

CITY COUNCIL AGENDA

Brainerd, Minnesota

November 7, 2019

7:30 P.M.

Crow Wing County Historic Courthouse

3rd Floor County Board Room

326 Laurel Street

SPECIAL CITY COUNCIL MEETING – 6:00 P.M.
TO SELECT THE CITY ADMINISTRATOR FINALISTS
At Crow Wing County Historic Courthouse

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

2. **Roll Call**

___ K. Stunek ___ D. Pritschet ___ K. Bevans ___ D. Badeaux

___ T. Erickson ___ J. Lambert ___ 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 October 21, 2019

Documents:

20191021_CC draft .pdf

B. **Approval Of Licenses**

Contractor Licenses - 1 - New; 2 - Renewals

Documents:

Contractor Licenses.pdf

C. **Department Activity Reports**

1. Fire Chief

2. Parks Director

Documents:

Fire Chief Report.pdf
Parks Director.pdf

6. **Presentations**

A. **Northland Arboretum Annual Report**

1. Northland Arboretum - Distributed At The Meeting

Documents:

Annual Report.pdf

B. **Region 5 Children's Museum**

Documents:

Region 5 Childrens Museum Proof of Conccent Presentation.pdf

7. **Council Committee Reports**

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

Documents:

201911104_SPW.pdf

1. Event Application - 5K For Mental Health Awareness

Documents:

Event Application - 5K for Mental Health Awareness.pdf

2. Event Application - Hometown Holiday Santa Stop And Tree Lighting

Documents:

Event Application - Hometown Holidays Santa Stop and Tree Lighting.pdf

3. Improvement 17-06, 17-07, And 18-05 - H Street And 10th Avenue NE Reconstruction Project And Sidewalk Improvements - Change Order 1

Documents:

Improvements 17-06, 17-07 and 18-05 - Change Order 1.pdf

4. Improvement 19-13 - SE Interceptor Replacement Project - Final Pay Estimate Number 1

Documents:

***Improvement 19-13 - SE Sanitary Interceptor Replacement
Project - Final Pay Estimate Number 1.pdf***

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

Documents:

2019-11-04_PF.pdf

1. Approval Of Bills & Payments To Contractors

<u>Contractor</u>	<u>IMP#</u>	<u>Project</u>	<u>Amount Paid</u>	<u>Contract Amount</u>
Tom's Backhoe	19-13	SE Sanitary Sewer	\$123,300	\$123,576
Baratto Bros.		Gregory Park Warming House	\$237,616	\$220,000

2. Police Officer Resignation And Request To Hire

Documents:

Police Officer Resignation and Request to Hire.pdf

**3. City Hall Remodel - Network Cabling And Door Access Control
(Security)**

Documents:

City Hall Remodel.pdf

4. Deferment Of Assessments

Documents:

Deferred Assessment.pdf

5. Parking Lots - Update

Documents:

Parking Lots Update.pdf

6. 2020 Budget And Levy - Set Workshop

Documents:

Budget and Levy.pdf

8. Unfinished Business

A. **Public Hearing And Resolution - Improvement 17-06 And 17-07 - H Street And 10th Avenue NE Reconstruction Project - Contested Assessments**

Documents:

PH and Res - Improvements 17-06 and 17-07 - H Street and 10th Avenue NE Reconstruction - Constested Assessments.pdf

B. **Public Hearing And Resolution - Nuisances - Contested Assessments**

Documents:

PH and Resolution - Nuisances - Contested Assessments.pdf

C. **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 - 1 term (Expire 2019) - 2 terms (Expire 2021)

Charter Commission - 2 terms (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)

9. New Business

A. **Appoint Council Liaison - Fire Advisory Board And Transportation Advisory Committee (TAC)**

Documents:

Appoint Council Liaison for Fire Advisory Board and TAC.pdf

B. **Call For Public Hearing For Discussion On The Implementation And Progress Of The Small Cities Development Program (SCDP) Grant CDAP-17-0019-O-FY18**

Documents:

Call for Grant Public Hearing.pdf

C. Industrial Park Lots Sale Procedure

Documents:

Industrial Park Lots Sale Procedure - Recommendation to Council.pdf

10. Planning Commission

A. **Final Reading - Proposed Ordinance No. 1500 - Rezoning 11349 Easy Street - City Administrator Thoreen Recommends To Dispense With The Actual Reading**

- a. Hold Final Reading/Dispense with Reading (Voice Vote)
- b. Adopt Ordinance (Roll Call)

Documents:

Final Reading - Proposed Ordinance No. 1500 - Rezoning 11349 Easy St..pdf

11. Public Forum

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

12. Staff Reports

(Verbal: Any Updates since Packet)

13. Council Member Reports

14. Adjourn

Note: Safety and Public Works Committee will meet at 7:00 p.m.
in the Board Room at the Crow Wing County Courthouse.
Personnel and Finance Committee will meet at 7:00 p.m.
in the Jinx Ferrari Room at the Crow Wing County Courthouse.

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

MISSION

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

**Brainerd, MN
October 21, 2019**

Council met at 6:30 p.m. for a closed session, pursuant to MN Statutes 13D.05 Subd. 3(B) for Attorney-Client Privilege to Discuss the IAFF V. City of Brainerd Lawsuit.

Adjourn at to regular meeting 7:00 p.m.

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: Lambert, Stunek, Pritschet, Bevans, Badeaux, Erickson and Johnson. Mayor Menk was also noted as present.

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

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT, DULY CARRIED, TO AMEND THE AGENDA BY ADDING ITEM "CITY MEETINGS AT THE COUNTY COURTHOUSE" TO NEW BUSINESS.

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

A. Approval of the Minutes of the Regular Meeting held on October 7, 2019 - Approved

B. Approval of Licenses - Approved

Contractor Licenses – 2 – New

C. Department Activity Reports - Approved

1. Police Chief
2. Finance Director

D. Adopt Resolution Accepting Donations & Contributions for the 3rd Quarter 2019 – Adopted by Resolution No. 56:19

E. Temporary On-Sale Liquor License Application – Submitted by the Crossing Arts Alliance for an Event to be Held November 8, 2019 at 711 Laurel Street, Brainerd – Approved

F. New Tobacco License and Fill Station License Applications – Submitted by Mid-Town Depot, 321 Washington Street, Brainerd – Contingent Upon Background Check and Fire Inspection - Approved

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

Community Member of the Month

Mayor Menk presented Mr. Mike Padgett with the Community of the Month award. He stated that Mr. Padgett is always volunteering his time in the community and has been teaching kids to ice skate for over 40 years in Gregory Park. He said the Park Board voted to recognize Mr. Padgett with a plaque at the dedication of the new warming house on October 19th, which will be displayed inside for all to see. He thanked Mr. Padgett for his hard work and dedication to the City of Brainerd.

Presentations

Brainerd Lakes Area Economic Development Corporation (BLAEDC) – Tyler Glynn

The Chair recognized Mr. Tyler Glynn, economic development officer for BLAEDC, who gave a brief review of the information he provided at the recent Economic Development Authority (EDA) meeting. He said the next BLAEDC quarterly meeting will take place on November 5, 2019 with updates on various events, such as the Destination Downtown Contest and the staff changes with the executive director leaving the company. He answered questions and thanked the Council for the opportunity to present.

Memorial Park Design Presentation

The Chair recognized Tony Sailer, Parks Director, who started by congratulating Mr. Mike Padgett for earning the Community of the Month award.

Parks Director Sailer stated the lease with Brainerd Industrial Center for the Mill Avenue parking lot will end March of 2021. He said the Council directed staff and the Park Board to work with Widseth Smith and Nolting on a design plan. He gave a brief review of the various ideas to move some of the facilities from Mill Avenue Park to Memorial Park, which includes two hockey rinks, one pleasure rink, adult softball field, youth softball field and warming house. He said staff submitted a request for an appraisal of the Memorial Park parking lot property, which will take several weeks to receive.

The Chair recognized Mr. Joe Dubel, engineer from WSN, who gave a Powerpoint presentation of the proposed design which includes plans for future development. He said this design would also eliminate the need to purchase the leased parking lot from BIC, as this plan would include a parking lot.

Council discussion took place and questions were answered.

Finance Director Hillman indicated she spoke to the bond council and municipal advisors regarding the project. She stated the project could be funded by General Obligation (GO) Tax Abatement Bonds.

MOVED AND SECONDED ALDERMEN BEVANS AND LAMBERT, DULY CARRIED, TO DIRECT STAFF AND PERSONNEL AND FINANCE COMMITTEE TO FINALIZE THE DETAILS ON THE PARKING LOT APPRAISAL AND RESEARCH THE BONDING OPTIONS AVAILABLE FOR THE MEMORIAL PARK DESIGN PROJECT.

Council Committee Reports

Personnel and Finance Committee Report

Approval of Bills & Payments to Contractors - Approved

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

<u>Contractor</u>	<u>IMP#</u>	<u>Project</u>	<u>Amount Paid</u>	<u>Contract Amount</u>
Visu-Sewer	18-11	Joint Manhole Rehab Project	\$12,387	\$13,312

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

Ratify the Hiring of Police Officer Bailey Boelter - Approved

MOVED AND SECONDED BY ALDERMEN BADEAUX AND ERICKSON, DULY CARRIED, TO APPROVE THE RATIFICATION OF HIRING BAILEY BOELTER AS A POLICE OFFICER EFFECTIVE NOVEMBER 4, 2019; FURTHER THAT MR. BOELTER BE PLACED ON STEP 1 OF THE POLICE OFFICER WAGE GRID (\$26.90 PER HOUR).

Training on New Employee Policy Manual - Approved

MOVED AND SECONDED BY ALDERMEN BADEAUX AND STUNEK, DULY CARRIED, TO APPROVE THE RETENTION OF CHRISTIAN SHAFER FOR TRAINING ON OUR NEW EMPLOYEE POLICY MANUAL ON FRIDAY OCTOBER 25, 2019 AT AN ESTIMATED COST OF \$1,300.

Committee Chair Badeaux stated there were department heads that expressed interest in the training. He indicated the fee is considerably less than it would normally be, as Mr. Shafer will be in the area for an unrelated event. He stated that Brainerd Public Utilities (BPU) will be remitting half the fee towards the training.

Small Cities Development Program (SCDP) Grant CDAP-15-0038-O-FY16 (Downtown Grant) - Informational

Committee Chair Badeaux indicated the City was awarded a \$650,000 grant in 2016 for rental and commercial rehab downtown. He stated part of the closeout for the grant is to inform the Council of funds that were not used to be returned to the state.

The Chair recognized Brainerd HRA Director, Ms. Jennifer Bergman, who stated the goals of the grant were to complete at least 17 rental and 8 commercial units of rehabilitation. She said she is happy to announce there were 44 units of rental and 10 units of commercial that were completed with these grant funds. She stated there was also additional program income of \$194,000 that needed to be used, as well as the owners match in funding of \$300,000 for a total investment in downtown of nearly \$1.2 million. She thanked the Council for the ability to apply for the grant funding and thanked John Schommer, rehab director for the HRA who put in a lot of hard work for this project.

Tower Awards – Approved

MOVED AND SECONDED BY ALDERMEN BADEAUX AND ERICKSON, DULY CARRIED, TO AUTHORIZE STAFF TO PURCHASE THE TOWER AWARDS FROM THE BRUCE FOX COMPANY FOR THE ORIGINAL DESIGNED TOWER AWARD PLAQUES.

Committee Chair Badeaux indicated discussion was held regarding the increased cost of the tower awards. He said the committee thought it was important to research other options but decided to remain with the original design and higher quality of the award purchased from the Bruce Fox Company.

Memorial Park Parking Lot - Informational

Committee Chair Badeaux indicated the appraisal for the Memorial Park property was ordered from Ludenia Appraisal, not to exceed \$3,500 and Council will be updated when received.

Safety and Public Works Committee Report

2019-2020 Downtown Snow Removal – Consideration of Bids and Award Recommendation - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET, DULY CARRIED, TO ACCEPT STAFF'S RECOMMENDATION AND ACCEPT THE BIDS FOR THE 2019-2020 DOWNTOWN SNOW REMOVAL AND AWARDED THE CONTRACT TO TOM'S BACKHOE SERVICE.

Committee Chair Bevans indicated Tom's Backhoe Service was the only bidder, and there is an approximate 5% increase over last year's costs.

Improvement 18-11 – Joint City of Brainerd and Crow Wing County Manhole Rehabilitation Project – Final Pay Estimate Number 1 - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT, DULY CARRIED, TO ACCEPT STAFF'S RECOMMENDATION AND APPROVE FINAL PAYMENT TO VISU-SEWER IN THE AMOUNT OF \$18,620, OF WHICH \$12,387 IS THE CITY COST AND \$6,233 IS THE COUNTY COST FOR THE PROJECT.

Resolution – Directing That Costs Incurred in Removing Hazardous Structure Be Reported to Court – 507 South 6th Street – Adopted by Resolution No. 57:19

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET TO ACCEPT STAFF'S RECOMMENDATION AND ADOPT A RESOLUTION TO SEND COSTS INCURRED FROM THE DEMOLITION OF THE HAZARDOUS STRUCTURE AT 507 SOUTH 6TH STREET TO THE COURTS.

City Attorney Langel stated the costs incurred consist of legal fees, demolition fees and the cost to repair the wall of the Exhaust Pros building. He said this is a statutory process that will be submitted to the courts and ultimately assessed to the property.

Finance Director Hillman stated the funds to pay these costs came out of an old CDBG Fund 209 which was not part of the budget process. She stated these old grant dollars were

eligible to be used for this demolition project. She indicated the remaining grant funds are at the Brainerd HRA to be used for any slum or blight conditions and potential applicants would need to meet certain criterion in order to qualify.

RESOLUTION NO. 57:19

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

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

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT TO ACCEPT STAFF'S RECOMMENDATION AND AUTHORIZE A LETTER OF INTENT FOR THE 2024 TRANSPORTATION ALTERNATIVES PROGRAM TO BE SUBMITTED TO THE MINNESOTA DEPARTMENT OF TRANSPORTATION FOR THE 28TH STREET SE TRAIL CONNECTION AS PRESENTED.

Committee Chair Bevans stated if the City is awarded funding, the City would be responsible for approximately 20% of the construction costs and 100% of the engineering costs, which would be an approximate total amount of \$88,000. He said the remaining 80% would be the federally funded portion of approximately \$175,000.

Council Member Erickson stated he will be abstaining from the vote, as his employer is involved in the solicitation process of the grant request.

Members Lambert, Stunek, Pritschet, Bevans, Badeaux and Johnson voted “aye”. Member Erickson abstained from voting. The Chair declared the motion carried.

Unfinished Business

Public Hearing – Downtown Special Services, Downtown Snow Removal, and 2019 Nuisance Assessments – Consideration of Resolution Ordering the Special Assessments – Adopted by Resolution No. 58:19

The Chair opened the public hearing at 8:16 p.m.

The Chair recognized Jessica Sommers, 1319 11th Ave NE, who stated she is being assessed \$1,000 for expired license tabs on a car that was not operable. She stated it would have been a financial burden to pay for insurance in order to purchase the tabs and pay the nuisance fees.

Community Development Director Chanski read a letter submitted by Richard Weiss, 319 N 9th Street, who was unable to attend the meeting regarding his nuisance citations assessed for poor roof conditions on his house.

The Chair closed the public hearing at 8:23 p.m.

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND LAMBERT, DULY CARRIED, TO ADJOURN THE PUBLIC HEARING TO NOVEMBER 4, 2019 TO REVIEW THE CONTESTMENTS AT 1319 11TH AVE NE AND 319 N 9TH STREET.

MOVED AND SECONDED BY ALDERMEN LAMBERT AND BEVANS TO ADOPT A RESOLUTION ADOPTING THE ASSESSMENTS AS PROPOSED FOR THE DOWNTOWN SPECIAL SERVICES DISTRICT, 2018-2019 DOWNTOWN SNOW REMOVAL AND 2019 NUISANCE ABATEMENT EXCLUDING THE TWO CONTESTMENTS.

RESOLUTION NO. 58:19

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

Public Hearing – Improvement 17-06 and 17-07 Assessments – Consideration of Resolution Ordering Special Assessments – Adopted by Resolution No. 59:19

City Engineer Sandy stated these improvements are for the H Street and 10th Avenue NE Reconstruction projects. He indicated the original notification letters that were sent out had estimated costs of \$61 per foot for H Street and \$45 per foot for 10th Avenue NE. He said due to the increased construction costs for all projects this year, and the final assessments resulted in \$62.33 per foot for H Street and \$57.21 per foot for 10th Avenue NE. He said he received two letters from property owners at 1004 H Street and 815 10th Ave NE contesting the assessment amounts.

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

The Chair recognized Terri Ford, 518 10th Ave NE, who questioned why there was an increase in the cost per foot. She said her husband called and spoke with City Engineer Sandy and was told it was due to cost overruns and cost of oil for the asphalt. She asked about difference regarding the number of layers of material used on H Street versus 10th Avenue. She stated they have received comments regarding the trees being cut down due to the construction.

City Engineer Sandy indicated when the first proposed assessment letters are sent, the assessment rate is based on a "probable cost" estimate, which is calculated by the estimated quantities for the project and costs based on historical values. He stated when the contractor bid on the project, the costs were approximately 20% higher than what was estimated. He said this was the case for projects across the state in 2019. He indicated that 10th Avenue NE is considered a local street which means it is designed for a 7-ton axle weight road design, which consists of 4" of gravel and 2" of bituminous. He said H Street is considered a state aid route and must be designed as a 9-ton axle weight, which consists of 5" of gravel, and two lifts of asphalt which is approximately 3 ½".

The Chair recognized Jean Johnson, 815 10th Ave NE, who is contesting the improvement assessment amounts. She stated she submitted a letter which details the reasons for the objections. She would like confirmation that there will be an adjourned hearing for contested properties. She stated the turf restoration was of poor quality.

City Engineer Sandy stated the weed problem in the boulevard is still under review, as the project has not been closed out. He said the seeding contractor did spray for weeds to try and take care of the issue but will still be under evaluation until next spring.

The Chair recognized Diane Holz, 810 H Street, who stated the landscapers sprayed and lay fabric, but she has a large spot in the middle of her yard that is dead. She said there is no way that anyone can afford that high of an assessment.

The Chair closed the public hearing at 8:48 p.m.

MOVED AND SECONDED BY ALDERMEN LAMBERT AND BEVANS, DULY CARRIED, TO ADJOURN THE PUBLIC HEARING TO NOVEMBER 4, 2019 TO REVIEW THE CONTESTMENTS AT 518 10TH AVE NE, 815 10TH AVE NE, 1004 H STREET AND 810 H STREET.

MOVED AND SECONDED BY ALDERMEN LAMBERT AND PRITSCHET TO ADOPT A RESOLUTION ADOPTING THE ASSESSMENTS AS PROPOSED FOR IMPROVEMENTS 17-06 AND 17-07 EXCLUDING THE CONTESTMENTS.

RESOLUTION NO. 59:19

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

City Hall Remodel – Consideration of Bids and Award Recommendation - Approved

City Engineer Sandy stated he provided Council with the bid results for the City Hall Renovation Project.

The Chair recognized Kevin Currie, construction manager for Contegrity Group, recommends the awarding of the contracts by the qualified low bidders as shown below except for Weidner Plumbing & Heating, who withdrew their bid for category 10. He explained category four was an alternate and will not be accepted by the City. He said that category eight was not an accepted category.

CATEGORY	WORK	VENDOR	BID AMOUNT
Category 1	General Construction	Haataja Contracting	\$140,900
Category 2	Masonry/Tuckpointing	Baratto Brothers Construction	\$74,825
Category 3	Roofing	Thelen Heating & Roofing	\$64,800
Category 5	Acoustical Ceilings	St. Cloud Acoustics	\$24,730
Category 6	Flooring	Dorholt Tile & Home Center	\$62,514
Category 7	Painting	Henkemeyer Coatings	\$33,520
Category 9	Fire Suppression	Breth-Zenzen Fire Protection	\$23,835
Category 10	Mechanical/HVAC/Plumbing	NAC Mechanical & Electrical	\$495,000
Category 11	Testing/Balancing/Adjusting	Premier Test & Balance	\$13,000
Category 12	Controls	NAC Mechanical & Electrical	\$110,820
Category 13	Electrical/Communications	Holden Electric Company	\$93,777
TOTAL			<u>\$1,137,721</u>

MOVED AND SECONDED BY ALDERMEN LAMBERT AND PRITSCHET, DULY CARRIED, TO ACCEPT STAFF’S RECOMMENDATION TO APPROVE THE BIDS AND AWARD THE CONTRACTS AS PRESENTED.

(Added Item) City Council Meetings Held at the County Courthouse - Informational

IT/GIS Director Strong explained with the building renovations about to start, the City Council meetings will be held at the Crow Wing County Historic Courthouse, starting November 4, 2019 in the County Board Room. He stated there will be no televising capabilities, but the

Council meetings will be streamed online to YouTube. He indicated we have received permission from Crow Wing County to use the Jinx Ferrari room for committee meetings if needed.

He further explained with the construction taking place at the high school, the fiber connection for broadcasting on Charter, and possibly CTC has been halted with no guarantee of future connection.

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 – 1 term (Expire 2019) - 2 terms (Expire 2021)
Charter Commission – 2 terms (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)

New Business

Set Meeting Time on November 4th for City Administrator Applicant Review and Select Finalists for Interviews - Approved

Human Resource Director Schubert stated the deadline to apply for the City Administrator position was October 15, 2019. She said DDA is screening the applicants and Council needs to select the finalists.

MOVED AND SECONDED BY ALDERMEN LAMBERT AND PRITSCHET, DULY CARRIED, TO HOLD A SPECIAL MEETING AT 6:00 P.M. ON NOVEMBER 4TH, 2019 PRIOR TO THE REGULAR COUNCIL MEETING AT THE CROW WING COUNTY COURTHOUSE TO SELECT THE CITY ADMINISTRATOR FINALISTS.

Planning Commission

Variance Request – 1853 Graydon Ave – Setbacks for Garage - Approved

Community Development Director Chanski explained the details of the application, stating the reason for the reduced setback would be in order to construct a larger garage. He said the property is considered legal nonconforming, as the lot is only 60' wide versus the required 75' wide.

MOVED AND SECONDED BY ALDERMEN LAMBERT AND PRITSCHET, DULY CARRIED, TO APPROVE THE VARIANCE REQUEST FOR 1853 GRAYDON AVENUE TO CONSTRUCT A 26' X 28' GARAGE WITH A 55" SIDE YARD SETBACK.

First Reading – Proposed Ordinance No. 1500 – Rezone 11349 Easy Street from R-1A to R-1 – Interim City Administrator Thoreen Recommends to Dispense with the Actual Reading - Approved

Community Development Director Chanski gave a brief review of the application which was submitted to request a reduced setback for an accessory structure. He said the applicant

would like to construct a garage with the reduced setbacks. He said the property is on Rice Lake and shoreland regulations need to be followed.

MOVED AND SECONDED BY ALDERMEN LAMBERT AND PRITSCHET, DULY CARRIED, TO HOLD THE FIRST READING OF PROPOSED ORDINANCE NO. 1500 – AN ORDINANCE AMENDING ORDINANCE NO. 812 PERTAINING TO THE ZONING OF 11349 EASY STREET FROM AN R-1A TO AN R-1 DISTRICT TO BE ABLE TO CONSTRUCT A GARAGE.

First Reading – Proposed Ordinance No. 1501 – Nonconforming Rentals – Interim City Administrator Thoreen Recommends to Dispense with the Actual Reading - Denied

Community Development Director Chanski explained that Section 515-15 of the Zoning Code states, *“A nonconforming residential use that had a rental license expire (more than 365 days from date of license expiration) cannot be reestablished as a nonconforming use.”*

He said throughout the City, there are numerous legal nonconforming two-family and multi-family dwellings in single-family residential districts. He indicated if this exclusion was removed from the Zoning Code, the City could license these units to get them back into compliance with the rental housing requirements.

Council discussion took place and questions answered.

Council Member Bevans stated he does not believe this would alleviate the problem and it is the property owner’s responsibility to be diligent and renew the license as required.

Council Member Lambert explained if a family member of the property owner is residing in one of the units, that unit does not have to be licensed. She said the concern comes up when and if that family member vacates that unit and it was previously not licensed.

Council Member Badeaux stated a rental property owner should pay the \$32 rental housing license fee in order to continue the nonconforming use.

MOVED BY ALDERMEN LAMBERT TO HOLD THE FIRST READING OF PROPOSED ORDINANCE NO. 1501 – AN ORDINANCE TO AMEND SECTION 515-15 OF THE ZONING CODE FOR NONCONFORMING RENTALS.

The motion dies for lack of a second.

Public Forum

The Chair opened the public forum at 9:27 p.m.

A resident in the audience asked about viewing the Council meetings on television. She was directed to view future meetings online via YouTube or attend the meetings in person until it hopefully resumes in May. If no home access to the internet, the public library has computers for public use.

The Chair closed the public forum at 9:30 p.m.

Staff Reports

None

Council Member Reports

Council Member Badeaux stated the Walkable Bikeable Committee has applied for a grant to assist residents with snow shoveling this winter. He explained this is due to many of the sidewalks being under construction. He will update the Council as more information is received.

Mayor Menk indicated Council Member Bevans and he attended the Gregory Park dedication on Saturday. He stated he also went to see the entrance at Rotary Park which is being remodeled.

Council Member Pritschet indicated he attended the IDI Welcoming Communities Event along with Council Member Lambert and Interim City Administrator Thoreen.

Interim City Administrator Thoreen indicated the City was awarded a welcome sign on behalf of the Welcoming Communities to be displayed in council chambers.

Council paused for a brief break prior to the closed session.

Closed Session Pursuant Minnesota Statutes 13D.05 Subd. 3(C)(3) To Consider Counteroffers for the Purchase of Property at 304 Washington Street West, 422 4th Street NW, 623 4th Street NW, 502 Jackson Street, 424 3rd Street NW and 622 4th Street NW All in Brainerd, MN 56401 – 9:40 p.m.

The Chair reconvened the meeting at 9:51 p.m.

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT, DULY CARRIED, TO OBTAIN AN APPRAISAL FOR THE PROPERTY AT 502 JACKSON STREET.

Adjourn to Special Council Meeting, November 4, 2019 at 6:00 p.m. – 9:52 p.m.

James M. Thoreen
Interim City Administrator

CITY OF BRAINERD
LICENSED CONTRACTORS
CITY COUNCIL MEETING
November 4, 2019
(1 New, 2 Renewal)

CONTRACTOR	TELEPHONE	TYPE	INSURANCE	BOND	STATE NO.
COMMERCIAL PLUMBING AND HEATING 24428 GREENWAY AVE FOREST LAKE, MN 55025- 19-0226 (New)	(651) 464-2988	PLUM	7/1/2020		PC643117
PINE COUNTRY CONCRETE 34500 HILLCREST ROAD MOTLEY, MN 56466- 19-0225 (Renew)	(218) 575-3300	MASO	5/25/2020		
DAVE'S MASONRY CONSTRUCTION, INC. 3016 STATE 210 SW PILLAGER, MN 56473 19-0224 (Renew)	(218) 746-3429	MASO	7/1/2020	12/31/2019	

Brainerd Fire Department

To: Mayor and City Council
From: Tim Holmes, Brainerd Fire Chief
Date: October 31, 2019
Re: October 2019 Activity Report

October is National Fire Prevention month. This month's theme is "Not every hero wears a cape. PLAN and PRACTICE your ESCAPE!" We interacted with more than 3,500 children and 1,500 adults in October. We presented fire safety information to several home family day cares, Discovery Woods School, Stepping Stones Child Care Centers, Baxter Preschool, Washington School ECFE, Annie's Child Care, Lowell Kindergarten, Riverside 1st Grade, Lake Region Christian School Preschool and St. Francis School Preschool through 4th Grade. We also presented fire extinguisher training to employees of Consolidated Telephone Company and the Brainerd Lakes Surgical Center.



Despite the cold and wet weather, we had a great turnout for our annual open house. We added a couple indoor activities that were a big success.

We appreciate all our community partners that helped make the open house a success.

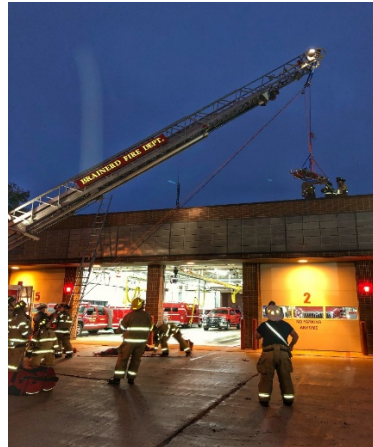


At the end of the month, we continued with our community engagement and participated in Halloween events at Brainerd and Baxter Cub Foods, Trinity Lutheran Church, Journey North Church and the Brainerd Police Department event. A special thanks to our firefighters who were involved in these activities and for their families for helping with our open house.

The installation of the backup generator is complete and is online at Station 2. We continue to work with Five Bugles Design on our Location and Needs Study and anticipate completion in November.

