice is hereby given that on September 3, 2019 at 7:30 p.m. the City of Brainerd will hold a public hearing concerning an ordinance enacting Chapter 259 of MN Laws; Local Sales and Use Tax.

All interested parties are invited to attend the public hearing in the Brainerd City Hall Council Chambers, 501 Laurel Street at which time you will be given the opportunity to express comments on the issue. Written testimony will also be accepted at the public hearing.

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

Dated this 14th day of August 2019

ORDINANCE

NO. 1499

AN ORDINANCE OF THE CITY OF BRAINERD, MINNESOTA ENACTING CHAPTER 259 OF MN LAWS; LOCAL SALES AND USE TAX

THE CITY COUNCIL OF THE CITY OF BRAINERD DOES HEREBY ORDAIN:

Section 1. AUTHORITY. Pursuant to Minnesota Laws 2006, Chapter 259, Article 3, Section 11, the Minnesota Legislature authorized the City of Brainerd to impose a local sales and use tax to provide revenues to pay the costs of collecting and administering the tax to the commissioner of revenue of the state of Minnesota and to finance the capital and administrative costs related to the funding of designated projects as defined in Minnesota Statutes, section 297A.99 and approved by the voters at the November 7, 2006 referendum, and extended by the November 4, 2014 referendum.

Section 2. DEFINITIONS. For purposes of this chapter, the following words, terms, and phrases have the meanings given them in this section unless the language or context clearly indicates a different meaning is intended.

Subd. 1: City. "City" means the City of Brainerd, Minnesota.

Subd. 2: Commissioner. "Commissioner" means the commissioner of revenue of the state of Minnesota or a person to whom the commissioner has delegated functions.

Subd. 3: Designated projects. "Designated projects" means assist in funding the construction costs of upgraded water and wastewater treatment facilities to service the cities of Brainerd and Baxter; City water infrastructure improvements; and trail development as authorized by the Minnesota Legislature in section 297A.99 and approved by the voters at the November 4, 2014 referendum.

Subd. 4: State sales and use tax laws and rules. "State sales and use tax laws and rules" means those provisions of the state revenue laws applicable to state sales and use tax imposition, administration, collection, and enforcement, including Minnesota Statutes, chapters 270C, 289A, 297A, and Minnesota Rules, chapter 8130, as amended from time to time.

Section 3. LOCAL SALES AND USE TAX IMPOSED; amount of tax; coordination with state sales and use tax laws and rules. A local sales tax is imposed in the amount of one-half of one percent on the gross receipts from sales at retail sourced within city limits which are taxable under the state sales and use tax laws and rules. A local use tax is imposed in the amount of one-half of one percent on the storage, use, distribution or consumption of goods or services sourced within city limits which are taxable under the state sales and use tax laws and rules. All of the provisions of the state sales and use tax laws and rules apply to the local sales and use tax imposed by this chapter. The local sales and use tax imposed by this chapter shall be collected and remitted to the commissioner on any sale or purchase when the state sales tax must be collected and remitted to the commissioner under the state sales and use tax laws and rules and is in addition to the state sales and use tax.

Section 4. EFFECTIVE DATE OF TAX; TRANSITIONAL SALES. Except as otherwise provided herein, the local sales and use tax imposed by this chapter shall apply to sales and purchases made on or after October 1, 2019. The local sales and use tax imposed by this chapter shall not apply to:

Subd. 1: The gross receipts from retail sales or leases of tangible personal property made pursuant to a bona fide written contract, which unconditionally vests the rights and

obligations of the parties thereto, provided that such contract was enforceable prior to October 1, 2019, and that delivery of the tangible personal property subject thereto is made on or before October 1, 2019.

Subd. 2: The gross receipts from retail sales made pursuant to a bona fide lump sum or fixed price construction contract, which unconditionally vests the rights and obligations of the parties thereto and which does not make provision or allocation of future taxes, provided that such contract was enforceable prior to October 1, 2019, and that delivery of the tangible personal property used in performing such construction contract is made before April 1, 2020.

Subd. 3: The purchase of taxable services, including utility services, if the billing period includes charges for services furnished before and after October 1, 2019, but the local sales and use tax imposed by this chapter shall apply on the first billing period not including charges for services furnished before October 1, 2019.

Subd. 4: Lease payments for tangible personal property and motor vehicles that includes a period before and after October 1, 2019, but the local sales and use tax imposed by this chapter shall apply on a prorated basis to lease payment amounts attributable to that portion of the lease payment period on or after October 1, 2019, and on the entire lease payment for all lease payment periods thereafter.

Section 5. TAX CLEARANCE; ISSUANCE OF LICENSES.

Subd. 1: The city may not issue or renew a license for the conduct of a trade or business within the city if the commissioner notified the licensing division of the city that the applicant owes delinquent city taxes as provided in this chapter, or penalties or interest due on such taxes.

(a) City taxes include sales and use taxes provided in this article. Penalties and interest are penalties and interest due on taxes included in this definition.

Subd. 2: Delinquent taxes does not include a tax liability if: (i) an administrative or court action which contests the amount or validity of the liability has been filed or served, (ii) the appeal period to contest the tax liability has not expired, or (iii) the applicant has entered into a payment agreement and is current with the payments.

Subd. 3: Applicant means an individual if the license is issued to or in the name of an individual or the corporation or partnership if the license is issued to or in the name of a corporation or partnership.

(a) A copy of the notice of delinquent taxes given to the licensing division of the city shall also be sent to the applicant taxpayer. In the case of renewal of a license, if the applicant requests in writing, within 30 days of receipt of the notice of hearing, then, a contested hearing shall be held under the same procedures as provided in Minn. Stat. 270A for the state sales and use tax imposed under Minn. Stat. 297A; provided further that if a hearing must be held on the state sales and use tax, hearings must be combined.

Section 6. DEPOSIT OF REVENUES; COSTS OF ADMINISTRATION; TERMINATION OF TAX.

Subd. 1: All of the revenues, interest, and penalties derived from the local sales and use tax imposed by this chapter collected by the commissioner and remitted to the city shall be deposited by the city finance director in the city treasury and shall be credited to the fund established to pay the costs of collecting the local sales and use tax imposed by this chapter

and to finance the capital and administrative costs directly related to completing the designated projects.

Subd. 2: The local sales and use tax imposed by this chapter shall terminate at the earlier of: (1) 12 years after the imposition of the tax; or (2) when the City Council determines that \$22,030,000, plus an amount sufficient to pay the costs related to issuing bonds and interest on the bonds has been received from the local sales and use tax imposed by this chapter to pay for all the capital and administrative costs directly related to completing the designated projects. Any funds remaining after payment of all such costs and retirement or redemption of the bonds shall be placed in the general fund of the city. The local sales and use tax imposed by this chapter may terminate at an earlier time if the City Council so determines by ordinance.

Section 7. AGREEMENT WITH THE COMMISSIONER. The city may enter into an agreement with the commissioner regarding each party's respective roles and responsibilities related to the imposition, administration, collection, enforcement, and termination of the local sales and use tax imposed by this chapter. Any such agreement shall not abrogate, alter, or otherwise conflict with the state sales and use tax laws and rules, this ordinance, or Minnesota Statutes, section 297A.99.

Section 8. SUMMARY PUBLICATION. The following summary is approved by the City Council and shall be published in lieu of publishing the entire ordinance pursuant to Minnesota Statutes section 412.191:

Pursuant to a voter-approved referendum, the city is authorized to and will impose a local sales and use tax of one-half of one percent on retail sales made after October 1, 2019 to be used to fund certain designated projects related to funding the construction costs of upgraded water and wastewater treatment facilities to service the cities of Brainerd and Baxter; City water infrastructure improvements; and trail development.

Section 9. This Ordinance shall be in full force and effect one week from and after its passage and publication.

Adopted this ____ day of August, 2019

GABE JOHNSON
President of the Council

Approved this ____ day of August, 2019

EDWIN L. MENK
Mayor

ATTEST: _____
CASSANDRA TORSTENSON
City Administrator

Published: One Time, ____, 2019



Brainerd City Council Agenda Request

Requested Meeting Date: September 3, 2019

Title of Item: Reorganization of Management Team

☐ 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: Councilwoman Hilgart	Department: Council
Presenter (Name & Title): Councilwoman Hilgart	Estimated Time Needed: 10 minutes
Summary of Issue: The Human Resources and Information Technology Coordinator positions were previously moved from Finance and Engineering to their own Departments reporting to the City Administrator. Due to the importance of these two positions and their organizational impact they are most appropriately positioned at the Department Head Director level.	
Alternatives, Options, Effects on Others/Comments: Human Resources - It is important to have this position as a Department Head to more effectively implement the compensation and performance systems. Information Technology - This position supports the entire City. To most effectively implement and oversee the IT infrastructure of the City, they should be part of the chain of communication at the Department Head level.	
Recommended Action/Motion: Motion to authorize the restructure of the Human Resources and Information Technology Coordinator positions to Department Head level positions. This will not affect eligibility for step increases on January 1, 2020 as the two individuals were previously performing the same duties. Once this reorganization becomes effective, the Human Resources Director and Information Technology Director will receive health care benefits and all other benefits on the same terms as other Department Heads.	
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 This is cost neutral. <u>Please Explain:</u>	



Brainerd City Council Agenda Request

Requested Meeting Date: September 3, 2019

Title of Item: City Meeting Relocation Options and 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 Coordinator	Estimated Time Needed: 5 min
Summary of Issue: Assuming the City Hall modifications occur as proposed, staff will be using the council chambers for work space as each floor is being updated. During this time, we have the option to hold city council and other city meetings in the Crow Wing County boardroom. The boardroom is well equipped with all necessary audio/visual resources with the notable exception that broadcasting live to the cable channels will not be possible. We have a few options with the county system that could get the meetings to the internet -- options include streaming live (also saves a recording), uploading shortly after the meeting concludes, or uploading the next morning. Broadcasting a recording of the meetings at a later date on the cable channels should be possible but is up to Lakes Media's availability. Lakes Media has not installed the new council chambers equipment yet and now will likely have to wait until the City Hall modifications are complete. A modification to the council chambers has been proposed to include a small work space to operate the equipment from within the chambers instead of the increasing inhospitable 4th floor. The proposed location is in the back of the room in front of the closets (west) and would likely be a short wall partially enclosing a desktop and chair.	
Alternatives, Options, Effects on Others/Comments: Options to get City meeting video to the internet from the County boardroom Option 1: Pay to have a function programmed into the county system that will stream to the internet. County will have their vendor setup functionality (\$1,500). Hosting of video should be free (most likely YouTube). Option 2: Upload video after meeting has concluded - county and city staff after hours costs (~30 meetings x 2 hours labor) Option 3: Upload video the next day - possibly a county staff cost, no city staff cost (~30 meetings x 1 hour labor)	
Recommended Action/Motion: Staff recommendation: Program county A/V system to stream to internet. This option maintains a live viewing opportunity for those who have an internet connection. Reduces the burden on the County (no staff time moving video). This option would also introduce viewers to a format that will likely be same or similar to what future meetings will look like after the City Hall modifications.	
Financial Impact: Is there a cost associated with this request: ☒ Yes ☐ No What is the total cost, with tax and shipping \$ 1,500 Is this budgeted? ☐ Yes ☒ No <u>Please Explain:</u> Programming cost could be allocated to the building improvement project or added to IT (or other dept) as a 'professional service' expense.	



Brainerd City Council Agenda Request

Requested Meeting Date: September 3, 2019

Title of Item: Drivers License Testing Facility Lease Renewal

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☒ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) <i>*provide copy of published hearing notice</i> ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading
Submitted by: Administrator Torstenson	Department: Administration
Presenter (Name & Title): Same	Estimated Time Needed: 5 minutes
Summary of Issue: The State of Minnesota Drivers License Testing Facility has been leasing a space in City Hall or the Annex for many years. With the upcoming City repairs to HVAC, roofs, and interior spaces, the City is currently not able to renew the lease with the Drivers License Testing Facility.	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion: To decline the renewal of the Drivers License Testing Facility Lease in the Annex.	
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>	

STATE OF MINNESOTA

AMENDMENT OF LEASE

Amendment No. 3

Lease No. 11934

THIS AMENDMENT No. 3 to Lease No. 11934 is made by and between the City of Brainerd, hereinafter referred to as Landlord and the State of Minnesota, Department of Administration, hereinafter referred to as Tenant, acting for the benefit of the Department of Public Safety; Driver and Vehicle Services.

WHEREAS, Landlord and Tenant entered into Lease No. 11934, dated September 27, 2012, as may subsequently be amended, involving the lease of approximately one thousand eighty four (1,084) usable square feet of office space in the building located at 213 5th Street South, Brainerd, Minnesota;

WHEREAS, the parties deem certain amendments and additional terms and conditions mutually beneficial for the effective continuation of said Lease;

NOW THEREFORE, Landlord and Tenant agree to substitution and/or addition of the following terms and conditions, which shall become a part of Lease No. 11934 effective as of the date set forth herein.

1. **RENEWAL TERM** This Lease shall be renewed for a period of three (3) years, commencing November 1, 2019 and continuing through October 31, 2022 ("Renewal Term"), at the same terms and conditions as set forth in the Lease, except as otherwise provided herein.
2. **RENT**
 - 2.1 **Rent Payment** Tenant shall pay Landlord rent for the Renewal Term in the sum of fifty thousand one hundred twenty four and 24/100 dollars (\$50,124.24) according to the rent schedule set forth below:

LEASE PERIOD		SQUARE FEET	RATE PER SQ. FT.	MONTHLY PAYMENT	RENT FOR LEASE PERIOD
11/1/19	- 10/31/20	1,084	\$14.96	\$ 1,351.39	\$ 16,216.68
11/1/20	- 10/31/21	1,084	\$15.41	\$ 1,392.04	\$ 16,704.48
11/1/21	- 10/31/22	1,084	\$15.87	\$ 1,433.59	\$ 17,203.08
				TOTAL	\$ 50,124.24

- 2.2 Rent Billing Address Landlord shall mail or personally deliver all original bills and statements to Tenant at the following address:

Accounts Payable
Department of Public Safety
445 Minnesota St # 126
St Paul MN 55101-5126

- 2.3 Rent Payment Address Tenant shall mail or deliver each monthly rent payment at the end of the applicable calendar month to Landlord at the following address:

City of Brainerd
City Hall
501 Laurel St.
Brainerd, MN 56401

3. **HEATING AND COOLING**

- 3.1 Deletion Section 11.4 of the Lease is hereby deleted and of no further force or effect and is replaced with the following Section 3.2.

