CITY COUNCIL AGENDA

Brainerd, Minnesota
April 20, 2020
7:30 P.M.
WebEx Teleconference Meeting
Call Toll-Free: 844-992-4726
Access Code: 263 013 114

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

2. **Roll Call**
   ___ K. Bevans ___ T. Erickson ___ J. Lambert ___ K. Stunek

   ___ D. Pritschet ___ G. Johnson ___ Mayor Badeaux

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. Special Meeting Held on April 6, 2020
      2. Regular Meeting Held on April 6, 2020
      3. Special Meeting Held on April 7, 2020

      Documents:

      20200406_CC Spec Meeting draft.pdf
      20200406_CC draft.pdf
      20200407_CC Spec Meeting draft.pdf

   B. **Approval Of Licenses**
      Contractor Licenses - 1 New

      Documents:

      CONTRACTOR LICENSE REPORT - 2020-04-20.pdf

   C. **Department Activity Reports**
      1. Police Chief

2. Finance Director

Documents:

Police Chief Report.pdf

D. **Commercial Plumbing Plan Review Delegation Agreement**

Documents:

Commercial Plumbing Plan Review Delegation Agreement.pdf

6. **Presentations**

A. **BLAEDC Presentation - Tyler Glynn**

7. **Council Committee Reports**

A. **Safety And Public Works Committee - 7:15 P.M.**
WebEx Teleconference Meeting Information

- Call Toll Free - 844-992-4726
- Access Code - 967 707 063

Documents:

20200420_SPW.pdf

1. Resolution - Establishing Municipal State Aid Street

Documents:

Res - Establish MSAS.pdf

2. Quotes For Downtown Landscaping

Documents:

Quotes for Downtown Landscaping.pdf

B. **Personnel And Finance Committee - 7:00 P.M.**
WebEx Teleconference Meeting Information

- Call Toll Free - 844-992-4726
- Access Code - 968 004 625

Documents:

2020-04-20_PF.pdf

1. Approval Of Bills

2. Contract For Inspection Services

.

Documents:

Contract of Inspection Services.pdf

3. League Of MN Cities Insurance Trust (LMCIT) Premium Renewal '20-'21

Documents:

Insurance Renewal.pdf

4. Police Sergeant Promotion

Documents:

Police Sergeant Promotion.pdf

5. Update Regarding 2020 Seasonal/Temporary Hiring's

Documents:

Update regarding 2020 Seasonal_Temporary Hirings.pdf

8. **Unfinished Business**

A. **Call For Applicants - Informational**

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

Mayor Recommended: (terms to expire 12/31 of said year)
Cable TV Advisory Committee - 2 terms (Expire 2021) - 2 terms (Expire 2022)
Charter Commission - 2 terms (Expire 2020) - 1 term (Expire 2021) - 1 term (Expire 2022) - 1 term (Expire 2023)

Mayor Recommended: (term to expire 09/07 of said year)
Economic Development Authority (EDA) - 1 term (Expire 2020)

Other
Water Tower Committee - Applicants Needed

9. **New Business**

A. **Appoint A Chair For Personnel And Finance Committee**

Documents:

PF Chair.pdf

B. **Authorize Curbside Pick Up At The Brainerd Public Library**

Documents:

Curbside Pickup at Library.pdf

C. **Discussion On Recommendations To The Park Board**

Documents:

Park Board Recommendations.pdf

1. (Added Item) Parks Department Update

Documents:

Added parks item.pdf

D. **First Reading And Set Public Hearing - Proposed Ordinance No. 1503 - Petition For Annexation**

a. City Administrator Bergman Recommends to Dispense with the Actual Reading
b. Hold the First Reading of Proposed Ordinance
c. Set Public Hearing for June 1, 2020

Documents:

First Reading - Ordinance 1503.pdf

10. **Planning Commission**

A. **First Reading - Proposed Ordinance No. 1504 - An Ordinance To Rezone Property At 1420 S. 6th St. From A R-1 (Single Family Residential) District To A B-2 (Neighborhood Business) District**

a. City Administrator Bergman Recommends to Dispense with the Actual Reading
b. Hold the First Reading of Proposed Ordinance

Documents:

First Reading - Ordinance 1504.pdf

B. **First Reading - Proposed Ordinance No. 1505 - An Ordinance To Rezone Unaddressed Properties On 2nd St. NW And Jackson St. From R-2 (Medium Density Residential) And R-3 (High Density Residential) Districts To A B-4 (General Business) District**

a. City Administrator Bergman Recommends to Dispense with the Actual Reading
b. Hold the First Reading of Proposed Ordinance

Documents:

First Reading - Ordinance 1505.pdf

C. **First Reading - Proposed Ordinance No. 1506 - An Ordinance**

Amending Section 515-64: General Business District To Allow Mini-Storage Facilities As A Conditional Use

a. City Administrator Bergman Recommends to Dispense with the Actual Reading
b. Hold the First Reading of Proposed Ordinance

Documents:

First Reading - Ordinance 1506.pdf

D. **Tower Motors Conditional Use Permit (CUP)**

Documents:

Tower Motors CUP.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)

A. **City Administrator Report/Update**

Documents:

CA Report.pdf

13. **Council Member Reports**

14. **Adjourn To Special City Council Meeting April 27, 2020 At 6:00 P.M.**

Personnel & Finance Committee will meet at 7:00 PM via WebEx Teleconference
Call Toll-Free: 844-992-4726
Access Code: 968 004 625
Safety & Public Works Committee will meet at 7:15 PM via WebEx Teleconference
Call Toll-Free: 844-992-4726
Access Code: 927 707 063

Visit the City's Website (ci.brainerd.mn.us)

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

Brainerd, MN
April 6, 2020

Pursuant to due call and notice thereof, the special meeting of the Brainerd City Council via WebEx teleconferencing was called to order at 7:00 P.M. by Council President Johnson.

Upon roll call, the following members were noted as present: Bevans, Badeaux, Erickson, Lambert, Stunek, Pritschet and Johnson. Mayor Menk was also noted as present. Member Stunek was having technical difficulties in connecting to the meeting initially but joined later when the problem was resolved.

Conduct Interviews of Mayoral Candidates

City Administrator Bergman stated the City received four applications for the position of Mayor and each candidate will have approximately five (5) minutes to speak as to why they would be the best candidate for Mayor. She explained the candidates will speak in alphabetical order as follows and Council Members are welcome to ask questions after each candidate.

- Ms. Heather Aanes
- Mr. Dave Badeaux
- Mr. Kevin Goedker
- Mr. Dave Pritschet

The Chair confirmed the Council had no further questions for the applicants.

Appoint a Mayor to Fill Mayor Menk's Term From April 20, 2020 to December 31, 2020

The Chair explained each Council Member will vote for one nominee. He indicated state law prohibits council members who are applying for the position from voting. He said after each voice vote, unless one candidate receives a majority of the votes, the following procedure will be followed:

- Candidates receiving zero votes will be eliminated
- After that, the candidate receiving the fewest votes will be eliminated
- If the combined votes of the two lowest candidates do not equal the votes of the next lowest candidate, both shall be eliminated
- If there is a tie for the lowest two or three candidates, and the combined total does not equal the next lowest candidate, they shall be eliminated. If only three nominees remain, there shall be a run-off between the tied candidates
- When one candidate received a majority vote, that candidate is appointed

City Administrator Bergman called for a roll call voice vote with the results from each Council Member shown below.

Council Member Bevans voted for Dave Badeaux.

Council Member Erickson voted for Dave Pritschet.

Council Member Lambert voted for Dave Badeaux.

Council Member Stunek voted for Dave Badeaux.

Council Member Johnson voted for Dave Badeaux.

The Chair declared Dave Badeaux the new Mayor for the City of Brainerd, effective April 7, 2020 through December 31, 2020.

Adjourn to City Council Regular Meeting April 6, 2020 at 7:30 P.M.

The Chair adjourned at 7:26 p.m.

Jennifer Bergman
City Administrator

Brainerd, MN
April 6, 2020

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

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

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

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND LAMBERT TO AMEND THE AGENDA BY ADDING THE OATH OF OFFICE FOR MAYOR BADEAUX, DECLARE A VACANCY AND PROCESS TO FILL THE WARD 3 COUNCIL POSITION AND TO ADJOURN TO A CLOSED SESSION, TUESDAY, APRIL 7, 2020 AT 6:00 PM TO CONSIDER THE ACQUISITION OF THE MEMORIAL PARK PARKING LOT PURSUANT TO 13D.05 SUBD. 3(B)(3).

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

Due to conducting the meeting electronically, all motions will be voted on by a roll call vote for accuracy.