Congratulations to Brainerd Firefighter and Police Officer Paul Rosier for being named 2019 Outstanding Community Service Provider. Rosier is a great Firefighter and Police Officer, and is dedicated to the community he serves.

Firefighter training included several new scenarios, including extricating a person trapped in a culvert and removing a patient from a roof. We also trained in SCBA's and ground ladders.



Fire Chief Holmes, DC/FM Cox and Battalion Chief Rubado attended the MN State Fire Chief's Association annual conference in Duluth. There were a lot of great national speakers and the training was very valuable. Brainerd Fire, along with the Cuyuna Range Fire Chief's Association, will be hosting one of the national speakers in December. We are excited to be able to bring this high-quality training to the area and our firefighters.

CROW WING COUNTY ALERT



Your safety is our top concern – that's why the City of Brainerd has teamed up with Crow Wing County to make sure you know about emergencies and incidents as they happen. The City of Brainerd will use Crow Wing County Alert powered by Everbridge to make sure you know about issues that may affect your safety. This system allows the City of Brainerd to contact thousands of residents in seconds, so you can find out about an emergency right away.

How Does It Work? The process begins when the City of Brainerd issues a message about a potential safety hazard or concern. Next, a message from Crow Wing County Alert will be sent through your primary contact path. If you don't confirm receipt of the message, the system will try to reach your second contact path and continues trying to reach you until you confirm receipt. The success of this service relies on ***YOU***. ***Having your latest contact information is the only way to ensure that we can contact you in an emergency.***

Sign up at: <https://member.everbridge.net/index/892807736729514#/signup>

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

Structure Fire	2
Grass Fire	1
Vehicle Crash	1
Extrication, Rescue	1
Gas Leak	1
Smoke Removal	1
Assist Another Governmental Agency	2
Unauthorized Burning	1
Good Intent Call	4
Smoke Scare	2
Canceled Enroute	7
Alarm Activation	7
Carbon Monoxide Alarm	3
Total	33

City of Brainerd Incident Report

Structure Fire	2
Extrication, Rescue	1
Assist Another Governmental Agency	2
Unauthorized Burning	1
Good Intent Call	1
Smoke Scare	2
Canceled Enroute	4
Alarm Activation	4
Carbon Monoxide Alarm	2
Total	19

Parks and Recreation Report

November 2019

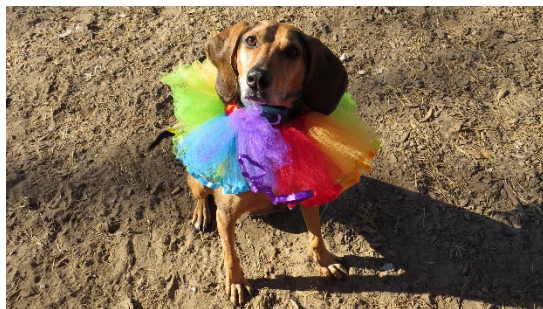
- Tim Terrill, Executive Director of the Mississippi Headwaters Board, gave a presentation about a signage pilot project that was recently completed in Aitkin County. He would like to see similar signage along the Mississippi River from Kiwanis Park to Crow Wing State Park, which would designate the distance and approximate time it would take a canoeist or kayaker to paddle the route. The Park Board gave Mr. Terrill permission to place a sign in Kiwanis Park contingent upon Mr. Terrill getting permission from the City of Baxter to place a halfway sign at Mississippi Overlook Park and from the DNR for a sign at Crow Wing State Park.



- The 13th annual Great Pumpkin Festival drew between 400-to-500 people to Gregory Park on Oct. 19.



The Gregory Park warming house was dedicated to Mike Padgett prior to the Great Pumpkin Festival. The plaque will be displayed in the warming house.



- The Howl-O-Ween event at Buster Park took place Oct. 26 at Buster Park. About 35 dogs attending the event with the costume champions earning “wiener” dog chew toys.
- Parks Director Sailer will attend the Minnesota Recreation and Parks state conference in Brooklyn Center Nov. 5-8. The 2020 convention will take place at Cragun’s Resort and Conference Center.



2018-19 Annual Report

Annual Meeting Agenda

10 am Upper Level Meeting Room

Call to Order

Introductions

Secretary's Minutes

Financials

Directors Report

Budget

Thank you to outgoing Board of Directors

Comments/ Raffle Drawing

Adjourn

Events Hosted

- Lumber Jack Jaunt – January
- Dist #181 Ski Race – December
- Sertoma Winter Wonderland – Nov thru Jan
- Full Moon Snowshoe Hike - January
- Cabin Fever Breakfast - March
- Maple syrup Farm Tours – March
- Arbor Day event – Pine Grove Zoo - April (photo 5)
- Plant Sale Master Gardeners/Brainerd Garden Club- May
- Veteran Pavilion Dedication—May (photo 1)
- Summer Solstice and Art Festival—June
- Sour Grapes - June
- Chamber of Commerce After Hours Event
- Pink Party Guided Pink Lady Slipper night - June (photo 2)
- Plant sale – Featuring “The Right Place” - July
- Haunted Trail - October
- Vampire Ball – October
- Annual Board Meeting – Nov

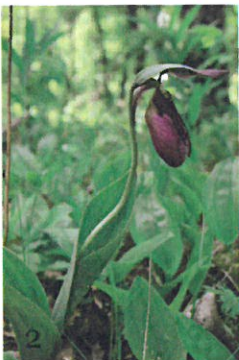


Education Events

- Youth ski classes – Jan-March (photo 4)
- Mushroom class - May
- Learn to maple syrup class - February
- Learn to snowshoe - February
- Rhubarb Class – June 3-part class
- G101 (kids) – June-Sept
- Beekeeping - April

Other Events

- Graduations hosted – 15
- Weddings hosted – 5
- Outdoor only hikes (Hike It Baby/garden tours) – 28 (photo 3)
- School Field Trips - 6
- Misc. parties hosted (reunions/memorials/showers) – 20



Arboretum Board of Directors

Jana Froemming—Co-President
 Judy Morgan—Co-President
 David Rahrman—Treasurer
 Heather Baird
 Sarah Pennington
 Bryan Pike
 Mary Claire Ryan
 Peggy Stebbins
 Ex- Officio Members
 Darrel Olson, City of Baxter
 Vicki Foss, Executive Director

Retiring Board Members

Jackie Froemming
 Paula Persons
 Sue Hilgart



Volunteer Hours

October-1510.5

November-52

December-53.25

January-83.25

February- 111

March -121.5

April-114

May-327.25

June-339.75

July 392.5

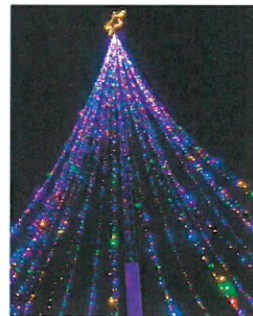
August-137.75

September -146.25

Total hours - 3388

2019 Independent Sector Value of
a volunteer hour is \$25.43

Value of time and talent shared
with the Northland Arboretum by
Volunteers this year, \$86,156.84



Memberships

Duo + 2 (former Family Membership)	583
Individual Memberships	296
Student Memberships	6
Business Memberships	54
Dog Memberships	30
Non-Profit Membership	1
Photography Permits/memberships	8
Paul Bunyan Members	2
Sustaining Memberships	2

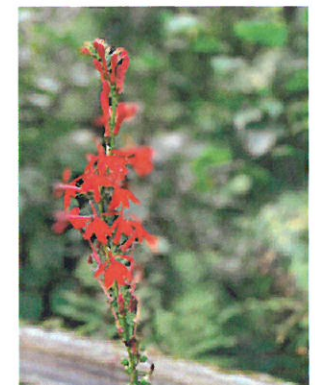
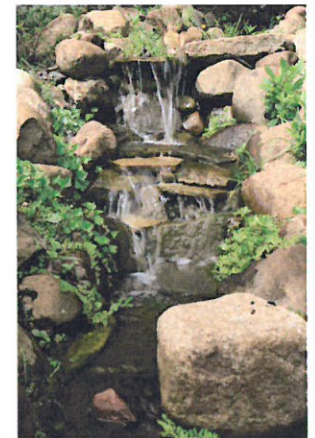
Volunteer of the Month Recipients include:

Mary Amiot, DeAnn Caddy, Bob
and Jeanne Larson, Sharon Bodie,
Coralee Fox, Lou Anderson, April
Sandoff, Marlys Ray, Ken Lueken,
and Ruthie Gmeinder.



Other Notables

- Garden Remodel of the Memory Garden was finished in August. Thank you to the Brainerd Garden Club for their generous donation.
- Hosted a booth at the Brainerd Lakes Chamber Holiday Extravaganza at Maddens.
- The Arboretum attending the Brainerd Wedding Expo in February.
- G101 Educational gardens were expanded to more than twice the original size. Grants from Mid Minnesota Federal Credit Union and Crow Wing Energized helped fund the expansion.
- Long-time employee, Doug Mathey, retired from the Arboretum. We welcome Rick Hines as the new Maintenance Director
- Arboretum Staff attended the Haunted Attractions Expo in St Louis, MO and attained the CHAOS Program (Certified Haunted Attraction Operator Safety) certification.
- Crow Wing County Master Gardeners and the Arboretum hosted an "Open House" Garden Tour of the G101 area. Several County Commissioners and local media attended.
- The Arboretum upgraded equipment to include a 45 HP Kubota Tractor. This piece of equipment has changed the work flow and efficiency of the maintenance staff.
- Vandalism occurred over the Labor Day Weekend. Both vehicles were impacted heavily, shop was broken into, and equipment ruined. A poaching incident was also recorded with the DNR.
- Received a memorial from the Gjertson Family Trust. Funds allow us to make some large capital improvements to facilities.
- Added additional storage space/Haunted Trail display areas with the addition of five storage containers.
- Computer system and security upgrades happened within the Visitor's Center. Cameras now surround whole building.
- The Arboretum entered a 100-year lease agreement with the City of Baxter to allow us to build a monument style sign on the corner of Conservation Drive and Excelsior Drive.



Northland Arboretum

Profit & Loss

October 2018 through September 2019

Income

Event Revenue	37,196
Education Revenue	10,953
Government Revenue	90,140
Grants/Memorials/Contributions	208,498
Rental Income	48,959
Membership Dues	46,139
Retail Sales	9,796
Parking & Gate Fees	9,728
Interest Income	250
Other	470

Total Income	462,129
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Total COGS	6,165
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Gross Profit	455,964
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Expense

Advertising	7,055
Cost of Arb Gardens	8,250
Education Expense	10,128
Event Supplies	16,094
Insurance Expense	9,852
Meetings	508
Payroll Tax Expenses	18,381
Professional Fees	6,924
Program Service Expenses	11,003
Repairs & Maintenance	25,233
Training and Recognition	288
Utilities Expense	25,098
Wages & Salaries	166,619
Website Development	1,110

Total Expense	306,543
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Net Income	149,421
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Brainerd City Council Agenda Request

Requested Meeting Date: November 4, 2019

Title of Item: Region 5 Children's Museum

☐ 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: David Chanski, CDD	Department: Community Development
Presenter (Name & Title): Mr. Peter Olson, Region 5 Children's Museum	Estimated Time Needed: 20 minutes
Summary of Issue: Peter Olson and representatives with WSN will be presenting their proof of concept for locating the Region 5 Children's Museum in Lum Park. Attached is a memo from Mr. Olson.	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion:	
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>	

Region 5 Children's Museum
Franklin Arts Center
1001 Kingwood Street
Brainerd, MN 56401

October 31, 2019

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

Mr. David Chanski,

Thank you for the invitation to address the Brainerd City Council at their upcoming meeting on Monday, November 4, 2019. As the Children's Museum Board of Directors proceeds in the final stages of the site selection process, we appreciate the opportunity to request that master planning to locate the Children's Museum in Lum Park, be included in the City's 2020 budget. Embarking on a joint master planning process with planning professionals, representatives of the City, and representatives of the Children's Museum, will help ensure that our collaborative effort truly benefits the citizens of Brainerd and the region. At the up-coming Council meeting, we plan to share a presentation including:

- Background on the emerging Children's Museum and site selection process;
- Benefits that the Children's Museum in Lum Park would bring to the citizens of Brainerd and the region;
- Overview of Lum Park and how the Children's Museum can help position the park for the 21st century;
- Demonstrate that the Children's Museum can fit within Lum Park without distributing the current park uses;
- Master planning potential outcomes and next steps.

Representatives from Widseth, Smith, and Nolting will be participating in the presentation. We're looking forward to introducing the Children's Museum to the full City Council and to continue envisioning the possibilities of locating the Children's Museum in Lum Park.

Sincerely,

Peter Olson
Museum Project Director
Region 5 Children's Museum

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

November 4, 2019
County Board Room – Crow Wing County Historic Courthouse
7:00 PM

1. Event Application - 5K for Mental Health Awareness
2. Event Application - Hometown Holiday Santa Stop and Tree Lighting
3. Improvement 17-06, 17-07, and 18-05 - H Street and 10th Avenue NE Reconstruction Project and Sidewalk Improvements - Change Order 1
4. Improvement 19-13 - SE Interceptor Replacement Project - Final Pay Estimate Number 1

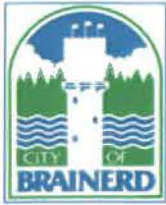


Brainerd City Council Agenda Request

Requested Meeting Date: November 4, 2019

Title of Item: Event Application - 5K for Mental Health Awareness

☐ 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 application for the 5K for Mental Health Awareness, to be held on May 9, 2020 around the Central Lakes College Campus and Boom Lake.	
Alternatives, Options, Effects on Others/Comments: The applicant has indicated that they will be using the same route as the homeless heroes 5K, in which utilizes Mississippi Parkway, the trail on the north side of College Drive, and the trail around Boom Lake in Kiwanis Park. The map can be seen attached. The applicant has indicated that they will be using CLC Campus Security personnel to assist in the runners crossing College Drive near the roundabout at Kiwanis Park.	
Recommended Action/Motion: Staff recommends approval of the attached event application.	
Financial Impact: Is there a cost associated with this request: ☐ Yes ☒ No What is the total cost, with tax and shipping \$ _____ Is this budgeted? ☐ Yes ☐ No <u>Please Explain:</u>	



SPECIAL EVENT APPLICATION

Date of Application: 10-23-19

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 5K @ Central Lakes College

Name of event: 5K for Mental Health Awareness

Organizer Information

Organizer's Name:

Central Lakes College

Organizer's Address:

401 West College Drive, Brainerd, MN 56401

Event Contact Person:

Alita Reque-Peterson

Event Contact Daytime Phone:

218-428-7430

Event Contact E-mail Address:

alita.reque-peterson@clcmn.edu

Contact Name/Number Day of Event:

5K for Mental Health Awareness, May 9th, 2020

For Profit/Nonprofit Status (type):

For profit

Applicant information (if different from the event organizer):

Applicant Name:

Applicant Address:

Applicant Phone:

Applicant E-mail Address:

Event Information

Event Details (list each date separately)

Event Date	Start Time	End Time	Event Location(s) – see locations listed below
5-9-2020	9:00 AM	10:30 AM	Central Lakes College Campus, Brainerd, MN

☒ 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:

This event will be a 5K run/walk that will start on the CLC Brainerd campus.

We will use the same route as the Homeless Hero's 5K, that occurs in

December on our campus (around the 1 mile loop on campus,

moving east across College Drive down to Kiwanis Park, then back up the same route).

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 _____ (a ratio of 1 for every 100-150 people is recommended).

Company contracted for restrooms: _____

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

Signs, banners, and/or posters/flyers

☐

Yes

☒

No

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

Trash Receptacle Disposal

☐

Yes

☒

No

Company contracted for trash receptacle disposal: _____

Additional Event Information

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

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

A \$100/day security deposit 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):

If acceptable, our CLC Campus security will halt traffic at the round about as runners/walkers cross College Drive. Complete closure not necessary.

Date and time for beginning of street closures: _____

Date and time for reopening of streets: _____

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.

Our event will not disrupt business/housing access.

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

Alita Reque-Peterson *Alita Reque-Peterson*

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

For Official Use Only

Department Sign-offs Required

Department	Date/Initials	Comments
Brainerd Public Utilities	OK	None 10/24
City Administration	OK	None
Engineering Department	OK	10/29 Please submit plan to close college intermittently during event.
Fire Department	OK	None 10/25
Fire Support/EMS	OK	None 10/25
Parks Department	OK	None - No request to use restrooms or facilities in park
Planning Department	OK	None 10/24
Police Department	OK	None - low traffic flow and most security are law enforcement students - should be OK to assist folks in crossing.

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):

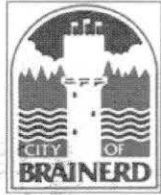


Brainerd City Council Agenda Request

Requested Meeting Date: November 4, 2019

Title of Item: Event Application - Hometown Holidays Santa Stop and Tree Lighting

☐ 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 application for the Hometown Holidays Santa Stop and Tree Lighting to be held on November 30, 2019 from 11 AM - 12 PM in the Laurel Street Parking Lot and 5 PM - 6 PM in the City Hall Parking Lot.	
Alternatives, Options, Effects on Others/Comments: At 11 AM, Santa will arrive downtown via fire truck and park at the Laurel Street lot for 30-45 minutes to greet participants. At 5 PM, there will be the annual tree lighting ceremony and caroling in the City Hall parking lot. The applicant has requested a banner in the flower beds of the City Hall parking lot promoting the events and location of the tree lighting. The applicant has indicated they will be using cardboard garbage cans that will be removed after the event. The applicant has already coordinated with the fire department for use of the fire truck and the parks department for the tree lighting ceremony.	
Recommended Action/Motion: Staff recommends approval of the attached 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>	



SPECIAL EVENT APPLICATION

Date of Application: 10/24/2019

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: Hometown Holidays Santa Stop & Tree Lighting

Organizer Information

Organizer's Name: Destination Downtown Business Coalition
Organizer's Address: 709 Laurel Street, Brainerd, MN 56401
Event Contact Person: Brenda Billman-Arndt
Event Contact Daytime Phone: 218-310-5418
Event Contact E-mail Address: brenbla@icloud.com
Contact Name/Number Day of Event: See above
For Profit/Nonprofit Status (type): Organized under the Brainerd Lakes Chamber of Commerce's 501(c)3

Applicant information (if different from the event organizer):

Applicant Name: Mary Devine Johnson/Visit Brainerd
Applicant Address: 14084 Baxter Drive, Suite 12, Baxter, MN 56425
Applicant Phone: 218-825-0410 (w) or 218-821-4997 (c)
Applicant E-mail Address: mary@visitbrainerd.com

Event Information

Event Details (list each date separately)

Event Date	Start Time	End Time	Event Location(s) – see locations listed below
11-30-2019	11am	12pm	Laurel St. Parking Lot
11-30-2019	5pm	6pm	City Hall Parking Lot

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

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

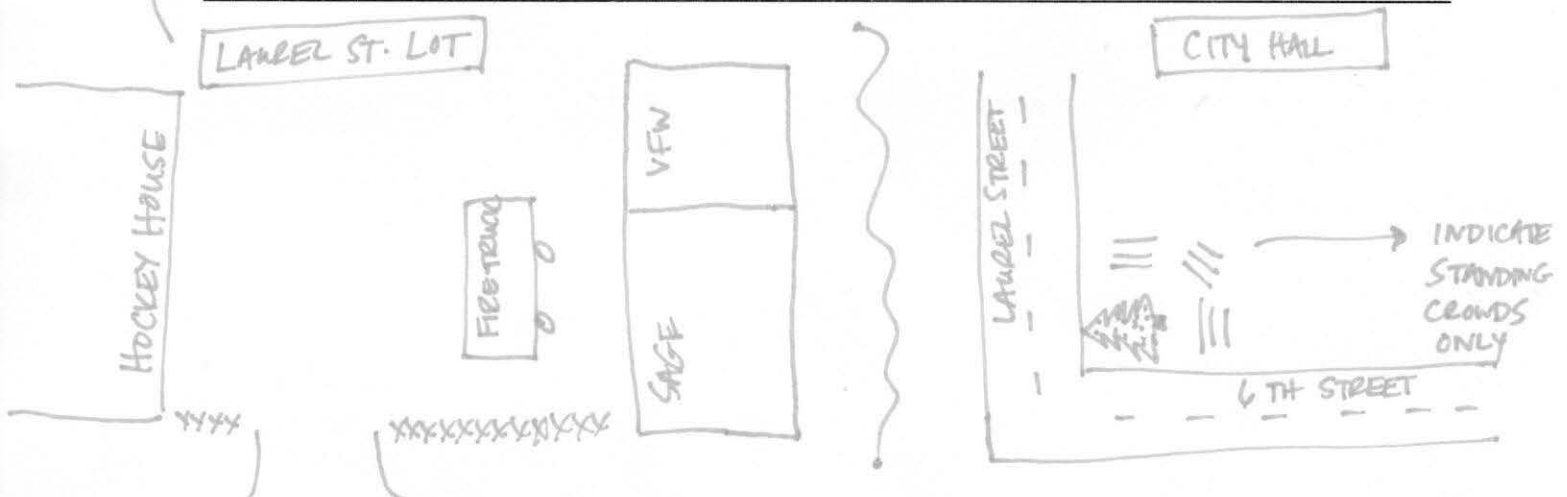
- City Hall Parking Lot (130' x 146')
- Laurel Street Parking Lot (92' x 120')
- Front Street Parking Lot (66' x 125')
- City Street(s) (street closure request information on page 4 MUST be filled out)
- City Park (must contact the Parks & Recreation Department for information)
- Other (specify location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

At 11am Santa will arrive in Downtown Brainerd via fire truck and park at the Laurel Street parking lot for 30-45 minutes to greet participants. At 5pm there will be the tree lighting and caroling in the city hall parking lot.

FLEXIBLE ON WHERE THE TRUCK CAN GO.



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 _____ (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:

If allowed, we would like to put up a banner in the flower beds of the city hall parking lot

promoting the event(s) and location of the tree lighting. We'd like to put those out by 11/15.

Trash Receptacle Disposal

☒

Yes

☐

No

Company contracted for trash receptacle disposal: _____ We'll put out cardboard garbage boxes and remove them.

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.

N/A

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):

Date and time for beginning of street closures: _____

Date and time for reopening of streets: _____

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.

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

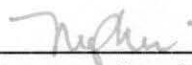
The Applicant covenants to save, defend, hold harmless, and indemnify the City of Brainerd and all of its officers, departments, agencies, agents, and employees (collectively the "City") from and against any and all claims, losses, damages, injuries, fines, penalties, costs (including court costs and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

MARY DEVINE JOHNSON

Print Name

Contacts, Permits, and Fees Checklist

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

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

Permit, License, or Checklist	Yes	Pending	N/A	Contact (See contact information below)
Authorization to use a city park			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				May be required before issuing a permit.
Sign/banner Permits				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

For Official Use Only

Department Sign-offs Required

Department	Date/Initials	Comments
Brainerd Public Utilities	<u>OK</u>	<u>None 10/24</u>
City Administration	<u>OK</u>	<u>None</u>
Engineering Department	<u>OK</u>	<u>None 10/24 - Any traffic control needed for event? Parking lot closure?</u>
Fire Department	<u>OK</u>	<u>None - Applicant to coordinate use of fire truck.</u>
Fire Support/EMS	<u>OK</u>	<u>None</u>
Parks Department	<u>OK</u>	<u>None - 10/24 - Mary spoke w/ parks about tree if anything</u>
Planning Department	<u>OK</u>	<u>None 10/24</u>
Police Department	<u>OK</u>	<u>None - Corky said he may coordinate w/ Fire Dept. to provide escort for Santa.</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: November 4, 2019

Title of Item: Improvements 17-06, 17-07 and 18-05 - Change Order 1

☐ 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 a change order for Improvements 17-06, 17-07, and 18-05 - 10th Avenue NE and H Street Reconstruction and H Street Sidewalk Improvements.	
Alternatives, Options, Effects on Others/Comments: The change order is pretty self-explanatory, but city staff and the consultants will be available at the committee meetings for explanation of the multiple change order components. The total change order cost is \$9,355.88. This change order is also included in the pay estimate to Anderson Brothers Construction on the Personnel and Finance Committee Agenda under bills and payments to contractors.	
Recommended Action/Motion: Staff recommends approval of the attached change order for the listed improvements.	
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>9,355.88</u> <i>Is this budgeted?</i> ☐ Yes ☒ No <i>Please Explain:</i> This change order will become part of the project costs; some of which will be eligible for state aid funding dependent on the street the work took place on. Some costs are also attributable BPU costs for associated watermain work.	

STATE AID FOR LOCAL TRANSPORTATION
CHANGE ORDER

Rev. July 2010

Page 1 of 3

SAP 108-119-006	CO No. 1
Project Location SAP 108-119-006 LOCATED ON N.E. H STREET: N.E. MILL AVENUE TO N.E. 13 TH . CITY NO. 17-07 LOCATED ON N.E. 10 TH AVENUE: TH210 TO N.E. J STREET. CITY NO. 18-05 LOCATED ON N.E. 1 ST AVENUE: G ST TO H ST	
Local Agency City of Brainerd	Local Project No. BRDMN 151039, City Nos. 17-06, 17-07, 18-05
Anderson Brothers Construction Company of Brainerd, LLC	Contract No.
Address/City/State/Zip 11325 State Highway 210, Brainerd, MN 56401	
Total Change Order Amount \$ 9,355.88	

In accordance with the terms of this Contract, you are hereby authorized and instructed to perform the work as altered by the following provisions:

Part 1

During construction, due to the timing of the Garfield Safe Routes To School (SRTS) project, the Engineer in consultation with the Brainerd City Engineer determined it was necessary to delay the final bituminous wear course paving and subsequent striping to coincide with substantial completion of the overlapping portion of the SRTS project within the same project area. Due to the delayed paving and the need to verify proper turf establishment in the spring, the Engineer determined the contract final completion date shall be extended to June 15th 2020.

Part 2

During the street reconstruction on N.E. 10th Avenue between N.E. I Street & N.E. J Street it was determined that 2 locations contained unsuitable subgrade material, Station 24+85 to 28+50, and 25+55 to 25+80. The Engineer ordered this material be excavated out and replaced with suitable subgrade material. The Contractor claimed additional compensation. The Engineer determined this additional compensation was justified. Field measurements will remain in the Engineer's file. The Common Excavation (P) contract quantity shall be increased as summarized in the Breakdown below:

BREAKDOWN					
Item	Unit	Unit Price	Quantity	Amount	Group
<i>Increased Quantity</i>					
2105.507 Common Excavation (P)	CY	\$13.82	434 CY	5,997.88	2

Subtotal Part 2: Change Order No. 1

\$5,997.88

Part 3

During construction, the Engineer in consultation with Brainerd Public Utilities (BPU) determined that two (2) existing gate valves on the project were damaged prior to project construction commencing and needed to be replaced. One valve is on N.E. H Street Station 22+75 L15 and the other on N.E. 10th Avenue NE Station 17+00 R25. BPU determined they would supply the materials. The Contractor requested additional compensation. The Engineer determined additional compensation was justified. The details of this extra work are listed in the Breakdown below:

BREAKDOWN					
Item	Unit	Unit Price	Quantity	Amount	Group
Labor (2 laborers x 2 hours)	LS	\$500.00	1	\$500.00	1
Labor (2 laborers x 2 hours)	LS	\$500.00	1	\$500.00	2

Subtotal Part 3: Change Order No. 1

\$1,000.00

STATE AID FOR LOCAL TRANSPORTATION
CHANGE ORDER

Rev. July 2010

Page 2 of 3

Part 4

During construction, due to the timing of the start of the SRTS project, the Engineer in consultation with the Brainerd City Engineer determined it was necessary to perform hydrant relocation work at the northeast quadrant of the H Street & 10th Avenue NE intersection, station 19+40 L40' under the N.E. H Street reconstruction project in lieu of with the SRTS project in order to allow timely completion of construction of H St & 10th Ave NE and reduce the risk of damage to the new road during the SRTS project. The Contractor claimed additional compensation for the time and equipment required to relocate this hydrant. The Engineer determined additional compensation was justified. The details of this extra work are listed in the breakdown below.