- 3.2 Replacement Landlord warrants that the Leased Premises are served by heating and cooling facilities of a design capacity sufficient to maintain the Leased Premises within the acceptable range of temperature identified below under all but the most extreme weather conditions, assuming optimal use by Tenant of all thermostats and other climate control devices, such as shutting off computers, opening or closing of blinds, doors and vents within the Leased Premises. Landlord shall provide Tenant with written instructions defining said optimal use. For purposes hereof, the acceptable ranges of temperature for office space are as follows:

- a. From October 1 through April 30, between 70.5 degrees and 74.5 degrees. Temperature settings must be lowered to 60°F to 62°F during non-working hours.
- b. From May 1 through September 30, between 72.0 degrees and 76.0 degrees. Temperature settings will be increased to 85°F during non-working hours.

4. **VENTILATION AND ENVIRONMENTAL QUALITY**

- 4.1 Deletion Section 11.6 of the Lease is hereby deleted and of no further force or effect and is replaced with the following Section 4.2.

- 4.2 Replacement

- a. Landlord shall provide outdoor fresh air per minute per person to the Leased Premises as outlined in Table 2 of ASHRAE (American Society of Heating,

Refrigeration and Air Conditioning Engineers, Inc.) Standard 62.1-2013, or as amended. An air cleaning device shall be used in the ventilation system which filters the outdoor air and shall have:

- (i) A minimum filtration efficiency of thirty (30) percent as rated by ASHRAE 52.2, or as amended, Atmospheric Dust Spot Efficiency Rating; **OR**
- (ii) A minimum Efficiency Reporting Value (MERV) 8 as rated by ASHRAE 52.2, or as amended, Method of Testing General Ventilation Air-Cleaning Devices for Removal Efficiency by Particle Size.

If air filters are used, Landlord shall change the filters at least three (3) times per year, preferably in March, July and November, or more often as required.

- b. Any secondary filtration systems (such as in heat pumps) shall have a minimum weight arrestance of eighty (80) percent as rated by ASHRAE 52.2, or as amended, Weight Arrestance Method or Minimum Efficiency Reporting Value (MERV) 5 as rated by ASHRAE 52.2, or as amended, Method of Testing General Ventilation Air-Cleaning Devices for Removal Efficiency by Particle Size. If air filters are used, Landlord shall change the filters at least two (2) times per year or more often as required.
- c. It is understood by Landlord and Tenant that no wall covering will be installed around pipe chases.
- d. Landlord shall, at its expense, remove and replace any building material with visible or detected evidence of water infiltration or mold growth.

- 5. **EXECUTION IN COUNTERPARTS** This Amendment may be executed in any number of counterparts, each of which when so executed and delivered shall be deemed to be an original and all of which counterparts of this Amendment taken together shall constitute but one and the same Amendment. Delivery of an executed counterpart of this Amendment by facsimile or email or a PDF file shall be equally as effective as delivery of an original executed counterpart of this Amendment.
- 6. Except as modified by the provisions of this Amendment, said Lease is ratified and confirmed as originally written. All capitalized terms used but not defined herein shall have the meanings assigned to them as set forth in the Lease, unless otherwise stated.

NO ATTACHMENTS

IN WITNESS WHEREOF, the parties have set their hands on the date(s) indicated below intending to be bound thereby.

LANDLORD:

CITY OF BRAINERD

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

By _____

Title _____

Date _____

By _____

Title _____

Date _____

TENANT:

STATE OF MINNESOTA

DEPARTMENT OF ADMINISTRATION
COMMISSIONER

By _____
Real Estate and Construction Services

Date _____

APPROVED:

STATE OF MINNESOTA

DEPARTMENT OF PUBLIC SAFETY

By _____

Title _____

Date _____

Date _____

STATE ENCUMBRANCE VERIFICATION

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

By _____

Date _____

SWIFT P.O. _____

Contract No. _____



Brainerd City Council Agenda Request

Requested Meeting Date: September 3, 2019

Title of Item: Trunk Highway 210 Corridor Study Project Management Team (PMT)

☐ 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: Pursuant the last Council meeting, the City Council directed staff to put an agenda item on this agenda relating to the organization of a Project Management Team (PMT) to help facilitate the Trunk Highway 210 Corridor Study in which MnDOT has hired a consultant team of Short Elliot Hendrickson (SEH) and Henningson, Durham, Richardson (HDR) to perform. The goal of the corridor study is to analyze the corridor from a traffic, pedestrian, and overall mobility standpoint to formulate a Level 1 layout in which would be used in design.	
Alternatives, Options, Effects on Others/Comments: The formation of a City PMT will help to ensure that the City's goals and priorities are being met during this process. A MnDOT PMT is currently being formed, and has its first meeting on Wednesday, September 11th. The City Engineer and Assistant City Engineer will be attending these meetings on behalf of the City, and relaying information to the City formed PMT so that decisions on the City side can get made, or get escalated to the full Council level. I anticipate the City PMT will consist of the City Engineer, Assistant City Engineer, Community Development Director, Transit Coordinator, Riverfront Coordinator, City Administrator, Finance Director, and three Council Members. Staff is also looking for other recommendations for PMT members for this request. The workload will be (at most) once a month, but anticipate that the meetings will be held quarterly after the MnDOT PMT holds their meetings.	
Recommended Action/Motion: Staff is looking for three Council members to sit on this PMT and recommendations for any other members the Council may seem fit to sit on this committee.	
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: September 3, 2019

Title of Item: 2020 Preliminary Levy

☐ 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): City Administrator/Finance Director	Estimated Time Needed: 10 Minutes
Summary of Issue: The 2019 preliminary levy for the City and the HRA needs to be set by September 30, 2019. The final levy adopted in December can be lower than, but not higher than the preliminary levy. The preliminary levy is used for all of the Truth in Taxations notices sent out in November. The date and time for the public meeting, in which the budget and levy are discussed and the public is allowed to speak also needs to be set by September 30, 2019. The date of the public meeting needs to be held between November 25 and December 30, 2019 after 6:00 p.m. and it can be done during a regular council meeting. Historically the City has held a special meeting on the 2nd Monday in December at 6:00 p.m. which this year that would be December 9, 2019.	
Alternatives, Options, Effects on Others/Comments: Please see the attached memos and draft resolution. The HRA levy amount that is on the resolution represents the maximum allowed by state statute, which is .0185% of the previous year's estimated market value, this is the request of the HRA. It is \$3,538 of additional funds. The Council can also wait until the September 16, 2019 council meeting to set the levy.	
Recommended Action/Motion: 1. Adopt a resolution setting the preliminary levy for the City and HRA. 2. A motion to set the date and time for the budget public hearing.	
Financial Impact: <i>Is there a cost associated with this request:</i> ☐ Yes ☐ No <i>What is the total cost, with tax and shipping</i> \$ _____ <i>Is this budgeted?</i> ☐ Yes ☐ No <i>Please Explain:</i>	

MEMO



TO: Mayor & Council

FROM: City Administrator Cassandra Torstenson
Finance Director Connie Hillman

DATE: August 28, 2019

RE: 2020 Budget and Levy

Attached you will find an updated overview of the 2020 budget and levy. It has been updated since what was presented at the August 26th workshop with the following:

- 27 sworn police officers effective March 1, 2020.
- 12% increase versus a 10% estimated for the Health Partners health insurance plan which is the plan that covers the majority of the employees.
- Using \$15,000 of fund balance for the 2020 election.
- Maintaining the increased funding to Sourcewell for continuation of the Riverfront Project with expanded duties to include comprehensive plan implementation and mobility and trails planning.

The overview shows, the Council would need to increase the levy by \$82,547 based on the current estimated revenues and expenditures, and the capital and debt planning as discussed at the workshop.

Capital Plan

As discussed at the August 26, 2019 workshop, the capital plan did not take into consideration funding for Memorial Park. Please see the attached agenda request from Parks Director Tony Sailer.

Levy Information

The chart below shows the history of the City's levy:

Levy Year Collected	Levy Amount	% Change
2010	\$4,112,308	2.8%
2011	\$4,055,836	-1.4%
2012	\$3,953,486	-2.5%
2013	\$3,953,486	0.0%
2014	\$4,453,486	12.6%
2015	\$4,898,835	10.0%
2016	\$5,217,260	6.5%
2017	\$5,373,778	3.0%
2018	\$5,561,860	3.5%
2019	\$5,895,572	6.0%

The increase has been a little less than 4.1% per year over the last nine years.

Tax Rate Information

The City's tax rate for 2019 is **80.385%**. The preliminary estimated market value shows an increase of 3.9%. The preliminary tax capacity is usually available in November. The change in tax capacity not only depends on the estimated market value, but also how property is classified. Staff tries very hard to give Council the best information so they can make the most informed decision. Staff recapped the change in estimated market value compared to the change in tax capacity for the last 5 years:

Pay Year	% Change in EMV	% Change in Tax Capacity	Difference in Change
2019	2.8%	2.1%	0.7%
2018	1.7%	0.5%	1.2%
2017	2.7%	2.7%	0.0%
2016	3.8%	2.3%	1.5%
2015	0.3%	-0.3%	0.6%
		Average	0.8%

The following tables present different scenarios using difference assumptions to the change in tax capacity.

Assumed Increase in Tax Capacity	3.100%	(TC increases .8% less than EMV)
Estimated Tax Rate		Dollar Change
1% Decrease in Levy	77.195%	(\$58,956)
.5% Decrease in Levy	77.586%	(\$29,478)
No increase in Levy	77.977%	\$0
1% Increase in Levy	78.758%	\$58,956
2% Increase in Levy	79.539%	\$117,911
3% Increase in Levy	80.320%	\$176,867
4% Increase in Levy	81.101%	\$235,823
5% Increase in Levy	81.882%	\$294,779
6% Increase in Levy	82.663%	\$353,734

2020 Levy Amount

The charge below is provided to assist with completing the attached resolution setting the City's preliminary levy:

Change in Levy	Preliminary Amount	Dollar Change
1% Decrease in Levy	5,836,616	(\$58,956)
.5% Decrease in Levy	5,866,094	(\$29,478)
No increase in Levy	5,895,572	\$0
1% Increase in Levy	5,954,528	\$58,956
2% Increase in Levy	6,013,483	\$117,911
3% Increase in Levy	6,072,439	\$176,867
4% Increase in Levy	6,131,395	\$235,823
5% Increase in Levy	6,190,351	\$294,779
6% Increase in Levy	6,249,306	\$353,734

Please let us know if you have any questions.

Enclosures

/clh

2020 Levy Overview
As of August 28, 2019

	<u>Actual 2018</u>	<u>Revised Budget 2019</u>	<u>Proposed Budget 2020</u>	<u>Difference in Budgets</u>
TOTAL OPERATING EXPENDITURES				
Personnel Services	6,334,650	6,805,000	7,211,356	406,356
Supplies	439,636	447,800	473,000	25,200
Services	2,217,494	2,397,526	2,518,822	121,296
Transfers Out	474,303	409,964	486,343	76,379
Total Expenditures	<u>9,466,083</u>	<u>10,060,290</u>	<u>10,689,521</u>	<u>629,231</u>
TOTAL CAPITAL	847,134	1,155,927	1,155,927	-
TOTAL DEBT LEVY	1,600,886	1,264,850	1,167,451	(97,399)
OTHER LEVIES				
Perm Improvement	339,174	350,706	362,975	12,269
Hydrant	169,587	175,353	181,487	6,134
Sr Center/Arb/Community Action	254,382	263,031	272,232	9,201
Library	147,416	150,364	150,364	-
EDA	122,223	124,351	127,817	3,466
Total Other Levies	<u>1,032,782</u>	<u>1,063,805</u>	<u>1,094,875</u>	<u>31,070</u>
TOTAL ESTIMATED EXPENDITURES	<u>12,946,885</u>	<u>13,544,872</u>	<u>14,107,774</u>	<u>562,902</u>
TOTAL REVENUE - NON PROPERTY TAX				
Other Taxes	(274,346)	(265,500)	(279,000)	13,500
Licenses & Permits	(538,283)	(492,015)	(552,390)	60,375
Grants & Aids	(4,672,506)	(4,665,171)	(4,899,340)	234,169
Revenue from Other Gov'ts	(156,387)	(196,836)	(191,788)	(5,048)
Charges for Services	(883,523)	(906,459)	(1,016,614)	110,155
Fines & Forfeitures	(211,354)	(148,000)	(141,000)	(7,000)
Other Revenues	(1,082,607)	(966,083)	(1,015,287)	49,204
Transfers In	(22,929)	(10,000)	(20,000)	10,000
Estimated Revenues	<u>(7,841,935)</u>	<u>(7,650,064)</u>	<u>(8,115,419)</u>	<u>465,355</u>
(USE)/ADDITION TO FUND BALANCE			(15,000)	15,000
Estimated Levy	<u>5,104,950</u>	<u>5,894,808</u>	<u>5,977,355</u>	<u>82,547</u>
Actual Levy	5,561,860	5,895,572		



Brainerd City Council Agenda Request

Requested Meeting Date: September 3, 2019

Title of Item: 2020 Memorial Park Capital Improvement 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: Tony Sailer	Department: Parks and Recreation
Presenter (Name & Title): Tony Sailer, Parks and Recreation Director	Estimated Time Needed: 5 minutes
Summary of Issue: At its Aug. 27 meeting the Park Board voted to request \$2.5 million in Capital Improvement funds for the Memorial Park redesign project. The Park Board cited that it is working with WSN to further scope the project and, in doing so, needs to know what funds will be available for the project to move forward. WSN's initial estimate for the three-year, three-phase project was \$2.5 million but indicated that could fluctuate depending on the scope of the project. The Parks Department will lose the use of Mill Avenue Park following the 2020 summer season and the 2020-2021 winter season. This includes the loss of use of an adult softball field, two hockey rinks, a pleasure rink and a warming house.	
Alternatives, Options, Effects on Others/Comments: - Bond for \$2.5 million in 2020 to begin moving the project forward. - Separate the cost over a three-year period, i.e. bond for a determined amount in each of the next three years. - Bond for a higher or lesser amount. - Take a different route and provide staff with direction on what funds may be available to enable it to work with WSN on the scope of the project and to move the project forward.	
Recommended Action/Motion: Staff would like to have direction on what funds may be available to move forward with the Memorial Park redesign 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>2.5 million</u> <i>Is this budgeted?</i> ☐ Yes ☒ No <i>Please Explain:</i>	



324 East River Road
Brainerd, MN 56401

Phone: 218/828-3705
Fax: 218/828-8817

August 29, 2019

Mayor Menk and City Council Members
501 Laurel Street
Brainerd, MN 56401

Dear Honorable Mayor Menk and City Council Members:

The purpose of this letter is to request the 2020 Brainerd Housing and Redevelopment Authority (HRA) operating levy. The Brainerd HRA has three funds: General Fund, Public Housing and Housing Choice Voucher. Our levy dollars go into the General Fund and support our rehab and redevelopment initiatives. Attached is a copy of preliminary General Fund budget.