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

A. Approval of the Minutes of the Regular Meeting held on March 16, 2020 and the Emergency Meeting held on March 26, 2020 - Approved

B. Approval of Licenses - Approved

Contractor Licenses – 4 – Renewals

C. Department Activity Reports - Approved

1. Fire Chief
2. Park Director

D. Adopt Resolution Accepting Donations & Contributions for the 1st Quarter 2020 – Adopted by Resolution No. 14:20

E. On-Sale/Sunday Wine License Application – Submitted by Slice on Oak LLC, 625 Oak St., Brainerd – Contingent Upon Police & Fire Department Approval - Approved

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

Council Committee Reports

Safety and Public Works Committee Report

Request to Waive SAC/WAC at 728 4th Ave NE – Denied

Committee Chair Bevans indicated the applicant purchased the property three years ago and as part of the purchase agreement, SAC/WAC fees would be waived as long as the applicant built a home within 12 months. He stated since the house was not constructed within the time frame, the recommendation is to deny the request.

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET TO DENY THE REQUEST TO WAIVE SAC/WAC AT 728 4TH AVENUE NE.

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

Event/Street Closure Application – Crop Walk - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT TO ACCEPT STAFF'S RECOMMENDATION AND APPROVE THE EVENT APPLICATION FOR THE CROP WALK TAKING PLACE ON MAY 6, 2020 UNDER THE CONDITIONS THAT THE SIGNS ARE REMOVED BY THE LAST WALKER DURING THE EVENT AS INDICATED BY THE APPLICANT.

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

Improvement 19-01 – NW 4th Street Reconstruction – Postponing Construction - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET TO ACCEPT STAFF'S RECOMMENDATION AND POSTPONE THE NW 4TH STREET CONSTRUCTION UNTIL THE 2021 SEASON.

Committee Chair Bevans stated the negotiations for the easement property purchases are in progress and the wetland permitting is taking longer than expected. He explained there would not be enough time to go out for bids and complete the project this year.

Council Member Johnson asked if delaying this project will affect the 5-Year Capital Plan projects for 2021. City Engineer Sandy stated it will not have any influence on other projects.

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

Riverside Drive Turnback Agreement and Cost Share Termination Agreement - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT TO ACCEPT STAFF'S RECOMMENDATION AND ADOPT THE JURISDICTIONAL TRANSFER AGREEMENT BETWEEN CROW WING COUNTY AND THE CITY OF BRAINERD FOR A SEGMENT OF COUNTY STATE AID HIGHWAY (CSAH) 20 BETWEEN TRUNK HIGHWAY 210 AND CSAH 5.

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

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET TO ACCEPT STAFF’S RECOMMENDATION AND TERMINATE THE CONSTRUCTION COST SHARE AGREEMENT BETWEEN CROW WING COUNTY AND THE CITY OF BRAINERD FOR COUNTY STATE AID HIGHWAY (CSAH) 20 RECONSTRUCTION BETWEEN TH210 AND JACKSON STREET.

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

Personnel and Finance Committee Report

Approval of Bills - Approved

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

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

Police Lieutenant Resignation & Promotion - Approved

MOVED AND SECONDED BY ALDERMEN BADEAUX AND ERICKSON TO ACCEPT WITH REGRET LIEUTENANT KLEFFMAN’S RESIGNATION.

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

MOVED AND SECONDED BY ALDERMEN BADEAUX AND STUNEK TO AUTHORIZE THE PROMOTION OF SERGEANT MICHAEL KULZER TO LIEUTENANT EFFECTIVE APRIL 7, 2020 AND SET THE STARTING WAGE AT THE STEP 6 TEAMSTERS LABOR AGREEMENT RATE OF $42.41/HOUR.

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

Police Officer Hiring Ratification - Approved

MOVED AND SECONDED BY ALDERMEN BADEAUX AND ERICKSON TO AFFIRM THE HIRING OF POLICE OFFICER DALTON LANGER STARTING AT LELS 2020 STEP 1 RATE OF $27.43/HOUR WITH AN EFFECTIVE STARTING DATE OF MARCH 30, 2020.

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

LCCMR Submission Request- Adopted by Resolution No. 15:20

MOVED AND SECONDED BY ALDERMEN BADEAUX AND STUNEK TO ACCEPT STAFF'S REQUEST TO SUBMIT THE MISSISSIPPI LANDING TRAILHEAD AS A RESPONSE TO THE LEGISLATIVE-CITIZEN COMMISSION ON MINNESOTA RESOURCES 2021 ENVIRONMENT AND NATURAL RESOURCE TRUST FUND REQUEST FOR PROPOSAL AT A REQUESTED SUM OF $3.8 MILLION AND ADOPT A RESOLUTION OF SUPPORT.

RESOLUTION NO. 15:20

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

Review Election Judge Pay – Adopted by Resolution No. 16:20

MOVED AND SECONDED BY ALDERMEN BADEAUX AND ERICKSON TO ADOPT A RESOLUTION SETTING THE WAGES FOR ELECTION JUDGES AT $12/HOUR FOR ELECTION AND TRAINEE JUDGES AND $15/HOUR FOR HEAD JUDGES FOR THE 2020 ELECTIONS.

RESOLUTION 16:20

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

MOVED AND SECONDED BY ALDERMEN BEVANS AND STUNEK TO PROVIDE UP TO $500 PER ELECTION FOR LUNCH AND DINNER FOR THE ELECTION JUDGES.

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

Unfinished Business

Committee Recommendations – Recommended by Council President - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET TO APPOINT KEVIN YEAGER TO THE PLANNING COMMISSION.

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

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) - 2 terms (Expire 2022)
Charter Commission – 2 terms (Expire 2020) - 1 term (Expire 2021) – 1 term (Expire 2022) – 1 term (Expire 2023)

Mayor Recommended: (terms to expire 09/07 of said year)
Economic Development Authority (EDA) – 1 term (Expire 2020)

Council President Recommended: **(terms to expire on 12/31 of said year)**
Planning Commission – 1 term (Expire 2022) pending recommendation above

Other
Water Tower Fundraising Committee – Applicants Needed

Postponement of MS4 Annual Public Hearing and Presentation - Approved

City Engineer Sandy indicated due to the situation, it has been decided to postpone the MS4 Annual Public Hearing and Presentation to May 18, 2020 at 7:30 pm during the regular City Council meeting.

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET TO POSTPONE THE MS4 ANNUAL PUBLIC HEARING AND PRESENTATION TO MAY 18, 2020 AT 7:30 PM.

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

Review COVID-19 Recommendations - Approved

City Administrator Bergman reviewed Council action from the March 16 and 26, 2020 meetings regarding COVID-19. She stated in anticipation of an extended Stay at Home order from Governor Walz, staff would like to recommend to continue the recommendations of the City Council regarding COVID-19 and amend the City of Brainerd Stay at Home work plan to coincide with the timeline in the Governors Executive Order 2020. She requested that the 21 employees that were not able to work from home be called back to work with staggered shifts to continue social distancing requirements.

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND LAMBERT TO APPROVE STAFF'S REQUEST TO CONTINUE THE RECOMMENDATIONS OF THE CITY COUNCIL REGARDING COVID-19, AMEND THE CITY OF BRAINERD'S STAY AT HOME ORDER TO COINCIDE WITH THE TIMELINE IN THE GOVERNOR'S EXECUTIVE ORDER 2020 AND IMPLEMENT STAGGERED SHIFTS FOR STREET, PARKS AND POLICE RECORDS STAFF THAT WERE PREVIOUSLY UNABLE TO WORK FROM HOME.

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

New Business

Public Hearing and Resolution – Ordering Improvement, Approving Plans and Specifications, and Ordering Advertisement for Bids – Improvement 19-10 – NE Brainerd Resurfacing Project – Adopted by Resolution No.17:20

City Engineer Sandy explained pursuant to Statute 429, a public hearing is required hear testimony for or against improvements and to continue with assessment proceedings. He stated Improvement 19-10 consists of numerous streets in NE Brainerd, including 11th Avenue NE, 10th Avenue NE, J, L, O, and P Streets as outlined in the attached feasibility report. He explained the letters that were sent to the residents suggested they write or call in their comments to be read into public record. He indicated no comments have been received for or against this improvement.

The Chair opened the public hearing at 8:14 p.m. to any residents that have called in to the meeting. IT Director Strong has unmuted the callers.

No one came forward to speak.

The Chair closed the public hearing at 8:15 p.m.

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT TO ADOPT A RESOLUTION ORDERING IMPROVEMENT 19-10, APPROVING PLANS AND SPECIFICATIONS, AND ORDERING ADVERTISEMENT OF BIDS TO BE OPENED ON MAY 8, 2020 AT 11:00 A.M.