BREAKDOWN

Item	Unit	Unit Price	Quantity	Amount	Group
2 Laborers	HR	\$130.00	4.5	\$585.00	1
345 Excavator	HR	\$250.00	3.5	\$875.00	1
Skid Steer	HR	\$115.00	1.0	\$115.00	1
Foreman	HR	\$90.00	4.5	\$405.00	1
GC Mark-up (10%)	LS	\$198.00	1	\$198.00	1

Subtotal Part 4: Change Order No. 1

\$2,178.00

Part 5

During construction, due to the timing of the SRTS project, the Engineer in consultation with the Brainerd City Engineer determined it was necessary to perform stump removal along 10th Avenue NE under the N.E. H Street reconstruction project in lieu of with the SRTS project in order to allow timely completion of construction of H St & 10th Ave NE and reduce the risk of damage to the new road during the SRTS project. Stump removal in this area was complicated by the close proximity of underground private utilities. The Contractor claimed additional compensation. The Engineer determined additional compensation was justified. The negotiated costs are summarized in the Breakdown below:

BREAKDOWN

Item	Unit	Unit Price	Quantity	Amount	Group
Labor & Equipment per Stump Removed	EA	\$400.00	12	\$4,800.00	2
GC Mark-up (10%)	LS	\$480.00	1	\$480.00	2

Subtotal Part 5: Change Order No. 1

\$5,280.00

Part 6

During construction, the Engineer determined it would be necessary to remove existing street signs in order to allow the Contractor to perform grading and concrete work behind the curb line. Two signs were salvaged along N.E. H Street Station 22+50 to 26+00 L35. 4 Signs were salvaged along N.E. 10th Avenue Station 24+00 to 28+50. The Contractor claimed additional compensation for the signs to be reinstalled. The Engineer determined additional compensation was justified. The negotiated costs are summarized in the Breakdown below:

BREAKDOWN

Item	Unit	Unit Price	Quantity	Amount	Group
Install Salvaged Sign	EA	\$250.00	4	\$1,000.00	2
Install Salvaged Sign	EA	\$250.00	2	\$500.00	1

Subtotal Part 6: Change Order No. 1

\$1,500.00

STATE AID FOR LOCAL TRANSPORTATION
CHANGE ORDER

Rev. July 2010
Page 3 of 3

Part 7

Finished surface texture deficiencies as defined by MnDOT specifications 2360.3.E were observed in the N.E. H Street wear course top lift bituminous paving in the form of widespread segregation of varying severity. MnDOT specifications 2360.3.E allow the application of a \$10 per Square Yard cost reduction to the deficient areas left in place. The Engineer in consultation with the Brainerd City Engineer and MnDOT determined contract price adjustments apply as summarized below:

BREAKDOWN

Item	Unit	Unit Price	Quantity	Amount	Group
Bituminous Finished Surface Deficiencies (MnDOT 2360.3.E)	SY	(\$10.00)	660 SY	(\$6,600.00)	1

Subtotal Part 7: Change Order No. 1

(\$6,600.00)

Total Change Order No. 1

\$9,355.88

Distribution:

Group 1 S.A.P 108-119-006

Group 2 17-07

Group 3 18-05

Approved by Project Engineer: _____ Date: _____

Print Name: Scott D. Hedlund, PE - SEH Phone: 218.855.1705

Approved by City of Brainerd: _____ Date: _____

Print Name: _____ Phone: _____

Approved by Contractor:  Date: 10-30-19

Print Name: Brent Potvin Phone: 218-829-1768

Distribution: Project Engineer (Original), Contractor, City (copy), DSAE (copy for funding review)

DSAE Portion: The State of Minnesota is not a participant in this contract. Signature by the District State Aid Engineer is for FUNDING PURPOSES ONLY and for compliance with State and Federal Aid Rules/Policy. Eligibility does not guarantee funds will be available.

This work is eligible for: ☐ Federal Funding ☐ State Aid Funding ☐ Local funds

District State Aid Engineer: _____ Date: _____



2658 State 371 NW – PO Box 400 - Hackensack, MN 56452

Phone 218-675-6909 Fax 218-675-5297

info@youngexcavating.com

08/15/19

1922 AB City of Brainerd

SAP 108-119-006

AB #299935

07/03/19 H Street Hydrant Replacement

Description	Hours	Rate	Total
345 Excavator 8:00 - 11:30	3.50	250.00	875.00
Skid Steer 11:00 -12:00	1.00	115.00	115.00
2 Laborers 7:30 - 12:00	4.50	130.00	585.00
1 Foreman 7:30 - 12:00	4.50	90.00	405.00
Total			1,980.00



Brainerd City Council Agenda Request

Requested Meeting Date: November 4, 2019

Title of Item: Improvement 19-13 - SE Interceptor Replacement Project - Final Pay App 1

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☒ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: City Engineer Sandy	Department: Engineering
Presenter (Name & Title): City Engineer Sandy	Estimated Time Needed: 5 Minutes
Summary of Issue: Attached to this request is the final pay application for Improvement 19-13 - SE Sanitary Sewer Interceptor Project.	
Alternatives, Options, Effects on Others/Comments: The original project cost for the project is \$120,576.00. The final construction contract cost per the attached estimate is \$123,300.00, which represents a \$2,724 increase over original contract (2.25%). The only quantity over estimated on the project was the granular bedding. The project conditions due to the rain over the fall months caused for saturated conditions on the project, along with the presence of old cedar planking in the ground lower than the elevation of the planned rock bedding placement, caused for over-excavation down to the existing cedar planking and use of more granular bedding to support the interceptor pipe. This was the cause of the overrun on the project.	
Recommended Action/Motion: Staff recommends approval of the attached final pay estimate in the amount of \$123,300.00 to Tom's Backhoe Service.	
Financial Impact: <i>Is there a cost associated with this request:</i> ☒ Yes ☐ No <i>What is the total cost, with tax and shipping</i> \$ <u>123,300.00</u> <i>Is this budgeted?</i> ☒ Yes ☐ No <i>Please Explain:</i> Project was approved to be taken from the Sewer Accessibility Charge Fund (SAC).	

CITY OF BRAINERD ENGINEERING

501 Laurel Street

Brainerd, MN 56401

Project 19-13 - SE Sanitary Sewer Interceptor Repair

Final Pay Request No. 1

Contractor: Tom's Backhoe Service Inc.
323 Woodland Hills LN
Brainerd, Mn 56401

Contract No. 2019-09
Vendor No. N/A
For Period: 9/27/2019 - 10/8/2019
Warrant # _____ Date _____

Contract Amounts

Original Contract	\$120,576.00
Contract Changes	\$0.00
Revised Contract	\$120,576.00

Work Certified To Date

Base Bid Items	\$123,300.00
Backsheet	\$0.00
Change Order	\$0.00
Supplemental Agreement	\$0.00
Work Order	\$0.00
Material On Hand	\$0.00
Total	\$123,300.00

Funds Encumbered

Original	\$120,576.00
Additional	N/A
Total	\$120,576.00

	Work Certified This Request	Work Certified To Date	Less Amount Retained	Less Previous Payments	Amount Paid This Request	Total Amount Paid To Date
19-13	\$123,300.00	\$123,300.00	\$0.00	\$0.00	\$123,300.00	\$123,300.00
Percent Retained: 0.0000%						
Amount Paid This Final Pay Request					\$123,300.00	

I hereby certify that a Final Examination has been made of the noted Contract, that the Contract has been completed, that the entire amount of Work Shown in this Final Voucher has been performed and the Total Value of the Work Performed in accordance with, and pursuant to, the terms of the Contract is as shown in this Final Voucher.

Approved By Sandy, Paul G

1e73bf0c257ab9fb320f2d7e8dd56ebd
e157d24ab9eb89f2d48dbdc39861b651

County/City/Project Engineer

10/28/2019

Date

Approved By

Thompson, Kathy A
ddd33f83e63e87be9071dc1ac94a0613
0fdcae81e8589a7aafc93eb99ca32238

Contractor

10/29/2019

CITY OF BRAINERD ENGINEERING

501 Laurel Street
Brainerd, MN 56401

Project 19-13 - SE Sanitary Sewer Interceptor Repair
Final Pay Request No. 1

Contractor:	Tom's Backhoe Service Inc. 323 Woodland Hills LN Brainerd, Mn 56401
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Contract No.	2019-09
Vendor No.	N/A
For Period:	9/27/2019 - 10/8/2019
Warrant #	_____ Date _____

Date

CITY OF BRAINERD ENGINEERING

501 Laurel Street

Brainerd, MN 56401

Project No. 19-13

Final Pay Request No. 1

19-13 Payment Summary

No.	From Date	To Date	Work Certified Per Request	Amount Retained Per Request	Amount Paid Per Request
1	09/27/2019	10/08/2019	\$123,300.00	\$0.00	\$123,300.00
Totals:			\$123,300.00	\$0.00	\$123,300.00

19-13 Funding Category Report

Funding Category No.	Work Certified To Date	Less Amount Retained	Less Previous Payments	Amount Paid This Request	Total Amount Paid To Date
000	123,300.00	0.00	0.00	123,300.00	123,300.00
Totals:	\$123,300.00	\$0.00	\$0.00	\$123,300.00	\$123,300.00

19-13 Funding Source Report

Accounting No.	Funding Source	Amount Paid This Request	Revised Contract Amount	Funds Encumbered To Date	Paid To Contractor To Date
401-41913-5530	Local-City of Brainerd	123,300.00	120,576.00	120,576.00	123,300.00
Totals:		\$123,300.00	\$120,576.00	\$120,576.00	\$123,300.00

CITY OF BRAINERD ENGINEERING

501 Laurel Street

Brainerd, MN 56401

Project No. 19-13

Final Pay Request No. 1

19-13 Project Item Status									
Line	Item	Description	Units	Unit Price	Contract Quantity	Quantity This Request	Amount This Request	Quantity To Date	Amount To Date
SE Sanitary Sewer Interceptor Repair									
1	-	SANITARY SEWER BYPASS	LS	\$22,000.00	1	1	\$22,000.00	1	\$22,000.00
2	2021.501	MOBILIZATION	LS	\$10,000.00	1	1	\$10,000.00	1	\$10,000.00
3	2101.505	CLEARING	ACRE	\$2,000.00	0.64	0.64	\$1,280.00	0.64	\$1,280.00
4	2101.505	GRUBBING	ACRE	\$2,000.00	0.64	0.64	\$1,280.00	0.64	\$1,280.00
5	2104.502	REMOVE MANHOLE	EACH	\$400.00	1	1	\$400.00	1	\$400.00
6	2104.503	REMOVE SEWER PIPE (SANITARY)	L F	\$6.00	458	452	\$2,712.00	452	\$2,712.00
7	2105.507	COMMON EXCAVATION	C Y	\$8.00	426	426	\$3,408.00	426	\$3,408.00
8	2105.601	DEWATERING	LS	\$20,000.00	1	1	\$20,000.00	1	\$20,000.00
9	2451.507	GRANULAR BEDDING (LV)	C Y	\$50.00	84	150	\$7,500.00	150	\$7,500.00
10	2503.503	10" PVC PIPE SEWER	L F	\$90.00	14	8	\$720.00	8	\$720.00
11	2503.602	CONNECT TO EXISTING SANITARY SEWER	EACH	\$600.00	3	3	\$1,800.00	3	\$1,800.00
12	2503.603	18" PVC PIPE SEWER	L F	\$100.00	444	444	\$44,400.00	444	\$44,400.00
13	2506.502	CONSTRUCT DRAINAGE STRUCTURE DES 4007	EACH	\$2,800.00	1	1	\$2,800.00	1	\$2,800.00
14	2575.501	TURF ESTABLISHMENT	LS	\$5,000.00	1	1	\$5,000.00	1	\$5,000.00
Totals For SE Sanitary Sewer Interceptor Repair:							\$123,300.00		\$123,300.00
Project Totals:							\$123,300.00		\$123,300.00

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

November 4, 2019
Crow Wing County Courthouse Jinx Ferrari Room
7:00 PM

1. Approval of Bills & Payments to Contractors

<u>Contractor</u>	<u>IMP#</u>	<u>Project</u>	<u>Amount Paid</u>	<u>Amount Retained</u>
Tom's Backhoe	19-13	SE Sanitary Sewer	\$123,300	\$123,576
Baratto Brothers		Gregory Park Warming House	\$237,616	\$220,000

2. Police Officer Resignation and Request to Hire

3. City Hall Remodel – Network Cabling and Door Access Security

4. Deferment of Assessments

5. Parking Lots - Discussion

6. 2020 Budget and Levy – Set Workshop



Brainerd City Council Agenda Request

Requested Meeting Date: November 4th, 2019

Title of Item: Police Officer Resignation and Request to Hire

☐ 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: Police Officer Tim Friis has accepted a position as an instructor at the FBI Hazardous Devices School in Huntsville, Alabama. He has submitted a Letter of Resignation, effective November 17th. We have exhausted the current police officer eligibility list; consequently we are requesting authorization for the Civil Service Commission to establish a new Police Officer Eligibility List and authorization to replace officer Friis.	
Alternatives, Options, Effects on Others/Comments: The police department is budgeted for 26 licensed positions in 2019. With the tentative starting date of new Police Officer Bailey Boelter on November 4th, we would be at 26, however Officer Friis's resignation drops us to 25. With Boelter starting we will have three new officers in Field Training, technically putting us at only 23 people for coverage. With the upcoming holidays and our normal process of advertising, accepting applications, interviewing, and Civil Service list certification, we will most likely be close to the new year before we would have a list established and comeback for authorization to make a conditional job offer.	
Recommended Action/Motion: Accept Officer Friis's resignation with regret, and authorize the Civil Service commission to establish a new Police Officer Eligibility List.	
Financial Impact: <i>Is there a cost associated with this request:</i> ☒ Yes ☐ No <i>What is the total cost, with tax and shipping</i> \$ _____ <i>Is this budgeted?</i> ☒ Yes ☐ No <u>Please Explain:</u> The positions and costs associated with the process are within the department's current budget.	

10-22-2019

To: Chief Corky McQuiston
Brainerd Police Department

From: Officer Tim G. Friis
Brainerd Police Department

I regret to inform you that as of November 17th, 2019, I am resigning my position as a police officer with the City of Brainerd. I have been offered and accepted a position to become a full time instructor at the FBI Hazardous Devices School in Huntsville, Alabama.

My years of service with the Brainerd Police Department will never be forgotten. I have met and worked with some of the best partners I could ask for and made wonderful memories that will last my lifetime.

I want to thank you, and the City of Brainerd for all the opportunities I have been afforded. It was a privilege and honor to be apart of such an outstanding department.

Sincerely,

A handwritten signature in blue ink, appearing to read 'T. Friis', with a horizontal line above it.

Tim Friis



Brainerd City Council Agenda Request

Requested Meeting Date: November 4, 2019

Title of Item: City Hall Remodel - Network Cabling and Door Access Control (Security)

☐ 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, IT/GIS Director	Department: IT/GIS
Presenter (Name & Title): same	Estimated Time Needed: 5 min
Summary of Issue: Network cabling and door access control (security) for City Hall were quoted separately from the primary remodel project due to the higher technical nature, greater staff involvement, and recommendation that prices may be lower when separated. The cabling quotes came in substantially lower than initial estimates and ranged from \$16,330 to \$24,500. The door access control is an addition to our existing system at the Police Department. Expanding on the existing system centralizes management across the network and saves on hardware, licensing, training, and labor costs as we already have the system in place.	
Alternatives, Options, Effects on Others/Comments: 1. Network cabling quotes for 108 runs including the cable, cable support, and labor were received from 5 area contractors ranging from \$16,330 to \$24,500. Digital Horizons provided the lowest quote. An additional \$3,500 dollars of hardware will be provided by the City (cable termination, patch panels, cabinets, etc). This project replaces all network cable in City Hall which varies in age up to 20+ years old and will greatly improve the current network layout and facilitate future changes. 2. Door Access Control includes configuring 16 doors at City Hall (4 exterior and 12 interior) with key card access. As an expansion of our current system, we are already familiar with the process, hardware, and software so the implementation should be fairly straight forward.	
Recommended Action/Motion: 1. Approve 'Digital Horizons' cabling quote for \$16,330 with an additional \$3,500 of City provided hardware 2. Approve 'Midwest Security and Fire' access control quote to add 16 City Hall doors to our existing system for a cost of \$41,513. Total costs: \$16,330 + \$3,500 + \$41,513 = \$61,343	
Financial Impact: Is there a cost associated with this request: ☒ Yes ☐ No What is the total cost, with tax and shipping \$ 61,343 Is this budgeted? ☐ Yes ☐ No Please Explain: Costs to be included in the City Hall Remodel project	

Digital Horizons, LLC
phone: 218-330-4140
e-mail: chris@digitalhorizonsmn.com
web: www.digitalhorizonsmn.com
office: 1924 S. 10th Street
Brainerd, MN 56401



Proposal: City Hall Network Wiring

Prepared for:
Shawn Strong

Prepared by:
Chris Schucker
on
10/21/2019

About Digital Horizons, LLC:

Digital Horizons, LLC was founded in May of 2013 in Brainerd, Minnesota with the goal of providing a superior audio & video experience for its clients. Being a locally owned and operated business, our customers and their opinion of us is vital to our success. Listening to our clients and meeting their needs is why our business thrives based almost entirely on referrals.

The company's owners, Chris Schucker and Scott Johannes, met in 2005 and over the years of working together developed a great synergy and decided to branch out and represent themselves and founded Digital Horizons. Combined the two have over 20 years of experience in the industry and thoroughly enjoy the everyday challenges that arise within the dynamic industry that is custom audio & video installation.

Our Mission:

We believe in old school values and are proud to continue these traditions where businesses are honest in their practices and deliver high quality, reliable products and make them available for a fair price. Our company mission is to provide high quality and easy to use audio & video systems. We strive to be available to our clients at all times, (before and after the installation), and to make decisions and recommendations with the best interest of our clients in mind. We do not strive to make the most money (at the expense of poor customer service) or be the largest company (bigger is not always better in our book), but rather strive to build a strong resilient company that focuses on a quality experience for its customers.

Goals and Objectives:

Here is the quote you requested.

Statement of Work:

Recommendations:

Please contact me if I can be of further assistance.

Included with every Purchase from Digital Horizons, LLC:

All work performed by Digital Horizons will carry a 1 year labor warranty. Our 1 year warranty covers workmanship deemed to be defective under normal conditions of use. Any warranty on products is that of what is provided by the individual manufacturer. Labor costs to replace products covered under the manufacturer's warranty beyond our 1 year labor warranty is the responsibility of the end user.

If an issue arises with a product or service provided by Digital Horizons the end user should contact Digital Horizons *as soon as possible* at 218-330-4140 or by e-mail at info@digitalhorizonsmn.com for a resolution. A representative of Digital Horizons will, in good faith, determine the issue at hand and discuss options with the end user.



Date	10/21/19
Proposal #	DHZQ2116

Qty	Mfg	Description	Price (ea)	Price (total)
-----	-----	-------------	------------	---------------

This proposal includes the wiring, installation, cable ladder trays, and misc. materials for mounting to install 108 'drops' in the City Hall for Brainerd, Minnesota. Drop counts, specifications, and locations are per documentation from Shawn Strong and are attached to this proposal for reference. All wiring is plenum rated. Installation includes running the wiring, removing and disposing of old wiring (where possible), terminating the line at the wall plate location, terminating the wire at the patch panel, and testing continuity. All wall plates, keystones, and patch panels to be provided by the City - Digital Horizons only provides plenum-rated Cat6 wiring, wire mounting materials, cable trays, and installation expertise to complete the project.

WIRING

1	Client provided	Client provided equipment - Keystones, wall plates, equipment rack(s), patch panels, etc.	\$0.00	\$0.00
108	Digital Horizons	Wiring for a basic data connection	\$142.50	\$15,390.00
6	Digital Horizons	Misc. parts & materials	\$140.00	\$840.00
- Legrand / Cablofil cable tray - 10' piece + mounting accessories				
1	Digital Horizons	Misc. parts & materials	\$100.00	\$100.00
SubTotal				\$16,330.00

Sub Total	\$16,330.00
Sales Tax	\$0.00
Total	\$16,330.00

Accepted by: _____ Date: _____ PO: _____

All information contained within this document is valid for the next 30 days. Thereafter, all prices and applicable charges are subject to change.

Contract for Services Rendered

This is a contract entered into by **Digital Horizons, LLC** (hereinafter referred to as "the Provider") and **City of Brainerd** (hereinafter referred to as "the Client") on this date, **10/21/2019**.

The Client hereby engages the Provider to provide services described herein under "Scope and Manner of Services." The Provider hereby agrees to provide the Client with such services in exchange for consideration described herein under "Payment for Services Rendered."

Scope and Manner of Services

Services To Be Rendered By Provider: Proposal **DHZQ2116**

Payment Schedule

30% Acceptance / 40% Equipment Ordering / 30% Final

- A deposit of **30%** is due upon acceptance
- Products must be paid for in full prior to delivery and installation
- Final balance, typically **30%**, to be due upon final invoice

Payment for Services Rendered

The Client shall pay the Provider for services rendered according to the Payment Schedule, within **30** calendar days of the date on any invoice for services rendered from the Provider.

Should the Client fail to pay the Provider the full amount specified in any invoice within **30** calendar days of the invoice's date, an interest rate of **1** percent per month shall accrue.

Applicable Law

This contract shall be governed by the laws of the County and State where work is to be performed and any applicable Federal law.

Signatures

In witness of their agreement to the terms above, the parties or their authorized agents hereby affix their signatures:

(Printed Name of Client or agent)

(Printed Name of Provider or agent)

(Signature of Client or agent) (Date)

(Signature of Provider or agent) (Date)



October 30, 2019

Shawn Strong, IT/GIS Coordinator
City of Brainerd
501 Laurel Street
Brainerd MN 56401

Project – Access Control System Installation- Brainerd City Hall

Install hardware, wiring, controllers, power supplies, card readers, door locking, and software for Access Control of the doors listed below.

Lower level east entrance
Lower level IT office
Lower level Transit office
Lower level Training office
Lower level break room
Lower level Mechanical room
Vault
Garage door by stair E
Northeast entrance
Southeast entrance
Main entrance
HR
Engineer/Building/Parks
Floor 2- office
Floor 2- office
Floor 3 - Admin/Finance

Material and labor details

4	Access Control Panel 4 Door-NXT –Mercury firmware
4	Access Control Panel Power Supply
4	Backup battery
16	Card Reader- Proximity
8	Electric Door Strike
4	Electrified Cylindrical Lockset
4	Electric Latch Retraction kit for exit device
8	Armored power transfer door cord
4	Power supply with battery option- Strike or cylindrical lockset
4	Power supply with battery option- Electric latch retraction
500	Category 5 plenum rated wiring- communications
2250	Category 5 shielded plenum rated wiring- readers
500	16/2 stranded plenum rated wiring- locks
2000	18/2 stranded plenum rated wiring- locks
1	Installation materials
2	Design and documentation labor
105	Installation labor
2	Training and operation instruction
System total \$41,513.00	



Optional items

SOFTWARE –Keri Systems Doors.NET Software is designed natively in Microsoft's .NET platform and utilizes their SQL database engine with all instructions and communication with the database done through Stored Procedures, making responses quick. Server based software with client access. No hosting fees or connection required for each site typical to web based systems for higher security. The software is a one-time purchase. Updates or upgrades are typically only needed for repairs or features add on and are available at no cost.

Additional licenses

Doors.NET Access Control Server/Client Software is \$705.00 per user license including installation, activation, and configuration.

Doors.Net Badging Client is \$1,269.00 per user license including software installation and activation.

Photo ID Systems

Access Control System Card Printer with Dual Sided Upgrade Kit	\$2,590. 00
Installation, driver setup, initial badge design and setup	\$316.00

Credentials- in any quantity are available

Standard Clamshell Proximity Card	\$3.78 each
Printable Technology Proximity Card	\$4.89 each
Proximity Key Ring Tag	\$7.48 each



Brainerd City Council Agenda Request

Requested Meeting Date: November 4, 2019

Title of Item: Deferment of Assessments

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☒ P&F COMMITTEE ☐ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) <i>*provide copy of published hearing notice</i> ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading
Submitted by: Connie Hillman	Department: Finance
Presenter (Name & Title): Finance Director Hillman	Estimated Time Needed: 10 Minutes
Summary of Issue: The City has received two applications for deferred assessments associated with Improvement 17:06 (H Street Reconstruction), a 2019 construction project. Attached is the most recent resolution that was adopted in 2016 detailing guidelines for the deferment of special assessments. Staff was able to verify that Ms. Holz (PID 41191702) meets the requirements of 4A, 4B, and 4D. Mr. Green (41191721) does not meet 4D - the estimated market value (EMV) of the applicant's homestead being less than \$110,000. Attached are the applications from both applicants as well as a letter from Mr. Green, his property tax statement for 2019 and property valuation notice for pay year 2020. Mr. Green's EMV for pay year 2020 is \$156,600.	
Alternatives, Options, Effects on Others/Comments: In 2016, the Council amended the deferment assessment criteria requiring the CWC Assessor's EMV of the applicant's homestead to be less than \$110,000. The previous limit was \$100,000 set in 2005. In 2016, the City looked at various data that was taken by doing basic inquiries in the County's system. The agenda request from the 11/21/16 meeting is attached to provide background information. For additional information, minutes from the 11/21/16 meeting are also attached showing that one deferment was denied due to the EMV criteria. The EMV of the property at that time was \$113,700. Since 2016, as a whole, residential property EMV has increased roughly 12.3%. The homestead residential EMV for pay year 2020 is currently estimated to be \$391,023,960 and for pay year 2017 it was estimated to be \$348,166,950. Applying the this percentage, the EMV criteria would be below \$123,530. As noted above, in 2016, the data was gathered by doing inquiries of the County's system. The CWC HRA is currently doing a housing study. The 2017 data the consultant has gathered has the median value for a Brainerd home as \$110,400 with 42.5% of the housing being valued under \$100,000. 32% of the housing is valued between \$100,000 and \$149,999.	
Recommended Action/Motion: Provide direction to Staff if the Council would like to amend the EMV limit; Approve or deny deferment of assessment for PID 41191702 and 41191721.	
Financial Impact: <i>Is there a cost associated with this request:</i> ☒ Yes ☐ No <i>What is the total cost, with tax and shipping</i> \$ <u>Unknown</u> <i>Is this budgeted?</i> ☐ Yes ☒ No <i>Please Explain:</i>	

RESOLUTION
NO. 54:16

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

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

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

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

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

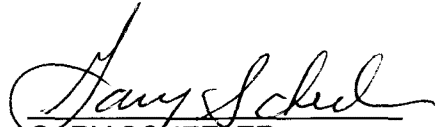
1. That the City Council does endorse the principle of deferment of special assessments for citizens where the payment of said special assessments constitutes hardship.
2. The Council, in accordance therewith, may defer the payment of any special assessment on homestead property when payment of the assessment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

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

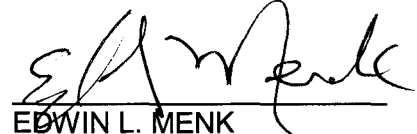
Notwithstanding the foregoing provisions of this paragraph, the City Council may consider exceptional and unusual circumstances pertaining to an applicant not covered by the above standards; but any determination shall be made in a non-discriminatory manner and shall not give the applicant an unreasonable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

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

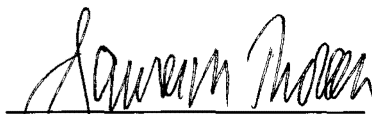
Adopted this 21st day of November, 2016


GARY SCHEELER
President of the Council

Approved this 22nd day of November, 2016


EDWIN L. MENK
Mayor

ATTEST:


JAMES M. THOREEN
City Administrator



RECEIVED

OCT 28 2019

CITY OF BRAINERD
ADMINISTRATION

DEFERRED ASSESSMENTS
CITY OF BRAINERD

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

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

NAME <u>Diane Holz</u>	I am (check one)
ADDRESS <u>810 H ST. NE</u>	☒ At least 65 years of age ☐ Retired by virtue of a total or permanent disability ☐ Financial hardship exists
R.E. CODE OF PROPERTY: _____	
LEGAL DESCRIPTION OF PROPERTY: <u>City of Brainerd Sec 19 TWP 4510</u> <u>RG: 30W Lot 608 BLK: 003 ACRES! East side Addition to the</u> <u>City of Brainerd E. 70 FT. OF Lot 8 Block 3 and E. 70 FT. OF</u> <u>Lot 9 Block 3</u>	

I, the undersigned, declare under penalties of perjury:

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

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

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

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

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

☒ Sole ownership
☐ Joint tenancy, held with _____
☐ Other (specify) _____

That on _____, I owned and occupied the above property as my homestead and such occupancy began on _____.

That the taxes for improvements on the special assessments adopted by Resolution No. 54:16 on November 22, 2016, by the City of Brainerd which have been allocated against the subject property would create undue personal hardship on my behalf and I respectfully request that payment be so deferred for the installments payable in the year 2019. (NOTE: Application for deferment shall be made each year.)

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

Signed

Owner

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

That in accordance with approval granted, that the assessment on the affiant's subject property levied for annual collection composed of principal \$ _____ and interest, which is based on the unpaid principal balance payable in the year 2019 should be so deferred with interest at the annual rate of 3.3%, until such time as it is deemed the applicant no longer qualifies or the property loses its eligibility.

Date: _____ 2018.

City Administrator

RECEIVED

OCT 28 2019

CITY OF BRAINERD
ADMINISTRATION

DEFERRED ASSESSMENTS
CITY OF BRAINERD

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

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

NAME <u>Guy A. GREEN</u>	I am (check one)
ADDRESS <u>1004 H ST. BRAINERD MN.</u> <u>56401</u>	☒ At least 65 years of age ☐ Retired by virtue of a total or permanent disability ☒ Financial hardship exists
R.E. CODE OF PROPERTY: <u>41191721</u>	
LEGAL DESCRIPTION OF PROPERTY: <u>East Side Addition to the city of Brainerd</u> <u>Lots 8 Thru 10-Block 1 inclusive</u>	

I, the undersigned, declare under penalties of perjury:

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

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

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

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

That my interest in the ownership of the above property was acquired on SEPTEMBER, 2008, and is as follows (check one):

☒ Sole ownership
☐ Joint tenancy, held with _____
☐ Other (specify) _____

That on _____, _____ I owned and occupied the above property as my homestead and such occupancy began on _____.