I have also attached the Brainerd HRA's 2019/2020 Strategic Plan.

General Fund

The levy dollars allow us the opportunity to administer other programs that benefit Brainerd residents, to increase the value of the property in the City of Brainerd and assist in redevelopment projects. To address these needs, the HRA created or participated in a number of programs:

Brainerd Oaks/Serene Pines/Dal Mar Estates

The Brainerd HRA in cooperation with the Crow Wing County (CWC) HRA successfully negotiated a Purchase and Redevelopment Agreement with a developer (Paxmar-Brainerd LLC) to purchase 113 lots in three tax forfeited subdivisions (Brainerd Oaks, Serene Pines and Dal Mar Estates). These subdivisions have been tax forfeited for several years. The County agreed to convey the land to the CWC HRA, the city of Brainerd agreed to waive the special assessments in lieu of the proceeds of the sale of the lots (minus the direct costs of the CWC HRA) and the CWC HRA agreed to hold the land while the lots are purchased by Paxmar-Brainerd LLC. The developer has agreed to purchase between 10-30 lots per year with at least two lots in Brainerd Oaks to every one in Serene Pines or Dal Mar Estates. The developer must keep \$1.5 million in construction going at all times. To date, the developer has purchased 32 lots in Brainerd Oaks (25 completed and sold, 1 home for sale, and 4 homes in progress) and 11 lots in Serene Pines (8 homes completed and sold.)

Tax Forfeit Property Policy

As a result of the success of the Brainerd Oaks project, the Brainerd HRA created a Tax Forfeit Property program where we can purchase tax forfeited properties from the County for \$1. The lots are then sold to a non-profit developer for 25% of the estimated market value or to a for-profit developer for 50% of the estimated market value. We hope to assist the City with this program in 2020.



Rehab Programs

The Brainerd HRA, on behalf of the City of Brainerd, has applied for and received three Small Cities Development Program grants through the Department of Employment and Economic Development (DEED). Our hope is that not only will this improve the properties that receive the funds but also result in increasing values and neighborhood improvements.

SE Brainerd: We received a SCDP grant from DEED for \$715,000 for an owner-occupied and commercial rehab program in Southeast Brainerd. We rehabilitated 32 owner-occupied homes and six commercial properties.

Downtown Brainerd: The Brainerd HRA received a SCDP grant for a rental and commercial loan program for downtown Brainerd which will result in over \$1 million in rehab: \$650,105 in SCDP, \$100,000 in program income and \$265,000 in owner match. We have successfully rehabbed ten (10) commercial properties and 44 rental units. We currently have two commercial properties in construction and have completed the rental portion of the program.

NE Brainerd: The Brainerd HRA applied for a received a SCDP grant \$638,338 for an owner-occupied and renter-occupied rehab program in Northeast Brainerd. In addition, we applied for one commercial property downtown Brainerd which will rehab 9 rental units and one commercial property. We currently have 2 owner-occupied in the bidding process and the one commercial project is in construction and 9 rental units are bidding.

Brainerd Revolving Loan Program

The Brainerd HRA worked with the City of Brainerd to create guidelines for the new Brainerd Revolving Loan Program using old Community Development Block Grant program income and SCDP local income. These funds are available to property owners in the River to Rail project area for rehab/redevelopment of property. In addition, the funds are available city-wide to property owners who have received a citation for a code violation to repair the items they are cited for.

Scattered Site Replacement Program

The purpose of the Scattered Site Replacement Program's (SSRP) is to replace older, dilapidated houses with newer, higher valued owner-occupied homes. As a result, the HRA partnered with the Healthy Community Partnership (HCP) Housing Task Force to create the SSRP, to remove those homes that are beyond repair, clear the lot and sell the lot to either a non-profit or a builder/buyer team. To date, the Brainerd HRA purchased and demolished five houses and sold all five properties for the construction of new owner-occupied house. Those properties are located at: 509 E Street, 1321 Norwood, 614 Tamarac, 1504 8th Avenue and 728 4th Avenue NE. We were able to leverage \$100,000 for this program from other sources such as the Minnesota Housing Finance Agency, Greater Lakes Realtors Association and the Crow Wing County HRA. In 2018, we worked with City staff to purchase 601 South 10th Street and we have sold that property to a private developer. We continue to work with City staff to identify future SSRP properties.

Federal Funds: Public Housing and Housing Choice Voucher

The Brainerd HRA operates two federal programs which are funded by the Department of Housing and Urban Development (HUD). The HRA owns and/or manages 325 units of affordable housing in the City of Brainerd and we provide approximately 320 Housing Choice Voucher's (HCV) to our residents.

We continue to see cuts in our federal funds to administer the HCV and Public Housing Programs. In 2019, our public housing funding was cut by approximately 15% and our HCV administrative fees were cut 20%. The funds we received in 2019 are just slightly above the amounts they were 10 years ago although costs continue to increase.

Every three years, the Brainerd HRA is scored by HUD on how we manage our programs. I am proud to report that the Brainerd HRA received 97 out of 100 on our public housing (PHAS) score for 2018. The national average PHAS score is 90 and the regional average is 92. HUD also scored us on the management of the HCV program and we received 100%. These scores reflect the hard work and dedication of our Board and staff and benefit our community and our residents.

Although the levy funds are less than 5% of our overall budget, these funds are critical. They allow us to continue to provide affordable housing for approximately 900 Brainerd residents and assist in the rehab and redevelopment needs in the City of Brainerd. The Brainerd HRA is requesting the City Council approve the full HRA levy which is .0185% of the estimated market value which will be approximately \$130,430 for 2020.

Thank you for your continued support of the Brainerd HRA and considering our request for the 2020 levy.

Sincerely,



Jennifer Bergman
Executive Director



324 East River Road
Brainerd, MN 56401

Phone: 218/828-3705
Fax: 218/828-8817

Brainerd HRA 2019-2020 Strategic Plan Goals and Action Steps

Mission

Providing affordable housing and redevelopment opportunities to strengthen our neighborhoods and community.

Five-Year Vision

Become the preeminent development organization:

- In partnership with the City of Brainerd, BLAEDC and EDA
- As an integral part of community success
- Through collaborative efforts with other community agencies
- Doing development in the city of Brainerd
- By remaining a high performer on Federal programs
- By assisting more people than ever before

Goals and Action Steps

1. Continue the redevelopment and rehabilitation of commercial, rental and owner-occupied properties in the City of Brainerd.
 - Explore funding for rehab around schools.
 - Work with ISD 181 to identify homes being purchase and assist families in staying within the City of Brainerd.
 - Support the River to Rail initiative and provide a quarterly update.
 - Assist new or existing businesses to acquire funds for gap funding including BUF, IF and City Revolving Loan Program.
 - Support the Brainerd Industrial Center and the NP Center in redevelopment initiatives.
2. Continue providing high quality, safe and affordable housing for existing and potential residents and participants.
 - Continue to assist the City with revising the Rental Housing Maintenance Code.
 - Apply for VASH vouchers.
 - Continue to monitor and fully fund the Housing Choice Voucher program to maintain our utilization at 100%.
 - Explore repositioning public housing options.
 - Maintain a high performer status in PHAS.



3. Enhance collaboration and communication with partners and the public to support neighborhood growth and development.
 - Continue to identify and communicate with our partners on HRA projects.
 - Explore the Housing Supports program with Crow Wing County and Lutheran Social Services.
 - Support the Brainerd Riverfront Committee's plaza.
 - Annually review and monitor management agreements with CWC HRA, Crosby HRA, and the City of Brainerd.
 - Explore efficiencies with other HRA's in Crow Wing County.
4. Lead the revitalization efforts in downtown Brainerd.
 - Identify and support signature projects in downtown Brainerd.
 - Solicit and support developers for downtown Brainerd.
 - Support a downtown coordinator position.
 - Continue to support Brainerd Restoration efforts.
 - Assist and financially support existing and new downtown businesses through rehab, acquisition and other programs.
5. Continue to maintain and grow the overall health of the organization.
 - Review policies annually to ensure they are up to date.
 - Explore staffing needs and capacity.
 - Plan for succession and cross training.

General Fund Comparative Budget

Brainerd Housing Authority
324 E River Rd
Brainerd, MN 56401

Fiscal Year 12/31/2020

Account Title	2019 YTD Actual	2019 Budget	2020 Budget	Difference	% Difference
Revenues:					
City Tax Levy	68,893	126,895	130,430	3,535	3%
Management Fees	116,998	199,000	289,000	90,000	45%
TIF Revenue	25,916	40,970	43,660	2,690	7%
Operating Transfer	0	6,450	7,000	550	9%
SCDP Admin Fee	1,417	54,000	55,840	1,840	3%
Other Income	57,976	82,000	76,000	(6,000)	-7%
Total Revenues	271,200	509,315	601,930	92,615	18%

Expenditures:

Administrative

Salaries	115,817	218,150	274,010	55,860	26%
Employee Benefits	58,103	100,045	132,335	32,290	32%
Travel	428	2,500	2,450	(50)	-2%
Staff Training	5,562	6,000	10,000	4,000	67%
Audit Cost	6,700	6,700	6,700	0	0%
Legal	0	10,500	6,500	(4,000)	-38%
Other Administrative Costs	6,007	8,030	11,490	3,460	43%
Contract Costs	21,484	64,860	67,010	2,150	3%
Total Administrative	214,101	416,785	510,495	93,710	22%

General Expenditures

TIF Expense	230	200	230	30	15%
Insurance	2,695	4,140	4,790	650	16%
Debt Service	51,358	51,370	52,530	1,160	2%
Other Programs	2,000	102,900	70,885	(32,015)	-31%
Total General Expenditures	56,283	158,610	128,435	(30,175)	-19%
Total Expenditures	270,384	575,395	638,930	63,535	11%

Designated Fund Balance	0	66,080	37,000	(29,080)	
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Cash Flow from Operations	816	0	0	0	
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RESOLUTION
NO. ____:19

WHEREAS, the Brainerd City Council is required to set a Preliminary Levy by September 30, 2019; and

WHEREAS, the Brainerd City Council held a Budget Workshop on August 26, 2019; and

WHEREAS, the Brainerd City Council, during the Special Meeting, discussed the overall budget process, the overall expenditures and the debt service of the City;

NOW, THEREFORE BE IT RESOLVED by the City of Brainerd, County of Crow Wing, State of Minnesota that the following sums are the preliminary levy for the taxes payable in the year 2020:

\$_____ plus \$130,426 for the HRA.

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: September 3, 2019

Title of Item: First Reading - Proposed Ordinance No. 1500 - An Ordinance to Amend Section 515-18 Outdoor Lighting

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☒ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☐ Adopt Resolution (attach draft) <i>*provide copy of published hearing notice</i> ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☒ Ordinance 1 st Reading
Submitted by: Community Development Director	Department: Community Development
Presenter (Name & Title): David Chanski, CDD	Estimated Time Needed: 5 minutes
Summary of Issue: Over the last two years, the Planning Commission has sought to impose stricter lighting standards on a number of Conditional Use Permit applications that have come before them, specifically Thrifty White, Harrison Elementary School, and Brainerd High School. In each case, there was objection by the applicant, but the applicants eventually agreed to the condition of 13 foot light poles for both the Thrifty and Harrison projects. However, there was great objection to the same lighting standard for Brainerd High School, which was appealed to and reversed by the City Council. The City Council then directed the Planning Commission to address lighting standards via ordinance and not case by case through CUP.	
Alternatives, Options, Effects on Others/Comments: This proposed ordinance amends Section 515-18: Outdoor Lighting Standards to restrict the height of light sources to 13 feet above the ground grade. Light sources may be increased to a maximum height of 20 feet by Conditional Use Permit. Additionally, it sets the fixture cut off to an angle of 90 degrees or less in residential areas (the ordinance already does this for commercial and industrial districts). These standards would be uniform for residential, commercial, and industrial districts. It is important to note that this ordinance does not affect lighting in any city, county, or state right-of-way. The Planning Commission did not hold a public hearing on this proposed ordinance, as the Commission desired for it to be held by the City Council. A public hearing would be held at the time of the second reading of this proposed ordinance.	
Recommended Action/Motion: 1) Motion to dispense with the actual reading of Proposed Ordinance No. 1500 - An Ordinance to amend Section 515-18: Outdoor Lighting Standards 2) Motion to hold the first reading of proposed Ordinance No. 1500	
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>	

**ORDINANCE
NO. 1500**

**AN ORDINANCE AMENDING BRAINERD ZONING ORDINANCE
SECTION 515-18: OUTDOOR LIGHTING**

THE CITY COUNCIL OF THE CITY OF BRAINERD DOES ORDAIN:

SECTION ONE: That Section 515-18-5: Performance Standards shall be amended as follows:

A. Residential District Standards. All exterior lighting shall be directed away from adjoining residential property or from any public right-of-way. All lighting shall be installed in accordance with the following provisions:

1. The light source shall be controlled so as not to light adjacent property in excess of the maximum light levels defined by this Ordinance.