RESOLUTION NO. 17:20

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

Public Hearing and Resolution – Ordering Improvement, Approving Plans and Specifications, and Ordering Advertisement for Bids – Improvements 13-21, 19-09 and 19-16 – NE Brainerd Reconstruction Project – Adopted by Resolution No. 18:20

City Engineer Sandy explained pursuant to Statute 429, a public hearing is required hear testimony for or against improvements and to continue with assessment proceedings. He stated Improvement 13-21 is the reconstruction of B Street from Gillis Avenue to 5th Avenue NE, Improvement 19-09 is the reconstruction of 5th Avenue NE from Washington Street to D Street and Improvement 19-16 is the reconstruction of B, C and D Streets from 5th Avenue NE to the East Brainerd Mall property as outlined in the attached feasibility report. He explained the letters that were sent to the residents suggested they write or call in their comments to be read into public record. He said he received an email from Linda Marsh, 429 C Street NE which he will read during the public hearing.

The Chair opened the public hearing at 8:17 p.m.

City Engineer Sandy read the email from the resident at 429 C Street NE who wrote the majority of the assessment costs should fall mainly on business owners rather than residents as most traffic is for the businesses. City Engineer Sandy explained all the streets involved in these improvements are state aid eligible streets. He said the City of Brainerd assessment policy states residents are assessed at a standard width; seven-ton road design, and anything over that is not assessed to residents.

The Chair directed IT Director Strong to unmute any residents that have called in that would like to speak.

The Chair recognized Jeff Czeczok who thanked the City for the project taking place, as many residents in the neighborhood of D Street have disabilities. He said the City has done a great job in making repairs, but the reconstruction will be a huge improvement.

The Chair closed the public hearing at 8:21 p.m.

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND BEVANS TO ADOPT A RESOLUTION ORDERING IMPROVEMENT 13-21, 19-09 AND 19-16, APPROVING PLANS AND SPECIFICATIONS, AND ORDERING ADVERTISEMENT OF BIDS TO BE OPENED ON MAY 8, 2020 AT 10:00 A.M.

RESOLUTION NO. 18:20

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

Review Licenses and Fees - Approved

Finance Director Hillman explained staff has been working on the City licenses that are to be renewed within the next few months. She reviewed the list compiled by staff and indicated due to COVID-19, many of the businesses are not allowed to be open to the public and may experience financial strain.

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT TO APPROVE STAFF'S RECOMMENDATIONS AS FOLLOWS: 1) PRORATE CITY FEES MONTHLY DEPENDANT ON THE GOVERNOR'S ORDER FOR WINE, ON-SALE LIQUOR AND SUNDAY ON-SALE LIQUOR, ON-SALE BEER, CLUBS, OFF-SALE DISTILLERY, COCKTAIL ROOMS, TAPROOMS, AND GROWLERS TO BE INVOICED WITHIN 30 DAYS AFTER THE ORDER HAS BEEN LIFTED ALLOWING APPLICANTS 90 DAYS TO PAY. ALL RENEWAL APPLICATIONS MUST BE SUBMITTED TO THE CITY AS USUAL FOR THE JULY 1, 2020 STATE AND CITY FILING DUE DATE. 2) CURRENT RENTAL HOUSING LICENSES TO BE EXTENDED UNTIL JULY 31, 2020.

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

***(Added Item)* Oath of Office to Newly Appointed Mayor Dave Badeaux**

City Administrator Bergman administered the Oath of Office to newly appointed Mayor Dave Badeaux.

***(Added Item)* Declare a Vacancy on the City Council for Ward 3**

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET TO POST THE OPEN POSITION AND ACCEPT APPLICATIONS APRIL 7, 2020 THROUGH APRIL 22, 2020 AT 4:30 P.M. AND SCHEDULE A SPECIAL CITY COUNCIL MEETING FOR MONDAY, APRIL 27, 2020 AT 6:00 PM TO INTERVIEW APPLICANTS AND APPOINT THE NEW MEMBER ON MONDAY, MAY 4, 2020.

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

Public Forum

The Chair opened the public forum at 8:30 p.m. and directed IT Director Strong to unmute the callers.

The Chair recognized Jeff Czeczok who congratulated Mayor Badeaux and thanked Mayor Menk for his service. He wanted to add to his earlier comment regarding D Street if during construction, if traffic could be diverted and accommodating to the residents who may have some issues with traveling. He also encouraged all other applicants who applied for positions with the City to apply and serve on the many boards and commissions that have vacancies.

The Chair closed the public forum at 8:33 p.m.

Staff Reports

City Administrator Bergman indicated staff has reached out to Brainerd Lakes Economic Development Corporation (BLAEDC) if they would be willing to host a call with our area SBA lenders regarding the Paycheck Protection Program in efforts to assist the small businesses in Brainerd. She explained at the next Council meeting, staff will be bringing some ideas on how we can bring some relief to the residents and businesses of Brainerd during this time.

City Administrator Bergman stated at the March 16th meeting, the Council authorized a Request for Quote (RFQ)for maintenance downtown and a part time maintenance employee. She said this is still in process and intern applications have been received. She stated the Downtown Business Coalition have been discussing these topics and the Farmers Market has also been talked about.

Community Development Director Chanski stated the RFQ has been processed and the topic will be brought back to Council at the April 20, 2020 meeting.

City Engineer Sandy indicated contractors are still working on City Hall and have started working on the Police Department remodel. He explained the City was awarded Transportation Alternatives Grant funding for the Highway 25 trail connection for 2022.

Council Member Johnson stated Tyler Glynn, BLAEDC executive director would like to speak regarding the SBA Federal programs to assist small businesses due to COVID-19.

Tyler Glynn explained what BLAEDC is doing to assist businesses with financial assistance programs that are available, including the Paycheck Protection Program. He directed anyone that is in need of assistance to reach out to him.

Council Member Reports

Ed Menk urged the community to continue to stay at home and wear a facemask when out in the public. He said our local businesses will need everyone's support when they are able to reopen. He thanked the Council for the opportunity he had to serve as Mayor for the City of Brainerd.

Mayor Badeaux thanked Ed Menk for his service and thanked the Council for appointing his as Mayor. He added that the electronic meetings are going well from the Council's perspective but urged residents to contact the City if they are having issues with attending and hearing the meetings.

Council Member Pritschet agreed with supporting local businesses now by ordering take-out and into the future by visiting their establishments.

Council Member Bevans thanked Yvette Campbell from Bremer Bank for working hard at processing applications from businesses for financial assistance programs.

Council Member Stunek thanked Ed Menk for his service to the City.

Council Member Erickson announced Northland Arboretum has hired an Executive Director and the grounds remain open to the public.

Council Member Johnson added the school district is doing a great job with distance learning. He stated there will be a (Brainerd Unified Fund) BUF meeting at BLAEDC taking place Tuesday, April 7th.

Adjourn to Closed Session April 7, 2020 at 6:00 p.m. to Consider the Acquisition of the Memorial Park Parking Lot Pursuant to 13D.05 Subd. 3(b)(3). – 9:00 p.m.

_____
Jennifer Bergman
City Administrator

Brainerd, MN
April 7, 2020

Pursuant to due call and notice thereof, the special meeting of the Brainerd City Council via WebEx teleconferencing was called to order at 6:30 P.M. by Council President Johnson.

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

Consider Approval of a Purchase Agreement with Brainerd Land LLC for Acquisition for the Memorial Park Parking Lot Property

City Attorney Langel explained the purchase agreement was received by the seller of the property. He said the terms and conditions of the purchase agreement that were originally proposed by the City of Brainerd is agreed upon with the exceptions explained below:

- Paragraph 19 – which determines the recipient of the funds after the sale
- Paragraph 2b. – Destruction dates of the Mill Avenue Park structures have been modified to after March 1, 2021 and no later than May 1, 2021 to allow the use of the ice rinks in the winter of 2020-2021
- Article 3d. – Inspection period be modified to May 15, 2020
- Closing – Modified to June 1, 2020

City Attorney Langel stated the remaining terms and conditions apply with no changes.

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT TO APPROVE THE PURCHASE AGREEMENT PRESENTED BY ATTORNEY LANGEL WITH THE MODIFICATIONS SHOWN

Council Member Bevans indicated he spoke with a member of the Park Board regarding the purchase of the property. He explained it was not a concern of paying for the parking lot, but for the ongoing maintenance of the parking lot.

Upon roll call, members Bevans, Erickson, Lambert, Stunek, and Pritschet voted “aye”. Member Johnson voted “nay”. The Chair declared the motion carried.

Adjourn

The Chair adjourned at 6:36 p.m.

_____
Jennifer Bergman
City Administrator

CITY OF BRAINERD
LICENSED CONTRACTORS

CITY COUNCIL MEETING
April 20, 2020

(1 New)

CONTRACTOR	TELEPHONE	TYPE	INSURANCE	BOND	STATE NO.
JACK PETERSON CONSTRUCTION LLC 1447 120TH ST SW BRAINERD BRAINERD, MN 56401 20-0168	(218) 330-1047	GENC	11/18/2020	12/31/2020	

BRAINERD POLICE DEPARTMENT
MEMORANDUM

TO: Brainerd City Council

FROM: Police Chief Corky McQuiston

DATE: 04-15-20

RE: Monthly Report

Staffing

The police department had significant staffing changes in March. Lieutenant Chad Kleffman resigned to accept a position with Minnesota BCA as a Special Agent. Chad's last day with the department was March 31st. Chad had over 20 years of service to the department, primarily as a Criminal Investigator. It will be very difficult to recover from the loss of experience, knowledge, and expertise that Lieutenant Kleffman has. Chad was the 2008 Officer of the Year and the department's first Lieutenant since that new position was added in 2019.