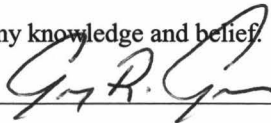
That the taxes for improvements on the special assessments adopted by Resolution No. 54:16 on November 22, 2016, by the City of Brainerd which have been allocated against the subject property would create undue personal hardship on my behalf and I respectfully request that payment be so deferred for the installments payable in the year 2019. (NOTE: Application for deferment shall be made each year.)

My homestead value does exceed the \$110,000, mostly by being a
trial lot, I believe I meet the "Hardship" standard in spades.
I meet the "Extremely Low Income, also the Assets"
minimum, and, by virtue of being a corner lot of large size,
my assessment exceeds the \$300 minimum by almost \$12,000.
As I said in my letter to the Council, even if spread over
ten years, the increase in taxes will drive my mortgage
payment to an amount, greater than my social security monthly.

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

Signed

Owner



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

That in accordance with approval granted, that the assessment on the affiant's subject property levied for annual collection composed of principal \$ _____ and interest, which is based on the unpaid principal balance payable in the year 2019 should be so deferred with interest at the annual rate of 3.3%, until such time as it is deemed the applicant no longer qualifies or the property loses its eligibility.

Date: _____ 2018.

City Administrator

October 18, 2019

Dear City Council Members, and City Administrator,

It is a great relief to know that The City Council of the City of Brainerd finds and determines that the deferral of special assessments for certain citizens is in the public interest, and that the City Council does endorse the principle of deferment of special assessments for citizens where the payment of said assessments constitutes hardship.

I have discussed my particular situation with my own Councilman, and one other, and have found them both to be knowledgeable and helpful in assisting me to apply for a deferral, which I feel is just the type of situation the findings and determinations the council has set in place were designed to address. I was also the recipient of very professional and friendly assistance from our City Engineer, Mr. Paul Sandy, PE. I meet three of the four criteria set out. My property, however is over the guidelines of \$110,000, so this will require Council approval.

I might add, that Mr. Sandy, along with the Project Managing officials with SEH, were hands on, and all ears, when dealing with concerns of property owners regarding dearly loved old trees, and other property disruptions that go along with projects of this size and duration. From all I have seen this summer, every concern has been, or is in the process of being, dealt with fairly and appropriately. I lost a beautiful old Butternut tree, but the extra care and concern provided by SEH, their crews, and Paul appears to have been quite successful in saving an even more beautiful old Maple that has been adding beauty to NE Brainerd for a lot longer than I have been alive!

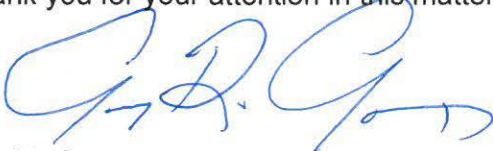
However, I HAVE been alive long enough to be retired, on Social Security and Medicare, and reduced to a lone part-time job by a heart attack and a spine that has been rendered rather balky by about sixty years of the game of golf. I also had a second part time job in 2018, Course hosting and caddying at The Classic Golf Course at Maddens, but that job ended in 2019.

That leaves my current income at \$10,802 from S.S., (after Medicare Plan B deductions), And an additional \$2325 from my summer employment with The Minnesota Golf Association as Senior Tour Director for the Northern Section of the State.

My assessment in this matter is \$12,086.45. Even with stretching the payments out over ten years, this assessment will run my mortgage payment up somewhere around \$100 per month. At that rate, I will be rendered unable to stay afloat for more than a year as a "home owner."

I have no problem with paying taxes, and I appreciate that Councils have to deal with serious infrastructure problems all across the nation, many of which have been kicked down the road for current Councils to handle, by predecessors who might not have been as willing to make necessary, but difficult, choices. At my age, deferring payment until my selling the house, or heading for the Happy Hunting Ground, seems a fair and proper solution for all involved.

Thank you for your attention in this matter,



Guy R. Green
1004 H St. Brainerd, Mn 56401



CROW WING COUNTY
LAND SERVICES
322 LAUREL ST.
SUITE 15
BRainerd, MN 56401
218-824-1010
WWW.CROWWING.US

TAX STATEMENT

2019

2018 Values for Taxes Payable in

Property ID#: 41191721

Owner: GREEN, GUY R
Escrow: 17686
CORELOGIC



TAXPAYER ID: 128846
GREEN, GUY R
1004 H ST NE
BRainerd MN 56401-2833



C 23
S 5823



Property Description:

CITY OF BRAINERD
SEC:19 TWP:045 RANGE:030
EAST SIDE ADDITION TO THE CITY OF BRAINE
LOTS 8 THRU 10 BLOCK 1 INCLUSIVE.

Property Address: 1004 H ST NE, BRAINERD MN 56401-0

		VALUES AND CLASSIFICATION	
Step 1	Taxes Payable Year:	2018	2019
	Estimated Market Value:	142,900	149,200
	Improvements Excluded:		
	Homestead Exclusion:	24,379	23,812
	Taxable Market Value:	118,600	125,400
	New Improvements/ Expired Exclusions:		
	Property Classification:	RES HSTD	RES HSTD
	Sent in March 2018		
Step 2	PROPOSED TAX		
Proposed Tax:		Sent in November 2018	
Step 3	PROPERTY TAX STATEMENT		
First-half Taxes:		1,014.00	
Second-half Taxes:		1,014.00	
Total Taxes Due in 2019:		2,028.00	

\$\$\$

REFUNDS?

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

	Taxes Payable Year:	
	2018	2019
1. Use this amount on Form M1PR to see if you're eligible for a property tax refund. File by August 15. If box is checked, you owe delinquent taxes and are not eligible.	☐	2,014.00
2. Use these amounts on Form M1PR to see if you are eligible for a special refund.		
PROPERTY TAX AND CREDITS		
3. Property tax before credits:		
4. Credits that reduce property taxes:		
A. Agricultural and rural land credits		
B. Other credits		
5. Property tax after credits	1,799.00	2,013.00
PROPERTY TAX BY JURISDICTION		
6. Crow Wing County	367.66	400.86
7. City or Town	917.26	1,008.06
CITY OF BRAINERD		
8. State General Tax		
9. School District: A. Voter approved levies	123.81	206.30
0181 B. Other local levies	368.24	374.54
10A. Special taxing district	22.03	23.24
B. Tax increment		
C. Fiscal disparity		
11. Non-school voter approved referenda levies		
12. Total property tax before special assessments	1,799.00	2,013.00
SPECIAL ASSESSMENTS		
13A. SOLID WASTE/RECYCLING FEE	15.00	15.00
B.		
C.		
14. Total property tax and special assessments	1,814.00	2,028.00

03/18/2019

PAYABLE 2019 2nd HALF PAYMENT STUB
TO AVOID PENALTY PAY ON OR BEFORE OCTOBER 15, 2019

If your address has changed please check this box and show the change on the back of this stub.

Property ID: 41191721

Taxpayer: 128846
GREEN, GUY R
1004 H ST NE
BRainerd MN 56401-2833

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

OUR RECORDS INDICATE THAT YOUR TAXES ARE
BEING PAID BY ESCROW COMPANY CORELOGIC

Total Property Tax: \$ 2,028.00
Second Half Due: \$ 1,014.00
Second Half Balance Due: \$ 1,014.00

Make Checks Payable To:
CROW WING COUNTY
LAND SERVICES
322 LAUREL ST., SUITE 15
BRainerd, MN 56401

30.00 service charge for all returned checks.

2018 41191721 00000101400

Parcel ID: 41191721
GREEN, GUY R

Parcel

Assessment Year:	2019
Pay Year:	2020
Property Address:	1004 H ST NE
City:	BRAINERD
State:	MN
Zip:	56401
Multiple Addresses:	No
Legacy Parcel ID:	09123001008Y009
Market NBHD:	09_NERES - BRAINERD-NE RESIDENTIAL
Class:	201 - 1A/4BB(1) RESIDENTIAL SINGLE UNIT
Lake:	
Deeded Acres:	0
Plat:	09123 - EAST SIDE ADDITION TO THE CITY OF BRAINE
Lot:	008
Block:	001
Section-Twp-Range:	19 - 045 - 030
Tax District:	41100 - 41 - CITY OF BRAINERD
Town/City:	010200 - CITY OF BRAINERD
School District:	020181 - BRAINERD
Fire District:	
Rural Service:	
Watershed:	
Sewer District:	
Hospital:	
HRA:	080110 – BRAINERD HRA
Commissioner District:	1
TIF Project #:	-

Values

Tax Market Value:	133,500
Estimated Market Value:	156,600
Ref Market Value:	156,600
TIF Tax Capacity:	0
Tax Capacity:	1,335
State Tax Capacity:	0
New Construction Value:	0

Parcel Status

In Forfeiture:	No
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Escrow Company:

ACH: No
Delinquent No
Homestead Yes
Relative

Legal

Plat Name:

EAST SIDE ADDITION TO THE CITY OF BRAINE LOTS 8 THRU 10 BLOCK 1 INCLUSIVE.

Sales

Sale Date	Sale Price	Instr. Type	CRV #	Grantor/Seller	Grantee/Buyer
09/29/2008		OTH	0809086		GREEN, GUY R
09/01/2008	130,000	WD		WEINHANDL, EVONNE R & ETAL	GREEN, GUY R
01/01/1800		OTH			WEINHANDL, JOHN P ETAL

Sale Details

1 of 3

Instrument Type: OTHER TYPE OF TRANSFER
Grantor/Seller:
Grantee/Buyer: GREEN, GUY R
Instrument/Sale Date: 09/29/2008
Transfer Date: 09/29/2008
Recorded Date: 10/01/2008
Improved/Vacant: -
State Validity Code: -
Sale Property Use: -
CRV #: 0809086
Old Document Number:
Total Sale Price:
of Pcls:
Adjusted Sale Price:



Brainerd City Council Agenda Request

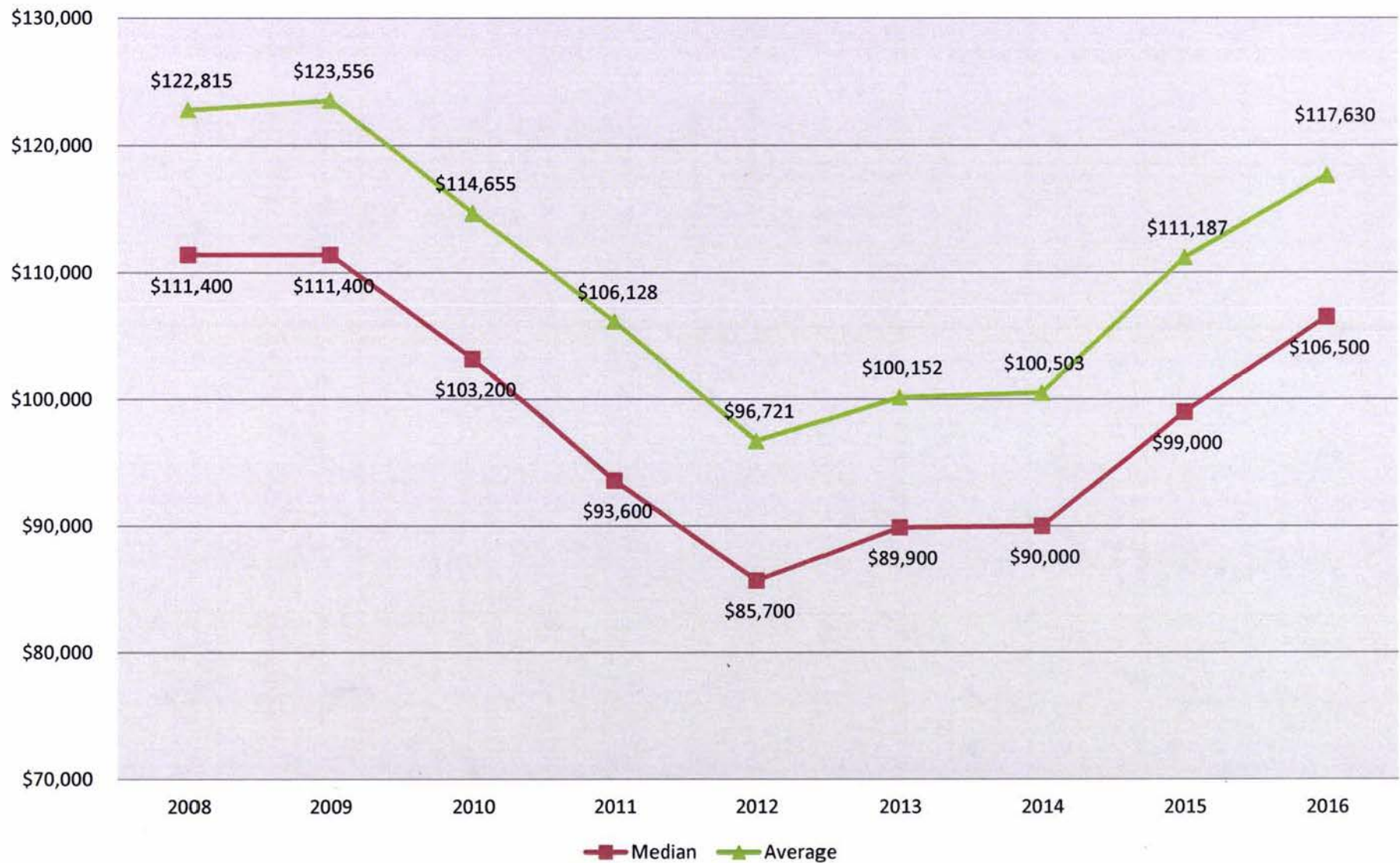
P+H 2
Agenda Item #

Requested Meeting Date: November 21, 2016

Title of Item: Deferred Assessment Criteria

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☒ P&F COMMITTEE ☐ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) *provide copy of published hearing notice ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading
Submitted by: Connie Hillman	Department: Finance
Presenter (Name & Title): Finance Director Hillman	Estimated Time Needed: 10 minutes
Summary of Issue: The approval of 4 assessment deferrals was held over from the November 7th council meeting to try to determine the median homestead EMV rather than the average for the City, and to research if it could be determined how \$70,000 homestead value was established in 1999. It was not as simple to get the median for a homestead as one might think, as several people may own more than one parcel to make up the total value of the homestead and the county does not have a way to combine them when doing a query. Therefore we picked criteria for the query and found a value. The adoption of Res No 25:99 increasing the value to \$70,000 was on the consent calendar and the packet is not in Laserfiche.	
Alternatives, Options, Effects on Others/Comments: Attachment A: A graph of the median and average EMV (land and building) based a query of the Homestead Primary Parcel with a Building Value of \$100 or greater. Attachment B: The attachments that were provided at the November 7th council meeting. Attachment C: The deferment information provided at the October 17th council meeting. To recap, the request is to defer 4-2017 assessment payments for 3 property owners (one property owner is requesting deferment of 2 different improvements). Staff has verified that the resident's annual gross income is below the low income limit guideline and according to the County's website their total EMV (land and building) exceeds \$100,000.	
Recommended Action/Motion: Amend or not amend the current resolution. Approve or deny the 4 applications for deferment.	
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>	

Query: Homestead Primary Parcel with a Building Value of \$100 or Greater (EMV of Land & Building)



Attachment 4

**RESOLUTION
NO. 06:05**

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

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

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

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

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

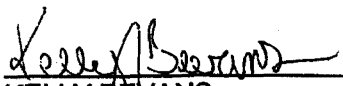
1. That the City Council does endorse the principle of deferment of special assessments for citizens where the payment of said special assessments constitutes hardship.
2. The Council, in accordance therewith, may defer the payment of any special assessment on homestead property when payment of the assessment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

- C. The total assets of the applicant and spouse, exclusive of the homestead, do not exceed \$25,000.00.
- D. The Crow Wing County Assessor's estimated market value of the applicant's homestead is less than \$100,000.

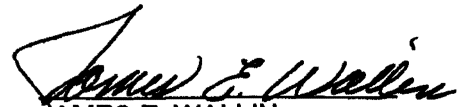
Notwithstanding the foregoing provisions of this paragraph, the City Council may consider exceptional and unusual circumstances pertaining to an applicant not covered by the above standards; but any determination shall be made in a non-discriminatory manner and shall not give the applicant an unreasonable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

- 5. Retirement by reason of permanent and total disability shall be deemed prima facie to exist when the applicant presents a sworn affidavit by a licensed medical doctor attesting that the applicant is unable to be gainfully employed because of a permanent and total disability.
- 6. The option to defer the payment of special assessments shall terminate and all amounts accumulated plus applicable interest shall become due upon the occurrence of any of the following events:
 - A. The death of the owner when there is no spouse who is eligible for deferment;
 - B. The sale, transfer, or subdivision of all or any part of the property;
 - C. Loss of homestead status on the property;
 - D. Determination by the Council for any reason that there would be no hardship to require immediate or partial payment; or
 - E. Failure to file a renewal application with the time prescribed by Paragraph 3.
- 7. This Resolution supersedes Resolution No. 25:99 adopted on June 21, 1999.

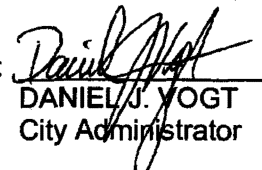
Adopted this 22nd day of February, 2005.


KELLY BEVANS
President of the Council

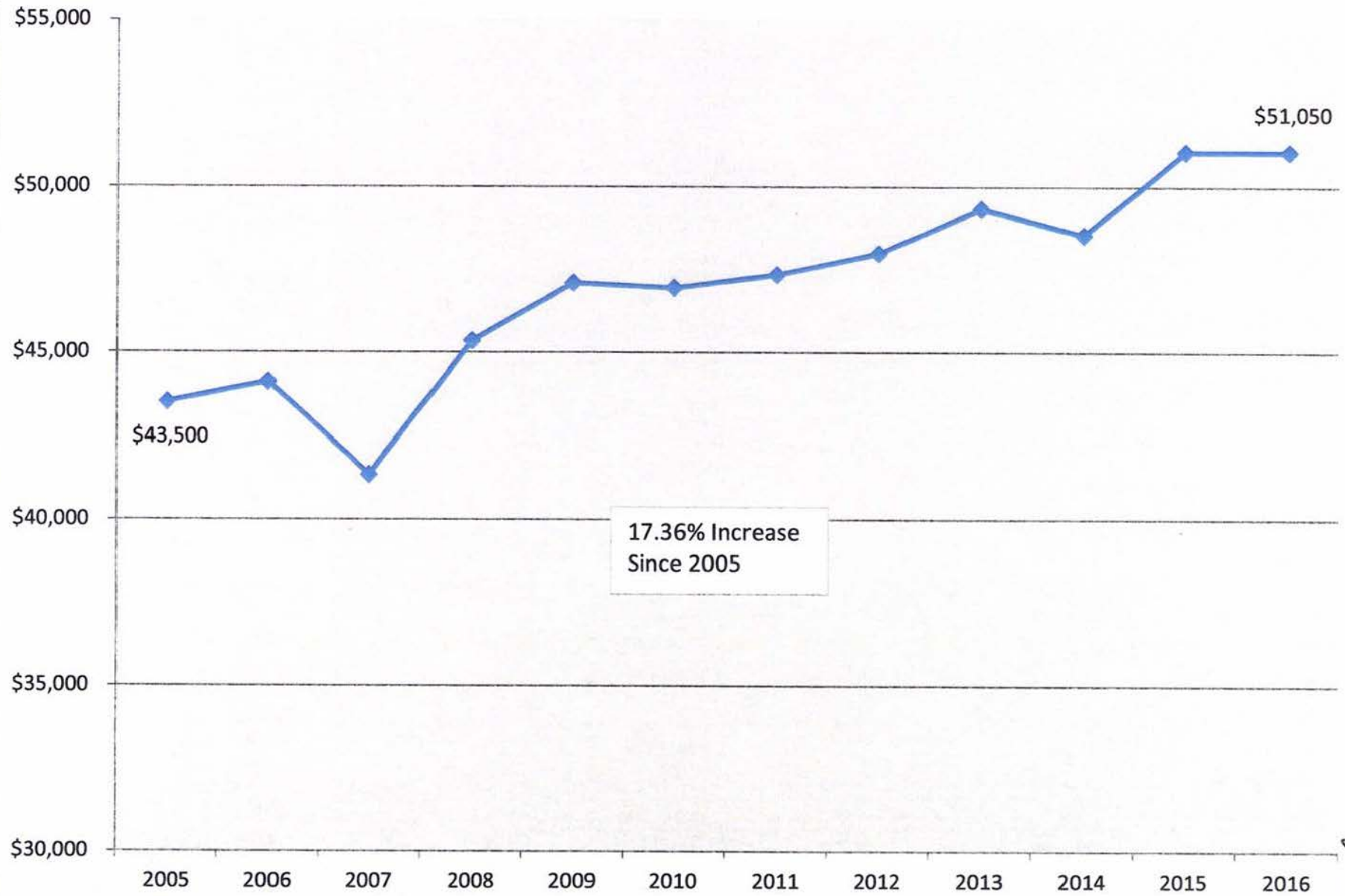
Approved this 23rd day of February, 2005.


JAMES E. WALLIN
Mayor

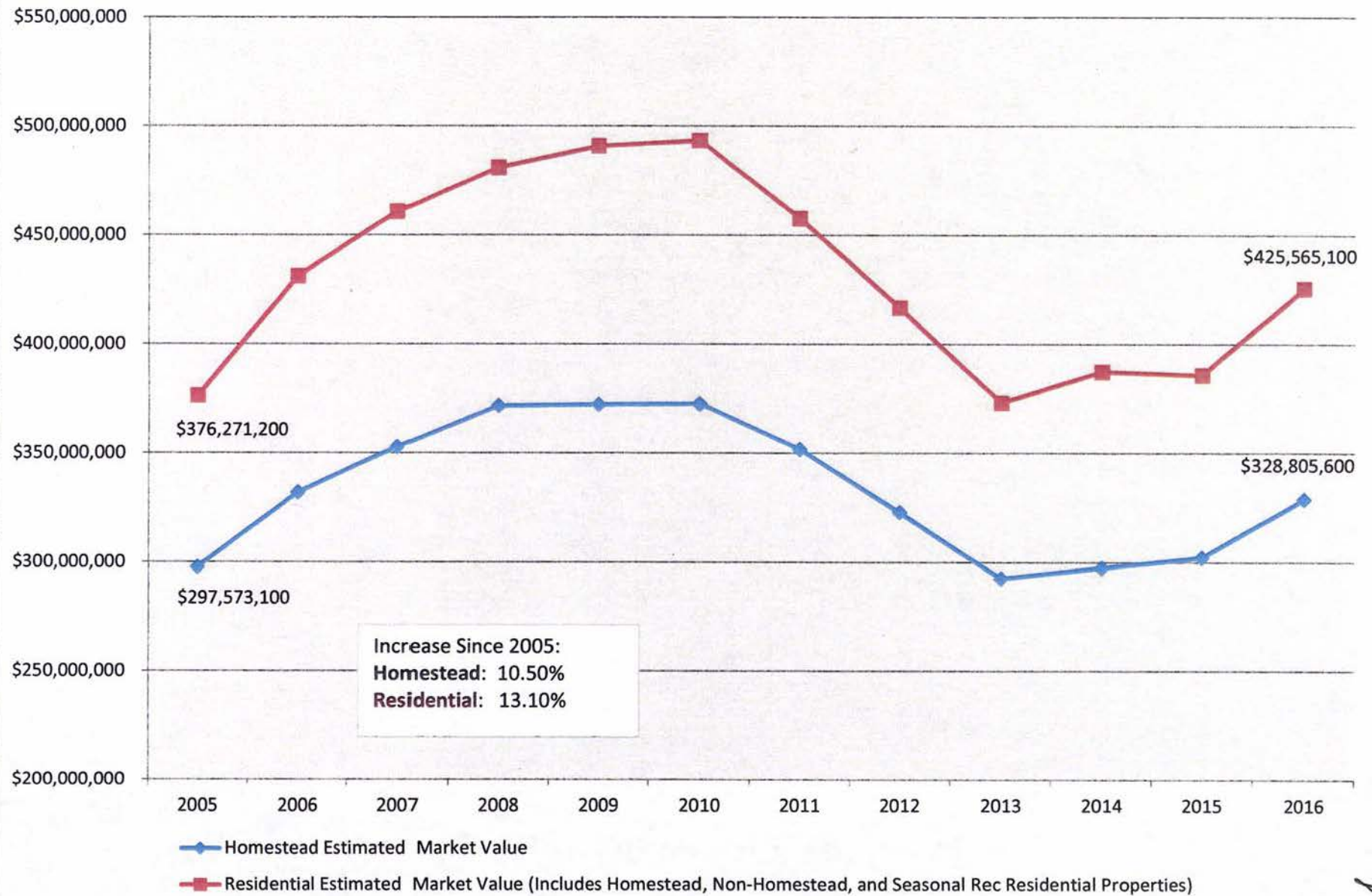
ATTEST:


DANIEL J. YOGT
City Administrator

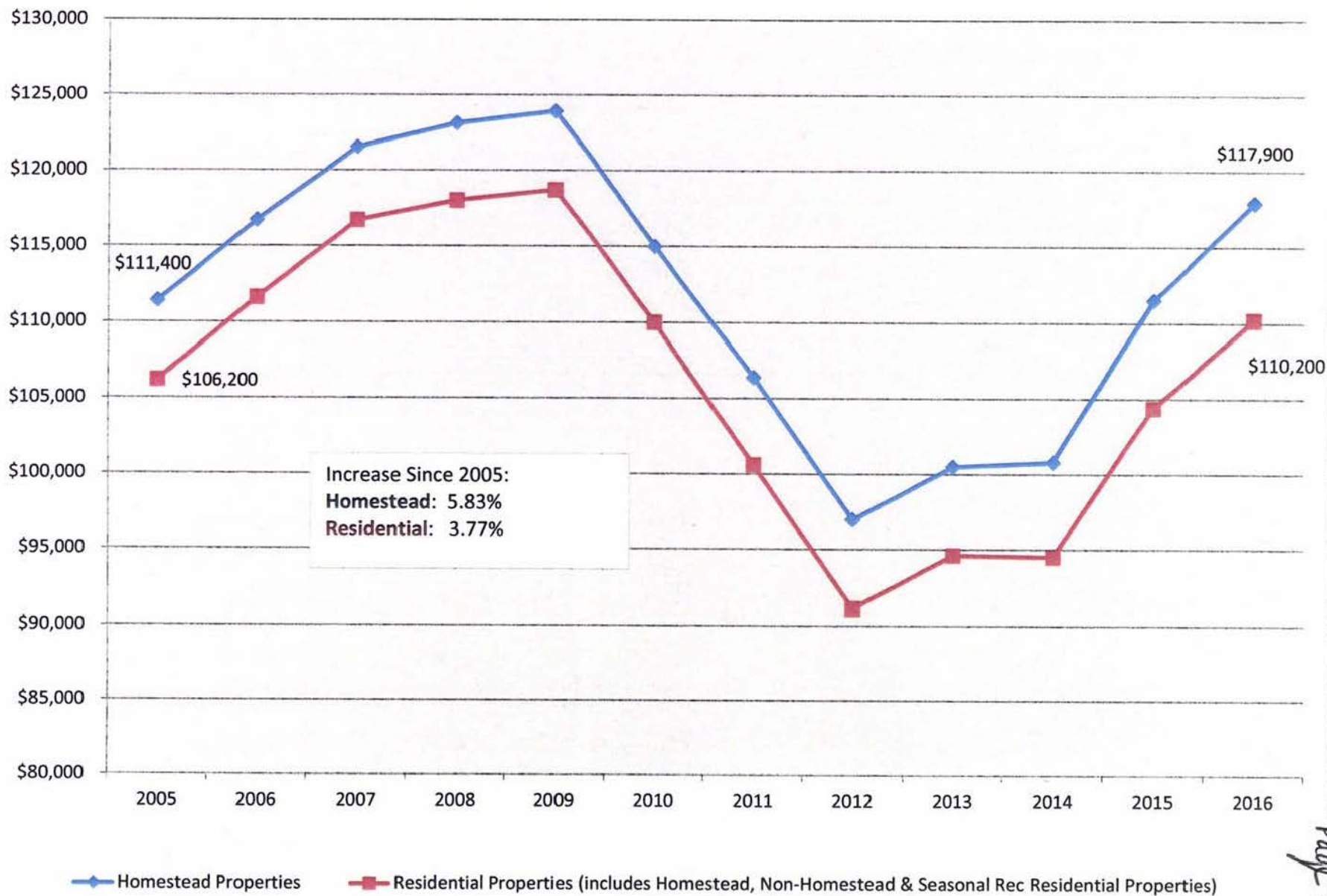
Low Income Limits for a Family of 4



Homestead & Residential Estimated Market Value for City of Brainerd



Average EMV of Parcels with Building Value of \$10,000 or Greater



Committee Chair Bevans reported that Mr. Robert Marohn appeared at the Committee meeting with concerns about water runoff at his recently annexed property on 11427 Easy Street. He stated that this item will appear on a future Safety and Public Works agenda.