2. The maximum height of the fixture, pole and base above the ground grade permitted for light sources is thirteen (13) feet. A light source mounted on a building shall not exceed the height of the building.

a. If the bulb/light source is fully shielded from view by an observer standing on ground level at the nearest property line, an increase in light source height to a maximum of twenty (20) feet may be allowed by Conditional Use Permit.

3. The luminaire shall contain a full cut off fixture which directs and cuts off light at an angle of ninety (90) degrees or less.

B. Business/Industrial District Standards. All exterior lighting shall be directed away from adjoining residential property or from any public right-of-way. All lighting shall be installed in accordance with the following provisions:

1. The luminaire shall contain a full cut off fixture which directs and cuts off light at an angle of ninety (90) degrees or less.

2. The light source shall be controlled so as not to light adjacent property in excess of the maximum light levels defined by this Ordinance.

3. Architectural/historical lights that include fixtures that are not shielded, or lighting of entire facades or architectural features of a building are permitted. In no case shall the light affect adjacent property in excess of the maximum light levels defined in this Ordinance.

~~4. The maximum height of the fixture, pole and base above the ground grade permitted for light sources is thirty (30) feet. A light source mounted on a building shall not exceed the height of the building. In no case shall the height of the light source mounted on a pole or on a building exceed the height limits of the zoning district in which the use is located, unless allowed by Conditional Use Permit.~~

4. The maximum height of the fixture, pole and base above the ground grade permitted for light sources is thirteen (13) feet. A light source mounted on a building shall not exceed the height of the building.

a. If the bulb/light source is fully shielded from view by an observer standing on ground level at the nearest property line, an increase in light source height to a maximum of twenty (20) feet may be allowed by Conditional Use Permit.

SECTION TWO: All other provisions of Section 515-18 shall remain in full force and effect.

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

Adopted this _____ day of September, 2019

GABE JOHNSON
President of the Council

Approved this _____ day of September, 2019

EDWIN L. MENK
Mayor

ATTEST:

CASSANDRA TORSTENSON
City Administrator

Summary Published: One Time, _____, 2019



Brainerd City Council Agenda Request

Requested Meeting Date: September 3, 2019

Title of Item: Roundhouse Brewery Conditional Use Permit Amendment

☐ 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: Mark Lelwica, 1551 Northern Pacific Road, Brainerd, MN 56401, has submitted an application for an amendment to the Conditional Use Permit at Roundhouse Brewery. The purpose of the Conditional Use Permit amendment is to increase the previously permitted patio from 12' x 50' to 18.6' x 75.7'. The Planning Commission held a public hearing and considered this request on Wednesday, August 21.	
Alternatives, Options, Effects on Others/Comments: The Planning Commission voted unanimously to approve this CUP amendment, citing the findings of fact provided by staff, adding the finding of fact that, moving forward, the Northern Pacific Center property should be considered as a whole for all such applications as it is one piece of property, and that there should be no conditions for approval.	
Recommended Action/Motion: Motion to approve the CUP amendment for Roundhouse Brewery to increase its patio size from 12' x 50' to 18.6' x 75.7'.	
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 Community Development Department

TO: Planning Commission

FROM: David Chanski, Community Development Director

DATE: August 16, 2019

RE: Roundhouse Brewery CUP Amendment

Mark Lelwica, 1551 Northern Pacific Road, Brainerd, MN 56401, has submitted an application for an amendment to the Conditional Use Permit at Roundhouse Brewery. The purpose of the Conditional Use Permit amendment is to increase the previously permitted patio from 12' x 50' to 18.6' x 75.7'.

The original CUP, which was approved by the City Council on May 2, 2016, is attached.

Findings of Fact

1. The current permitted patio is 12' x 50' for a total of 600 square feet.
2. As the internal area of the taproom is 4,214 square feet, the maximum allowable area for the patio is 1,264 square feet (30% of the total customer floor area within the principle structure).
3. The proposed patio expansion would bring the patio to approximately 1,405 square feet; 141 square feet more than the currently allowable area.
4. A customer service area of 4,683 square feet (an additional 469 square feet) would be needed to allow a patio of 1,405 square feet.
5. The applicant has stated that an addition of a bathroom should increase the floor space to the required levels.
6. The patio area would be fenced as requirement by the Zoning Code and State Building Code.
7. The increased patio area would be concrete, which is the same as the current area.

As of this writing, no parties have come forward to express their objections to this Conditional Use Permit amendment.

Staff Opinion

Staff recommends approval of this CUP application with the condition that proof of the additional 469 square feet of service area be provided to staff prior to any permit issuance and construction.



City Planning Department

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

Permit 2019-00042
Receipt # _____
Check # _____
Date Paid: _____

CONDITIONAL USE/REZONING/VARIANCE APPLICATION

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

PROPERTY ADDRESS: 1551 Northern Pacific Rd, Brainerd, MN 56401
LEGAL DESCRIPTION: Lot(s): 020 Block: 220 Addition: _____
(attach description if lengthy)

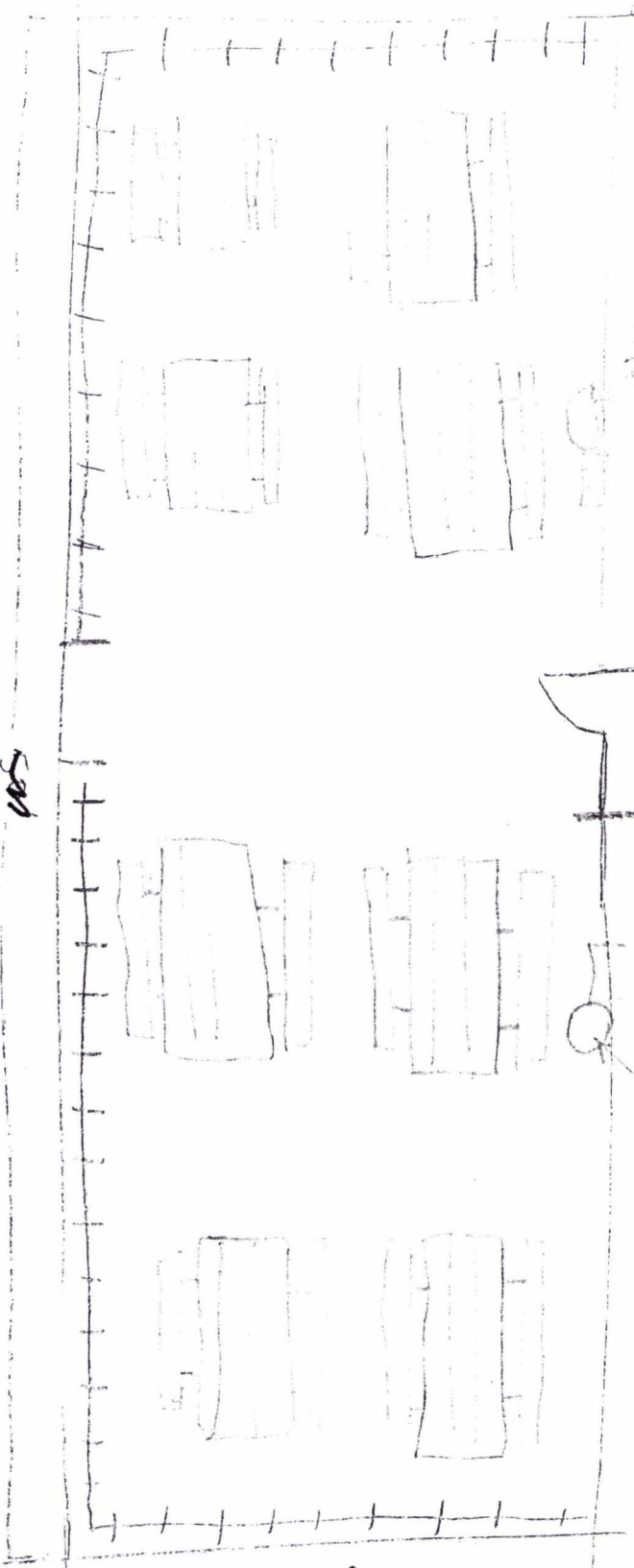
Property Owner Name: NP Center LLC
Street Address: 1511 NP Road City: Brainerd State: MN Zip Code: 56401
Phone Number: _____ Fax: _____ E-mail: _____
Applicant Name: (If different than Property Owner) Roundhouse Brewery, LLC
Street Address: 1537 Northern Pacific Rd, Brainerd State: MN Zip Code: 56401
Phone Number: 218 454 2739 Fax: _____ E-mail: doug@roundhousebrew.com

Description of Request: Roundhouse desires to expand its existing 12'x50' patio to 18.6' x 75.7'. Fencing similar to the existing fencing will surround the patio, and a sun shade will be added. Cement will be used as the surface. 1405 ft² total

[Signature]
Property Owner Signature
Mike Higgins
(Please print name)
[Signature]
Applicant Signature
Mark Lehwica
(Please print name)

8/8/19
Date
8/8/19
Date

1551 N P CURR



~~1551~~ S.W.
25.6'

Trash

18.6

~~Submittal~~
~~Planning Commission~~
~~2/14/12~~

NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that Mark Lelwica, 1551 Northern Pacific Road, Brainerd, MN 56401, has submitted an application for an amendment to the Conditional Use Permit at Roundhouse Brewery to expand a permitted patio from 12' x 50' to 18.6' x 75.7'. The property included in this application is described as:

*Lot 1 Block 1 Northern Pacific Plat
P.I.N. 41300557*

The property is zoned Mixed Use, and Zoning Ordinance Section 515-72-2 permits non-enclosed areas for dining and/or serving alcohol as a conditional use. A copy of the proposed site plan is on file for review at the Community Development Department.

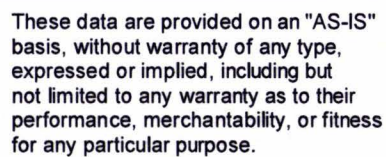
A Public Hearing will be conducted by the Brainerd Planning Commission at 6:00 p.m. Wednesday, August 21, 2019 in the Brainerd City Hall Council Chambers, 501 Laurel Street, to consider the Conditional Use Permit request.