Fortunately for the community, our agency, and other local law enforcement agencies, Chad will be stationed by the BCA in Brainerd, so we look forward to continuing to work with him in this new position.

The Police & Fire Civil Service Commission completed establishing a new Sergeant's Eligibility List on March 9th. This process was initiated in anticipation of Sergeant Tim Melin's retirement, effective April 26th.

On March 30th, new Police Officer Dalton Langer started his first week of employment with the Department. Dalton is from St. Croix Falls, Wisconsin, and attended High School there in Wisconsin. St. Croix Falls is just across the river from Taylor's Falls, Minnesota. He has an Associates Degree in Law Enforcement from Vermillion Community College in Ely, MN.

Our Field Training staff is having to make significant adjustments to our normal training regiment in light of the pandemic event, limiting instructor involvement to one-on-one training where would have normally had two or three people involved with defensive tactics and basic patrol operations scenario training. This has also created extra cleaning and personal protective equipment related issues for training operations.

Executive Order Enforcement

MINNESOTA
Department of Public Safety

We continue to receive complaints on Stay At Home(**SAH** newest acronym) Violations. These reports are coming in as email and voice messages fielded by the Minnesota Department of Public Safety. Their call center determines the jurisdiction where the alleged violation is occurring, and they forward the information via email to the appropriate agency.

We are also receiving complaints directly from the public. At this point none of the officers have issued citations for these violations. The cases that appear to be violations are forwarded to the City Prosecutor for review and we have had a criminal complaint filed against one local business at the time of this report.

Discussing this with the City Prosecutor, our goal is compliance with the Governor's order and to try to educate the community. Our ***appreciation and respect*** for the businesses and persons that are voluntarily complying with the Stay At Home order is immense. We would like to remind people to stay home as much as possible.

March Animal Control Report

Date Reported	Title	Address	Summary
03-03-20	Stray Cat	812 5th Avenue NE	Will call if cat returns
03-04-20	Report of Feral Cat	704 Norwood	Set trap & removed feeding station
03-04-20	Aggressive Dog	1020 9th Avenue NE	Dog on cable barking, advised owner
03-05-20	Cat Trap Damaged	704 Norwood	Trap damage, suspect cat released, set up camera
03-05-20	Dog At Large	1101 Pine Street	Unable to locate dog
03-05-20	Dog At Large	505 NE Washington	Chased lt brown chihuahua for 1-hour, unable to capture
03-05-20	Dog At Large	201 3rd Avenue NE	Captured chihuahua from previous report
03-05-20	Tampering with Trap	704 Norwood	Camera showed female party tampering with trap, identified party and warned to stop
03-05-20	Pet Vaccination	1007 ½ Grove	Spoke with cat owner about current vaccinations
03-05-20	Dog At Large	1101 Pine Street	Returned dog to 1116 Oak—owner not home
03-07-20	Dog At Large	1101 Pine Street	Same dog as 03-05-20, left another note for owner
03-09-20	Cat at Large	202 “B” Street	Report of numerous stray cats being fed. Set up traps
03-09-20	Cat in Trap	202 “B” Street	Transported to HART
03-09-20	Cat in Trap	202 “B” Street	2nd Cat in Trap—Transported to HART
03-09-20	Lost Dog	1004 11th Avenue NE	New dog ran away, unable to locate
03-10-20	Cat in Trap	202 “B” Street	3rd Cat in Trap—Transported to HART
03-10-20	Dog At Large	311 4th Avenue	Dog Captured. Transported to HART
03-10-20	Excess Feces Report	809 Laurel	Contacted Building Owner
03-10-20	Search for lost dog	1004 11th Avenue NE	Unable to locate
03-11-20	Check Cat Trap	202 “B” Street	No catches
03-11-20	Dog At Large	1004 11th Avenue NE	Lost dog sighted at ball park, assisted dog owner capturing dog, advised of ordinances
03-11-20	Dog At Large	1205 South 7th Street	Assisted disable party catch dog that party is dogsitting
03-11-20	Missing Cat	1504 Pine Street	Took report
03-11-20	Cat At Large	1502 Pine Street	Cat stuck in window wells, was cat from 1504 Pine Returned to owner advised of ordinance
03-12-20	Check Cat Traps	202 “B” Street	No more catches pulled traps
03-13-20	Aggressive Dog	1941 Graydon Avenue	Ongoing issue, warned owner—cite if continues
03-16-20	Dog At Large	400 Colonywood Lane	Owner had arrived and claimed dog

Date Reported	Title	Address	Summary
03-16-20	Set Cat Traps	202 “B” Street	Reports still seeing cats at night
03-17-20	Check Cat Traps	202 “B” Street	No Catches
03-18-20	Check Cat Traps	202 “B” Street	No Catches
03-19-20	Check Cat Traps	202 “B” Street	No Catches
03-19-20	Dog At Large	14th Street SE & Pine Street	2 Pitbulls walking around home. Gone on Arrival. Dogs from 1323 Pine Street, left note for owners no one home
03-20-20	Check Cat Traps	202 “B” Street	Captured one cat—transported to HART. Pulled traps. Suspect neighbor allows cats into garage fill follow-up not home at this time
03-19-20	Cat At Large	1108 Oak Street	Set up Traps at Tax Forfeit Property
03-20-20	Check Cat Trap	1108 Oak Street	2 cats trapped & transported to HART
03-20-20	Cats At Large	815 South 7th Street	Report of feral cats living under home—set traps
03-22-20	Dog Fight	521 South 8th Street	Follow up on dog fight from night before, warned about vaccinations and licesning
03-23-20	Check Cat Traps	815 South 7th Street	1 cat trapped & transported to HART
03-24-20	Missing Dog	2213 Breilly Court	Reports dog may have been stolen, checked neighborhood no one has seen dog
03-25-20	Dog At Large	9061 Twins Street	Neighbor’s dog defecating in caller’s yard, contacted owner advised of laws and licensing
03-26-20	Neglect	903 South 7th Street	Report of dog left outside with no food or water—advised dog owner of licensing law no signs of neglect
03-26-20	Neglect	418 South 7th Street	2nd call of dog left outside too long. Advised dog owner of licensing and vaccination laws—no neglect determined
03-27-20	Check Cat Trap	815 South 7th Street	No Catches
03-28-20	Injured Animal	14487 Laurian Lane	Injured Cat—Brought to Emergency Vet for evaluation. Internal bleeding, temperature 10 degrees below normal, would require exploratory surgery—unable to determine owner. Cat euthanized.
03-28-20	Check Cat Traps	815 South 7th Street	2 cats trapped & transported to HART. Pulled Traps
03-29-20	Cat At Large	815 10th Avenue NE	Caught stray cat—transported to HART
03-29-20	Dog At Large	3rd Avenue NE & B Street	Searched for 30 minutes, unable to locate
03-30-20	Cat At Large	919 13th Avenue NE	Report previous tenants left 2 cats—set traps

Date Reported	Title	Address	Summary
03-30-20	Ferret At Large	South 7th & Norwood	Owner reports ferret ran off, advised ferrets not handled by Animal control, searched unable to locate. Ferret returned an hour later
03-30-20	Check Cat Traps	919 13th Avenue NE	1 cat trapped & transported to HART
03-31-20	Dog At Large	13th Street SE & Madison	Officer reporting dog at large—owner caught before animal control arrived
03-31-20	Check Cat Traps	919 13th Avenue NE	Cat broke trap and escaped when arrived—Pulled traps

Body Worn Camera Data Report

AXON Evidence.com

Month	Number of Videos	Hours of Videos	GB of Videos	Average MB per Video	Average Time Length of Videos	Average Number of Videos Per Day
February	1359	260 Hours	469.6 GB	345 MB	11.51 minutes	47
March	1345	252Hours	469.5 GB	349 MB	11.26 minutes	43

Conduct on Premises Activity Report for February

ICR	Date Reported	Title	Address	Summary
20003926	03/27/20	Conduct on Premises	524 West College Drive	Conduct on Premises
20003927	03/26/20	Conduct on Premises	324 ½ North 8th Street	Conduct on Premises

Monthly Police Activity

March	2020	2019
Incidents	1230	1439
Citations (Inc. Parking)	163	303
Part I and Part II Crimes Reported	**	234