Personnel and Finance Committee Report

Approval of Bills, Transfer of Funds & Payments to Contractors – Approved

General Fund to Public Safety Fund	\$310,000
General Fund to Park Fund	\$ 60,000
General Fund to Street & Sewer Fund	\$ 75,000
General Fund to Airport Fund	<u>\$ 12,960</u>
	\$457,960

Contractor	IMP #	Project	Amount	Total Retained
Anderson Bros. Const.	16-06	Sanitary Swr Blck 46-Final	\$1,077	\$0
Braun Intertec	14-15	Arpt Util Ext Thru 10/21	\$2,548	\$0
Tom's Backhoe	14-15	Arpt Util Ext thru 10/31	\$1,275,528.71	\$67,133

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

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

Deferred Assessment Criteria – Held Over from November 7, 2016 – Resolution No. 54:16 Adopted – Raising the Property Market Valuation from \$100,000 to \$110,000 for Criteria to apply for Deferment

MOVED AND SECONDED BY ALDERMEN KOEP AND JOHNSON TO ADOPT RESOLUTION NO. 54:16 – RAISING THE PROPERTY MARKET VALUATION IN RESOLUTION NO. 06:05 FROM \$100,000 TO \$110,000 FOR CRITERIA TO APPLY FOR DEFERMENT OF SPECIAL ASSESSMENTS.

RESOLUTION NO. 54:16

Upon roll call, members Koep, Pritschet, Bevans, Johnson, Borkenhagen and Hilgart voted "aye." No member voted "nay." The Chair declared the motion carried and the resolution adopted.

MOVED AND SECONDED BY ALDERMEN KOEP AND JOHNSON, DULY CARRIED, TO APPROVE THE APPLICATIONS FOR DEFERMENT OF ASSESSMENTS FOR PROPERTIES 091220100110009, 091220100110009, 091210000040009 BASED ON THE APPLICANTS MEETING CRITERIA SET FORTH IN RESOLUTION NO. 54:16.

MOVED AND SECONDED BY ALDERMEN KOEP AND JOHNSON, DULY CARRIED, TO DENY THE APPLICATION FOR DEFERMENT OF SPECIAL ASSESSMENTS FOR PROPERTY 091860010070009 BASED ON THE APPLICANT FAILING TO MEET CRITERIA SET FORTH IN RESOLUTION NO. 54:16.



Brainerd City Council Agenda Request

Requested Meeting Date: November 4, 2019

Title of Item: Parking Lots -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: Connie Hillman	Department: Finance
Presenter (Name & Title): Finance Director Hillman	Estimated Time Needed: 10 Minutes
Summary of Issue: Attached are minutes and the packet information from July 1, 2019. The leased rates were updated effective October 1st. As of today, there are currently 2 spots that are not leased in the BN Parking Lot. With the construction at the High School, the Maple Lot is full as of mid-August and has a waiting list. Staff had made a note in July that Council would like to discuss possible parking lot lease incentives during the budget process.	
Alternatives, Options, Effects on Others/Comments: This item is on the November 4th agenda for Council discussion incentives they would like staff to research. Since almost all of the spaces are currently leased, this may be a topic to hold over until the High School construction project is complete, and/or if Staff starts noticing more vacancies in the lots. As noted in the minutes from July 1st, additional rate increases may be needed in the future. Attached is also the current proposed budget for the Parking Lot Fund for 2020. Assuming a 100% lease rate of the Maple Lot, rather than a 43% occupancy used in July, the estimated revenue for 2020 can be increased from \$25,000 to \$44,000. With updating the costs for snow removal and downtown special services, the estimated revenue covers the current operating budgeted expenditures, but not capital. The Parking Lot's share of snow removal and downtown services for calendar year 2018 were \$22,729 and \$1,904 and for 2019 are \$32,055 and \$2,167 respectively.	
Recommended Action/Motion: Provide direction to staff on parking incentives to research or to hold over; and Discussion on 2020 Budget for the Parking Lot Fund.	
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>	

Police Request to Use Drug Forfeiture Funds for Pistol Transition - Approved

MOVED AND SECONDED BY ALDERMEN HILGART AND STUNEK, DULY CARRIED, TO AUTHORIZE THE POLICE DEPARTMENT TO UTILIZE APPROXIMATELY \$8,500 OF DRUG FORFEITURE FUNDS TO COMPLETE A DEPARTMENTAL PISTOL UPGRADE.

Performance Culture Calibration

MOVED AND SECONDED BY ALDERMEN HILGART AND BADEAUX TO UTILIZE THE JULY 22ND COUNCIL WORK SESSION FOR A MORE IN-DEPTH OPPORTUNITY TO DISCUSS THE PROPOSED PROCESS.

Committee Chair Hilgart stated there are many questions regarding the process that need to be answered prior to proceeding.

City Administrator Torstenson explained the refresh session is a 90-minute session for those that were unable to attend the training in April, which will also be recorded for future reference. She stated the calibration prep training was to talk about what calibration is and how will it work in our City. She indicated the Talent Calibration sessions would be for supervisors and department heads to understand how to do performance reviews to be fair and equitable.

Council discussion took place.

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

League of Minnesota Cities (LMC) Membership Dues for Fiscal Year 2020 - Informational

Committee Chair Hilgart indicated the League of Minnesota Cities (LMC) sent a notice of a scheduled 3% increase for the membership dues for fiscal year 2020 that runs from September 1, 2019 through August 31, 2020.

Leased Parking Lot Rates - Approved

MOVED AND SECONDED BY ALDERMEN HILGART AND STUNEK, DULY CARRIED, TO ADJUST PARKING LOT LEASE RATES TO THE PROPOSED RATES SHOWN BELOW EFFECTIVE OCTOBER 1, 2019 AND TO REVIEW THE RATES DURING THE ANNUAL BUDGET.

<u>PARKING LOT</u>	<u>CURRENT RATE</u>	<u>NEW RATE</u>
ALLEY	\$25 PER MONTH	\$35 PER MONTH
BURLINGTON NORTHERN SPACES 24-39	\$15 PER MONTH	\$25 PER MONTH
BURLINGTON NORTHERN SPACES 40-66 AND 83-98	\$10 PER MONTH	\$20 PER MONTH
CITY HALL	\$25 PER MONTH	\$35 PER MONTH
MAPLE	\$20 PER MONTH	\$15 PER MONTH

Committee Chair Hilgart explained significant increases would be necessary to cover the actual expenses for these lots but it was decided to adjust the rates as needed over time.

Mayor Menk indicated he was not in favor of the proposal, comparing the lots to those at city parks, which are also costly to maintain but don't garner revenue from users. He also stated previous councils allocated parking lot funds to other projects in the City.

Council Member Johnson stated people do not go to parks just to use the parking lots; they go to use the facilities, and this is not an accurate comparison.

Council Member Badeaux noted the City is obviously overcharging for the Maple Street lot and undercharging for the others based on occupancy percentages and needs to get to a point that is fair to the citizens and to the people downtown.

Council discussion took place.

MOVED AND SECONDED BY ALDERMEN HILGART AND BADEAUX, DULY CARRIED, THAT PARKING LOT FUNDS WILL BE USED FOR LEASED PARKING IN THE BURLINGTON NORTHERN, ALLEY, CITY HALL AND MAPLE PARKING LOTS FOR PARKING LOT IMPROVEMENTS.

Committee Chair Hilgart stated a notice of the rate adjustments effective October 1, 2019 will be sent with the third quarter invoice going out next week.

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)

Transportation Advisory Committee – 1 term (Expire 2020)

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

Economic Development Authority (EDA) – 1 term (Expire 2020) – 1 term (Expire 2021)

New Business

On-Sale / Sunday Micro Distillery Cocktail Room and Off-Sale Distilled Spirits License – Submitted by Brainerd Distilling Company dba 5Rocks Distilling Company, 25 Washington Street NE, Brainerd - Contingent Upon Police and Fire Department Approval - Approved

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND BADEAUX, DULY CARRIED, TO APPROVE THE APPLICATIONS FOR THE ON-SALE / SUNDAY MICRODISTILLERY COCKTAIL ROOM AND OFF-SALE DISTILLED SPIRITS LICENSES SUBMITTED BY BRAINERD DISTILLING COMPANY DBA 5ROCKS DISTILLING COMPANY, 25 WASHINGTON STREET NE CONTINGENT UPON POLICE AND FIRE DEPARTMENT APPROVAL.

Planning Commission

July 1, 2019



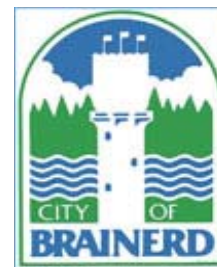
Brainerd City Council Agenda Request

Requested Meeting Date: July 1, 2019

Title of Item: Leased Parking Lot Rates

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☒ P&F COMMITTEE ☐ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☒ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Staff	Department:
Presenter (Name & Title): Finance Director Hillman	Estimated Time Needed: 10 Minutes
Summary of Issue: This topic is a follow up from the June 10, 2019 council workshop. Please see the attached memo and attachments.	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion: Discussion or motion on parking lot rates.	
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 Budget was prepared based on current rates. <u>Please Explain:</u>	

MEMO



TO: Mayor & Council

FROM: Connie Hillman, Finance Director
Paul Sandy, City Engineer

DATE: July 1, 2019

RE: City Parking Lots

At the June 10, 2019 council workshop, the Council gave direction to staff to adjust the rate for the leased parking lots to cover the cost of operating the lots.

As discussed at the workshop, Fund 236 will be used to account for the revenue and expenses of the Burlington Northern (BN), Alley, and Maple lots only.

The revenue generated from the City Hall lot (the City currently leases nine spots in this lot) and the cost of the free lots downtown: Laurel, and 7th and Front Street will be accounted for in the General and Capital Funds.

Current Status:

Attached you will find:

- Information on the pay lots – the average number of spaces leased per month and number of spaces available, as well as the current cost per space to rent.
- The 2019 budget and the estimated annual cost including an annual improvement cost for the leased parking lots mentioned above.

Options:

Assuming an increase in monthly lease rates would not affect the number of spaces being leased, options to make up the deficit could be:

- Increase BN lots all to \$20 per month, plus increase the rates an additional \$6.00 a month. The rates would be as follows and it is estimated the additional income would make up the estimated deficit.

City Parking Lots

July 1, 2019

Page 2

<u>Lot Name</u>	<u>Current Rates Per Month</u>	<u>Average Spots Rented</u>	<u>% of Spots Rented</u>	<u>Total # of Spots Avail</u>	<u>Proposed Rates</u>	<u>Estimated Additional Income</u>
Burlington	\$10.00	42	98.31%	43	\$26.00	\$ 8,064
	\$15.00	16		16	\$26.00	\$ 2,112
Maple **	\$20.00	25	43.10%	58	\$26.00	\$ 1,800
Alley	\$25.00	36	100.00%	36	\$31.00	\$ 2,592
		119		153		\$ 14,568

- Have all lease lots be the same cost as an example \$27.50 a month. The rates would be as follows and it is estimated the additional income would make up the estimated deficit.

<u>Lot Name</u>	<u>Current Rates Per Month</u>	<u>Average Spots Rented</u>	<u>% of Spots Rented</u>	<u>Total # of Spots Avail</u>	<u>Proposed Rates</u>	<u>Estimated Additional Income</u>
Burlington	\$10.00	42	98.31%	43	\$27.50	\$ 8,820
	\$15.00	16		16	\$27.50	\$ 2,400
Maple **	\$20.00	25	43.10%	58	\$27.50	\$ 2,250
Alley	\$25.00	36	100.00%	36	\$27.50	\$ 1,080
		119		153		\$ 14,550

- The Maple lot has the most capacity and is the hardest to lease. Another option could be to lower the rent for the Maple lot, assume the capacity goes to 60%, all other lots remain the same, with the increase in rent in the other lots. A possible solution could be:

<u>Lot Name</u>	<u>Current Rates Per Month</u>	<u>Average Spots Rented</u>	<u>% of Spots Rented</u>	<u>Total # of Spots Avail</u>	<u>Proposed Rates</u>	<u>Estimated Additional Income</u>
Burlington	\$10.00	42	98.31%	43	\$29.50	\$ 9,828
	\$15.00	16		16	\$29.50	\$ 2,784
Maple **	\$20.00	35	60.34%	58	\$15.00	\$ 300
Alley	\$25.00	36	100.00%	36	\$29.50	\$ 1,944
		129		153		\$ 14,856

The options are really endless and include big assumption such as; doubling the rate in the BN lot will not reduce the average number of spots rented, or by lowering the rent for Maple, it will increase the number of spaces leased but the other lots will remain at the

same capacity. Perhaps the City Council would like just to increase BN Lot to \$20 and not cover the entire estimated deficit and discuss other options.

We do have some people who have already paid for the entire year. How would Council like Staff to address this issue?

Other:

By removing Laurel, and 7th and Front parking lots out of Fund 236, the City's levy will need to fund the lots. The revenue generated from the City Hall spot rentals can be used to offset the cost. None of the above options present a way for the City to plan for future parking needs, whatever it may hold or for options to pay for the free parking other than general levy dollars with a little offset from the City Hall Parking lot revenue.

Discussion was held at the workshop about additional options and being business friendly. Opinions differed on what that meant, and what could be done to turn traffic over etc. A couple of the options included changing the length of parking allowed in the lots and even exploring metering the two free lots. Based on a quick search, it is estimated to cost \$10,000 plus installation.

Currently the City leases on a month-to-month basis. We bill quarterly but the public can pay monthly. No lease agreements are signed, and spots are leased until we are told they no longer want them. Perhaps this City should look into more long-term permanent leases.

/clh

<u>Lot Name</u>	<u>Rates Per Month</u>	<u>Average Spots Rented</u>	<u>% of Spots Rented</u>	<u>Total # of Spots Avail</u>
Burlington	\$10.00	42	98.31%	43
	\$15.00	16		16
Maple **	\$20.00	25	43.10%	58
Alley	\$25.00	36	100.00%	36
City Hall	\$25.00	9	100.00%	9
		128		162

** There are a total of 76 parking spaces at the Maple Parking Lot, there is an agreements for 4 spots for the Drivers' License Testing Office, 4 spots for the Library, and 10 spots for Watland that are free of charge.

Parking Lot Fund
2019 Budget by Lot (as of 7/1/19)

	Adopted Budget	Budget w/ Improvements
Revenue:		
Park A Day Rental	\$ 25,000	\$ 25,000
Total Revenues	25,000	25,000
Expenditures:		
Personnel (Signage/stripping)	\$ 4,055	\$ 4,055
R&M Supplies	100	100
Postage	200	200
Utilities	500	500
Misc.		
Admin Fee	1,000	1,000
Lease Fee	13,439	13,439
Misc.	1,750	1,750
Transfer Out **		
Snow	8,400	8,400
Special Services	1,600	1,600
Improvement ^*^	-	8,506
Total Expenditures	\$ 31,044	\$ 39,550
Revenue Over/(Under) Expenditures	\$ (6,044)	\$ (14,550)
Fund Balance - January 1st	479	479
Estimated Fund Balance - December 31st	(5,565)	(14,071)

** This is the estimated amount for snow removal paid to contractor when it snows over 4 inches, and the amount for downtown maintenance contract. If it snows less than 4 inches, or in the case of snow removal for the Maple, the snow removal cost is part of the overall snow removal budget.

^*^ Improvement costs are the estimated annual costs for resurfacing, crack sealing, and seal coating over 30 years. The improvement costs for the City Hall Parking lot are part of the overall cost of the facility plan and are not included in the above costs. Estimated costs are only for the Maple, Laurel, 7th and Front and Burthington Northern lots.

Parking Lot Fund
2020 Budget (as of 10/31/19)

	<u>2019 Budget</u>	<u>2020 Budget</u>	<u>2020 Budget w/ Improvements</u>
Revenue:			
Park A Day Rental	\$ 25,000	\$ 44,000	\$ 44,000
Total Revenues	25,000	44,000	44,000
Expenditures:			
Personnel (Signage/stripping)	\$ 4,055	\$ 4,055	\$ 4,055
R&M Supplies	100	100	100
Postage	200	200	200
Utilities	500	500	500
Misc.			
Admin Fee	1,000	1,000	1,000
Lease Fee	13,439	13,842	13,842
Misc.	1,750	1,750	1,750
Transfer Out **			
Snow	8,400	20,000	20,000
Special Services	1,600	2,000	1,600
Improvement ^*^	-	-	8,506
Total Expenditures	\$ 31,044	\$ 43,447	\$ 51,553
Revenue Over/(Under) Expenditures	\$ (6,044)	\$ 553	\$ (7,553)
Fund Balance - January 1st	479	(5,565)	(5,565)
Estimated Fund Balance - December 31st	(5,565)	(5,012)	(13,118)

** This is the estimated amount for snow removal paid to contractor when it snows over 4 inches, and the amount for downtown maintenance contract. If it snows less than 4 inches, or in the case of snow removal for the Maple, the snow removal cost is part of the overall snow removal budget.

^*^ Improvement costs are the estimated annual costs for resurfacing, crack sealing, and seal coating over 30 years. The improvement costs for the City Hall Parking lot are part of the overall cost of the facility plan and are not included in the above costs. Estimated costs are only for the Maple, Laurel, 7th and Front and Burthington Northern lots.

<u>Lot Name</u>	<u>Rates Per Month</u>	<u>Average Spots Rented</u>	<u>% of Spots Rented</u>	<u>Total # of Spots Avail</u>
Burlington	\$20.00	42		43
	\$25.00	16	98.31%	16
Maple **	\$15.00	58	100.00%	58
Alley	\$35.00	36	100.00%	36
City Hall	\$35.00	9	100.00%	9
		161		162

** There are a total of 76 parking spaces at the Maple Parking Lot, there is an agreements for 4 spots for the Drivers' License Testing Office, 4 spots for the Library, and 10 spots for Watland that are free of charge.

Estimated Annual Income for 2020	
\$20.00	10,080.00
\$25.00	4,800.00
\$15.00	10,440.00
\$35.00	15,120.00
\$35.00	3,780.00
	44,220.00



Brainerd City Council Agenda Request

Requested Meeting Date: November 4, 2019

Title of Item: 2020 Budget & Levy - Set Workshop

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☒ P&F COMMITTEE ☐ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☒ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Connie Hillman	Department: Finance
Presenter (Name & Title): Finance Director Hillman	Estimated Time Needed: 5 Minutes
Summary of Issue: Updated capital numbers, insurance information etc. have been received since the preliminary budget was set in September. We have generally received preliminary tax rate information from the County before November 10th. The budget and levy public hearing is set for Monday, December 9, 2019. Staff would like to give the Council an update on the budget.	
Alternatives, Options, Effects on Others/Comments: Potential workshop dates could be Tuesday, November 12th (Monday is Veteran's Day) or Thursday, November 14th, Thursday November 21st, or Monday November 25th. Since we are temporarily displaced due to the construction, perhaps a workshop before the November 18th (City Administrator interviews) and/or December 2nd council meeting could be held; or have the budget discussion be part of the normal council meeting.	
Recommended Action/Motion: Provide direction to staff on how the Council would like to proceed with the 2020 budget and levy process.	
Financial Impact: Is there a cost associated with this request: ☐ Yes ☒ No What is the total cost, with tax and shipping \$ _____ Is this budgeted? ☐ Yes ☐ No <u>Please Explain:</u>	



Brainerd City Council Agenda Request

Requested Meeting Date: November 4, 2019

Title of Item: PH and Res - Imp 17-06 and 17-07 - Contested Assessments

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☒ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☒ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☒ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: City Engineer Sandy	Department: Engineering
Presenter (Name & Title): City Engineer Sandy	Estimated Time Needed: 15-30 Minutes
Summary of Issue: At the October 21, 2019 Council Meeting, there were a few proposed assessments that were pulled from the assessment roll and the public hearing adjourned to this council meeting to hear testimony for or against the proposed assessments. The Council heard briefly the concerns from the parties contesting, and the parties will again have an opportunity at the hearing to propose testimony for or against the proposed assessments. The procedure listed within the attached notice of hearing should be followed for the hearing.	
Alternatives, Options, Effects on Others/Comments: Assessments that were pulled from the rolls at the October 21 meeting are as follows: PID 41191721: Guy R. Green - \$12,086.45 - Deferred assessment application on Personnel and Finance Committee Agenda PID 41191702: Diane I. Holz - \$4,363.10 - Deferred assessment application on Personnel and Finance Committee Agenda PID 41191659: Robert Taylor and Terri Ford - \$5,148.90 PID 41191140: Jean Johnson - \$858.15 PID 41191139: Jean Johnson - \$2,860.50 Assessment rates on the H Street project were \$62.33/front foot and on the 10th Avenue NE project were \$57.21/front foot. Preliminary assessment rates based on the engineer's estimate before bidding were estimated at \$61.00/front foot and \$45.00/front foot respectively. Staff has also attached the City assessment policy for reference. As staff indicated at the October 21, 2019 meeting, the increased in costs at the time of bid opening is the prevailing reason for the increased rates on both projects, most significantly the 10th Avenue NE project. The Council is the final determinant of assessment rates based upon the testimony at the hearing, and can change any rate they deem to be fit.	
Recommended Action/Motion: Staff recommends holding the public hearing that was adjourned from the October 21, 2019 meeting. Staff recommends adoption of the attached resolution after conclusion of the 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>	

NOTICE OF HEARING ON PROPOSED ASSESSMENT

TO WHOM IT MAY CONCERN:

Notice is hereby given that the City Council of Brainerd, Minnesota will meet in the Council Chambers of the Brainerd City Hall at 7:30 p.m. on October 21, 2019, to pass upon the proposed assessment for the following improvements:

IMPROVEMENT 17-06

Street Reconstruction

NE H Street from Mill Avenue to 13th Avenue NE

Sidewalk Construction

NE H Street from 1st Avenue NE to 3rd Avenue NE

IMPROVEMENT 17-07

Street Reconstruction

10th Avenue NE from Washington Street (TH 210) to NE J Street

The proposed assessment role is on file for public inspection at the City Administrator's Office and the City Engineer's Office.

The total cost for Improvement 17-06 is estimated \$662,379 of which \$173,529 is proposed to be assessed and total cost for Improvement 17-07 is estimated \$390,723 of which \$170,014 is proposed to be assessed.

Written or oral objections will be considered at the meeting. No appeal may be taken as to the amount of any assessment unless a signed, written objection is filed with the City Administrator prior to the hearing or presented to the presiding officer at the hearing. The Council may upon such notice consider any objection to the amount of a proposed individual assessment at an adjourned meeting upon such further notice to the affected property owners as it deems advisable.

The amount to be specifically assessed against your particular lot, piece or parcel of land is shown on the attached enclosure. You may at any time prior to certification of the assessment to the County Auditor pay the entire assessment on such property with interest accrued to the date of payment to the City Administrator. No interest shall be charged if the entire assessment is paid within 30 days from the adoption of this assessment. You may at any time thereafter pay to the County Auditor the entire amount of the assessment remaining unpaid with interest accrued to December 31 of the year in which the payment is made. If you decide not to pre-pay the assessment before the date given above, the rate of interest that will apply is three and twenty-two hundredths percent (3.22%) per year. The right to partially prepay the assessment pursuant to Section 315 of the Brainerd City Code is available. Further, pursuant to Ordinance 974 deferred assessments may be granted by the City Council where a financial hardship exists and pursuant to Resolution No. 4988, and any amendments thereto, the City Council may defer a special assessment for needy persons. If you feel that you might qualify for such deferments, please discuss this with the City Administrator at your earliest convenience.

The assessments will be spread over a period of ten (10) years.

If an assessment is contested or there is an adjourned hearing, the following procedure will be followed:

1. The City will present its case first by calling witnesses who may testify by narrative or by examination and by the introduction of exhibits. After each witness has testified, the contesting party will be allowed to ask questions. This procedure will be repeated with each witness until neither side has further questions.
2. After the City has presented all its evidence, the objector may call witnesses or present such testimony as the objector desires. The same procedure for the questioning of the City's witnesses will be followed with the objector's witnesses.
3. The objector may be represented by counsel.
4. Minnesota Rules of Evidence will not be strictly applied; however they may be considered and argued to the Council as to the weight of the items of evidence or testimony presented to the Council.
5. The entire hearing will be tape-recorded.
6. At the close of the presentation of evidence, the objector and the City may make final presentations to the council based on the evidence and the law. No new evidence may be presented at this point.
7. The Council may adopt the proposed assessment at the hearing.

An owner may appeal an assessment to the District Court pursuant to Minnesota Statutes Section 429.081 by serving notice of the appeal upon the Mayor or Administrator of the City within thirty (30) days after the adoption of the assessment, and by filing such notice with the District Court within ten (10) days after the service upon the Mayor or City Administrator.

Dated this 23 day of September 2019



Jim Thoreen
Interim City Administrator

Any individual needing special accommodations please call 828-2307.

Published September 27, 2019

October 18, 2019

Dear City Council Members, and City Administrator,

It is a great relief to know that The City Council of the City of Brainerd finds and determines that the deferral of special assessments for certain citizens is in the public interest, and that the City Council does endorse the principle of deferment of special assessments for citizens where the payment of said assessments constitutes hardship.

I have discussed my particular situation with my own Councilman, and one other, and have found them both to be knowledgeable and helpful in assisting me to apply for a deferral, which I feel is just the type of situation the findings and determinations the council has set in place were designed to address. I was also the recipient of very professional and friendly assistance from our City Engineer, Mr. Paul Sandy, PE. I meet three of the four criteria set out. My property, however is over the guidelines of \$110,000, so this will require Council approval.

I might add, that Mr. Sandy, along with the Project Managing officials with SEH, were hands on, and all ears, when dealing with concerns of property owners regarding dearly loved old trees, and other property disruptions that go along with projects of this size and duration. From all I have seen this summer, every concern has been, or is in the process of being, dealt with fairly and appropriately. I lost a beautiful old Butternut tree, but the extra care and concern provided by SEH, their crews, and Paul appears to have been quite successful in saving an even more beautiful old Maple that has been adding beauty to NE Brainerd for a lot longer than I have been alive!

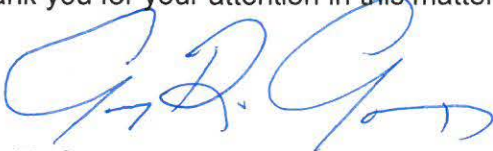
However, I HAVE been alive long enough to be retired, on Social Security and Medicare, and reduced to a lone part-time job by a heart attack and a spine that has been rendered rather balky by about sixty years of the game of golf. I also had a second part time job in 2018, Course hosting and caddying at The Classic Golf Course at Maddens, but that job ended in 2019.

That leaves my current income at \$10,802 from S.S., (after Medicare Plan B deductions), And an additional \$2325 from my summer employment with The Minnesota Golf Association as Senior Tour Director for the Northern Section of the State.

My assessment in this matter is \$12,086.45. Even with stretching the payments out over ten years, this assessment will run my mortgage payment up somewhere around \$100 per month. At that rate, I will be rendered unable to stay afloat for more than a year as a "home owner."

I have no problem with paying taxes, and I appreciate that Councils have to deal with serious infrastructure problems all across the nation, many of which have been kicked down the road for current Councils to handle, by predecessors who might not have been as willing to make necessary, but difficult, choices. At my age, deferring payment until my selling the house, or heading for the Happy Hunting Ground, seems a fair and proper solution for all involved.

Thank you for your attention in this matter,



Guy R. Green
1004 H St. Brainerd, Mn 56401

21 Oct 2019

To: Paul Sandy, P.E. and Brainerd City Council
City Engineer
City of Brainerd

From: Jean Johnson
815-10th Ave NE

Re: Improvement 17-07, proposed assessment rate

I contest/object to the proposed assessment rate of \$57.21/front foot for my two adjacent properties (65 feet total, \$3,718.65) on 10th Ave NE. I do so on the basis of unexpected, unexplained, and disproportionate cost increases relative to prior communications, and discordant increases relative to concurrent work for Improvement 17-06 on the very same street. I contest the assessment also on the basis of inconsistency with the mission statement of the Brainerd City Council/City of Brainerd. ~~From my~~ ^{so sorry} From my perspective, Improvement 17-07 falls short in quality, cost effectiveness, and leadership in sustainability.

I have talked with you and with SEH Field Representative Paul Bremer on several occasions during the course of the 17-07 project. However, that was before I knew the magnitude of the proposed assessment and the existence of and mechanism for appeal. The ^{previous} conversations were less about cost than quality issues/solutions. I request the opportunity to participate in an "adjourned meeting" (eg Mon 4 Nov 2019) of the City Council to more fully express my objections, (re)present my physical evidence/exhibits, and to suggest a fairer individual assessment than the proposed \$57.21/ft.