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

Dated this 9th day of August 2019



David C. Chanski, MPA
Community Development Director



Date: 8/9/2019 Time: 10:49:59 AM



Parcel Num	Legacy Parcel Number	Municipal Tax Name	Tax Address	Tax Address 2	Tax Address 3	Tax Address 4	Physical Address	Physical City	Physical Zip
41301088	050302200A00009	CITY OF BR AMERICAN TOWER MANAGEMENT	PROPERTY TAX DEPT	P O BOX 723597	ATLANTA, GA 31139				
41301087	050302200Z00009	CITY OF BR NORTHERN PACIFIC, CENTER INC	1511 NORTHERN PACIFIC RD		BRAINERD MN 56401				
41301086	050302400A00009	CITY OF BR CITY OF BRAINERD	CITY ADMINISTRATOR-CITY HALL	501 LAUREL ST	BRAINERD, MN 56401			0 BRAINERD	56401
41301053	09119006001Z009	CITY OF BR TAX FORFEITED	CROW WING COUNTY LAND SERV	322 LAUREL ST STE 15	BRAINERD, MN 56401-3590			0 BRAINERD	56401
41301026	09119017000Z009	CITY OF BR CITY OF BRAINERD	CITY ADMINISTRATOR-CITY HALL	501 LAUREL ST	BRAINERD, MN 56401			0 BRAINERD	56401
41301020	09119029000Z009	CITY OF BR CITY OF BRAINERD	CITY ADMINISTRATOR-CITY HALL	501 LAUREL ST	BRAINERD, MN 56401			0 BRAINERD	56401
41300795	91640010010009	CITY OF BR FUCHS, RONALD W	1716 LAUREL ST	BRAINERD, MN 56401			1716 LAUREL ST	BRAINERD	56401
41300794	91640010020009	CITY OF BR PARKER, ROY C	1720 LAUREL ST	BRAINERD MN 56401			1720 LAUREL ST	BRAINERD	56401
41300793	91640010030009	CITY OF BR CULLINANE, JOHN	PO BOX 583	315 N 3RD ST	BRAINERD, MN 56401		1724 LAUREL ST	BRAINERD	56401
41300792	91640010040009	CITY OF BR JUDES, ASHLEY	1717 MAPLE ST	BRAINERD MN 56401			314 18TH ST SE	BRAINERD	56401
41300791	91640010050009	CITY OF BR JUDES, ASHLEY	1717 MAPLE ST	BRAINERD MN 56401			1717 MAPLE ST	BRAINERD	56401
41300790	91640010060009	CITY OF BR BURGSTALER, JAMES B & AURORA	404 4TH AVE NE	BRAINERD MN 56401			1715 MAPLE ST	BRAINERD	56401
41300757	09164006001Z009	CITY OF BR CITY OF BRAINERD	CITY ADMINISTRATOR-CITY HALL	501 LAUREL ST	BRAINERD, MN 56401			0 BRAINERD	56401
41300756	09164006007Z009	CITY OF BR STEPHAN, ARDYCE & FORREST	1821 MAPLE ST	BRAINERD MN 56401			1821 MAPLE ST	BRAINERD	56401
41300755	09164006009Z009	CITY OF BR CITY OF BRAINERD	CITY ADMINISTRATOR-CITY HALL	501 LAUREL ST	BRAINERD, MN 56401			0 BRAINERD	56401
41300754	09164007001Z009	CITY OF BR BURGSTALER, JAMES B & AURORA	404 4TH AVE NE	BRAINERD MN 56401				0 BRAINERD	56401
41300753	09164007004X009	CITY OF BR BURGSTALER, JAMES B & AURORA	404 4TH AVE NE	BRAINERD MN 56401			317 19TH ST SE	BRAINERD	56401
41300752	09164007004Z009	CITY OF BR BURGSTALER, JAMES B & AURORA	404 4TH AVE NE	BRAINERD MN 56401			323 19TH ST SE	BRAINERD	56401
41300743	91810010010009	CITY OF BR DEASON, CARY L & STACY M	11171 TOWN HALL ST	BRAINERD MN 56401			1712 LAUREL ST	BRAINERD	56401
41300742	09181001002Z009	CITY OF BR SWARTOUT, SAMUEL J & CHRISTY C	1708 LAUREL ST	BRAINERD MN 56401			1708 LAUREL ST	BRAINERD	56401
41300741	91810010040009	CITY OF BR JM ANDERSON PROPERTIES LLC	23226 ANDERSON BLVD	MERRIFIELD MN 56465			1701 MAPLE ST	BRAINERD	56401
41300740	91810010050009	CITY OF BR ONUKHOVSKA, MARIYA	1705 MAPLE ST	BRAINERD MN 56401			1705 MAPLE ST	BRAINERD	56401
41300739	91810010060009	CITY OF BR LIND, DAN RUSSELL	1709 MAPLE ST	BRAINERD MN 56401			1709 MAPLE ST	BRAINERD	56401
41300738	91810020010009	CITY OF BR BOURASSA, KURT C	1614 LAUREL SE	BRAINERD MN 56401				0 BRAINERD	56401
41300737	09181002002Z009	CITY OF BR BOURASSA, KURT C & JANICE N	1614 LAUREL ST	BRAINERD, MN 56401			1614 LAUREL ST	BRAINERD	56401
41300736	91810020040009	CITY OF BR BOURASSA, KURT C & JANICE N	1614 LAUREL ST	BRAINERD, MN 56401					
41300735	09181002005Z009	CITY OF BR BURGSTALER, JAMES B & AURORA	404 4TH AVE NE	BRAINERD MN 56401			1602 LAUREL ST	BRAINERD	56401
41300734	91810020070009	CITY OF BR METZ, BRYANT	1601 MAPLE ST	BRAINERD MN 56401			1601 MAPLE ST	BRAINERD	56401
41300733	09181002008Z009	CITY OF BR PUERINGER, DAVID F PUERINGER IN	616 1/2 FRONT ST	BRAINERD, MN 56401			1613 MAPLE ST	BRAINERD	56401
41300732	91810020100009	CITY OF BR BURGSTALER, JAMES B & AURORA	404 4TH AVE NE	BRAINERD MN 56401				0 BRAINERD	56401
41300731	91810020110009	CITY OF BR BEMENT, HARRY & ARLISS	11279 ASH AVE	BRAINERD, MN 56401			1617 MAPLE ST	BRAINERD	56401
41300730	91810020120009	CITY OF BR BURGSTALER, JAMES B & AURORA	404 4TH AVE NE	BRAINERD MN 56401				0 BRAINERD	56401
41300729	09181003001A009	CITY OF BR WENDEL PROPERTIES LLC	17122 STATE HWY 371	BRAINERD, MN 56401			314 SE 16TH ST	BRAINERD	56401
41300728	09181003001B009	CITY OF BR KOUBA, AMY	C/O WEICHERT REALTY	17122 STATE HIGHWAY 371	BRAINERD MN 56401		312 SE 16TH ST	BRAINERD	56401
41300727	09181003001Z009	CITY OF BR WOODEN, TODD WAYNE	1522 LAUREL ST	BRAINERD, MN 56401			1522 LAUREL ST	BRAINERD	56401
41300726	09181003003Z009	CITY OF BR LARSON, GREGORY J & MICHELE L	11348 SORENSON LAKE RD	MERRIFIELD, MN 56465				0 BRAINERD	56401
41300725	91810030050009	CITY OF BR DEGEN, MICHAEL	10935 GULL LAKE RD	EAST GULL LAKE, MN 56401			1506 LAUREL ST	BRAINERD	56401
41300724	91810030060009	CITY OF BR BENNETT, DAVID J & WEDNESDAY	303 15TH ST SE	BRAINERD, MN 56401			303 15TH ST SE	BRAINERD	56401
41300723	91810030070009	CITY OF BR KEMP, PAUL D JR & HEATHYR K	1503 MAPLE ST	BRAINERD MN 56401				0 BRAINERD	56401
41300722	09181003008Z009	CITY OF BR LAKES AREA HABITAT FOR HUMANIT	PO BOX 234	1110 WRIGHT STREET	BRAINERD, MN 56401			0 BAXTER	56425
41300721	09181003011Z009	CITY OF BR MATTEN, JOLEEN R	1521 MAPLE ST	BRAINERD, MN 56401				0 BAXTER	56425
41300720	09181003012A009	CITY OF BR PRIMROSE, JODI F	316 16TH ST SE	BRAINERD, MN 56401					
41300719	09181004001Y009	CITY OF BR COLVIN, MELODY	302 15TH ST SE	BRAINERD MN 56401			302 15TH ST SE	BRAINERD	56401
41300718	09181004001Z009	CITY OF BR TAX FORFEITED	CROW WING COUNTY LAND SERV	322 LAUREL ST STE 15	BRAINERD, MN 56401-3590		308 15TH ST SE	BRAINERD	56401
41300717	09181004003Z009	CITY OF BR STEDIN PROPERTIES LLC	12995 17TH AVE SW	BRAINERD, MN 56401			1408 LAUREL ST	BRAINERD	56401
41300716	09181004005Z009	CITY OF BR PORT OF CROW WING, COUNTY	115 1ST ST N	PO BOX 488	BRAINERD, MN 56401		1406 LAUREL ST	BRAINERD	56401
41300715	09181004010Z009	CITY OF BR CLUEVER CONSTRUCTION INC	12674 KNOLLWOOD DR	BAXTER MN 56425					
41300714	91810040110009	CITY OF BR PUERINGER, DAVID F	616 1/2 FRONT ST	BRAINERD MN 56401			316 15TH ST	BRAINERD	56401
41300713	09181005001Z009	CITY OF BR ANDERSON, KAYLA D	308 14TH ST SE	BRAINERD, MN 56401			308 14TH ST SE	BRAINERD	56401
41300712	09181005005Y009	CITY OF BR HAMM, DANIEL	22137 BLUEGILL RD	IRONTON, MN 56455			1307 MAPLE ST	BRAINERD	56401
41300711	91810050090009	CITY OF BR LARSON, GREGORY & MICHELE	11348 SORENSON LAKE RD	MERRIFIELD, MN 56465				0 BRAINERD	56401
41300710	91810050100009	CITY OF BR LARSON, GREGORY & MICHELE	11348 SORENSON LAKE RD	MERRIFIELD, MN 56465			1315 MAPLE ST	BRAINERD	56401
41300709	09181005011Y009	CITY OF BR HILL, VERNETTE J	318 14TH ST SE	BRAINERD MN 56401			318 14TH ST SE	BRAINERD	56401
41300708	09181005011Z009	CITY OF BR BRITTON, BARBARA L & LEROY A	324 14TH ST SE	BRAINERD, MN 56401			324 14TH ST SE	BRAINERD	56401

41300707 91810060010009	CITY OF BR RZ HOLDINGS LLC	13263 COUNTY ROAD 23	BRAINERD, MN 56401-5048	1224 LAUREL ST	BRAINERD	56401
41300706 91810060020009	CITY OF BR WILT, DAVID A & JOYCE I & RICHARD	5389 PIONEER TRL	BRAINERD MN 56401	1218 LAUREL ST	BRAINERD	56401
41300705 09181006003Y009	CITY OF BR RZ HOLDINGS LLC	13263 COUNTY ROAD 23	BRAINERD, MN 56401-5048	1216 LAUREL ST	BRAINERD	56401
41300704 09181006003Z009	CITY OF BR HALL, KATHRYN	1212 LAUREL ST	BRAINERD, MN 56401	1212 LAUREL ST	BRAINERD	56401
41300703 91810060050009	CITY OF BR ZEBROSKI, RICHARD J	1208 LAUREL ST	BRAINERD, MN 56401	1208 LAUREL ST	BRAINERD	56401
41300702 91810060060009	CITY OF BR KUHN, DALE P & DEBRA L	10154 DEPOT ST	BRAINERD, MN 56401	1202 LAUREL ST	BRAINERD	56401
41300701 91810060070009	CITY OF BR YDE, DAVID E	1310 PORTLAND AVE	BRAINERD MN 56401	1201 MAPLE ST	BRAINERD	56401
41300700 91810060080009	CITY OF BR JM ANDERSON PROPERTIES LLC	23226 ANDERSON BLVD	MERRIFIELD MN 56465	1205 MAPLE ST	BRAINERD	56401
41300699 91810060090009	CITY OF BR LEFLER, MICHAEL T & LAURA R	1209 MAPLE ST	BRAINERD MN 56401	1209 MAPLE ST	BRAINERD	56401
41300698 91810060100009	CITY OF BR LENDTVEDT, STEVEN	6203 FAIRFAX COURT	BAXTER, MN 56425	1215 MAPLE ST	BRAINERD	56401
41300697 91810060110009	CITY OF BR MASONIC TEMPLE ASSOC OF BRD IN P O BOX 81		BRAINERD, MN 56401	1221 MAPLE ST	BRAINERD	56401
41300696 91810060120009	CITY OF BR ENDRES, ALEC & KAYLA PIERZINSKI	1223 MAPLE ST	BRAINERD, MN 56401	1223 MAPLE ST	BRAINERD	56401
41300557 92740010010009	CITY OF BR NORTHERN PACIFIC CENTER LLC	1511 NORTHERN PACIFIC RD	BRAINERD MN 56401	101 13TH ST SE	BRAINERD	56401

\$46
city
work

CERTIFICATION OF CONDITIONAL USE PERMIT

STATE OF MINNESOTA)
COUNTY OF CROW WING) ss.
CITY OF BRAINERD)

A Special Meeting of the City Council of the City of Brainerd, Minnesota, was duly held at the Brainerd City Hall Chambers on the 2^{3rd} day of May, 2016 at 6:00 P.M.

Upon roll call, the following members were noted present: Johnson, Borkenhagen, Hilgart, Koep, Pritschet, Bevans and Scheeler. Mayor Menk was also noted as present

Conditional Use Permit – Roundhouse Brewery, 1551 Northern Pacific Road, Brainerd, MN 56401, for an Exterior Patio Adjacent to Unit to be used for Outdoor Seating and Alcohol Service – Approved

0

Lot 1 Block 1 Northern Pacific Center

P.I.N. # 092740010010009

Findings-of-Fact:

1. The property is zoned MU (Mixed Use) District and patios and outdoor seating and alcohol service are permitted conditional uses in the district.
2. The NP Center is approximately 48 acres.
3. The patio is 50' x 12' = 600 sq. ft. with a concrete floor. The taproom area is 98' x 43' = 4,214 sq. ft. The patio area can be up to 1,264 sq. ft.
4. The patio will be located in the NP Center court yard. It will be buffered from the residential areas to the south by a 500 ft. long 2 story NP Center building. The dwellings on the other side of the building are 630 ft away from the patio.
5. The patio is over 600 ft. from 13th Street S.
6. There is industrial property to the north, vacant land to the east and west.
7. The patio will only be accessible from within the building. A 4 ft. tall aluminum rail fence will be installed around the perimeter. The fence will have a security latch on the gate openable only from within the patio.
8. A patio layout identifies 8 picnic tables and 2 trash cans.
9. The patio egress is an emergency exit and provides and a direct access to the gate is required. The patio table layout depicts a direct access to the gate.
10. A 93 space parking lot is under construction for use by NP Center visitors and staff.
11. The Comprehensive Plan Goals and Strategies support the Conditional Use:

ECONOMIC DEVELOPMENT

GOAL: *Support the development of a strong, diversified, and growing economic base and create a favorable climate for economic development and ongoing business activities.*

Strategies

- Actively promote development and redevelopment within the community...
- Strengthen and maintain a diverse retail base...

LAND USE

GOAL #5: *Support development that enhances community character and identity.*

Strategy

Support the redevelopment of vacant and abandoned sites within the urban core.

12. The President of the Brewery was present at the meeting and answered questions of the Commission.

Condition:

1. The perimeter fence gate security latch must be approved by the Fire Department and the Building Department.

MOVED AND SECONDED BY ALDERMEN KOEP AND PRITSCHET, DULY CARRIED, TO APPROVE THE CONDITIONAL USE PERMIT APPLIED FOR BY ROUNDHOUSE BREWERY, 1551 NORTHERN PACIFIC CENTER, FOR OUTDOOR PATIO SEATING AND ALCOHOL SERVICE BASED ON THE 12 FINDINGS-OF FACT, 1 CONDITION AND THE RECOMMENDATION OF THE PLANNING COMMISSION.