** Note: Transitioning to NIBRS reporting.

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

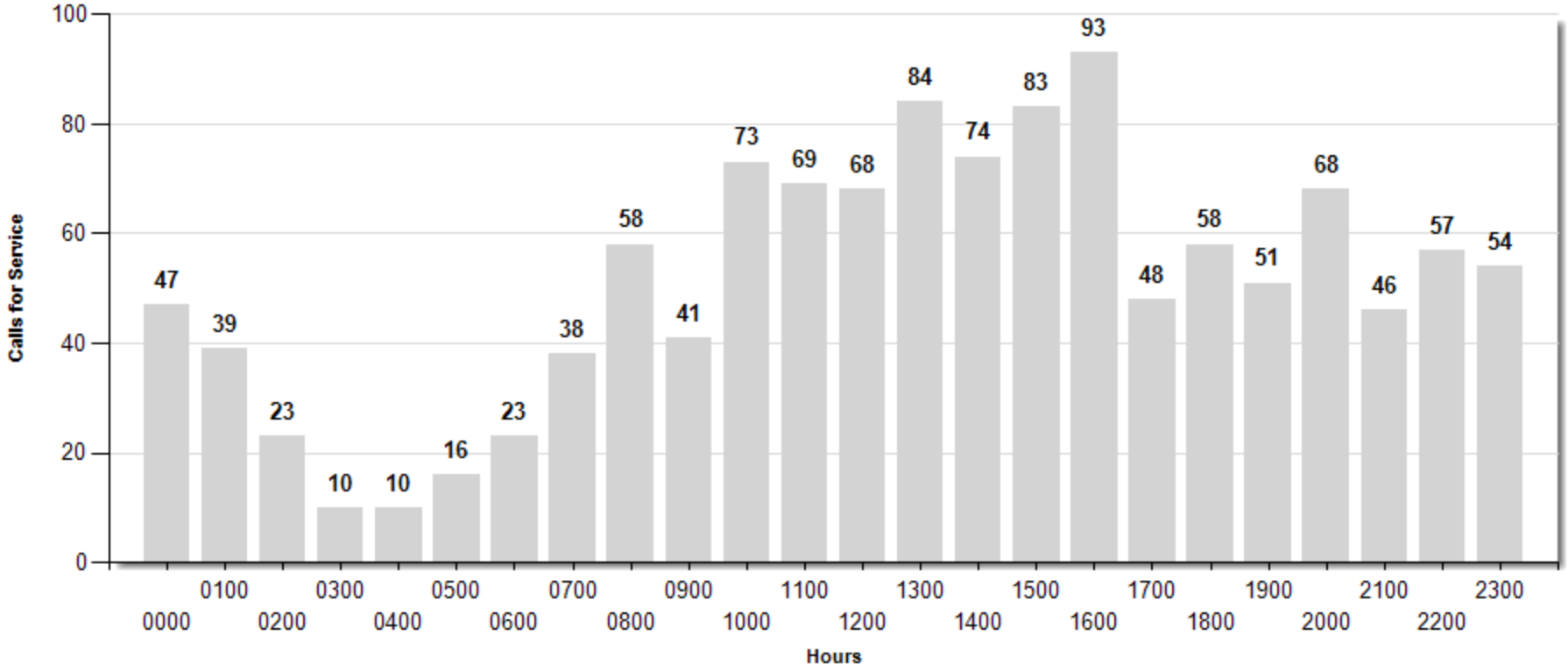
Revenue Recapture Receipts:
To Date: $ 52,441.08
In 2029: $ 4,601.00

3	Dismissed
3	Business Validations
32	Paid in Full
0	Partial Payments Received
32	No Payment Received

Calls for Service Hourly

3/1/2020 to 3/31/2020

Total Calls: 1270



Brainerd City Council
Agenda Request

Requested Meeting Date: April 20, 2020

Title of Item: Commercial Plumbing Plan Review Delegation Agreement

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

Summary of Issue:

Building Official Darrin Deseth has spent the better part of this last year working with the MN Department of Labor & Industry (DOLI) to receive a Commercial Plumbing Plan Review Delegation Agreement. This agreement would allow Darrin to conduct the plan review for all commercial plumbing permits. The last step in the process to receive the delegation is to approve the attached agreement, which ultimately names Darrin as the plan reviewer.

Alternatives, Options, Effects on Others/Comments:

Currently, all such permits must be reviewed by DOLI, which generally takes 4-6 weeks. The Community Development Department gets many comments from contractors and business owners about how the time it takes for DOLI to review permits often increases costs and the time it takes for businesses to complete projects. With Darrin completing these reviews, reviews should be done and permits issued within 1-3 weeks. Additionally, the City will receive the fees for conducting these plan reviews.

Recommended Action/Motion:

Approve the attached Commercial Plumbing Plan Review Delegation Agreement.

Financial Impact:

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

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

Is this budgeted? ☐ Yes ☐ No

Please Explain:

April 4, 2020

The City of Brainerd agrees to the following:

a. To review plumbing plans and specifications for all construction for which the plumbing code requires the review of plumbing plans and specifications per Minnesota Rules, Chapter 1300.0215, Subpart 6.

b. When it reviews the required plumbing plans and specifications, the review will:
   i. Reflect the degree to which the plans and specifications affect the public health and conform to the provisions of the plumbing code;
   ii. Ensure that there is no physical connection between water supply systems that are safe for domestic use and those that are unsafe for domestic use;
   iii. And ensure that there is no apparatus through which unsafe water may be discharged or drawn into a safe water supply system.

c. To perform all inspections for projects in which they review plumbing plans and specifications including:
   i. State-licensed facilities;
   ii. Public buildings; and
   iii. Projects of a special nature.

d. Individuals who conduct the plumbing plan reviews for the municipality shall have passed a competency assessment required by the commissioner.

e. Individuals who will conduct the plumbing inspections for the municipality are licensed master or journeyman plumbers, or inspectors meeting the competency requirements established in rules adopted under Minnesota Statutes, 326B.135.

f. Individuals that conduct the inspections and the plumbing plan reviews for the municipality shall not have any conflict of interest in conducting the inspections and the plan reviews.

g. To enforce in its entirety the plumbing code on all projects.

h. To keep official records of all documents received, including plans, specifications, surveys, and plot plans, and of all plan reviews, permits and certificates issued, reports of inspections, and notices issued in connection with plumbing inspections and the review of plumbing plans. These records shall be maintained in the official records of the municipality for the period required for the retention of public records under Minnesota.

i. If at any time during the agreement the municipality does not have in effect the plumbing code or any of the required ordinances, or if the commissioner determines that the municipality is not properly administering and enforcing the plumbing code or is otherwise not complying with the agreement, the commissioner may terminate the agreement.

Approved plumbing plan reviewer for the City of Brainerd: Darrin L. Deseth (PM068092)

Brainerd Building Official: _____

City of Brainerd Representative: _____

CITY OF BRAINERD
SAFETY AND PUBLIC WORKS COMMITTEE
AGENDA

April 20, 2020
7 :15 P.M.

WebEx Teleconference Meeting
Call Toll-Free : 844-992-4726
Access Code : 967 707 063

1. Resolution – Establishing Municipal State Aid Street

2. Quotes for Downtown Landscaping

Brainerd City Council
Agenda Request

Requested Meeting Date: April 20, 2020

Title of Item: Resolution - Establishing Municipal State Aid Street

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

Summary of Issue:

Attached to this request is a resolution in which establishes the 0.70 miles of Riverside Drive/NW 4th Street as a Municipal State Aid Street (MSAS).

Alternatives, Options, Effects on Others/Comments:

This is the final step in the process of turning back Riverside Drive from a County Road to a City Street. We previously have adopted resolutions in concurrence with Crow Wing County's revocation of the street. Now that the revocation has occurred, the City must designate it as a State Aid Street. Since the County had it on their system as a County State Aid Highway, the mileage goes on the City system as additional mileage above the statutory 20% of the improved mileage of the City. Therefore, the City will have additional State Aid mileage to receive needs and population allocations for, which in turn the City will receive more funds from State Aid due to the addition, as discussed at numerous meetings prior.

Recommended Action/Motion:

Staff recommends adopting the attached resolution in which designates NW 4th Street/Riverside Drive from Highway 210 to Beaver Dam Road (CSAH 5) as a Municipal State Aid Street under the designation of County State Aid Highway Turnback.