Sincerely,
Jean Johnson

City of Brainerd, Minnesota

Street and Sewer Assessment Policy

1. Introduction

Special assessments are a charge imposed on properties for an improvement that benefits the owners of that selected property. The authority to use special assessments originates in the state constitution which allows the state legislature to give cities and other local government units the authority “to levy and collect assessments for local improvements upon property benefitted hereby”. The legislature designates that authority to cities in Minnesota Statutes Chapter 429.

A charter city (in which Brainerd is) may choose to use either Chapter 429 or provisions of the charter to assess for local improvements, however, even the state law requires that charter cities follow state law in certain steps of the proceedings.

Special Assessments have three distinct characteristics:

- They are a levy the City uses to finance, or partially finance, a public improvement program.
- The city levies the charge only against those parcels of property that receive some special benefit from the program.
- The amount of the charge bears a direct relationship to value of the benefits the property receives.

The City of Brainerd, Minnesota finds it beneficial to fund portions or all the 5-year street and sewer capital plan using special assessments. Special assessment proceedings will follow the procedures as outlined in Minnesota Statute 429 and any modifications thereto.

2. Assessable Improvements

How Much is Being Assessed?

Developer New Construction

On projects where utilities and roadways are being constructed for the first time, the developer is responsible for installing the watermain, sanitary sewer, grading, surfacing, storm sewers, and any other incidental features it sees fit. The city requires developers to construct all facilities to city standards and be approved by the City engineering department. While it is ultimately up to the developer to decide how the development costs incurred are recouped, the developer will typically split these costs to the number of parcels developed and recoup its cost through the sale price of the lots.

Petitioned New Construction

On projects where the city is petitioned to install the new improvements, the entire project cost being constructed is assessed to the abutting properties, as either by a per lot basis or by a front-foot basis.

Petitioned or Council Authorized Reconstruction of Resurfacing

Whether the city acts upon its own authority to make an improvement or it is petitioned by property owners, the city assesses one-half (1/2) of the cost of the reconstruction or resurfacing improvement including construction and engineering of the said improvement on a front-foot or per lot basis. The other one-half (1/2) of the resurfacing or reconstruction cost is paid by the city. If utilities such as sanitary sewer, water mains, or storm sewers are being reconstructed along with the project, the cost of this work is not assessed, but rather is covered through user fees and rates set by council or public utilities commission. If a project consisting of overlaying a street is proposed, the entire project cost is assessed to abutting properties. The City does not typically assess for new sidewalks, but may from time to time, assess for the entire costs of repairs thereto.

Pursuant to Petition – Properties Abutting the City but outside City Corporate Boundaries

The City does not construct municipal utilities outside of its corporate boundaries until such time the properties are annexed and within the City of Brainerd corporate boundaries. Once annexation is completed, the utilities are installed and the entire cost of installation of said utilities are assessed to abutting property owners.

Pursuant to Council Action – Properties not Abutting the City Corporate Boundaries

The City does not construct municipal utilities outside of its corporate boundaries until such time the properties are annexed and within the City of Brainerd corporate boundaries. Once annexation is completed, the utilities are installed and the entire cost of installation of said utilities are assessed to abutting property owners.

In prior years, the City Council authorized the construction of utility improvements outside its corporate boundaries and not abutting the city. To pay for such costs, the council established a Water Connection Charge (WCC) and Sewer Connection Charge (SCC). This charge, as initially set by council resolution, represents the average costs of constructing such utility improvements and is payable immediately upon connection to the system. This charge is enacted if the property owner elects to divide the property in which assessments were imposed and deferred. If a lot is split and the owner elects to connect to sewer and water, the WCC and SCC are charged to the property owner, with the balance of the deferred assessment remaining on the other parcel created from the split.

The WCC and SCC set by council resolution will remain in effect until repealed by the council. Said resolution may be adjusted periodically by the city council.

3. Initiation of an Improvement

By Petition from Property Owners

Per Minnesota Statute 429, if the council chooses to proceed with an improvement based on a petition, it must have the signatures of at least 35 percent in frontage of the property bordering the proposed improvements. If the council relies upon a petition as its basis for proceeding, it cannot make substantial change the improvement from what is asked for in the petition. The council must pass a resolution determining whether the petition is legally sufficient or not.

By Council Action

Per City of Brainerd Charter Section 92, in the first instance in which the council desires to levy a special assessment for an improvement, it shall require a two-thirds (2/3) vote of the members elect except in the case of sidewalks, in which a majority is sufficient.

4. Proceedings

Minnesota Statute 429

The City of Brainerd has elected to utilize Minnesota Statute 429 for its assessment proceedings, as amended and incorporated by reference into this policy.

Interest Rates

The council determines the interest rate on the special assessments, along with any other repayment provisions. The interest rate is typically set by ensuring a reasonable relationship between the assessments interest rate and the bond interest rate if the city issued bonds for the project. If the city finances the project with funds on hand, the council will look at the interest rate the city would otherwise have earned on the funds.

5. Payments

Once the assessments have been adopted, property owners originally have numerous options for repayment:

1. Pay the total amount of the assessment within 30 days after the council adopts the assessment rolls. This this situation, the city cannot charge interest; or
2. Pay the assessments in annual installments (with interest) under the terms set by the council; or
3. Pay the entire amount at any time after the 30 days, but before any certification to the county auditor. The property owner pays only the amount of interest accrued as of the date of payment; or
4. At any time after certification to the County Auditor, the property owner may still pay the entire remaining unpaid amount to the County Treasurer. However, the property owner must pay the entire remaining unpaid amount of the assessment before November 15 of any year and must also pay all interest accrued until the end of that calendar year.

6. Deferments

The City Council has adopted policy which allows for assessment deferments for elderly person and for all other persons who fall within the economic hardship criteria. A deferred assessment is not forgiven but is postponed until such time that the property owner either elects to resume making the annual installments as certified, no longer meets the economic hardship criteria, or sells the property. Persons interested in deferring assessments must apply each year to have the following year assessment installment deferred. After 10 years, no further applications are necessary, and the deferred installments will remain permanently deferred without accrual of additional interest, until such time that the deferred assessment is voluntarily paid of the property is sold. The most current deferment criteria passed by council resolution can be requested from the City Clerk and a copy provided to the requestor.

7. Other Frequently Asked Questions

Will Improvements Affect my Property Taxes?

While it is well documented within the real estate industry that streets and utilities that are in poor condition decrease the marketability and sale prices of homes, improvements to the streets and utilities do not automatically increase the taxes on the property. Property market valuations, as determined by the County Assessor, are based on the recent sale prices of comparable properties within the neighborhood. Following improvements to streets and utilities, the marketability of properties tends to increase, and the properties can demand a higher sale price. As years pass and the history of sale prices in the neighborhood show increases, the County Assessor will adjust the market valuation of properties to more closely reflect the price the property would sell for. If the market valuations in the neighborhood are increasing at a faster rate than the City, County, and School District averages, the property taxes will tend to increase over time.

Why is There a Difference Between my Front Footage and Assessable Footage?

If you live on a corner lot, your property is subject to assessments for improvements on both streets. The City Council has adopted a side-yard deduction assessment policy to help reduce the burden for the owners of corner lots or reconstruction or resurfacing projects. Your side-yard is defined as the side of your lot with the most street frontage. Improvements made to your side-yard street result in the city paying for the cost of one-half of your side-yard footage and the property owner being assessed for one-half (1/2) of the side-yard footage. The most common assessment notices for side-yard street improvements will list the front-footage as 140 feet and the assessable front-footage as 70 feet.

OWNER NAME	OWNER ADDRESS	CITY STATE ZIP	PID	LEGACY	LEGAL	SUBDIVISION	LOCATION	ASSESSMENT
SCHEUSS, RALPH H & JOYCE C	1024 H ST	BRAINERD MN 56401	41191722	09123001005Z009	LOTS 5 THRU 7 BLOCK 1 INCLUSIVE	EAST SIDE ADDITION TO THE CITY OF BRAINE	1024 H ST NE	\$4,363.10
GREEN, GUY R	1004 H ST NE	BRAINERD, MN 56401	41191721	09123001008Y009	LOTS 8 THRU 10 BLOCK 1 INCLUSIVE.	EAST SIDE ADDITION TO THE CITY OF BRAINE	1004 H ST NE	\$4,363.10
HARTING, SAMANTHA L	924 H ST NE	BRAINERD MN 56401	41191713	09123002006Y009	E1/2 OF LOTS 6 & 7 BLOCK 2	EAST SIDE ADDITION TO THE CITY OF BRAINE	924 H ST NE	\$4,363.10
NELSON, DIANA M	914 H ST NE	BRAINERD, MN 56401	41191712	09123002006Z009	WEST 1/2 OF LOTS 6 AND 7 BLOCK 2	EAST SIDE ADDITION TO THE CITY OF BRAINE	914 H ST NE	\$4,363.10
WALBERG, ALICIA M	724 9TH AVE NE	BRAINERD, MN 56401	41191711	09123002008Z009	ALL OF LOT 8 BLOCK 2 & N 1/2 OF LOT 9 BLOCK 2	EAST SIDE ADDITION TO THE CITY OF BRAINE	724 9TH AVE NE	\$4,363.10
STRANGE, MICHAEL & LISA	7387 RACINE RD	BRAINERD, MN 56401	41191703	091230030070009	LOT 7 BLOCK 3	EAST SIDE ADDITION TO THE CITY OF BRAINE	723 9TH AVE NE	\$4,363.10
HOLZ, DIANE I	810 H STREET NE	BRAINERD, MN 56401	41191702	09123003008Y009	E. 70 FT. OF LOT 8 BLOCK 3 AND E. 70 FT. OF LOT 9 BLOCK 3	EAST SIDE ADDITION TO THE CITY OF BRAINE	810 H ST NE	\$4,363.10
EXTRAND, RAE ANNE (LIFE ESTATE)	724 8TH AVE NE	BRAINERD MN 56401	41191701	09123003008Z009	W. 70 FT. OF LOT 8 BLOCK 3 AND W. 70 FT. OF LOT 9 BLOCK 3	EAST SIDE ADDITION TO THE CITY OF BRAINE	724 8TH AVE NE	\$4,363.10
BEMENT, HARRY & ARLISS	11279 ASH AVE	BRAINERD, MN 56401	41191152	09171001001Z009	LOTS 1 AND 2 BLK 1	SCHMELZ'S SECOND ADDITION TO THE CITY OF	1021 H ST NE	\$4,363.10
LORIMOR, DIANNA C	16380 BIRCHWOOD LN	BRAINERD MN 56401	41191144	09171001011Y889	W. 95 FT. OF LOTS 11 AND 12 BLOCK 1	SCHMELZ'S SECOND ADDITION TO THE CITY OF	1001 H ST NE	\$5,921.35
WILT, RICHARD E & JOYCE I & DAVID A	5389 PIONEER TRL	BRAINERD MN 56401	41191143	09171001011Z009	E. 45 FT. OF LOTS 11 AND 12 BLK 1	SCHMELZ'S SECOND ADDITION TO THE CITY OF	1011 H ST NE	\$2,804.85
HICKS, BRADLY B	801 10TH AVE NE	BRAINERD, MN 56401	41191142	091710020010009	LOT 1 BLOCK 2	SCHMELZ'S SECOND ADDITION TO THE CITY OF	801 10TH AVE NE	\$4,363.10
COWELL, BABETTE Y	802 NE 9TH AVE	BRAINERD MN 56401	41191132	09171002011Z009	LOTS 11 AND 12 BLK 2	SCHMELZ'S SECOND ADDITION TO THE CITY OF	802 9TH AVE NE	\$4,363.10
DAVISON, WARREN A & RUSSELL D &	C/O ALICE J FREI	BRAINERD, MN 56401	41191131	09171003001Z009	LOTS 1 AND 2 BLK 3	SCHMELZ'S SECOND ADDITION TO THE CITY OF	817 H ST NE	\$4,363.10
WILCOX, LINDA M	802 8TH AVE NE	BRAINERD MN 56401	41191121	091710030120009	LOT 12 BLOCK 3 EXC PT OF LOT 12 BLOCK 3 DESC; BE	SCHMELZ'S SECOND ADDITION TO THE CITY OF	802 8TH AVE NE	\$4,363.10
CLEMENTS, BROCK & TANIKA	802 12TH AVE NE	BRAINERD MN 56401	41190620	09188027008Z009		ST. PAUL ADDITION TO THE CITY OF BRAINER	802 12TH AVE NE	\$4,363.10
DOMINIQUEZ-JOHNSON, ALEXANDRA	801 12TH AVE NE	BRAINERD MN 56401	41190610	09188028007Z009	LOT 7 BLOCK 28 & ALSO THE W. 7 FT OF THE ADJACEN	ST. PAUL ADDITION TO THE CITY OF BRAINER	801 12TH AVE NE	\$4,581.26
CARTER, SETH W	806 11TH AVE NE	BRAINERD MN 56401	41190609	09188028008Z009	LOTS 8 AND 9 BLOCK 28	ST. PAUL ADDITION TO THE CITY OF BRAINER	806 11TH AVE NE	\$4,363.10
MRDJENOVICH, DEREK J	1104 H ST NE	BRAINERD, MN 56401	41190597	09188029013Z009	LOTS 13 AND 14 BLOCK 29	ST. PAUL ADDITION TO THE CITY OF BRAINER	1104 H ST NE	\$4,363.10
GANGELHOFF, DEAN R & JILL	1212 'H' STR NE	BRAINERD MN 56401	41190596	09188030001Z009	LOTS 1 AND 2 BLOCK 30 (EX. HIGHWAY)	ST. PAUL ADDITION TO THE CITY OF BRAINER		\$2,898.35
GANGELHOFF, DEAN R & JILL	1212 'H' STR NE	BRAINERD MN 56401	41190595	09188030003Y009	ALL OF LOT 3 BLOCK 30, AND THAT PART OF LOT 4 BLOCK 30	ST. PAUL ADDITION TO THE CITY OF BRAINER	1212 H ST NE	\$4,674.75
MAUCH, KERI	NVA 2015 TAX STMT	BRAINERD, MN 56401	41190594	09188030004Y009	W'LY 25 FT OF LOT 4 AND ALL OF LOT 5 BLOCK 30 & AL	ST. PAUL ADDITION TO THE CITY OF BRAINER	1204 H ST NE	\$5,111.06

Dated this 21st day of October, 2019

TOTAL\$ 110,672.43

Attest: _____
JIM THOREEN
City Administrator

GABE JOHNSON
President of Council

Interest Rate - 3.22%
Years Certified - 10 Years

OWNER NAME	OWNER ADDRESS	CITY STATE ZIP	PID	LEGACY	LEGAL	SUBDIVISION	LOCATION	ASSESSMENT
GREEN, GUY R	1004 H ST NE	BRAINERD, MN 56401	41191721	09123001008Y009	LOTS 8 THRU 10 BLOCK 1 INCLUSIVE.	EAST SIDE ADDITION TO THE CITY OF BRAINE	1004 H ST NE	\$7,723.35
EIESLAND, FREDRICK P & LINDA	710 10TH AVE NE	BRAINERD MN 56401	41191720	09123001011Z009	LOTS 11 & 12 BLOCK 1.	EAST SIDE ADDITION TO THE CITY OF BRAINE	710 10TH AVE NE	\$5,148.90
LANGSETH, JOEL	1009 G ST NE	BRAINERD, MN 56401	41191719	09123001013Z009	LOTS 13 AND 14 BLOCK 1	EAST SIDE ADDITION TO THE CITY OF BRAINE	1009 G ST NE	\$5,148.90
LORIMOR, DIANNA C	16380 BIRCHWOOD LN	BRAINERD, MN 56401	41191718	091230020010009	LOT 1 BLOCK 2	EAST SIDE ADDITION TO THE CITY OF BRAINE	701 10TH AVE NE	\$2,574.45
HANSON, BRIAN O & TANYA M	703 10TH AVE NE	BRAINERD, MN 56401	41191717	091230020020009	LOT 2 BLOCK 2	EAST SIDE ADDITION TO THE CITY OF BRAINE	703 10TH AVE NE	\$2,574.45
WILLIAMS, LETTIE R	711 10TH AVE NE	BRAINERD, MN 56401	41191716	091230020030009	LOT 3 BLOCK 2	EAST SIDE ADDITION TO THE CITY OF BRAINE		\$2,574.45
WILLIAMS, LETTIE R	711 10TH AVE NE	BRAINERD, MN 56401	41191715	091230020040009	LOT 4 BLOCK 2	EAST SIDE ADDITION TO THE CITY OF BRAINE	711 10TH AVE NE	\$2,574.45
HARTING, SAMANTHA L	924 H ST NE	BRAINERD, MN 56401	41191714	091230020050009	LOT 5 BLOCK 2	EAST SIDE ADDITION TO THE CITY OF BRAINE		\$2,574.45
HARTING, SAMANTHA L	924 H ST NE	BRAINERD, MN 56401	41191713	09123002006Y009	E1/2 OF LOTS 6 & 7 BLOCK 2	EAST SIDE ADDITION TO THE CITY OF BRAINE	924 H ST NE	\$2,574.45
BLOCK, JOAN M	605 10TH AVE NE	BRAINERD MN 56401	41191681	09123007001Y009	LOTS 1 & 2 EX THE W 70 FT THEREOF, BLK 7	EAST SIDE ADDITION TO THE CITY OF BRAINE	605 10TH AVE NE	\$2,860.50
BRODAL, DAVID R & KRISTA G	609 10TH AVE NE	BRAINERD MN 56401	41191679	091230070030009	LOT 3 BLOCK 7	EAST SIDE ADDITION TO THE CITY OF BRAINE	609 10TH AVE NE	\$2,860.50
BRODAL, DAVID R & KRISTA G	609 10TH AVE NE	BRAINERD MN 56401	41191678	091230070040009	LOT 4 BLOCK 7	EAST SIDE ADDITION TO THE CITY OF BRAINE	613 10TH AVE NE	\$2,860.50
WILLIAMS, PHYLLIS, GARY & THERESA	619 10TH AVE NE	BRAINERD, MN 56401	41191677	091230070050009	LOT 5 BLOCK 7	EAST SIDE ADDITION TO THE CITY OF BRAINE	619 10TH AVE NE	\$2,860.50
KENYON, CAROL R	623 NE 10TH AVE	BRAINERD MN 56401	41191676	091230070060009	LOT 6 BLOCK 7	EAST SIDE ADDITION TO THE CITY OF BRAINE	623 10TH AVE NE	\$2,860.50
WINGERT, ASHLEY E & MATHEW J	1002 G ST NE	BRAINERD, MN 56401	41191664	09123008007Y009	W 1/2 OF LOTS 7 & 8 BLK 8	EAST SIDE ADDITION TO THE CITY OF BRAINE	1002 G ST NE	\$2,860.50
PROBST, RICHARD W	616 10TH AVE NE	BRAINERD MN 56401	41191663	091230080090009	LOT 9 BLOCK 8	EAST SIDE ADDITION TO THE CITY OF BRAINE	616 10TH AVE NE	\$2,860.50
BANKS, TRAVIS & TRACY	15359 SHELLISA LN	BRAINERD, MN 56401	41191662	09123008010Z009	LOTS 10 AND 11 BLOCK 8	EAST SIDE ADDITION TO THE CITY OF BRAINE	608 10TH AVE NE	\$5,721.00
SNOOK, HAROLD	602 10TH AVE NE	BRAINERD MN 56401	41191661	091230080120009	LOT 12 BLOCK 8	EAST SIDE ADDITION TO THE CITY OF BRAINE	602 10TH AVE NE	\$2,860.50
TAYLOR, ROBERT D & FORD, TERRI	PO BOX 919	BRAINERD, MN 56401	41191658	09123009006Z009	LOTS 3, 4, 5, 6, 7, 8, 9, 10, 11, & 12 EX THAT PT OF LOTS 3, 4, 5	EAST SIDE ADDITION TO THE CITY OF BRAINE	518 10TH AVE NE	\$5,148.90
BETHLEHEM, EVANGELICAL LUTHERAN CHURCH	418 NE 8TH AVE	BRAINERD MN 56401	41191657	09123010001Z009	LOTS 1 THRU 3 BLOCK 10 INCLUSIVE AND ALSO INCLUDING	EAST SIDE ADDITION TO THE CITY OF BRAINE		\$5,148.90
STRONG, AARON H & VIVIAN J	521 10TH AVE NE	BRAINERD MN 56401	41191656	09123010004Z009	LOTS 4 THRU 6 BLOCK 10 INCLUSIVE	EAST SIDE ADDITION TO THE CITY OF BRAINE	521 10TH AVE NE	\$4,290.75
OROURKE, MARGARET	928 10TH AVE NE	BRAINERD, MN 56401	41191220	091680010020009	LOT 2 BLOCK 1	SABIN'S ADDITION TO THE CITY OF BRAINERD	928 10TH AVE NE	\$3,861.68
SABA, STEVE L	16 MOBILE HOME ESTATES	DEERING, ND 58731	41191219	091680020010009	LOT 1 BLOCK 2	SABIN'S ADDITION TO THE CITY OF BRAINERD	927 10TH AVE NE	\$3,775.86
HOLM, OTIS CORBIN	824 10TH AVE NE	BRAINERD, MN 56401	41191148	091710010070009	LOT 7 BLOCK 1	SCHMELZ'S SECOND ADDITION TO THE CITY OF	824 10TH AVE NE	\$2,860.50
BANKS, TRAVIS E & TRACY L	15359 SHELLISA LN	BRAINERD MN 56401	41191147	091710010080009	LOT 8 BLOCK 1	SCHMELZ'S SECOND ADDITION TO THE CITY OF	820 10TH AVE NE	\$2,860.50
KOWALCZYK, RONALD A	11524 STATE HIGHWAY 210	BRAINERD, MN 56401	41191146	091710010090009	LOT 9 BLOCK 1	SCHMELZ'S SECOND ADDITION TO THE CITY OF	816 10TH AVE NE	\$2,860.50
SUMMY, KATHLEEN S	812 10TH AVE NE	BRANERD MN 56401	41191145	091710010100009	LOT 10 BLOCK 1	SCHMELZ'S SECOND ADDITION TO THE CITY OF	812 10TH AVE NE	\$2,860.50
LORIMOR, DIANNA C	16380 BIRCHWOOD LN	BRAINERD, MN 56401	41191144	09171001011Y889	W. 95 FT. OF LOTS 11 AND 12 BLOCK 1	SCHMELZ'S SECOND ADDITION TO THE CITY OF	1001 H ST NE	\$2,860.50
HICKS, BRADLY B	801 10TH AVE NE	BRAINERD, MN 56401	41191142	091710020010009	LOT 1 BLOCK 2	SCHMELZ'S SECOND ADDITION TO THE CITY OF	801 10TH AVE NE	\$2,860.50
VICE, ASHLEY & KEVIN	805 10TH AVE NE	BRAINERD, MN 56401	41191141	09171002002Y009	ALL OF LOT 2 BLOCK 2 & LOT 3 BLOCK 2 EXC N 15 FT.	SCHMELZ'S SECOND ADDITION TO THE CITY OF	805 10TH AVE NE	\$4,862.85
JOHNSON, JEAN A	815 10TH AVE NE	BRAINERD MN 56401	41191140	09171002003A009	N. 15 FT OF LOT 3 BLOCK 2	SCHMELZ'S SECOND ADDITION TO THE CITY OF		\$858.15
JOHNSON, JEAN A	815 10TH AVE NE	BRAINERD MN 56401	41191139	091710020040009	LOT 4 BLOCK 2	SCHMELZ'S SECOND ADDITION TO THE CITY OF	815 10TH AVE NE	\$2,860.50
WINKELMAN, MILDRED F	819 10TH AVE NE	BRAINERD, MN 56401	41191138	091710020050009	LOT 5 BLOCK 2	SCHMELZ'S SECOND ADDITION TO THE CITY OF	819 10TH AVE NE	\$2,860.50
BEMENT, HARRY & ARLISS	11279 ASH AVE	BRAINERD, MN 56401	41191137	091710020060009	LOT 6 BLOCK 2	SCHMELZ'S SECOND ADDITION TO THE CITY OF	821 10TH AVE NE	\$2,860.50
KOWALCZYK, RONALD A	11524 STATE HIGHWAY 210	BRAINERD, MN 56401	41191101	09171007001Y889	E. 80 FT. OF LOTS 1 AND 2 BLK 7	SCHMELZ'S SECOND ADDITION TO THE CITY OF	903 10TH AVE NE	\$2,860.50
BEMENT, HARRY & ARLISS	11279 ASH AVE	BRAINERD, MN 56401	41191099	091710070030009	LOT 3 BLOCK 7	SCHMELZ'S SECOND ADDITION TO THE CITY OF	909 10TH AVE NE	\$2,860.50

TOTAL	\$	146,543.42
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GABE JOHNSON
President of Council

Interest Rate - 3.22%
Years Certified - 10 Years

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

RESOLUTION ADOPTING ASSESSMENT

WHEREAS, pursuant to proper notice duly given as required by law, the Council has met and heard and passed upon all objections to the proposed assessment for Improvements 17-06 and 17-07 concerning the properties listed and abutting on the following:

CONTESTED ASSESSMENTS – IMPROVEMENTS 17-06 AND 17-07

PID 41191721
PID 41190702
PID 41191658
PID 41191140
PID 41191139

IMPROVEMENT 17-06

Street Reconstruction

NE H Street from Mill Avenue to 13th Avenue NE

Sidewalk Construction

NE H Street from 1st Avenue NE to 3rd Avenue NE

IMPROVEMENT 17-07

Street Reconstruction

10th Avenue NE from Washington Street (TH 210) to NE J Street

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

1. Such proposed assessment, a copy of which is on file in the offices of the City Administrator and City Engineer, is hereby accepted and shall constitute the special assessment against the lands named therein, and each tract of land therein included is hereby found to be benefited by the proposed improvement in the amount of the assessment levied against it.

2. Such assessment shall be payable in full within 16 days from the adoption of this Resolution without interest at the office of the City Administrator. Thereafter, the entire amount of the assessment shall be payable to the Crow Wing County Auditor with interest at the rate of three and twenty-two hundredths (3.22%) percent.

3. The City Administrator shall forthwith transmit a certified duplicate of this assessment to the Crow Wing County Auditor to be extended on the property tax list of the County. Such assessment shall be collected and paid over in the same manner as other municipal taxes.

Adopted this ____ day of _____, 2019

GABE JOHNSON
President of the Council

Approved this _____ day of _____, 2019

EDWIN L. MENK
Mayor

ATTEST: _____
JAMES M. THOREEN
City Administrator



Brainerd City Council Agenda Request

Requested Meeting Date: November 4, 2019

Title of Item: Public Hearing and Resolution - Nuisances - Contested Assessments

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☒ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☒ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☒ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Community Development Director	Department: Community Development
Presenter (Name & Title): David Chanski, CDD	Estimated Time Needed: 10-15 minutes
Summary of Issue: At the October 21, 2019 Council Meeting, two proposed nuisance assessments were contested and pulled from the assessment roll, pending public hearing to hear testimony for or against the proposed assessments. The Council did briefly hear the objections by the contesting parties, and the parties will again have an opportunity at the hearing to present testimony for or against the proposed assessments.	
Alternatives, Options, Effects on Others/Comments: Assessments that were pulled from the rolls at the October 21 meeting are: PID 41190516: Jessica Sommers - \$1,000 - Unlicensed Vehicle PID 41241208: Richard Weiss - \$2,250 - Property Maintenance	
Recommended Action/Motion: Staff recommends holding the public hearing that was adjourned from on the October 21, 2019 meeting. Staff recommends adoption of the attached resolution after conclusion of the public hearing.	
Financial Impact: Is there a cost associated with this request: ☐ Yes ☒ No What is the total cost, with tax and shipping \$ _____ Is this budgeted? ☐ Yes ☐ No <u>Please Explain:</u>	

The City Council of the City of Brainerd doth hereby assess and levy upon and against the lots and parcels of land below described, the respective sums of money set opposite each lot or parcel.
This assessment is levied to defray the expense of lot cleaning, grass, mowing, garbage removal, and administrative citations in the City of Brainerd on various parcels.