JIM THOREEN
City Administrator

(SEAL)

**OFFICE OF COUNTY RECORDER
CROW WING COUNTY, MINNESOTA**

DOCUMENT A- 875401

RECORDED ON:

June 29, 2016 1:34 PM

MARK B. LIEDL

CROW WING COUNTY RECORDER

BY: TD

RETURN TO: **BRAINERD, CITY OF
501 LAUREL STREET
BRAINERD, MN 56401**

**FEE: \$46.00
PAGES: 2**

May 26, 2016



www.ci.brainerd.mn.us

Mr. Mark Lelwica
Roundhouse Brewery
1551 Northern Pacific Center
Brainerd, MN 56401

Dear Mr. Lelwica:

At its May 23, 2016 special meeting, the Brainerd City Council approved the Conditional Use Permit for a 12'x50' patio to be built directly adjacent to the Roundhouse Brewery. The approval is subject to the perimeter fence gate security latch being approved by the City's Fire and Building Departments. An extension of premises license was also approved allowing outdoor alcohol service through June 30, 2016. Effective July 1, 2017, the 2016-2017 On-Sale Taproom License (inclusive of patio area) will be valid.

A copy of the approved Conditional Use Permit will be filed with the County Recorder's Office. You will receive a copy when that has occurred. It may take a few weeks for the filing process to be completed.

If you have any questions do not hesitate to contact me. Good luck with this project.

Cordially,

Mark Ostgarden AICP
City Planner

CC: Mr. David Hutton, Property Owner
City of Brainerd Fire and Building Departments

Brainerd, MN
May 23, 2016

Pursuant to due call and notice thereof, the Special Meeting of the Brainerd City Council was called to order at 6:00 P.M. by Council President Scheeler.

Upon roll call, the following members were noted present: Johnson, Borkenhagen, Hilgart, Koep, Pritschet, Bevans and Scheeler. Mayor Menk was also noted as present.

The Chair opened the meeting with the Pledge of Allegiance to the Flag.

Temporary Liquor License – Submitted by the Crossing Arts Alliance for an Event to be held on June 10, 2016 at the Franklin Art Center, 1001 Kingwood Street, STE 114, Brainerd – Approved

MOVED AND SECONDED BY ALDERMEN KOEP AND PRITSCHET, DULY CARRIED, TO APPROVE THE TEMPORARY LIQUOR LICENSE AS SUBMITTED BY THE TEMPORARY LIQUOR LICENSE – SUBMITTED BY THE CROSSING ARTS ALLIANCE FOR AN EVENT TO BE HELD ON JUNE 10, 2016 AT THE FRANKLIN ART CENTER, 1001 KINGWOOD STREET, STE 114, BRAINERD.

Roundhouse Brewery, 1551 Northern Pacific Road, Brainerd – Conditional Use Permit to Allow Outdoor Patio Seating & Alcohol Service and Extension of Premises to Allow Alcohol Service on Patio from May 23, 2016 through June 30, 2016 – Approved

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND JOHNSON, DULY CARRIED, TO APPROVE THE CUP TO ALLOW OUTDOOR PATIO SEATING AND ALCOHOL SERVICE AS APPLIED FOR BY ROUNDHOUSE BREWERY, 1551 NORTHERN PACIFIC ROAD, BRAINERD.

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND JOHNSON, DULY CARRIED, TO APPROVE THE EXTENSION OF PREMISES TO ALLOW ALCOHOL SERVICE ON PATIO FROM MAY 23, 2016 THROUGH JUNE 30, 2016 AS APPLIED FOR BY ROUNDHOUSE BREWERY, 1551 NORTHERN PACIFIC ROAD, BRAINERD.

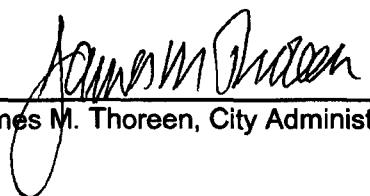
Community Service Officer Resignation & Request to Hire – Accept Resignation of CSO Halverson and Authorize Hiring of Replacement – Approved

MOVED AND SECONDED BY ALDERMEN KOEP AND PRITSCHET, DULY CARRIED, TO ACCEPT WITH REGRET THE RESIGNATION OF CSO HALVERSON AND AUTHORIZE THE HIRING OF A REPLACEMENT.

Adjourn – To Informal Session to discuss the Brainerd Oaks/Serene Pines/Dal Mar Estates Offer – Discussion Item

Adjourn

The Chair adjourned the meeting at 7:30 P.M.


James M. Thoreen, City Administrator



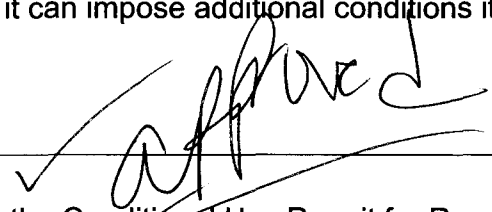
Brainerd City Council Agenda Request

#4

Agenda Item #

Requested Meeting Date: May 23, 2016 Special Meeting

Title of Item: Roundhouse Brewery CUP for Outdoor Patio Seating & Alcohol Service

☐ 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 *provide copy of published hearing notice
Submitted by: Mark Ostgarden	Department: Planning
Presenter (Name & Title): Same	Estimated Time Needed: 5 Minutes
Summary of Issue: Roundhouse Brewery desires an outdoor patio for outdoor seating and alcohol service. The Planning Commission recommended approval with one condition: The perimeter fence gate security latch be approved by the Fire Department and Building Department. Attached please find the DRAFT minutes from the May 18, 2016 Planning Commission meeting at which this recommendation was made unanimously.	
Alternatives, Options, Effects on Others/Comments: 1. Deny the request which will mean a patio cannot be constructed. 2. Approve the request as recommended by the Planning Commission. 3. Should the City Council have concerns about the use, it can impose additional conditions it thinks necessary to protect the public health, safety and welfare. 	
Recommended Action/Motion: Motion by _____, second by _____ to approve the Conditional Use Permit for Roundhouse Brewery, 1551 Northern Pacific Center. for outdoor patio seating and alcohol service subject to: The perimeter fence gate security latch be approved by the Fire Department and Building Department.	
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>	

CONDITIONAL USE PERMIT
STAFF REPORT TO THE PLANNING COMMISSION
May 10, 2016

APPLICANT/LOCATION: David Hutton, 6316 Halifax Ave. S.; Minneapolis MN 55425 on behalf of Roundhouse Brewery (Mark Lelwica) 1551 Northern Pacific Center; Brainerd, MN 56401

Proposed Use: Outdoor patio for the new Roundhouse Brewery

AREA: Patio area is 50' x 12' = 600 sq. ft.

CURRENT ZONING: MU (Mixed Use) District

ADJACENT USES: North: Industrial across the railroad tracks
East: Vacant (wetlands)
South: Residential uses beyond the NP Center building along the south property line.
West: Vacant railroad land across 13th Street

ADJACENT ZONING: North: I-2 (General Industry) District
East: I-2 (General Industry) District
South: R-2 (Medium Density Residential) District
West: I-2 (General Industry) District

PETITION EVALUATION

Roundhouse Brewery desires an outdoor customer patio that will be 50' x 12' (600sq. ft.) in area. The attached aerial of the NP Center depicts the location of the brewery and patio.

Criteria for Granting Conditional Use Permits. In granting a Conditional Use Permit, the City Council shall consider the advice and recommendations of the Planning Commission and the effect of the proposed use upon the health, safety, morals and general welfare of occupants or surrounding lands. Among other things, the City Council shall make the following findings where applicable.

1. **The proposed use conforms to the district and conditional use provisions and all general regulations of this Ordinance.**
See Planning Department comments on page 5.

2. The proposed use meets all special standards which may apply to its class of conditional uses as set forth in this section.

Following are the special standards for this class of conditional use:

1. The applicant submits a site plan in accord with Section 5 of this Ordinance that includes information demonstrating the location and type of all tables, refuse receptacles, and wait stations.
The Roundhouse owner has been asked to submit the location of the tables and refuse container.
2. Access shall be provided only via the principal building.
Patio access will be provided from the taproom.
3. The size of the area is restricted to thirty (30) percent of the total customer floor area within the principal structure.
The taproom area is 98' x 43' = 4,214 sq. ft. The patio area can be up to 1,264 sq. ft.
4. The area is screened from view from adjacent residential uses in accordance with Section 20 of this Ordinance.
The building of the NP Center screens the patio from residential uses to the south.
5. All lighting shall be hooded and directed away from adjacent residential uses in accordance with Section 18 of this Ordinance.
There are no residential uses in the vicinity of the patio.
6. The applicant demonstrates that pedestrian circulation is not disrupted as a result of the area by providing the following:
 - a. Minimum clear passage zone for pedestrians at the perimeter of the restaurant shall be at least five (5) feet without interference from parked motor vehicles, bollards, trees, tree gates, curbs, stairways, trash receptacles, street lights, parking meters, or the like.
 - b. Over story canopy of trees, umbrellas or other structures extending into the pedestrian clear passage zone or pedestrian aisle shall have a minimum clearance of seven (7) feet above sidewalk.
7. The area is surfaced with concrete, bituminous, decorative pavers or may consist of a deck with wood or other flooring material that provides a clean, attractive, and functional surface.
A concrete surface for the patio will be provided.
8. Storage of furniture shall not be permitted outdoors between November 1 and March 31. Outdoor furniture that is immovable or permanently fixed or attached to the sidewalk shall not be subject to the storage prohibition of this section. However, any immovable or permanently fixed or attached furniture shall be approved as part of the conditional use permit application.

9. Additional off-street parking may be required pursuant to the requirements set forth in Section 22 of this Ordinance based on the additional seating area provided by the area.
 10. Closed lid refuse containers are to be provided.
 11. So as to deter the free passage of any person or substance beyond the barriers of the non-enclosed areas, a barrier at a minimum of thirty-six (36) inches made of wood, vinyl, wrought iron, brick or natural stone, planters or other approved material shall be provided.

A 4' tall iron rail fence will be installed around the perimeter of the patio. It will have a gate with a latch that can only be operated from the inside. Barrier Openings shall be spaced such that visibility is allowed but the passage of an alcoholic beverage through an opening to a person that is not within the non-enclosed area is prohibited.
 12. The primary access and egress will be from the main premises or structure and no other access or egress will be allowed other than those required as emergency exits. The outdoor sale area will be defined or structurally constructed so as to prohibit the free passage of any person or substance beyond said area.
 13. Smoking in the area, if allowed by the business owner, is permitted provided the area is in compliance with the Minnesota Freedom to Breathe Act of 2007.
 14. The Building Official shall review the suitability of the area in light of the applicable fire, building, and life safety codes and the adequacy of the proposal to provide for the safety of persons on the premises.
 15. There shall be no amplified live music allowed in the area except in the case of special event, which requires a permit from the City. Music shall be kept to a level that is not intrusive to surrounding property.
 16. All licenses required for serving alcohol specified in city code Chapter XIII shall be obtained.
3. **The proposed use shall not involve any element or cause any condition that may be dangerous, injurious, or noxious to any other property or persons.**

The proposed use should not create any conditions as listed above.
 4. **The proposed use shall be sited, oriented and landscaped to produce a harmonious relationship of buildings and grounds to adjacent buildings and properties.**

The iron rail fence around the patio will help create a harmonious relationship with adjacent buildings and properties.

5. **The proposed use shall produce a total visual impression and environment which is consistent with the environment of the neighborhood.**

The patio is located within the confines of the NP Center. The "neighborhood" would be the facility "courtyard." There is no impact positively or negatively on the environment and neighborhood.

6. **The proposed use shall organize vehicular access and parking to minimize traffic congestion in the neighborhood.**

A 93 stall parking lot to serve the brewery and taproom and other NP Center uses is under construction. A copy of the parking lot layout is attached.

7. **The proposed use shall preserve the objectives of this Ordinance and shall be consistent with the Comprehensive Plan.**

The Zoning Ordinance Purpose and Intents is to:

- *Protect neighborhoods.*
- *Promote orderly development and redevelopment of land for residential, commercial, industrial, recreational and public areas.*
- *Provide for compatibility of different land uses.*

The Comprehensive Plan Goals and Strategies support the Conditional Use:

ECONOMIC DEVELOPMENT

GOAL: *Support the development of a strong, diversified, and growing economic base and create a favorable climate for economic development and ongoing business activities.*

Strategies

- Actively promote development and redevelopment within the community...
- Strengthen and maintain a diverse retail base...

LAND USE

GOAL #5: *Support development that enhances community character and identity.*

Strategy

Support the redevelopment of vacant and abandoned sites within the urban core.

STAFF COMMENTS

Building

- Building Department will need a plan with some detail.
- The door to the patio is a required exit, so detail on the type of hardware for the exit gate.
- A floor plan showing the seating arrangement (fixed or not) allowing egress path to the gate.
- Is the patio the same height as the brewery floor or is there going to be a step?

BPU

No issues.

Engineering

No issues.

Fire

I told him that if they were doing a patio they need to make sure the fence gates have exit hardware for the egress issues.

The building is exiting to the patio so we need to make sure they will have clear exit paths and some type of panic hardware on the patio fence gates.

Police

No issues.

Planning Department

With the exception of information about tables and a refuse container, the proposal meets all of the Zoning Ordinance standards and the specific standards listed for outdoor seating and alcohol service.

PLANNING COMMISSION AND CITY COUNCIL ACTION

The Planning Commission can consider a recommendation at the special meeting on Wednesday May 18, 2016. The City Council can consider the Planning Commission recommendation at it has agreed to consider the request at its Monday June 6, 2016 meeting

Respectfully submitted,



Mark Ostgarden AICP
City Planner

April 25, 2016[Pick the date]

• • •

Mark Lelwica
Roundhouse Brewery
1551 Northern Pacific Rd

City of Brainerd Planning Commission
Brainerd, MN 56401

Dear Commission,

Roundhouse Brewery would like to propose adding a patio for outdoor seating to our unit within the Northern Pacific Center. We plan to add a 50'x12' patio centered around our patio door, as shown in attached diagram. We will add a 3' to 4' fence around the perimeter of the patio. There will also be a gate directly opposite the door to the building allowing exit from the patio without building re-entry.