Financial Impact:

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

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

Is this budgeted? ☐ Yes ☐ No

Please Explain:

BOARD OF COUNTY COMMISSIONERS
Crow Wing County, Minnesota

DATE: March 10, 2020 **Resolution 2020-12**
OFFERED BY COMMISSIONERS: Franzen and Barrows
AYES: Koering, Brekken, Barrows, Franzen, Houge

REVOKE PORTION OF COUNTY STATE AID HIGHWAY 20

WHEREAS, the Crow Wing County Board of Commissioners has determined that the road hereinafter described should be revoked as a County State Aid Highway under the provisions of Minnesota Law.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Crow Wing County, Minnesota, that the road described as follows, to-wit, be, and hereby is, revoked as a County State Aid Highway of Crow Wing County, subject to approval of the Commissioner of Transportation of the State of Minnesota:

> That part of the right of way of County State Aid Highway 20, Crow Wing County, MN described as:
>
> Beginning at a point where the existing centerline of Crow Wing County State Aid Highway No. 20, as presently laid out and constructed in Section 4, Township 133 North, Range 28 West, intersects with Trunk Highway 210 near the south line of Blocks 58 and 60 of the Plat of West Brainerd, thence northerly to a point where the existing centerline of Crow Wing County State Aid Highway No. 20, as presently laid out and constructed in Section 4, Township 133 North, Range 28 West, intersects with Crow Wing County State Aid Highway No. 5 and there terminating.
>
> Including the portion of County State Aid Highway No. 20 dedicated in the plat of West Brainerd and the Plat of River Heights, on file in the office of the Crow Wing County Recorder.
>
> Subject to easements, reservations and restrictions of record.
>
> Total length of road being 0.70 miles, more or less.

BE IT FURTHER RESOLVED the County Engineer is hereby authorized and directed to forward two certified copies of this Resolution to the Commissioner of Transportation for his consideration.

BE IT FURTHER RESOLVED that upon approval of the Commissioner of Transportation, the revoked portion of County State Aid Highway 20 shall be revoked to the City of Brainerd and become a city street.

STATE OF MINNESOTA)
COUNTY OF CROW WING) ss

I, Timothy J. Houle, County Administrator, Crow Wing County, Minnesota, hereby certify that I have compared the foregoing copy of the resolution of the county board of said county with the original record thereof on file in the Administration Office, Crow Wing County, Minnesota, as stated in the minutes of the proceedings of said board at a meeting duly held on March 10, 2020, and that the same is a true and correct copy of said original record and of the whole thereof, and that said resolution was duly passed by said board at said meeting.

Witness my hand and seal this 24th day of March 2020.

TIMOTHY J. HOULE
COUNTY ADMINISTRATOR

RESOLUTION
NO. 12:20

RESOLUTION CONCURRING WITH THE REVOCATION OF SEGMENTS OF COUNTY STATE AID HIGHWAY 20

WHEREAS, the County Board of Crow Wing County, Minnesota adopted a resolution on March 10, 2020 related to County State Aid Highway 20, and

WHEREAS, said resolution revokes certain segments of County State Aid Highway 20 within the corporate limits of the City of Brainerd.

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

1. that the resolution adopted by the County Board, a copy of which is attached hereto and made a part hereof, revoking a portion of County State Aid Highway 20 within the City limits and establishing it as a City of Brainerd roadway are in all things approved.

Adopted this 16th day of March, 2020

GABE JOHNSON
President of the Council

Approved this 17th day of March, 2020

EDWIN L. MENK
Mayor

ATTEST: _____
JENNIFER BERGMAN
City Administrator

STATE AID FOR LOCAL TRANSPORTATION
MSAS/CSAH System Revision Request

Updated 4/2015

DATE: 4/7/20

TO: Manager, State Aid Needs Unit Kim Delarosa

FROM: Kelvin Howieson, District State Aid Engineer

SUBJECT: Request for Approval of a System Revision
(Municipality) (County) of Crow Wing

Attached is a request and supporting data for a revision to the State Aid System. The proposed route meets the following criteria (indicated by an "X") necessary for designation or is a proposed revocation.

CSAH Criteria - select one of the following from each section below

	Projected to carry a relatively heavier traffic volume,
	or is functionally classified as collector or arterial.

	Connects towns, communities, shipping points and markets within a county or in adjacent counties,
	or provides access to rural churches, schools, community meeting halls, industrial areas, state institutions and recreational areas,
	or serves as a principal rural mail route and school bus route

	Provides an integrated and coordinated highway system affording, within practical limits, a State Aid highway network consistent with projected traffic demands

	Revocation

MSAS Criteria - select one of the following from each section below

	Project to carry a relatively heavier traffic volume,
	or is functionally classified as collector or arterial

	Connects the points of major traffic interest within an urban municipality

	Provides an integrated and coordinated highway system affording, within practical limits, a State Aid highway network consistent with projected traffic demands

X	Revocation

Miles Available	1.17
+ Revoked	0.70
- Requested	
= Balance	1.87

Comments: CSAH 20 Revocation to City of Brainerd.

Recommended Approval or Denial: [signature] District State Aid Engineer 4/7/20 Date

Recommended Approval or Denial: Manager, State Aid Needs Unit Date

Approval or Denial: State Aid Engineer Date

STATE AID FOR LOCAL TRANSPORTATION
MSAS/CSAH System Revision Request

Updated 4/2015

DATE: 4/7/20

TO: Manager, State Aid Needs Unit Bill Lemonx

FROM: Kelvin Howieson, District State Aid Engineer

SUBJECT: Request for Approval of a System Revision (Municipality) (County) of Brainerd

Attached is a request and supporting data for a revision to the State Aid System. The proposed route meets the following criteria (indicated by an "X") necessary for designation or is a proposed revocation.

CSAH Criteria - select one of the following from each section below

	Projected to carry a relatively heavier traffic volume,
	or is functionally classified as collector or arterial.

	Connects towns, communities, shipping points and markets within a county or in adjacent counties,
	or provides access to rural churches, schools, community meeting halls, industrial areas, state institutions and recreational areas,
	or serves as a principal rural mail route and school bus route

	Provides an integrated and coordinated highway system affording, within practical limits, a State Aid highway network consistent with projected traffic demands

	Revocation

MSAS Criteria - select one of the following from each section below

X	Project to carry a relatively heavier traffic volume,
X	or is functionally classified as collector or arterial

X	Connects the points of major traffic interest within an urban municipality

X	Provides an integrated and coordinated highway system affording, within practical limits, a State Aid highway network consistent with projected traffic demands

	Revocation

Miles Available
+ Revoked
- Requested
= Balance

Comments: * 0.70 miles CSAH Turnback added to MSAS

Recommended Approval or Denial: Kelvin Howieson 4/7/20
District State Aid Engineer — Date

Recommended Approval or Denial:
Manager, State Aid Needs Unit — Date

Approval or Denial:
State Aid Engineer — Date

Minnesota Department of Transportation
395 John Ireland Boulevard
Saint Paul, MN 55155

Memo

TO: Paul Sandy
Brainerd City Engineer

FROM: William Lanoux
Manager, Municipal State Aid Needs Unit

DATE: April 9, 2020

SUBJECT: Municipal State Aid Designation (CSAH 20 Turnback)

The following Municipal State Aid Street designation will be approved. The county resolution revoking a portion of CSAH 20, and the city resolution accepting it have been received.
We request an additional city resolution designating this turnback as MSAS.

Extension of MSAS 103: *NW 4th Street / Riverside Drive-* from W Washington Street (TH 210) to CSAH 5 (0.70 miles of former CSAH 20)

A Commissioner's Order will follow.

Needs Update Comments:
Routes can receive Needs and be used in the calculation of your 2021 allotment. Include this revision with your 2020 spring Needs update.

Certification of Mileage Update Comments:
You can include these revisions on the *2020 Annual Certification of Mileage* that is due in January 2021. (you will be moving 0.70 miles from line 3 to line 4)

	Available Mileage	0.00	2019 Certified Mileage
+	Revoked Mileage	-.--	
-	Designated Mileage	-.--	
	Remaining Available Mileage	0.00	
	Excess Mileage	0.70**	CSAH Turnback

**CSAH Turnbacks are not included within your statutory 20% mileage limitation. They are excess mi.

If you have any questions, contact your DSAE or Bill Lanoux at (651) 366-3817 for instructions.

cc. District State Aid Engineer

An Equal Opportunity Employer

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

RESOLUTION ESTABLISHING MUNICIPAL STATE STREETS

WHEREAS, it appears to the City Council of the City of Brainerd that the street hereinafter should be designated Municipal State Aid Street under the provisions of Minnesota Law.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF BRAINERD, MINNESOTA: That the road be described as follows, to-wit:

NW 4th Street/Riverside Drive – from West Washington Street (TH 210) to CSAH 5

be, and hereby is established, located and designated a Municipal State Aid Street of said City, subject to the approval of the Commissioner of Transportation of the State of Minnesota. Roadway length is 0.70 miles, more or less.

BE IT FURTHER RESOLVED, that the City Administrator is hereby authorized and directed to forward two certified copies of this resolution to the Commissioner of Transportation for consideration, and that upon his approval of the designation of said road or portion thereof, that same be constructed, improved and maintained as a Municipal State Aid Street of the City of Brainerd, to be numbered and known as a Municipal State Aid Street.