2019 NUISANCE

OWNER NAME	OWNER ADDRESS	CITY, STATE, ZIP	RE CODE	LOT, BLOCK	SUBDIVISION	LOCATION	NUISANCE TYPE	ASSESSABLE
OSWALD, CHRISTOPHER	1001 11TH ST S	BRAINERD, MN 56401	09120006013Z009	LOTS 13 AND 14 BLOCK 1	DAVIS' ADDITION TO TOWN OF BRAINERD	1001 11TH ST S	FENCE/JUNK DEBRIS	500.00
YOUNG, EDWARD N & REBECCA R	1001 TERRACE AVE	BRAINERD, MN 56401	09193002019Z009	LOTS 19 AND 20 BLOCK 1	TERRACE PARK ADDITION TO TOWN OF BRAINERD	1001 TERRACE AVE	UNLICENSED VEHICLE	3,000.00
BENSON, GARY & GAILENE NORWOOD	450 18TH AVE S	NAPLES FL 34102	09196271011Z009	LOTS 11 AND 12 BLOCK 1	TOWN OF BRAINERD	1002 6TH ST S	SNOW REMOVAL	125.00
SAM, QUINTIN	1002 MILL AVE	BRAINERD, MN 56401	091680050080009	LOT 8 BLOCK 5	SABIN'S ADDITION	1002 MILL AVE	JUNK/DEBRIS	125.00
GOTTWALT, MATTHEW & ERICA	6571 160TH AVE	ROYALTON, MN 56373	09196204011Y009	N. 100 FT OF LOTS 11 & 12	TOWN OF BRAINERD	1004 FIR ST	PROPERTY MAINTENANCE	750.00
O'CONNOR, JESSE	1005 3RD AVE NE	BRAINERD, MN 56401	09172017002Z009	LOT 2 BLK 17 AND S. 1/4	SCHWARTZ'S ADDN TO TOWN OF BRAINERD	1005 3RD AVE NE	GRASS/UNLICENSED VEHICLE	250.00
YDE, CLAIRE N	1006 6TH ST S	BRAINERD, MN 56401	09196271009Z009	LOTS 9 & 10 B 271 & S 1/4	TOWN OF BRAINERD	1006 6TH ST S	PROPERTY MAINTENANCE	750.00
OLSON, TIMOTHY & DEBRA	1008 G ST NE	BRAINERD, MN 56401	09123008007X009	E 1/2 OF LOTS 7 & 8 BLK 1	EAST SIDE ADDITION TO TOWN OF BRAINERD	1008 G ST NE	PROPERTY MAINTENANCE	1,000.00
PAPLOW, DWANA C	2357 31ST ST	FULDA, MN 56131-9591	09174019015Z009	LOTS 15 THRU 17 BLOCK 1	TOWN OF BRAINERD	1020 QUINCE ST	GRASS/WEEDS	125.00
REYES, BRENDA S. & ETHAN TODD	1024 6TH ST S	BRAINERD, MN 56401	09196271001Z009	LOTS 1 & 2 BLOCK 271	TOWN OF BRAINERD	1024 6TH ST S	GRASS/WEEDS	125.00
GOTTWALT, MATTHEW & ERICA	6571 160TH AVE	ROYALTON, MN 56373	09116021020Z009	PT OF BLOCK 21 DESCRIBED IN TOWN OF BRAINERD	CHENEY & MOSHER'S ADDITION TO TOWN OF BRAINERD	1027 OAK ST	RENTAL LICENSE	125.00
BANKS, TRAVES E. & TRACY L.	15359 SHELLISA LN	BRAINERD, MN 56401	09122012011X009	E 46 2/3 FT OF LOTSS 1 & 2	EAST BRAINERD	110 D ST NE	JUNK/DEBRIS	125.00
BEMENT, HARRY & ARLISS	11279 ASH AVE	BRAINERD, MN 56401	091220020080009	LOT 8 BLOCK 2	EAST BRAINERD	118 3RD AVE NE	GRASS/WEEDS	125.00
WESTFALL, ROBERT & EATROS, DEBORAH	91 HART RD	BRAINERD, MN 56401	09181009007B009	S 95 FT OF LOT 7 BLOCK 1	SLEEPERS ADDITION TO TOWN OF BRAINERD	1201 NORWOOD ST	GRASS/SNOW REMOVAL	225.00
LINDQUIST, TANNER M	1202 J ST NE	BRAINERD, MN 56401	091880210120009	LOT 12 BLOCK 21	ST. PAUL ADDITION TO TOWN OF BRAINERD	1202 J ST NE	JUNK/DEBRIS	500.00
GODEJOHN, JUSTIN & BRIAN KARL	1203 10TH AVE NE	BRAINERD, MN 56401	09136003014Z009	L 14 BLK 3 & L 15 BLK 3	GUSTAFSON'S ADDITION TO TOWN OF BRAINERD	1203 10TH AVE NE	SNOW/GRASS/WEEDS	575.00
CK PROPERTIES OF BRAINERD LLC	12610 CAMWOOD TRAIL	BAXTER MN 56425	09181009005A009	N 100 FT OF LOT 5 BLK 3	SLEEPERS ADDITION TO TOWN OF BRAINERD	1208 MAPLE ST	PROPERTY MAINTENANCE	2,375.00
WILEY, JEANINE L	1210 5TH AVE NE	BRAINERD, MN 56401	09172003009Z009	LOTS 9 AND 10 BLK 3, 1/4	SCHWARTZ'S ADDITION TO TOWN OF BRAINERD	1210 5TH AVE NE	GRASS/ABATEMENT	450.00
HALVORSON, RONALD & JEAN	9919 COVE PT RD	BRAINERD, MN 56401	09174017017Y009	LOTS 17 & 18 INCLUSIVE	SECOND ADDITION TO TOWN OF BRAINERD	1212 QUINCE ST	ABATEMENT	100.00
JAMES, TERRY E & MARVIN G	812 12TH AVE NE	BRAINERD, MN 56401	091880120100009	ST. PAUL ADDITION TO TOWN OF BRAINERD	LOT 10 BLOCK 12	1213 L STREET	GRASS/ABATEMENT	350.00
MILLER, JEREMY B & AMYE K	12887 PARKWOOD DR	BAXTER MN 56425	09172004005Z009	LOTS 5 AND 6 BLK 4	SCHWARTZ'S ADDN TO TOWN OF BRAINERD	1223 5TH AVE NE	UNLICENSED VEHICLE	125.00
BARQUERO, AMANDA	811 4TH AVE N	SARTELL MN 56377	091360010050009	LOT 5 BLOCK 1	GUSTAFSON'S ADDITION TO TOWN OF BRAINERD	1238 MILL AVE	GRASS/ABATEMENT	350.00
BATCHELOR, JOSHUA & AMANDA HASTAD	1301 10TH AVE NE	BRAINERD, MN 56401	09136003024Z009	N. 25 FT. OF LOT 24 BLK 3	GUSTAFSON'S ADDITION TO TOWN OF BRAINERD	1301 10TH AVE NE	UNLICENSED VEHICLE	125.00
NORWOOD STREET LLCC/O BRIAN WHEELER	11171 TOWN HALL ST	BRAINERD, MN 56401	091810190050009	LOT 5 BLOCK 19	SLEEPERS ADDITION TO TOWN OF BRAINERD	1306 NORWOOD ST	JUNK/DEBRIS	250.00
JASON J JONES & DAWN COLLINSC/O ROSALIE	3458 SUNFLOWER DR	BULLHEAD CITY, AZ 86429	091810100030009	LOT 3 BLOCK 10	SLEEPERS ADDITION TO TOWN OF BRAINERD	1314 MAPLE ST	JUNK/DEBRIS	125.00
FEALY, SCOTT W	PO BOX 94	RICHMOND, MN 56401	091810190110009	LOT 11 BLOCK 19	SLEEPERS ADDITION TO TOWN OF BRAINERD	1317 OAK ST	UNLICENSED VEHICLE	125.00
BANKS, TRAVIS E & TRACY L	15359 SHELLISA LN	BRAINERD, MN 56401	09146001015Z009	LOTS 15 AND 16 BLOCK 1	HOWES & SPALDINGS	1318 8TH ST S	HOUSE NUMBERS	375.00
SOMMERS, JESSICA	1319 11TH AVE NE	BRAINERD, MN 56401	09201012006Y009	LOTS 6 & 7 BLOCK 12, 1/4	WILLIS ADDITION	1319 11TH AVE NE	UNLICENSED VEHICLE	1,000.00
LARSON, SARAH T & ROY G BANKS	1323 PINE ST	BRAINERD, MN 56401	09174005001Z009	LOTS 1 AND 2 BLK. 5 A	SECOND ADDITION TO TOWN OF BRAINERD	1323 PINE ST	JUNK/DEBRIS	125.00
DEGEN, MICHAEL S & JULIE L	8595 DOROTHY AVE	BRAINERD, MN 56401	092010070070009	LOT 7 BLOCK 7	WILLIS ADDITION	1402 8TH AVE NE	GRASS/WEEDS	125.00
HANSON, CASPER B	1406 13TH AVE NE	BRAINERD, MN 56401	09121000002Z009	S. 30 FT. OF LOT 2 AND 1/2	DORAN'S ADDITION TO TOWN OF BRAINERD	1406 13TH AVE NE	UNLICENSED VEHICLE	250.00
PARKS, DALE A	1415 PINE STREET	BRAINERD, MN 56401	09174004006Z009	LOTS 6 AND 7 BLOCK 4	SECOND ADDITION TO TOWN OF BRAINERD	1415 PINE ST	UNLICENSED VEHICLE	125.00
SCULL, TYLER	1419 MARY ST	BRAINERD, MN 56401	09202001008Z009	S. 25 FT OF LOT 8 BLOCK 1	WOODLAND PARK ADDITION TO TOWN OF BRAINERD	1419 MARY ST	JUNK/DEBRIS	125.00
KING, JENNIFER A.	1421 OAK ST	BRAINERD, MN 56401	091810180110009	LOT 11 BLOCK 18	SLEEPERS ADDITION TO TOWN OF BRAINERD	1421 OAK STREET	GRASS/WEEDS	250.00
LEWIS, KALEEN R	1424 S 8TH ST	BRAINERD, MN 56401	09146010013Z009	LOTS 13 AND 14 BLOCK 1	HOWES AND SPALDING	1424 8TH ST S	UNLICENSED VEHICLE	500.00
SELLERS, JACOB S & AMBER J	1504 8TH AVE NE	BRAINERD, MN 56401	09201002001A009	W 60 FT OF LOTS 1 2 & 3	WILLIS' ADDITION TO TOWN OF BRAINERD	1504 8TH AVE NE	GRASS/ABATEMENT	375.00
BENDSON, KAYLA A	15199 WARRIOR AVE	BRAINERD, MN 56401	092720040040009	LOT 4 BLOCK 4	NORTHTOWN	15199 WARRIOR AVE	HOUSE/VEHICLE	500.00
WETHERELL, RICHARD B	915 LAUREL ST	BRAINERD, MN 56401	091730030010009	LOT 1 BLOCK 3	SECOND ADDITION TO TOWN OF BRAINERD	153 PINEVIEW DR	RENTAL LICENSE	500.00
COOLEY, GARY	PO BOX 272	FOLEY, MN 56329	09148003004Z009	S 40 FT OF LOT 4 BLK 3	KOOP & WALKER'S ADDITION TO TOWN OF BRAINERD	1610 9TH AVE	ABATEMENT	100.00
JM ANDERSON PROPERTIES LLC	23226 ANDERSON BLVD	MERRIFIELD MN 56465	091810010040009	LOT 4 BLOCK 1, TOGETHER WITH LOT 5	SLEEPERS ADDITION TO TOWN OF BRAINERD	1701 MAPLE ST	RENTAL INSPECTION	125.00
GOTTWALT, MATTHEW & ERICA	6571 160TH AVE	ROYALTON, MN 56373	09145000026C009	W. 56 1/2 FT. OF N. 140	HOLLAND'S THIRD ADDITION TO TOWN OF BRAINERD	1812 OAK ST	PROP MAINT/JUNK DEBRIS	875.00
BOKRY, JOSEPH A	1889 GRAYDON AVE	BRAINERD, MN 56401	09124003005X009	PT OF LOT 5 BLOCK 3 1/4	EDGEWOOD ROAD ADDITION TO TOWN OF BRAINERD	1889 GRAYDON AVE	UNLICENSED VEHICLE	500.00
DOUCETTE, DORIS D	214 4TH AVE NE	BRAINERD, MN 56401	091220080030009	LOT 3 BLOCK 8	EAST BRAINERD	214 4TH AVE NE	PROP MAINT/UNL. VEHICLE	3,000.00
DEGEN, MICHAEL S & JULIE L	8595 DOROTHY AVE	BRAINERD, MN 56401	091960380040009	LOT 4 BLOCK 38	TOWN OF BRAINERD	217 10TH ST N	RENTAL INSPECTION	125.00
GOTTWALT, MATT	6571 160TH AVE	ROYALTON, MN 56373	09196038002Z009	LOT 2 BLOCK 38 EXCEPT LOT 1	TOWN OF BRAINERD	219 10TH ST N	RENTAL INSPECTION	125.00
RYAN, ANNE THERESE	223 N 5TH ST	BRAINERD, MN 56401	09196048001Z009	LOTS 1 AND 2 BLOCK 4	TOWN OF BRAINERD	223 5TH ST N	ABATEMENT	100.00
C/O MEADOWVIEW MANOR LP	1777 JULIET AVE	ST PAUL, MN 55105	050311100A00889	N. 735.38 FT OF NE1/4		2507 KERMIT LN	UNLICENSED VEHICLE	125.00
LEMIRE, LAURA	2604 PINE STREET	BRAINERD, MN 56401	09143000015V009	(PART OF TRACT D) E 1/2	HOLLAND'S FIRST ADDITION TO TOWN OF BRAINERD	2604 PINE ST	UNLICENSED VEHICLE	125.00
NASH, PATRICK V & REBECCA L	303 5TH ST N	BRAINERD, MN 56401	09196070001Z009	LOT 1 & 2 BLOCK 70	TOWN OF BRAINERD	303 5TH ST N	RENTAL/JUNK DEBRIS	1,125.00
WINN, BRANDON C & HOLM, ABEGAIL R	313 9TH ST N	BRAINERD, MN 56401	09196078005Z009	LOTS 5 THRU 7 BLOCK 1	TOWN OF BRAINERD	313 9TH ST N	GRASS/WEEDS	125.00

O'DAY, JAMES T	316 1ST AVE NE	BRAINERD, MN 56401	091220120100009	LOT 10 BLOCK 12	EAST BRAINERD	316 1ST AVE	GRASS/PROPRTY/VEH	2,315.00
WEISS, RICHARD A	319 9TH ST N	BRAINERD, MN 56401	09196078009Z009	N1/2 OF LOT 9 BLOCK	TOWN OF BRAINERD	319 9TH ST N	PROPERTY MAINTENA	2,250.00
DEGEN, MICHAEL S & JULIE L	8595 DOROTHY AVE	BRAINERD, MN 56401	091220110110009	LOT 11 BLOCK 11	EAST BRAINERD	320 2ND AVE NE	RENTAL INSPECTION	125.00
JM ANDERSON PROPERTIES LLC	23226 ANDERSON BLVD	MERRIFIELD MN 56465	091220100010009	LOT 1 BLOCK 10	EAST BRAINERD	323 4TH AVE NE	RENTAL INSPECTION	125.00
BRAINERD WASHINGTON ST LLCC/O MELISSA	2730 SW 3RD AVE STE 600	MIAMI, FL 33129	09198058001Z009	LOTS 1 THRU 6 AND LO	WEST BRAINERD	340 WASHINGTON ST W (3	SNOW REMOVAL	125.00
TUFVANDER, KEVIN	401 B ST NE	BRAINERD, MN 56401	09122008004Z009	S. 30 FT. OF W. 1/3 OF	EAST BRAINERD	401 B ST NE	ABATEMENT	425.00
WILKINSON, RICHARD P	403 6TH ST SW	BRAINERD, MN 56401	091980570070009	LOT 7 BLOCK 57	WEST BRAINERD	403 6TH ST SW	UNLICENSED VEHICLE	125.00
VEITH, STEVEN H	9797 LEGIONVILLE RD	BRAINERD, MN 56401	091280140080009	LOT 8 BLOCK 14	FARRAR AND FORSYT	408 2ND AVE N	GRASS/ABATEMENT/JU	1,000.00
421 VINE STREET LLC	11171 TOWN HALL ST	BRAINERD, MN 56401	09140004001Z009	LOTS 1 & 2 BLK 4 & E 5	HARRISON WHITE'S AD	421 VINE ST	PROPERTY MAINTENA	125.00
BRUTSMAN, JAY & MARILYN	611 9TH ST S	BRAINERD, MN 56401	091690020090009	SCHMELZ'S ADDITION	LOT 9 BLOCK 2	425 C ST NE	ABATEMENT	100.00
GOTTWALT, MATTHEW & ERICA	6571 160TH AVE	ROYALTON, MN 56373	091690030010009	LOT 1 BLOCK 3	SCHMELZ'S ADDITION	430 C ST NE	BRUSH/PROP MAINT	625.00
WETHERELL, RICHARD B	915 LAUREL ST	BRAINERD, MN 56401	09196037001Z009	LOTS 4 THRU 6 INCLUS	TOWN OF BRAINERD	504 11TH ST S	PROPERTY MAINTENA	125.00
PESTELLO, WILLIAM	7574 CHICKASAW CIRCLE	BREEZY POINT, MN 56472	09128017005Z009	W. 33 FT. OF LOT 5 BLK	FARRAR AND FORSYT	508 4TH AVE NE	RENTAL LICENSE	500.00
BENNETT, COURTNEY	512 QUINCE ST	BRAINERD, MN 56401	0919621900A009	E .50 FT OF NW1/4 OF	TOWN OF BRAINERD	512 QUINCE ST	GRASS/WEEDS	125.00
WELSAND, LOREN	1018 PINE COVE DRIVE	LEHIGH ACRES, FL 33974-0577	09196133019Z009	LOTS 19 AND 20 BLOCK	TOWN OF BRAINERD	513 8TH ST S	GRASS/MAINT/ABATEM	700.00
MCINNES, RUTH M & CHARLES	7862 LAKEVIEW DRIVE	BRAINERD, MN 56401	091280190020009	LOT 2 BLOCK 19	FARRAR AND FORSYT	519 3RD AVE NE	GRASS/WEEDS	125.00
523 GROVE STREET LLC	11171 TOWN HALL ST	BRAINERD, MN 56401	09196194001Z009	LOTS 1 & 2 BLK 194	TOWN OF BRAINERD	523 GROVE ST	SNOW REMOVAL	125.00
KAMPA, DYLAN J	601 E STREET NE	BRAINERD, MN 56401	091380110070009	LOT 7 BLOCK 11	HAINE'S ADDITION TO	601 E ST NE	GRASS/PROPERT MAIN	250.00
SPIGARELLI, JEFFREY S & APRIL J	601 F ST NE	BRAINERD, MN 56401	091380060070009	LOT 7 BLOCK 6	HAINE'S ADDITION TO	601 F ST NE	PROPERTY MAINTENA	125.00
NORDENSON, DANIEL J & ELIZABETH S	601 KINGWOOD ST	BRAINERD MN 56401	09196074021Z009	W. 100 FT OF LOTS 21	TOWN OF BRAINERD	601 KINGWOOD ST	GRASS/WEEDS	125.00
HENDRICKSON, TYLER J	23595 BUTTERCUP LN	AITKIN MN 56431	09123007011Z009	S. 5 FT OF LOT 11 BLO	EAST SIDE ADDITION	602 9TH AVE NE	PROP MAINT/JUNK DE	250.00
STRANGE, LISA L	7387 RACINE RD	BRAINERD, MN 56401	091380110050009	LOT 5 BLOCK 11	HAINE'S ADDITION TO	606 F ST NE	UNLICENSED VEHICLE	125.00
WETHERELL, RICHARD B	915 LAUREL STREET	BRAINERD, MN 56401	09196129009X889	W 50 FT OF E 115FT OF	TOWN OF BRAINERD	616 NORWOOD ST	PROPERTY MAINTENA	1,000.00
BOCK, THOMAS C	PO BOX 123	BRAINERD, MN 56401	091280220010009	LOT 1 BLOCK 22	FARRAR AND FORSYT	623 3RD AVE	UNLICENSED VEHICLE	1,325.00
RONO, JUNE	624 4TH AVE NE	BRAINERD, MN 56401	091280240120009	LOT 12 BLOCK 24	FARRAR & FORSYTH'S	624 4TH AVE NE	GR/AM/UV/J/D	1,975.00
KAMPEN, TREVOR W	624 9TH AVE NE	BRAINERD MN 56401	091230070070009	LOT 7 BLOCK 7	EAST SIDE ADDITION T	624 9TH AVE NE	PROPERTY MAINTENA	125.00
MEYER, SHANE D & CARISSA E	701 9TH ST N	BRAINERD, MN 56401	09196200001Y009	E 80 FT OF LOTS 1 THF	TOWN OF BRAINERD	701 9TH ST N	GRASS/WEEDS	250.00
LEMIONE, JEREMY	702 2ND AVE NE	BRAINERD, MN 56401	091280270090009	LOT 9 BLOCK 27	FARRAR AND FORSYT	702 2ND AVE NE	UNLICENSED VEHICLE	375.00
EILERS, DWAYNE R II	2016 BLACKHAWK ST	WATERLOO, IA 50702	09196191001Z009	LOTS 1 AND 2 BLOCK 1	TOWN OF BRAINERD	702 9TH ST S	RENTAL LICENSE	750.00
BRAINERD LAKES PROPERTIES LLC	6343 PEACE ROAD	BRAINERD, MN 56401	09196071010Z889	W 45FT OF LOTS 10 TH	TOWN OF BRAINERD	714 LAUREL ST	JUNK/DEBRIS	125.00
GLASER, KENNETH A & REBECCA A	708 7TH ST NE	LITTLE FALLS, MN 56345	09196191013Y009	N 75 FT OF S 100 FT OF	TOWN OF BRAINERD	719 8TH ST S	PROPERTY MAINTENA	125.00
COCKMAN, BOBBIE G.	721 9TH AVE NE	BRAINERD, MN 56401	091230030060009	LOT 6 BLOCK 3	EAST SIDE ADDITION T	721 9TH AVE NE	JUNK/UNLICENSED VE	250.00
BEMENT, HARRY & ARLISS	11279 ASH AVE	BRAINERD, MN 56401	09188029001Y009	LOTS 1 AND 2 BLOCK 2	ST. PAUL ADDITION TO	723 12TH AVE NE	UNLICENSED VEHICLE	125.00
STRANGE, MICHAEL & LISA	7387 RACINE RD	BRAINERD, MN 56401	091230030070009	LOT 7 BLOCK 3	EAST SIDE ADDITION T	723 9TH AVE NE	JUNK/DEBRIS	125.00
PRIBBENOW, DENA DENTI	801 3RD AVE NE	BRAINERD, MN 56401	091720300010009	LOT 1 BLOCK 30	SCHWARTZ'S ADDN TO	801 3RD AVE NE	UNLICENSED VEHICLE	1,000.00
JM ANDERSON PROPERTIES LLC	23226 ANDERSON BLVD	MERRIFIELD MN 56465	09117002007Z009	LOTS 7 THRU 10 INCLU	CHIPPAWA ADDITION T	802 10TH ST S	RENTAL INSPECTION	125.00
LUCKSINGER, CAMRYN JANE	808 5TH AVE NE	BRAINERD, MN 56401	091720270110009	LOT 11 BLOCK 27	SCHWARTZ'S ADDN TO	808 5TH AVE NE	UNLICENSED VEHICLE	125.00
OLSON, STEVEN D	14601 LYNNDALE DR	BAXTER, MN 56425	09196200013Z009	LOT 13 BLOCK 200 EX.	TOWN OF BRAINERD	810 FIR ST	UNLICENSED VEHICLE	125.00
VERKENNES, HENRY L & VICTORIA J	813 I ST NE	BRAINERD, MN 56401	09171006001Y009	W1/2 OF LOTS 1 & 2 BL	SCHMELZ'S SECOND A	813 I ST NE	UNLICENSED VEHICLE	125.00
C/O JOAN BIEGANEK EVERY, SANDRA LORAINE	PO BOX 504	BRAINERD, MN 56401	09196217019Z009	LOTS 19 & 20 BLOCK 2	TOWN OF BRAINERD	815 6TH ST S	GRASS/WEEDS	125.00
RIESE, ROBERT & JODI (C/O COLIN AND AMY M	2331 DANCING WIND RD SW	PINE RIVER, MN 56474	09172030009Z009	LOTS 9 AND 10 BLK 30	SCHWARTZ'S ADDN TO	816 2ND AVE NE	PROP MAINT/GRASS	875.00
WENDEL PROPERTIES LLC	17122 STATE HWY 371	BRAINERD, MN 56401	09188028003Y009	LOT 3 BLOCK 28 & ALS	SCHMELZ'S SECOND A	817 12TH AVE NE	UNLICENSED VEHICLE	125.00
WARTA, KELSY M	817 MILL AVE	BRAINERD MN 56401	091720250050009	LOT 5 BLOCK 25	SCHWARTZ'S ADDN TO	817 MILL AVE	GRASS/WEEDS	125.00
MATICH, JAMES & JOHN	5809 CLEARWATER ROAD	BAXTER, MN 56425	09146013007Z009	LOTS 7 THRU 12 INCLU	HOWES AND SPALDIN	823 BROOK ST	UNLICENSED VEHICLE	500.00
BENEDICT, MICHAEL J & HEIDE A	901 5TH AVE NE	BRAINERD, MN 56401	09172021001Z009	LOTS 1 AND 2 BLK 21	SCHWARTZ'S ADDITIO	901 5TH AVE NE	UNLICENSED VEHICLE	250.00
HALL, JOSHUA	911 8TH ST S	BRAINERD, MN 56401	09117003023Z009	LOTS 23 AND 24 BLOC	CHIPPAWA ADDITION	911 8TH ST S	UNLICENSED VEHICLE	125.00
HARRAH, SAMUEL D & SUSAN E CAIRD	912 10TH ST S	BRAINERD, MN 56401	09117003012Z009	LOTS 12 THRU 14 INCL	CHIPPAWA ADDITION T	912 10TH ST S	UNLICENSED VEHICLE	750.00
BOCK, KARLA	922 7TH STREET S	BRAINERD, MN 56401	09196239001Z009	LOTS 1 & 2 BLOCK 239	TOWN OF BRAINERD	922 7TH ST S	GRASS/WEEDS	125.00
GOTTWALT, MATTHEW & ERICA	6571 160TH AVE	ROYALTON, MN 56373	091720240070009	LOT 7 BLOCK 24	SCHWARTZ'S ADDN TO	924 7TH AVE NE	BRUSH/JUNK DEBRIS	875.00

45,340.00

Dated this 21st day of October 2019

Gabe Johnson
President of Council

Attest: _____
Jim Thoreen
City Administrator

Interest Rate - 3.22%
Years Certified - 1 year

NOTICE OF HEARING ON PROPOSED ASSESSMENT

TO WHOM IT MAY CONCERN:

Notice is hereby given that the City Council of Brainerd, Minnesota will meet in the Council Chambers of the Brainerd City Hall at 7:30 p.m. on October 21, 2019, to pass upon the proposed assessment for the following improvements:

DOWNTOWN SPECIAL SERVICES DISTRICT

Snow Removal, Irrigation Maintenance, Landscaping, Garbage Collection

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

NUISANCE ABATEMENT

Nuisance Abatement and Administrative Citations

Miscellaneous properties around the City

The areas proposed to be assessed for these improvements are the properties abutting and/or benefitting from the above described projects.

The proposed assessment role is on file for public inspection at the City Administrator's Office and the City Engineer's Office.

The total cost of Downtown Special Services District is \$110,807.43 of which \$51,599.31 is proposed to be assessed.

The total cost of Nuisance Abatement is \$47,690 of which \$47,690 is proposed to be assessed.

Written or oral objections will be considered at the meeting. No appeal may be taken as to the amount of any assessment unless a signed, written objection is filed with the City Administrator prior to the hearing or presented to the presiding officer at the hearing. The Council may upon such notice consider any objection to the amount of a proposed individual assessment at an adjourned meeting upon such further notice to the affected property owners as it deems advisable.

The amount to be specifically assessed against your particular lot, piece or parcel of land is shown on the attached enclosure. You may at any time prior to certification of the assessment to the County Auditor pay the entire assessment on such property with interest accrued to the date of payment to the City Administrator. No interest shall be charged if the entire assessment is paid within 30 days from the adoption of this assessment. You may at any time thereafter pay to the County Auditor the entire amount of the assessment remaining unpaid with interest accrued to December 31 of the year in which the payment is made. If you decide not to pre-pay the assessment before the date given above, the rate of interest that will apply three and twenty-two hundredths percent (3.22%) per year. The right to partially prepay the assessment pursuant to Section 315 of the Brainerd City Code is available. Further, pursuant to Ordinance 974 deferred assessments may be granted by the City Council where a financial hardship exists and pursuant to Resolution No. 4988, and any amendments thereto, the City Council may defer a special assessment for needy persons. If you feel that you might qualify for such deferments, please discuss this with the City Administrator at your earliest convenience.

The assessments will be spread over a period of one (1) year.

If an assessment is contested or there is an adjourned hearing, the following procedure will be followed:

1. The City will present its case first by calling witnesses who may testify by narrative or by examination and by the introduction of exhibits. After each witness has testified, the contesting party will be allowed to ask questions. This procedure will be repeated with each witness until neither side has further questions.
2. After the City has presented all its evidence, the objector may call witnesses or present such testimony as the objector desires. The same procedure for the questioning of the City's witnesses will be followed with the objector's witnesses.
3. The objector may be represented by counsel.
4. Minnesota Rules of Evidence will not be strictly applied; however they may be considered and argued to the Council as to the weight of the items of evidence or testimony presented to the Council.
5. The entire hearing will be tape-recorded.
6. At the close of the presentation of evidence, the objector and the City may make final presentations to the council based on the evidence and the law. No new evidence may be presented at this point.
7. The Council may adopt the proposed assessment at the hearing.