Please consider this proposal and report t me as soon as possible.

A handwritten signature in black ink, appearing to read 'Mark Lelwica', with a long horizontal flourish extending to the right.

Mark Lelwica
President
Roundhouse Brewery

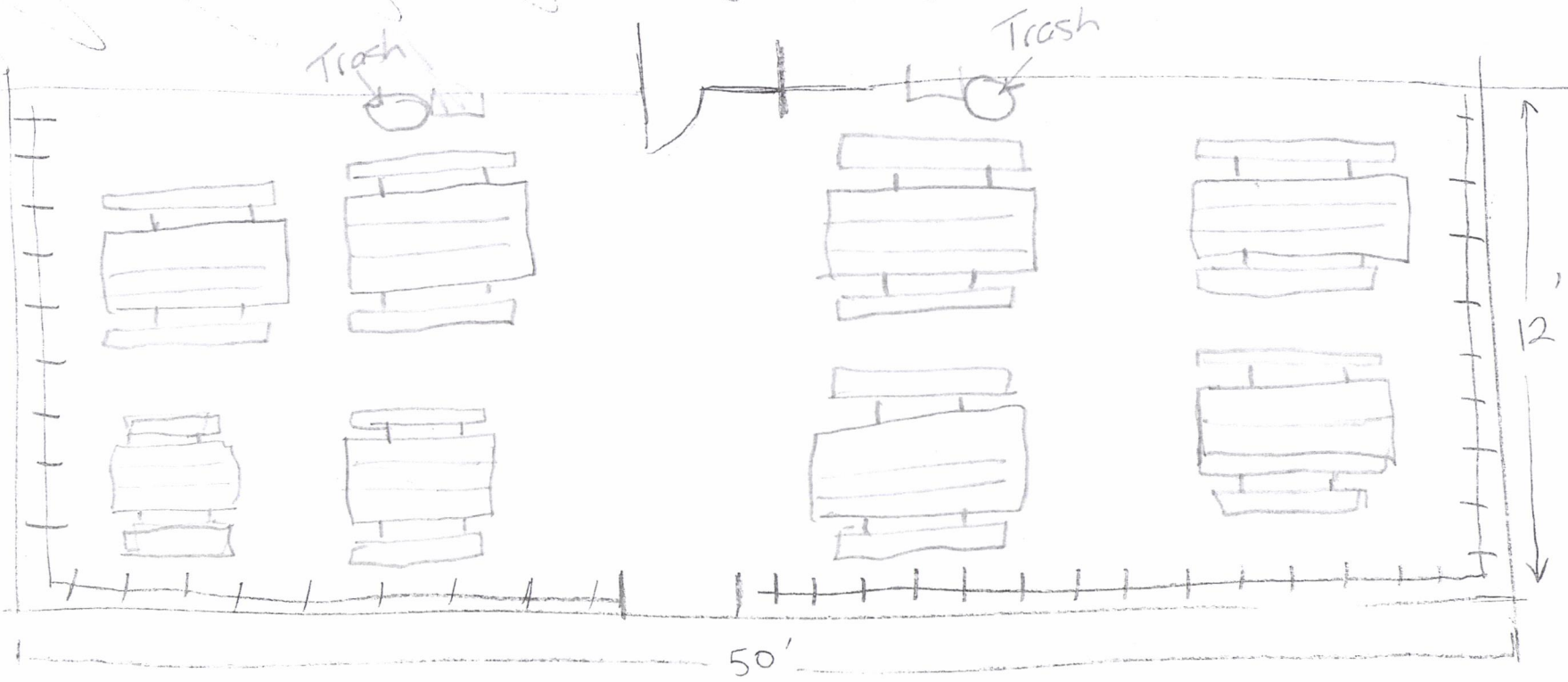


Google earth

feet 100
meters 40



1551 N.P. CNTR



Submitted to the
Planning Commission
on 5/19/16

4'H x 6'W Belleville Spear Top Aluminum

- Powder-coated black aluminum
- Maintenance free
- 4'H x 4'W arched gate available special order (171-6755)
- Designed for 6' on center installation
- Posts sold separately (171-6715)

64⁹⁹
each panel

**Preassembled
Fence Panel**

4'6"H x 6'W

- Powder-coated black al
- Maintenance free
- 4'6"H x 4'W arched gate special order (171-672
- Designed for 6' on cen
- Posts sold separately

Client:

CITY OF BRAINERD

Account # 316123 Ad # 2313095

Phone: (218) 828-2307

Fax:

Address: 501 LAUREL STREET
BRAINERD, MN 56401

Sales Rep.:

3804 Ann Windorski

Phone: (218) 855-5804

Fax:

Email: ann.windorski@brainerddispatch.com

Class.: 9960 MINNESOTA LEGALS

Requested By:

Start Date: 05/06/2016

End Date: 05/06/2016

Nb. of Inserts: 2

Dimensions: 1 col. x 3.25 Inches

Publications: Brainerd Dispatch
brainerddispatch.com

Total Price: \$40.43

Paid Amount: \$0.00

Balance: \$40.43

Page 1 of 1

(Published in the Brainerd Dispatch,
May 6, 2016, 1t.)

NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that David Hutton, owner of the Northern Pacific Center has applied on behalf of Roundhouse Brewery, 1551 Northern Pacific Center, Brainerd, MN 56401, for a Conditional Use Permit for Roundhouse Brewery to have an exterior patio adjacent to the brewery for outdoor seating and alcohol service.

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., May 18, 2016, to consider the request for the Conditional Use Permit.

A copy of the application is on file for review at the City Planning Department, 501 Laurel Street.

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

Dated this 2nd day of May, 2016
Mark Ostgarden AICP
City Planner

NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that David Hutton, owner of the Northern Pacific Center has applied on behalf of Roundhouse Brewery, 1551 Northern Pacific Center, Brainerd, MN 56401, for a Conditional Use Permit for Roundhouse Brewery to have an exterior patio adjacent to the brewery for outdoor seating and alcohol service.

The property is located in a MU (Mixed Use) District and Zoning Ordinance Section 515-72-2: Permitted Uses. reads that all uses allowed as permitted uses and conditional uses in B-4 (General Business) Districts are allowed in the MU District. Zoning Ordinance Section 515-63-6: B-4 (General Commercial) District Conditional Uses. F. allows non-enclosed areas for dining and/or serving alcohol when accessory to a restaurant and/or bar.

The property is legally described as follows:

Lot 1 Block 1 Northern Pacific Plat

P.I.N. # 092740010010009

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., May 18, 2016, to consider the request for the Conditional Use Permit.

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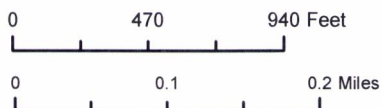
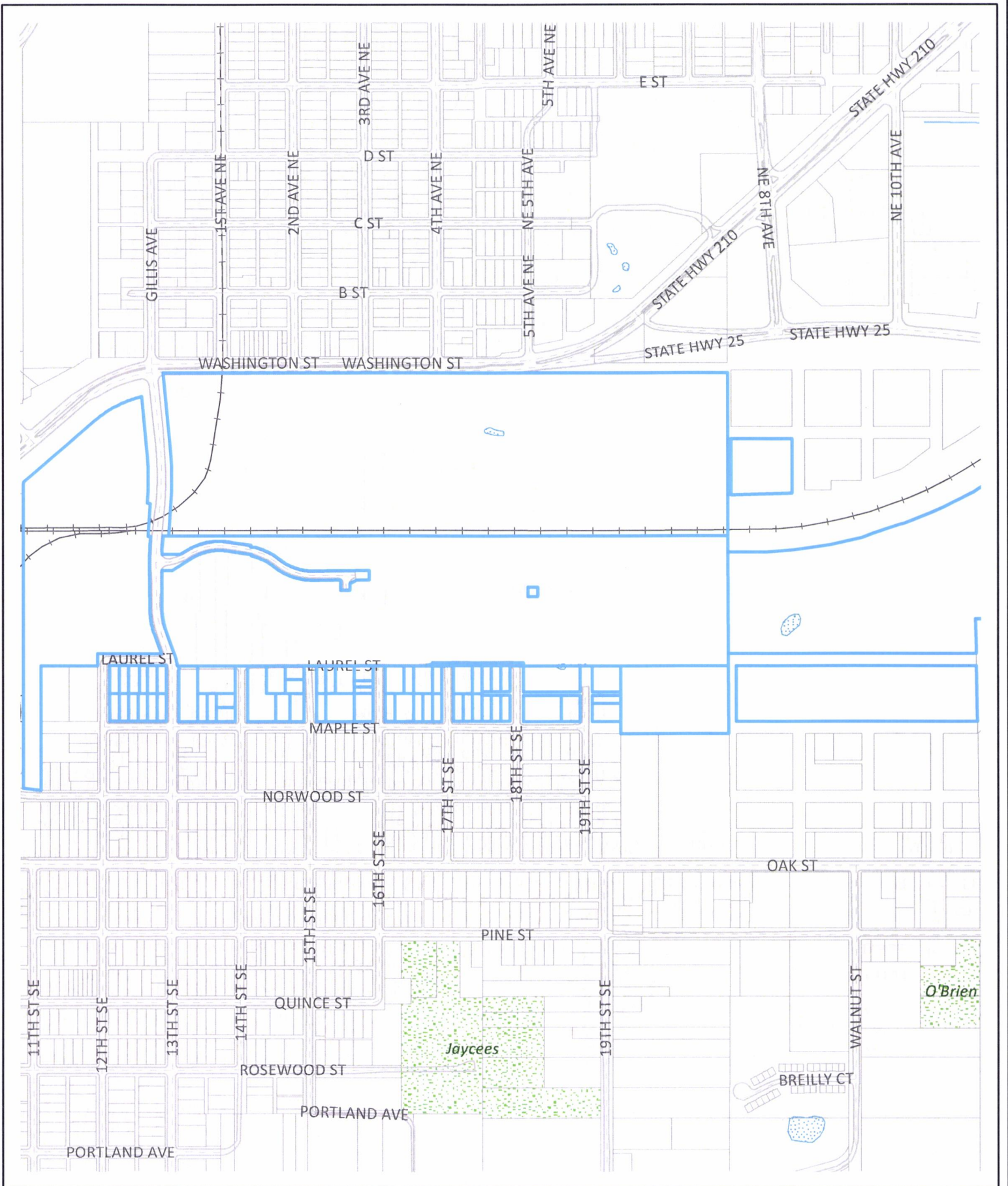
Dated this 3rd day of May, 2016