Adopted this _____ day of _____, 2020

_____
GABE JOHNSON
President of the Council

Approved this _____ day of _____, 2020

_____
DAVE BADEAUX
Mayor

ATTEST:_____
JENNIFER BERGMAN
City Administrator

Brainerd City Council
Agenda Request

Requested Meeting Date: April 20, 2020

Title of Item: Quotes for Downtown Landscpaing

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☑ SPW COMMITTEE ☐ MAIN AGENDA	**Action Requested:** ☐ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1st Reading **provide copy of published hearing notice*
Submitted by: Community Development Director	**Department:** Community Development
Presenter (Name & Title): David Chanski, CDD	**Estimated Time Needed:** 10 minutes

Summary of Issue:

As directed by the City Council, staff developed and disseminated a Request for Quotes for Downtown Landscaping. Unlike previous years, this RFQ was for the preparation and planting of flowers and landscaping only. The City will be conducting seasonal maintenance through budgeted intern funds in the Community Development Department The RFQ when sent to over a dozen landscaping companies and nurseries. The City received responses from Copper Creek Landscaping, Yard Creations, and Northwoods Landscaping.

Alternatives, Options, Effects on Others/Comments:

Quotes came in higher than expected. Copper Creek quoted $16,285, Yard Creations quoted $16,268, and Northwoods quoted $17,480. This is much higher than the just over $12,000 that Northwoods charged the City for full maintenance services in 2019. However, staff believes that the additional cost here is the hanging flower baskets and what will more likely be a higher level of overall landscaping.

In an effort to not increase costs over 2019, staff recommends the following:
- Parks Maintenance shall conduct the beginning of season cleaning, pruning, and re-mulching as necessary for landscape islands (this should save $2,000-$4,000 dollars. Parks Director Sailer has already stated that his staff can accomplish this.
- Contract with Copper Creek Landscaping for urns and hanging flower baskets only. Staff estimates that this should cost no more than $8,000.

Recommended Action/Motion:

Motion to direct staff to contract with Copper Creek Landscaping for the preparation and installation of flowers in urns and hanging flower baskets in the downtown at a cost not to exceed $8,000.

Financial Impact:

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

What is the total cost, with tax and shipping $ aprox. 8,000

Is this budgeted? ☐ Yes ☑ No

Please Explain: This cost is fully assessed to the downtown property owners.

For: Community Development Department

C/O David Chanski

Greetings:

Copper Creek Landscaping, Nisswa MN would like to submit the following proposal to the City of Brainerd to work with the city on the Streetscape project for Spring/Summer 2020. We would propose to have all work completed, weather dependent by May 22nd.

We will use our expertise to prep flower beds and landscape islands, prepare and design beautiful heat tolerant landscape urns, replenish mulch, and provide beautiful hanging baskets. We look forward to delighting the community members of Brainerd with fabulous colors and life this Summer season.

It is our desire to create a welcoming atmosphere to the downtown areas, meet the conditions of the property landscapes, and provide the city employees long lasting materials with impact that are easy to maintain.

Beyond preparing your current landscaping areas, we hope to WOW you with the bright colors, variety of textures, and quality materials in the planting containers.

Thank you!

Joe Hall

Copper Creek Landscapes

Nisswa, MN

Brainerd Streetscape Flower Combos

Landscape Urns

- New Look Red Celosia
- Bronze Leaf Begonia-Vodka or Tequila
- Sweet Potato Vine-Light Green
- Wasabi Coleus
- Canna Bronze Scarlet
- Euphorbia Ascot Rainbow
- Felicia daisy

Hanging Baskets

- New Look Red Celosia
- Sweet Potato Vine
- Black Cherry Supertunia
- White Petunia wave
- White Scaevola
- Hot Blooded Lantana

Landscape Islands

- Euphorbia Ascot Rainbow
- Bronze Leaf Begonia-Vodka and Tequila
- New Look Red Celosia

Proposal

April 13, 2020

Downtown Brainerd Landscaping

Streetscape Project

Copper Creek Landscaping hereby proposes to furnish all materials required and to perform all the labor necessary for the completion of the proposed work:

Landscape Urns	**$ 2692.00**

1. 16 Urns planted with variety of color, texture, height, for dry conditions .....$ 2692.00

Hanging Baskets	**$ 1595.00**

1. 20 Hanging Baskets planted with a variety of color, texture, height, heat tolerant. Includes 24" Pulp Fiber baskets with reinforced spinning hangers .....$ 1595.00

Landscape Islands	**$ 4210.00**

1. 20 Landscape Islands planted with variety of color, texture, height, heat toler.....$ 4210.00

Labor and Supplies	**$7788 .00**

1. Potting Soil .....$ 370.00
2. Pruning, Trimming, Weeding, planting $4160.00
3. Mulch(2-3 yards per bed) and Labor to replenish beds $3080.00
4. Delivery, transport, fuel $178.00

Total Project including Budget Items	**$16,285.00**

Qualifications and Project Notes:

***Copper Creek Landscaping has successfully been in business for 15+ years providing full landscaping services to the surrounding community. Entities such as Grand View Lodge, Gander Outdoors, and Lakes Area Eye Clinic are all local happy clients.**

***The Project Manager for the Downtown Brainerd Streetscape Project has been employed by Copper Creek for the specific purpose of plant design, planting, and plant maintenance. She will direct this project and see it through to completion.**

***Other employees for this job have worked for Copper Creek for a combined 10 years, some with horticulture degrees.**

***Copper Creek Landscaping WILL PROVIDE care instructions for the urns, landscape islands, and hanging baskets to promote healthy growing throughout the entire growing season for 2020.**

***Attached you will find a list of proposed flower materials for each area of work.**

- Bid Does Not Include – Any required fees for permits, special soil amendments or corrective soil work if the excavation of existing soils finds an unforeseen need for it. This bid does not include any removal or disposal of buried items, repair of unmarked utilities, or repair of any buried items.
- Bid Does Not Include – Any repairs to the existing irrigation system, yard, or underground utilities (unless specified in bid)
- This proposal may be withdrawn if it is not accepted within 60 days.

Proposal

CITY OF BRAINERD
501 LAUREL STREET
BRAINERD, MINNESOTA 56401

Sales: Adam Dewey

Downtown Brainerd

501 Laurel Street Brainerd, Minnesota 56401

Est ID: EST1780799
Date: Apr-14-2020

LANDSCAPE URNS (QTY. 18) — $5,876.67

INCLUDES:

- Low maintenance flowering annuals
- Minimal deadheading type annuals
- New planting soil with Biofungicide and mycorrhizee fungi
- Osmocote all season 14-14-14 fertilizer (Still recommend a liquid fertilizer weekly for better blooming and plant vigor)

BASKETS (QTY. 20) — $8,355.61

INCLUDES:

- Low maintenance flowering annuals that can handle periods of drought as much as possible (Not a guarantee)
- Planting soil with Biofungicide and mycorrhizee fungi
- Osmocote all season 14-14-14 fertilizer (Still recommend a liquid fertilizer weekly for better blooming and plant vigor)
- 23" baskets(Please see attached pdf product sheet) (10 year manufacturer warranty)
- Hanging baskets on light posts

COCOA MOON PLANTING BED — $201.59

E.L. MENK PLANTING BED — $201.59

SPRING CLEAN UP OF LANDSCAPE ISLANDS (QTY. 20) — $1,632.61

Subtotal	**$16,268.07**
Taxes	**$0.00**
Estimate Total	**$16,268.07**

Payment Terms and Conditions

A 50% down payment is due at the time of the signing of the contract.

Upon the acceptance of the work, a final invoice will be submitted to the client for the remaining balance of the contract amount.

- Should the Client fail to make payments as they become due under the terms of the Contract or in the event of any claim, interest at sixteen percent (16%) per annum above the prime rate on such unpaid amounts shall also become due and payable until payment.
- The act of non-payment creates a lien in favor of Yardcreations LLC. in any and all equipment and property of the Client in the possession of Yardcreations LLC. as well as in the work in progress at the date of termination. Yardcreations LLC. shall be at liberty to retain possession of the same pending payment in full.
- Notwithstanding anything contained herein to the contrary, the completion date of the Work shall be deemed to be extended by that number of days equal to any delay in payment to Yardcreations LLC.

Exclusions

The Following matters are excluded from the Work, unless specified in writing to the contrary:

- Electrical Work is to be done by a certified electrician only and is always additional to the Contract.
- Iron railings removed during construction are always re-attached at an additional cost.
- Damage to existing irrigation lines during construction is considered to be an additional cost.
- Drainage: Should the Client's property be the lowest elevation in relation to surrounding property or buildings, Yardcreations LLC. reserves the right to retain a Soil Engineer to evaluate and propose drainage solutions. All costs for engineering services, as well as the actual drainage work will be at the Client's expense. Unless the Client has a detailed Topographical survey completed, the above clause may come into effect.
- Painting and Staining.
- Conduit and connections for electrical, gas, and all other utilities and services
- Site Unknowns: Including, but not limited to, sub-surface conditions/obstacles that create unforeseen labor, equipment, material or disposal charges.