An owner may appeal an assessment to the District Court pursuant to Minnesota Statutes Section 429.081 by serving notice of the appeal upon the Mayor or Administrator of the City within thirty (30) days after the adoption of the assessment, and by filing such notice with the District Court within ten (10) days after the service upon the Mayor or City Administrator.

Dated this 23 day of September 2019


Jim Thoreen
Interim City Administrator

Any individual needing special accommodations please call 828-2307.

Published September 27, 2019

Richard Weiss
319 N 9th St
Brainerd MN 56401

RECEIVED
OCT 21 2019
CITY OF BRAINERD
ADMINISTRATION

October 21, 2019

Greetings Members of the Council,

I had planned on attending this evening's meeting but due to circumstances beyond my control will prevent this.

The attached shows a proposed assessment of \$2,250 on my home due to its unsightly roof. This is in addition to the files levied of \$400 per month all summer.

Not only are these amounts excessive, they will be impossible for me to pay. I live on Social Security of \$1750 per month and have no other income at this time. Among other expenses, I have a mortgage on the home for \$750/mo.

If all of that is assessed in my taxes it will raise my house payment by about \$300/mo which I will be unable to pay. I can barely scrape by now with what's left after the current house payment. In other words, I would probably have to leave the house. That would be a last resort, of course, as I have nowhere else to live and no relatives that can take me in.

The reason I have not repaired the roof is simple. I do not have the money to have it done and cannot do it myself. In addition to my minimal fixed income, I have no savings to tap nor can I qualify for a loan.

I did ask LSS if they know of any ways that could help but was told that since the roof is not leaking they could not provide assistance for cosmetic-only repairs.

I moved into this house in 1958 with my mother and grandparents and it saddens me deeply to risk losing it now over a cosmetic issue.

If my financial situation were to change, of course I would make home repairs a top priority. Unfortunately, at this time I remain between a rock and a hard place.

Thank you very much for your consideration.

Sincerely,



Richard Weiss

September 24, 2019



www.ci.brainerd.mn.us

WEISS, RICHARD A
319 9TH ST N
BRAINERD, MN 56401

RE: Nuisance Abatement and/or Administrative Citation Assessment

Dear Property Owner(s):

An assessment roll covering the above work has been prepared and filed in the City Administrator's office. The amount assessed against the property recorded in your name described as:

RE CODE: 09196078009Z009

LEGAL DESCRIPTION: N1/2 OF LOT 9 BLOCK 78 AND ALL OF LOT 10 BLOCK 78 AND S1/2 OF LOT 11 BLOCK 78, TOWN OF BRAINERD & FIRST ADDITION TO BRAINERD

PROPERTY ADDRESS: 319 9TH ST N

Is \$2,250.00. This amount or partial payments may be paid in the City Administrator's office without interest through November 20, 2019. After that date, interest will be charged at the annual rate of three and one-third (3.3%) percent. Any unpaid balance will be certified to the Crow Wing County Auditor and collected over a one (1) year period along with property taxes.

Please feel free to call me at 218-828-2307 if you have any questions.

Sincerely,
CITY OF BRAINERD

David Chanski
Community Development Director

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

RESOLUTION ADOPTING ASSESSMENT

WHEREAS, pursuant to proper notice duly given as required by law, the Council has met and heard and passed upon all objections to the proposed assessment for 2018-2019 nuisance abatement concerning the properties abutting on the following:

NUISANCE ABATEMENT - CONTESTED ASSESSMENTS

PID 41190546

PID 41241208

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

1. Such proposed assessment, a copy of which is on file in the offices of the City Administrator and City Engineer, is hereby accepted and shall constitute the special assessment against the lands named therein, and each tract of land therein included is hereby found to be benefited by the proposed improvement in the amount of the assessment levied against it.

2. Such assessment shall be payable in full within 30 days from the adoption of this Resolution without interest at the office of the City Administrator. Thereafter, the entire amount of the assessment shall be payable to the Crow Wing County Auditor with interest at the rate of three and twenty-two hundredths (3.22%) percent.

3. The City Administrator shall forthwith transmit a certified duplicate of this assessment to the Crow Wing County Auditor to be extended on the property tax list of the County. Such assessment shall be collected and paid over in the same manner as other municipal taxes.

Adopted this ____ day of October 2019

Approved this _____ day of October 2019

GABE JOHNSON
President of the Council

ATTEST: _____

JAMES M. THOREEN
Interim City Administrator

EDWIN L. MENK
Mayor



Brainerd City Council Agenda Request

Requested Meeting Date: November 4, 2019

Title of Item: Appoint Council Liaison for Fire Advisory Board and Transportation Advisory Committee (TAC)

☐ 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: Finance Director Hillman	Department: Administration
Presenter (Name & Title): Same	Estimated Time Needed: 5 min
Summary of Issue: Council Member Hilgart was the previous liaison for the Fire Advisory Board and a second liaison for the Transportation Advisory Committee.	
Alternatives, Options, Effects on Others/Comments: With her absence, the Council needs to appoint another liaison to these boards.	
Recommended Action/Motion: Approve and appoint a Council Liaison to the Fire Advisory Board and the Transportation Advisory Committee.	
Financial Impact: Is there a cost associated with this request: ☐ Yes ☒ No What is the total cost, with tax and shipping \$ _____ Is this budgeted? ☐ Yes ☐ No <u>Please Explain:</u>	



Brainerd City Council Agenda Request

Requested Meeting Date: November 4, 2019

Title of Item: PH - Implementation/Progress SCDP Grant CDAP-17-0019-O-FY19

☐ 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: 2 Minutes
Summary of Issue: As part of the Small Cities Development Program Grant (SCDP) that the City was awarded in 2018 for the northeast area, the City Council needs to hold a public hearing during the grant period to allow for public discussion on the implementation and progress of the grant.	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion: Staff would recommend setting the public hearing, due to proper notice, for discussion on the implementation and progress of the Northeast and Downtown Brainerd SCDP grant awarded in 2018 for 7:30 p.m. on November 18, 2019.	
Financial Impact: <i>Is there a cost associated with this request:</i> ☒ Yes ☐ No <i>What is the total cost, with tax and shipping</i> \$ <u>Approx \$50-\$100</u> <i>Is this budgeted?</i> ☒ Yes ☐ No The City budgeted \$2,500 for required publications in 2019. <u>Please Explain:</u>	

NOTICE OF HEARING

Notice is hereby given that on Monday, November 18, 2019 at 7:30 p.m. the City of Brainerd, will hold a Public Hearing to discuss the implementation and progress of the grant of the \$638,338 Small Cities Development Program grant (CDAP-17-0019-O-FY18) that for rental and commercial rehabilitation in the designated Northeast and Downtown Area.

All interested parties are invited to attend the public hearing in the Crow Wing County Board Room, 326 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 _____ of _____, 2019

James Thoreen
Interim City Administrator

Publication Date: _____



Brainerd City Council Agenda Request

Requested Meeting Date: November 4, 2019

Title of Item: Industrial Park Lots Sale Procedure

☐ 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: Economic Development Authority	Department: Community Development & Finance
Presenter (Name & Title): David & Connie	Estimated Time Needed: 10 minutes
Summary of Issue: In 2006, the EDA purchased 198 acres to create Phase IV and Wright Street Extension of the Industrial Park of which 85.26 acres were available for development and 112.74 acres being out lots and roads. In 2015, 8.57 acres in Phase IV was sold to FedEx for \$56,251.42 per acre. No lots in Phase IV or along the Wright Street Extension have sold since. In April of 2019, the EDA Commission agreed to form a subcommittee to review the industrial lots and the possibility of allowing incentives to move the lots. This subcommittee and staff presented a proposed procedure for marketing and selling these lots to the EDA during a special meeting held on October 31st. Attached is the memo that was presented to the EDA.	
Alternatives, Options, Effects on Others/Comments: The EDA unanimously approved a procedure for selling Industrial Park lots, specifically those in Phase IV and along Wright St. The motion made by Commissioner Bevans and seconded by Commissioner Erickson was to recommend to the Council the procedure as presented including the City transferring ownership of land to the EDA upon agreement to purchase, marketing the property at \$1.00 per acre, and authorizing staff to pursue financing tools by which the City may recoup its investment, not limited to TIF. A sunset date for motioned procedure was discussed, and the EDA was open to such a sunset clause. However, it was not included in the motion.	
Recommended Action/Motion: Option 1: Approve the EDA's recommended procedure for marketing and selling industrial park lots. Option 2: Approve the EDA's recommended procedure for marketing and selling industrial park lots with a sunset date. Option 3: Deny the EDA's recommended procedure for marketing and selling industrial park lots.	
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> The industrial park property is paid in full at \$3,045,334 for Phase IV and \$1,984,400 for Wright St. At \$1/acre, the City and EDA would not recoup this cost upfront. However, financial tools, such as TIF, may be used to help recoup some of this cost in addition to the property going on the tax role.	

MEMO



TO: EDA Board of Commissioners

FROM: Industrial Park Subcommittee

DATE: October 29, 2019

RE: Industrial Park Lots Discussion

Background: In 2006, the EDA purchased 198 acres to create Phase IV and Wright Street Extension of the Industrial Park of which 85.26 acres were available for development and 112.74 acres being out lots and roads. In 2015, 8.57 acres in Phase IV was sold to FedEx for \$56,251.42 per acre. The net proceeds from this sale went to make up the deficit that was in the debt service fund.

The EDA purchased the land, borrowing \$646,427 from the State MIF Revolving Loan Fund (RLF) and paying \$353,307 in cash. The City put in the infrastructure and made the sites shovel ready with bonds and grants. The City borrowed \$3,020,000 and paid a total of \$4,030,000 in principal and interest. The debt issue has been paid off. The note from the RLF appears to be interest free and for an unspecified period.

Following breaks down the funding:

	Phase IV	Wright Street	Total
EDA	\$265,307	\$88,000	\$353,307
State MIF RLF	514,427	132,000	646,427
Principal & Interest	2,265,600	1,764,400	4,030,000
Total	\$3,045,334	\$1,984,400	\$5,029,734
	61%	39%	

In April of 2019, the EDA Commission agreed to form a subcommittee to review the industrial lots and the possibility of allowing incentives to move the lots. Based on the work of the committee, the committee brings forward the following recommendations to the Commission for consideration to forward to the Council.

1. Request the City to transfer ownership of the land in the Industrial Park when a developer is ready to purchase.

Facts: The Industrial Park property is currently under the ownership of the City of Brainerd. An EDA can hold property for 7 years tax-free and then the property goes on the tax rolls. We have spoken with Legal Counsel and it appears the

transfer is a simple filing of a quitclaim deed. However, we would need to review our City Charter.

Pros:

- An EDA can put a *Right of Reverter* in a contract/development agreement, whereas a City cannot.
- If the City agrees to transfer the land when it is ready to be purchased, the EDA will not have to pay taxes on the property.

Cons:

- The property is tax-exempt as long as it is in the City's name. If the property was taxable, it would change the way the levy is allocated among all taxpayers.

2. Request authorization to sell the lots for a dollar per acre.

Facts: The last price the lots were listed at was \$62,225 an acre. The City has not received any offers since 2015.

Pros:

- Increase in interest in the property and the possibility of the lots being sold which would create jobs and tax base for the City.
- Even if the developer purchases the lots and defaults, the entity holding the mortgage will be responsible for paying the property taxes.
- No matter the sales price per acre, the property will go on the tax rolls.

Cons:

- The City and the EDA would not recoup its investment.
- This creates a business subsidy, which result in the creation of subsidy agreement, and is subject to a public hearing, and annual reporting to DEED.

3. Request authorization to create TIF (or Tax Abatement) District(s).

Facts: The EDA and the City can create a TIF or Tax Abatement District(s) and capture the increment itself. TIF Districts would allow the City and EDA to recapture a larger dollar amount. The duration of the TIF District would be 9 years since the district contains undeveloped land. Tax Abatement District would have a longer duration.

Pros:

- The maximum duration of the district is 9 years.
- Multiple TIF Districts can be created when each parcel is developed.
- Funds collected from increment could be used for things like making the Wright Street Development Shovel Ready Certified.
- Up to 10% of the increment collected can be used to offset EDA administrative staff time for administration the TIF District; as well as the costs incurred by the EDA for its creation.

Cons:

- The development would not be on the tax rolls for 9 years.
- The amount of the increment collected is unknown as it would be dependent on several factors the City does not control. Examples are:
 - o The payment of property taxes
 - o The assessed value of the property
 - o The City may grant a developer TIF or Tax Abatement if the development needs it, then the City wouldn't be able to capture all the increment.
- This also creates a business subsidy, and costs would be incurred for the development agreement, creation of the district and so on, as well as annual reporting to the OSA.

4. A deposit will be required from the developer to fund all costs associated with the sale and development of the property.

Facts: It is a policy decision for the developer to pay the associated cost. The policy has been that the developer submits a deposit based historical costs of agreements to be created.

Pros:

- There is no cost/risk to the City to enter into a development agreement.

Cons:

- The development may not occur.



Brainerd City Council Agenda Request

Requested Meeting Date: November 4, 2019

Title of Item: Final Reading - Proposed Ordinance No. 1500 - Rezoning 11349 Easy St.

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☒ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Community Development Director	Department: Community Development
Presenter (Name & Title): David Chanski, CDD	Estimated Time Needed: 2 minutes
Summary of Issue: Scott Vansteenwyk, 11349 Easy St., Brainerd, MN 56401 has submitted a request on behalf of Gilbert Vansteenwyk for the property at 11349 East St., to rezone said property from an R-1A (Single-Family Residential) District to an R-1 (Single-Family Residential) District. The purpose of this rezoning is to reduce the required setbacks for accessory structures from 30 feet (front), 10 feet (side), and 10 feet (rear) to 20 feet (front), 3 feet (side), and 5 feet (rear).	
Alternatives, Options, Effects on Others/Comments: The Planning Commission voted unanimously during their October 16 meeting to recommend approval of this rezoning request to the City Council, citing staff's findings of fact. The City Council held the first reading of Proposed Ordinance No. 1500 during its regular meeting on October 21. Staff recommends to first dispense with the actual reading of the proposed ordinance and then vote to approve/deny the proposed ordinance.	
Recommended Action/Motion: 1) Motion to dispense with the actual reading of Proposed Ordinance No. 1500, an ordinance amending Ordinance No. 812 pertaining to the zoning in the City of Brainerd to rezone property at 11349 Easy Street from an R-1A to an R-1 District. 2) Motion to approve Proposed Ordinance No. 1500, an ordinance amending Ordinance No. 812 pertaining to the zoning in the City of Brainerd to rezone property at 11349 Easy Street from an R-1A to an R-1 District.	
Financial Impact: <i>Is there a cost associated with this request:</i> ☐ Yes ☒ No <i>What is the total cost, with tax and shipping</i> \$ _____ <i>Is this budgeted?</i> ☐ Yes ☐ No <i>Please Explain:</i>	

City of Brainerd

Community Development Department

TO: Planning Commission

FROM: David Chanski, Community Development Director

DATE: October 11, 2019

RE: 11349 Easy St. Rezoning

Scott Vansteenwyk, 11349 Easy St., Brainerd, MN 56401 has submitted a request on behalf of Gilbert Vansteenwyk for the property at 11349 East St., to rezone said property from an R-1A (Single-Family Residential) District to an R-1 (Single-Family Residential) District.

The purpose of this rezoning is to reduce the required setbacks for accessory structures from 30 feet (front), 10 feet (side), and 10 feet (rear) to 20 feet (front), 3 feet (side), and 5 feet (rear).

Findings of Fact

1. 11349 Easy St. was annexed into the City of Brainerd in 2002 by Ordinance No. 1149 at which time the property was zoned R-1A (Single Family Residential) District.
2. The properties immediately adjacent to 11349 Easy St. are zoned R-1A.
 - a. However, properties within the City of Brainerd approximately 5 blocks to the east are zoned R-1 (Single Family Residential) District.
3. [Per Section 515-55-7](#) of the Code of Ordinances, the setbacks of accessory structures in R-1A Districts (the current zoning district) are:
 - a. Front yard: thirty (30) feet
 - b. Side yard: ten (10) feet
 - c. Side yard (corner): twenty (20) feet
 - d. Rear yard: thirty (10) feet
4. [Per Section 515-54-7](#) of the Code of Ordinances, the setbacks of accessory structures in R-1 Districts (the proposed zoning district) are:
 - a. Front yard: twenty (20) feet
 - b. Side yard: three (3) feet
 - c. Side yard (corner): fifteen (15) feet, twenty (20) feet if garage faces street
 - d. Rear yard: five (5) feet
5. [Per Section 515-17-8.B.4](#) of the Code of Ordinances, “No detached accessory building shall be located in any front yard or nearer the front lot line than the principal building on that lot. Property within a shore impact zone (as defined by the Brainerd Shoreland Regulations) along the Mississippi River, and lakes classified as General Development or Natural Environment may locate accessory buildings in a front yard provided a twenty-five (25) foot setback is maintained.”

6. [Per Section 515-17-8.B.3.b](#) of the Code of Ordinances, the total number of accessory buildings and garages for 11349 Easy St. shall be one (1) attached garage and one (1) detached accessory building.

- a. There is currently no detached accessory structure located on this property.

No parties have come forward to express concern about this rezoning request at the time of this writing.

Staff Opinion

Staff recommends approval of this rezoning request.

**ORDINANCE
NO. 1500**

**AN ORDINANCE AMENDING ORDINANCE NO. 812
PERTAINING TO THE ZONING IN THE CITY OF BRAINERD**

THE CITY COUNCIL OF THE CITY OF BRAINERD DOES ORDAIN:

SECTION ONE: That existing Section 515-04-02 of the Brainerd City Code is hereby amended by changing the zoning designation of the property below from an R-1A (Single-Family Residential) District to an R-1 (Single Family Residential) District for the following:

PIN 41170505

LOT 9 and vacated Plunge Path, Pine Shores – First Subdivision (Annexed 2002)
Section 17, Township 45, Range 30

SECTION TWO: This Ordinance shall take effect and be in force one week from and after its publication.

Adopted this ____ day of _____, 2019

GABE JOHNSON
President of the Council

Approved this _____ day of _____, 2019

EDWIN L. MENK
Mayor

ATTEST: _____
JAMES M. THOREEN
Interim City Administrator

Published: One Time, _____, 2019



City Planning Department

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

Receipt # 2019-00054
Check # _____
Date Paid: 10/2/19

CONDITIONAL USE/REZONING/VARIANCE APPLICATION

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

PROPERTY ADDRESS: 11349 EASY STREET

LEGAL DESCRIPTION: Lot(s): 839 Block: - Addition: PINE SHORES FIRST SUBDIVISION
(attach description if lengthy)

Property Owner Name: GILBERT VANSTEENWYK

Street Address: 11349 EASY ST. City: BRainerd State: MN Zip Code: 56401

Phone Number: 218-829-5084 Fax: _____ E-mail: svansteenwyk@hotmail.com

Applicant Name: (If different than Property Owner) SCOTT VANSTEENWYK (SON)

Street Address: 11349 EASY ST City: BRainerd State: MN Zip Code: 56401

Phone Number: 612-747-0466 Fax: _____ E-mail: svansteenwyk@hotmail.com

Description of Request: REQUEST PROPERTY TO BE ZONED R1 IN
LIEU OF CURRENT R1A. R1 ZONING WILL ALLOW US
TO CONSTRUCT A DETACHED GARAGE WITH NO SET BACK
VARIANCES. PROPERTY TO THE EAST OF US AND SOUTH ACROSS
LAKE ARE ZONED R1.

Gilbert A. Van Steenwyk
Property Owner Signature

10-2-19
Date

(Please print name)
Letta A. Van Steenwyk
Applicant Signature

9-30-19
Date

(Please print name)

(OVER)





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

11349 Easy Street

Date: 10/1/2019 Time: 9:38:54 AM



NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that Scott Vansteenwyk, 11349 Easy St., Brainerd, MN 56401 has submitted a request on behalf of Gilbert Vansteenwyk for the property at 11349 East St., to rezone said property from R-1A (Single-Family Residential) District to an R-1 (Single-Family Residential) District. The purpose of this rezoning is to reduce the required setbacks for accessory structures from 30 feet (front), 10 feet (side), and 10 feet (rear) to 20 feet (front), 3 feet (side), and 5 feet (rear).

The legal description of the property is as follows:

Lot 9 and vacated Plunge Path, PINE SHORES – FIRST SUBDIVISION (ANNEXED 2002)

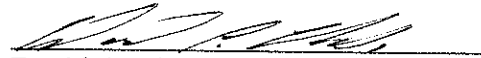
P.I.N. 41170505

Section 17, Township 45, Range 30

A Public Hearing will be conducted by the Brainerd Planning Commission at 6:00 p.m. Wednesday, October 16, 2019 in the Brainerd City Hall Council Chambers, 501 Laurel Street to consider the request.

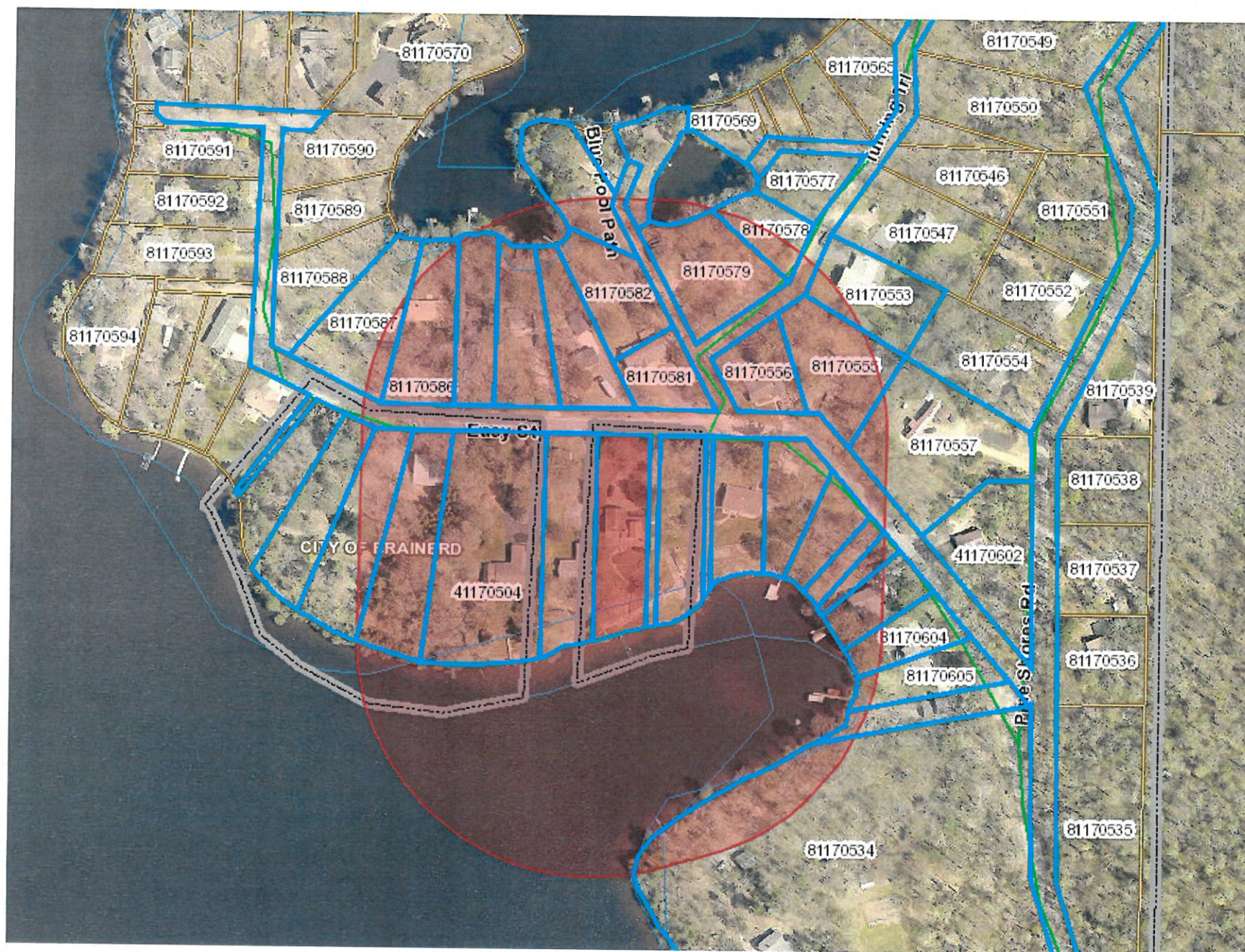
Any individual needing special accommodations or would like more information about this request please call (218) 828-2309.

Dated this 4th day of October 2019.


David C. Chanski, MPA
Community Development Director

See reverse side for map.

Parcel Num	Legacy Parcel Num	Municipality	Owner Name	Owner Address	Owner Address 2	Owner Address 3	Owner Adc	Physical Ac	Physical Cit	Physical Zip
81170534	811080009822009	OAK LAWN	CUTKAY, JAMES L & COLLEEN	15359 PINE SHORES RD	BRAINERD MN 56401			15359 PINE	BRAINERD	56401
81170580	811080000342009	OAK LAWN	EDBERG, PENNIE MARIE	6467 WETHERBEE RD	BRAINERD, MN 56401			15547 BLU	BRAINERD	56401
81170598	811080000100889	OAK LAWN	ERICKSON, PHYLLIS S; STEVEN E & END	351 NORTH MERIDIAN LOT 4	APACHE JUNCTION, AZ 85220			11333 EAS'	BRAINERD	56401
81170578	811080000370009	OAK LAWN	HALL LAKE CABIN LLC	C/O LYNN ELIZABETH COLYE	315 BROCKTON LN N	PLYMOUTH MN 55447		0	BRAINERD	56401
81170579	81108000035Y009	OAK LAWN	HOLMES, SHELDON P & DEBRA A	20367 AUBURN ST NW	ELK RIVER MN 55330			15509 TUR	BRAINERD	56401
81170555	811080000620009	OAK LAWN	HUNTER, RENEE K	11394 EAST ST	BRAINERD, MN 56401			11394 EAS'	BRAINERD	56401
81170582	811080000320009	OAK LAWN	JOHNSON, MATTHEW E	11352 EASY ST	BRAINERD, MN 56401			11352 EAS'	BRAINERD	56401
81170576	811080000392009	OAK LAWN	LARSON, THOMAS E	1912 WOODCREST RD	BRAINERD MN 56401			15546 BLU	BRAINERD	56401
81170583	811080000310009	OAK LAWN	LEWIS, TODD & AMY	11344 EASY ST	BRAINERD MN 56401			11344 EAS'	BRAINERD	56401
41170508	92640000030009	CITY OF BR	MAROHN, ROBERT E & ANDREA K	11427 EASY ST	BRAINERD, MN 56401			11427 EAS'	BRAINERD	56401
41170503	92640000130009	CITY OF BR	NOVICK LIVING TRUST DTD 12/14/15	KASMA-NOVICK, DONELLE	1735 ESTATES TRL	BURNSVILLE, MN 55306		11329 EAS'	BRAINERD	56401
41170504	92640000110009	CITY OF BR	NOVICK, JAMES R	11313 EASY ST	BRAINERD, MN 56401			11313 EAS'	BRAINERD	56401
81170556	811080000610009	OAK LAWN	PEDERSON, CHARLES S	11376 EASY ST	BRAINERD, MN 56401			11376 EAS'	BRAINERD	56401
41170501	92640000150009	CITY OF BR	RICE LAKE FAMILY LLC	C/O JOSEPH NOVICK	1735 ESTATES TRL	BURNSVILLE, MN 55306		0	BRAINERD	56401
81170585	811080000290889	OAK LAWN	SEVERNS, ROGER ELTON &	SEVERNS, WENDY GRUSS	1778 ORCHID DR N	MANKATO MN 56003		11300 EAS'	BRAINERD	56401
81170606	81108000000A009	OAK LAWN	SEVERT FAMILY REV LIVING TRUST	11465 EASY ST	BRAINERD, MN 56401			0	BRAINERD	56401
81170603	81108000004A009	OAK LAWN	SIEMERS, ADAM & ELIZABETH	11385 EASY ST	BRAINERD, MN 56401			0	BRAINERD	56401
81170553	811080000640009	OAK LAWN	THOMPSON, JAMES & BERENS, VANE	15526 TURNING TRL	BRAINERD, MN 56401			15526 TUR	BRAINERD	56401
81170587	811080000270009	OAK LAWN	TIFFANY, BRUCE & ANN	32503 327TH ST	REDWOOD FALLS, MN 56283			0	BRAINERD	56401
81170557	811080000600009	OAK LAWN	TOMCZAK, KENNETH G & LAURIE J HEI	5565 COUNTY RD 12	MOOSE LAKE MN 55765			15457 PINE	BRAINERD	56401
41170506	09264000008B009	CITY OF BR	VANSTEENWYK, GILBERT A & DELORE	11349 EASY ST	BRAINERD MN 56401			0	BRAINERD	56401
81170584	811080000300009	OAK LAWN	WILT FAMILY PROPERTIES LLC	5389 PIONEER TRL		BRAINERD MN 56401		11322 EAS'	BRAINERD	56401



11349 Easy Street