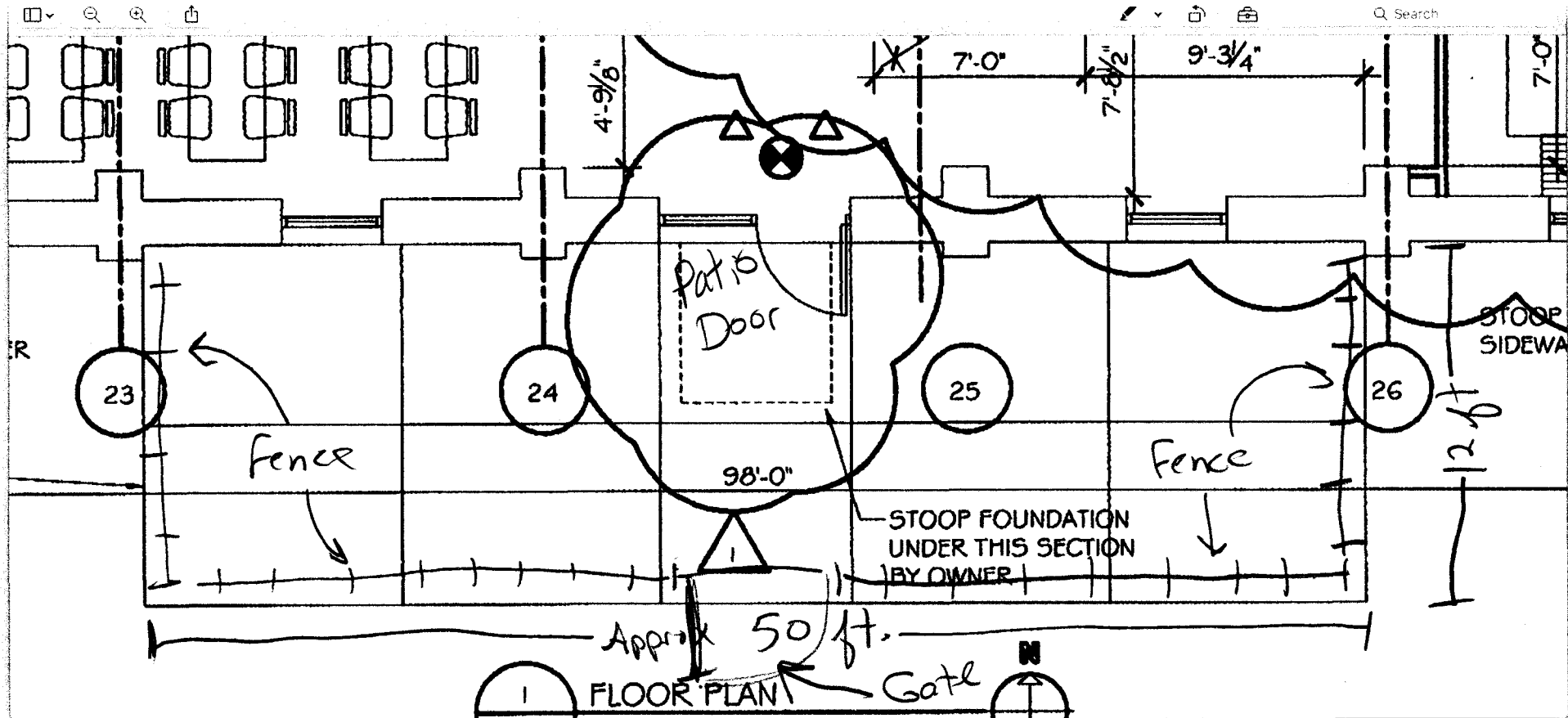

Mark Ostgarden AICP
City Planner

Publication date: May 6, 2016

APPRCL	TXNAME	TXADR1	TXADR2	PHYSADDR
09181004003Z009	ABEAR ENTERPRISES OF BRAINERD LLC	7217 EXCELSIOR RD STE 100	BAXTER MN 56425-8657	1408 LAUREL ST
050302200A00009	AMERICAN TOWER MANAGEMENT INC	P O BOX 723597	ATLANTA, GA 31139	
091810010040009	ANDERSON BRAINERD PROPERTIES LLC	23226 ANDERSON BLVD	MERRIFIELD, MN 56465	1701 MAPLE ST
091810060080009	ANDERSON BRAINERD PROPERTIES LLC	23226 ANDERSON BLVD	MERRIFIELD, MN 56465	1205 MAPLE ST
09181005001Z009	ANDERSON, KAYLA D	308 14TH ST SE	BRAINERD, MN 56401	308 14TH ST SE
091810020110009	BEMENT, HARRY S & ARLISS J	11279 ASH AVE	BRAINERD MN 56401	1617 MAPLE ST
091810030060009	BENNETT, DAVID J & WEDNESDAY	303 15TH ST SE	BRAINERD, MN 56401	303 15TH ST SE
091810020010009	BOURASSA, KURT C	1614 LAUREL SE	BRAINERD MN 56401	
091810020040009	BOURASSA, KURT C & JANICE N	1614 LAUREL ST	BRAINERD, MN 56401	
09181002002Z009	BOURASSA, KURT C & JANICE N	1614 LAUREL ST	BRAINERD, MN 56401	1614 LAUREL ST
09181005011Z009	BRITTON, BARBARA L & LEROY A	324 14TH ST SE	BRAINERD, MN 56401	324 14TH ST SE
09164007004X009	BURGSTALER, JAMES B & AURORA	404 4TH AVE NE	BRAINERD MN 56401	317 19TH ST SE
09164007004Z009	BURGSTALER, JAMES B & AURORA	404 4TH AVE NE	BRAINERD MN 56401	323 19TH ST SE
09164007001Z009	BURGSTALER, JAMES B & AURORA	404 4TH AVE NE	BRAINERD MN 56401	
091810020120009	BURGSTALER, JAMES B & AURORA	404 4TH AVE NE	BRAINERD MN 56401	
091640010060009	BURGSTALER, JAMES B & AURORA	404 4TH AVE NE	BRAINERD MN 56401	1715 MAPLE ST
09181002005Z009	BURGSTALER, JAMES B & AURORA	404 4TH AVE NE	BRAINERD MN 56401	1602 LAUREL ST
091810020100009	BURGSTALER, JAMES B & AURORA	404 4TH AVE NE	BRAINERD MN 56401	
09181001002Z009	CARLSON, BRIAN J & KAREN J KONTOS	1708 LAUREL ST	BRAINERD, MN 56401	1708 LAUREL ST
091810020070009	CHURCHILL, AMY & GARY	6283 ESTATE CIR DR	BRAINERD, MN 56401	1601 MAPLE ST
09119017000Z009	CITY OF BRAINERD	501 LAUREL ST	BRAINERD, MN 56401	
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09164006001Z009	CITY OF BRAINERD	501 LAUREL ST	BRAINERD, MN 56401	
09164006009Z009	CITY OF BRAINERD	501 LAUREL ST	BRAINERD, MN 56401	
09181004010Z009	CLUEVER CONSTRUCTION INC	12674 KNOLLWOOD DR	BAXTER MN 56425	
091640010030009	CULLINANE, JOHN	PO BOX 583	BRAINERD, MN 56401	1724 LAUREL ST
091810030050009	DEGEN, MICHAEL	10935 GULL RIVER RD	EAST GULL LAKE, MN 56401	1506 LAUREL ST
091810060090009	DONALD & DANIELLE ADDISON	1209 MAPLE ST	BRAINERD, MN 56401	1209 MAPLE ST
091810060120009	ENDRES, ALEC & KAYLA PIERZINSKI	1223 MAPLE ST	BRAINERD, MN 56401	1223 MAPLE ST
091640010010009	FUCHS, RONALD W & SANDRA	1716 LAUREL ST	BRAINERD MN 56401	1716 LAUREL ST
09181006003Z009	HALL, KATHRYN	2013 4TH ST SE	WADENA MN 56482	1212 LAUREL ST
09181005005Y009	HAMM, DANIEL	22137 BLUEGILL RD	IRONTON MN 56455	1307 MAPLE ST
09181004001Y009	HILL, DAVID S	15798 JORDAN RD	BRAINERD MN 56401	302 15TH ST SE
09181005011Y009	HILL, VERNETTE J	318 14TH ST SE	BRAINERD MN 56401	318 14TH ST SE

09181003001B009	KOUBA, AMY	312 SE 16TH ST	BRAINERD, MN 56401	312 SE 16TH ST
091810060060009	KUHN, DALE P & DEBRA L	10154 DEPOT ST	BRAINERD, MN 56401	1202 LAUREL ST
091810030070009	LAKES AREA HABITAT FOR HUMANITY	PO BOX 234	BRAINERD, MN 56401	
09181003008Z009	LAKES AREA HABITAT FOR HUMANITY	PO BOX 234	BRAINERD, MN 56401	
091810050100009	LARSON, GREGORY & MICHELE	11348 SORENSON LAKE RD	MERRIFIELD, MN 56465	1315 MAPLE ST
091810050090009	LARSON, GREGORY & MICHELE	11348 SORENSON LAKE RD	MERRIFIELD, MN 56465	
09181003003Z009	LARSON, GREGORY J & MICHELE L	11348 SORENSON LAKE RD	MERRIFIELD, MN 56465	
091810060100009	LENDTVEDT, STEVEN	6203 FAIRFAX COURT	BAXTER, MN 56425	1215 MAPLE ST
091810010060009	LIND, DAN RUSSELL	1709 MAPLE ST	BRAINERD MN 56401	1709 MAPLE ST
091810060110009	MASONIC TEMPLE ASSOC OF BRD INC	PO BOX 81	BRAINERD MN 56401	1221 MAPLE ST
09181003011Z009	MATTEN, JOLEEN R	1521 MAPLE ST	BRAINERD, MN 56401	
092740010010009	NORTHERN PACIFIC, CENTER INC	6316 HALIFAX AVE S	MINNEAPOLIS, MN 55424-1915	101 13TH ST SE
050302200Z00009	NORTHERN PACIFIC, CENTER INC	6316 HALIFAX AVE S	MINNEAPOLIS, MN 55424-1915	
091640010020009	PARKER, ROY C	1720 LAUREL ST	BRAINERD MN 56401	1720 LAUREL ST
091810010050009	PARKHILL, MATT	12965 243RD AVE	ZIMMERMAN, MN 55398	1705 MAPLE ST
09181004005Z009	PORT OF CROW WING, COUNTY	PO BOX 488	BRAINERD, MN 56401	1406 LAUREL ST
091810040110009	PUERINGER, DAVID F	616 1/2 FRONT ST	BRAINERD MN 56401	316 15TH ST
09181002008Z009	PUERINGER, DAVID F PUERINGER INVEST	616 1/2 FRONT ST	BRAINERD, MN 56401	1613 MAPLE ST
09181006003Y009	RZ HOLDINGS LLC	13263 COUNTY ROAD 23	BRAINERD MN 56401	1216 LAUREL ST
091810060010009	RZ HOLDINGS LLC	13263 COUNTY ROAD 23	BRAINERD, MN 56401-5048	1224 LAUREL ST
09164006007Z009	STEPHAN, ARDYCE & FORREST	1821 MAPLE ST	BRAINERD MN 56401	1821 MAPLE ST
09119006001Z009	TAX FORFEITED	326 LAUREL ST	BRAINERD, MN 56401-3590	
09181004001Z009	TAX FORFEITED	326 LAUREL ST	BRAINERD, MN 56401-3590	308 15TH ST SE
091640010040009	THRUGSTAD, DUANE E & LENORE	1717 MAPLE STR	BRAINERD MN 56401	314 18TH ST SE
091640010050009	THRUGSTAD, DUANE E & LENORE M	1717 MAPLE ST	BRAINERD MN 56401	1717 MAPLE ST
091810010010009	UNITY BANK	724 W WASHINGTON ST	BRAINERD MN 56401	1712 LAUREL ST
09181003001A009	WENDEL PROPERTIES LLC	17122 STATE HWY 371	BRAINERD, MN 56401	314 SE 16TH ST
091810060020009	WILT, DAVID A & JOYCE I & RICHARD E	5389 PIONEER TRL	BRAINERD MN 56401	1218 LAUREL ST
09181003001Z009	WOODEN, TODD WAYNE	1522 LAUREL ST	BRAINERD, MN 56401	1522 LAUREL ST
091810060070009	YDE, DAVID E	1310 PORTLAND AVE	BRAINERD MN 56401	1201 MAPLE ST
091810060050009	ZEBROSKI, RICHARD J	1208 LAUREL ST	BRAINERD, MN 56401	1208 LAUREL ST





Bionic Eye
 Cancer Gene Therapy
 The Seizure Stopper
 The Hepatitis Cure
 Heart Saving
 Airplane

One of the trends that concerns me is that many things have become more difficult to do because of increasing need for security. For example, money laundering regulations make it much more difficult for ordinary citizens to go about their business. Using the telephone has become much more fraught with the risks of cold calling telephone spam. Internet banking has grind to a halt with one character wrong in a random sequence password, with a five working day delay for a new one to be sent through the post. Cars can stop working because of a fault in the security system, and this can need a very expensive repair – “blackmail pricing” for a printed circuit board replacement. In the UK, if your car number plate falls off, identity regulations before you can get another one can leave you stranded for days unless you are willing to use your car illegally and risk it being confiscated. If Hitler could “look down”, he’d be laughing at us.

[Log in to Reply](#)



Robert Smith · 12 months ago

I agree with MMAATT78 where are the hardcore advances we would all like to see. Yes these things matter but we need to hear more about medical, energy generation & storage as well food & water security advances

[Log in to Reply](#)



Guy · 12 months ago

What I find most fascinating in this list is the acceleration embedded the list from the recent decade. Take the first 5 vs the latter half for the same organizations listed and we get a clear picture of how vast the opportunities are with shortened development cycles. Consider autonomy for example. Google's million miles is impressive to be sure. Add another 1.5M from rolling up all the miles across all manufacturers and consider that's a 100X improvement over human drivers today. By this time next year all the necessary programming will be on a single chip and high end sensors will be south of \$100. 5 years ago, we were talking \$35,000 each. These are truly amazing times to make a difference!

[Log in to Reply](#)

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CITY OF BRAINERD
501 LAUREL STREET
BRAINERD, MN 56401-
(218) 828-2309 FAX: (218) 828-2316

PERMIT NO.: 2016-00012

DATE ISSUED: 04/19/2016

ADDRESS : 1551 NORTHERN PACIFIC RD
PIN : T003034
LEGAL DESC : UNAVAILABLE
: LOT 0Z0 BLOCK 220
PERMIT TYPE : CONDITIONAL USE PERMIT FEE - COMM
PROPERTY TYPE : COMMERICAL
CONSTRUCTION TYPE : CONDITIONAL USE PERMIT

NOTE: A 12' X 50' PATIO TO BE BUILT DIRECTLY ADJACENT TO UNIT TO BE USED FOR OUTDOOR SEATING. FENCE WITH GATE TO BE INSTALLED FOR SEPARATION.

APPLICANT	
NORTHERN PACIFIC CENTER, INC. 6316 HALIFAX AVE S MINNEAPOLIS, MN 55424- (218) 851-8437	CONDITIONAL USE PERMIT FEE - COMM 400.00 TOTAL 400.00 Payment(s) CHECK 1022 400.00
OWNER	
NORTHERN PACIFIC CENTER, INC. 6316 HALIFAX AVE S MINNEAPOLIS, MN 55424-	
AGREEMENT AND SWORN STATEMENT I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not. The granting of a permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction or the performance of construction. _____ Signature of Applicant _____ Date This permit becomes null and void if construction authorized is not commenced within 180 days, or if construction is suspended for a period of 180 days at any time after work is commenced.	

SEPARATE PERMITS REQUIRED FOR WORK OTHER THAN DESCRIBED ABOVE.



City Planning Department

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

Receipt # 2016-00012
Check # 1022
Date Paid: 4-19-16

MJ

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: 1551 Northern Pacific Rd
LEGAL DESCRIPTION: Lot(s): 1 Block: 1 Addition: Northern Pacific Center
(attach description if lengthy)

Property Owner Name: David Hutton
Street Address: 6316 Halifax Ave S City: Mpls State: MN Zip Code: 55424
Phone Number: 612-986-2900 Fax: _____ E-mail: _____
Applicant Name: (If different than Property Owner) Roundhouse Brewery (Mark Lehwica)
Street Address: 1551 Northern Pacific Rd City: Brainerd State: MN Zip Code: 56401
Phone Number: 218-851-8437 Fax: _____ E-mail: mlehwica@gmail.com

Description of Request: A 12'x 50' patio to be built directly adjacent to unit to be used for outdoor seating. Fence with gate to be installed for separation

Rick Fargo for David Hutton
Property Owner Signature
Rick Fargo for David Hutton
(Please print name)
Mark Lehwica
Applicant Signature
Mark Lehwica
(Please print name)

4/15/16
Date
4/15/16
Date