Procedure for Extra Work and Changes

If it shall become necessary for Yardcreations LLC. to make changes in any designs, drawings, plans, software, reports or specifications for any part of the project or reasons over which we have no control, or we are put to any extra work, cost or expense by reason of any act or matter over which we have no control, the Client will pay to Yardcreations LLC. a fee for such changed or extra work calculated on a time and materials basis. All changes to work or pricing or the terms of this Agreement will be read and understood within the context and meanings of this Agreement unless stated explicitly to the contrary. Extras to the Contract are payable by the Client forthwith upon receipt of Yardcreations LLC's invoice.

Change Notice: Any Contract change in scope in excess of one thousand dollars ($1,000.00) requires a Contract Change Notice under which Work is to proceed. Work will not commence under a Contract Change Notice unless with written Client approval.

For Changes in scope of less than one thousand dollars ($1,000.00), the Contractor will provide the Client notification by way of its Progress Report. In either instance, such notification shall be plain and clear in terms of scope and reason. Any record, telephone conversation or meeting in which such change in scope was introduced, shall be attached as supporting documentation.

Warranty and Tolerances

- Payments Received: The Warranty for the contract is only valid if payment is received in full on acceptance of the work.
- Diligence: Yardcreations LLC. agrees to carry out its work diligently and to provide sufficient supervision and inspection of its staff and subcontractors and that it's work will be of proper and professional quality, and in full conformity with the requirements of the contract.
- Competence: Yardcreations LLC. warrants that it is competent to perform the work and that it has the necessary qualifications including knowledge and skill with the ability to use them effectively.
- Site Unknowns: It is the responsibility of the Client or the Client's Representative to fully inform Yardcreations LLC. of all the information regarding site unknowns that may include difficult buried materials, cables, and pipes, tree stumps, drainage or water table issues, rock and shale sub-surfaces and/or other impediments, issues or factors that could otherwise impact the quality, cost and timeliness of project completion. Failure to notify Yardcreations LLC. may lead to additional costs to the Client (at Yardcreations LLC.'s discretion) and schedule time not included in the provided estimate, and may require changes in design and construction to overcome such problems – all for which the Client will be responsible. Client can avoid such risks by permitting Yardcreations LLC. to do appropriate soil and ground tests, review the site, and to secure additional required site information from appropriate government and other authorities. The cost(s) of such additional work is not included in the provided estimate.
- Damaged Utilities: Should damage occur to utilities during construction, Yardcreations LLC. is only liable for the cost of the repair. Yardcreations LLC. is not liable in any way for inconvenience to the Client caused by damage to the utilities.
- Damage to neighbors buried utilities, on the Client's property, are the responsibility of the Client.
- Building/Window/Vehicle Washing: Buildings, windows, or vehicles of the Client, including neighbors, are not intended to be kept clean due to dust during Construction or work performed by Yardcreations LLC.. Any necessary cleaning due to Construction or work by Yardcreations LLC. will be the responsibility of the Client.

Material Tolerances

- Wood: Pressure treated wood cannot be guaranteed against warp age, checking, or cupping. Cedar is expected to crack especially 6X6 up to 3/8 inch gaps and the entire length of the wood. Ipe is expected to crack especially 4X4 up to 3/8 inch gaps and the entire length of the wood.
- Stone: Natural stone has color variations that vary from stone to stone. In addition, mineral deposits such as lime, iron, etc. can change the stone and even bleed. This is the nature of the product and the Client accepts this as a natural and acceptable quality of the stone.
- Metal: Metal, which is not galvanized, is not guaranteed form rusting commencing immediately after installation.
- Concrete: Spider cracks (hairline stress-fractures) are considered a normal characteristic of all types of concrete. Concrete may crack substantially over time due to proximity of tree roots. Colored concrete consistencies vary from truck to truck; therefore it is not possible to produce an exact match with pours over nine meters. The Client absolves Yardcreations LLC. of liability if "smooth" concrete is the desired finish (due to slippage).
- Warranty Time Period: Yardcreations LLC. warrants all construction and installation for a period of one (1) year, providing that they have been maintained properly. All construction materials are subject to manufacturer's specific warranties/guarantees. Planting is warrantied for one (1) year if there is an approved irrigation system. Paver installations are warrantied for (5) years from major shifting and settling of more than one inch from date of installation.
- Client Responsibilities: The Client recognizes and agrees that they have a responsibility to maintain constructions, plants, bushes, trees, and other installations in keeping with standard quality maintenance requirements in order for the Warranty to remain in effect. Failure to properly maintain materials or horticulture installations will void the warranty. Client further recognizes and agrees that damage to construction, materials, horticulture elements and other warrantable items of the project will not be warrantied if the damage or loss is due to elements beyond the control of Yardcreations LLC.. For example, flooding eaves troughs that damage plants, fallen branches, animal caused damage, frozen/ burst irrigation or drainage pipes that were not seasonally drained at the proper time, use

of improper chemicals, improper maintenance, extreme or unusual weather conditions, and similar and/or related situations – void all warrantees provided by Yardcreations LLC..

- Use of Client Selected and Approved Substandard Materials: Client recognized and agrees that if the Client has chosen and approved the use of substandard materials for any application that the one year warranty will be void or otherwise limited in writing on those items so impacted, but will remain in effect for all other elements of the project not impacted directly or indirectly by use of substandard materials. Yardcreations LLC. will notify in writing to the Client any material that the Client has selected that would negatively impact the one year warranty of Yardcreations LLC. – prior to purchasing and/or installing such materials.
- Material Grades: The Client recognizes that all materials come in a range of grades of quality and finishes, and that natural materials are not perfect. Natural wood have knots, and other natural materials have variability in color due to a wide range of factors, and that sample while useful in material selection decision-making, cannot be expected to accurately represent the total completed surface of a given construction or installation. Yardcreations LLC. shall endeavor to enable the Client to see or understand the representative range of color, surface texture, and the related of all materials being seriously considered for installation on a project, however, it will be responsibility of the Client for the final selection of those materials. Once the selection has been approved by the Client, the Client will be responsible for all costs associated with changing any given material should the Client change their mind during or after material is purchased or constructed.

Planting + Plant Warranty

- *Trees and Shrubs*: All trees and shrubs are warrantied from the date of installation, provided that Yardcreations LLC. is in agreement that the plants are sufficiently hardy and appropriate for the soil, climate, and weather conditions associated with the site, and that they are properly maintained in keeping with standards for assuring the longevity of such plants.
- *Perennials*: Perennials are guaranteed for the same-planted season only."Delicate" Plants, such as rhododendrons and plants that are not typically suitable for the Client's plant zone, may come with no warranty, due to the risk involved. These plants will be listed in the Planting Estimate in bold.
- *Winter Protection*: All evergreens, broadleaf evergreens and delicate plants must be burlapped in their first season to validate warranty. Yardcreations LLC. provides this service at an additional cost.
- *Plant Seasonality*: Various plants, bushes, shrubs, and trees have ideal times for planting. Planting out of season at the request of Clients will void any warranty for those plants. Yardcreations LLC. will point out in writing to the Client any requested planting that will void the warranty on those plants so affected by out of season planting. The Client reserves the right to request that plants that cannot be planted with out voiding the warranty be exchanged or planted in the next plantable season without any additional costs being borne by the Client.
- *Plant Availability*: In some instances, some plants, shrubs, bushes, and trees may not be readily available to procure in time for the required planting period associated with the Contract. In that event, Yardcreations LLC. will work closely with the Client to provide an approved substitution(s) – subject to availability. The Client will always reserve the right to request plants and related materials that are not locally available.
- *Plant Diseases*: Should the Client recognize ill health in the plants, shrubs, bushes, or trees that have been supplied under the Contract, it is the Client's responsibility to immediately inform Yardcreations LLC. Yardcreations LLC. will determine the nature and source if the illness. If it is deemed that the plant was infected prior to installation, Yardcreations LLC. reserves the right to first using herbicides, fertilizers, and insecticides to return the plants to good health. Should efforts to restore the plant's heath fail, the Client is entitled to a refund only. Due to plant availability, the Client assumes the risk and liability of rare specimens. However, Yardcreations LLC. reserves the right to remove all or a portion of the warranty depending upon the nature of the source of the plant infections and the approved policies of Yardcreations LLC.. In all cases, Yardcreations LLC. shall work with the Client to minimize damage to the existing Contract related plants.
- *Plant Replacement*: Yardcreations LLC. is entitled to up to one(1) year to source, match and replace dead or ill plants (due to scarcity). The Client reserves the right to either a full refund within one (1) year or wait for a suitable replacement. Should the plant be a matching pair or series, and it is not possible to replace, Yardcreations LLC. agrees to replace all plants in the series or pair at Yardcreations LLC.'s cost.
- *Lawns:* All new sod will be No.1 grade MN-grown Kentucky Bluegrass. New lawns that are under shade are not guaranteed. New lawns are guaranteed to be healthy at time of installation only. Client responsible for lawn care after installation. Should new sod be damaged due to animals (pets or wild animals, i.e. raccoons, skunks) the Client will incur all costs for replacement.
- *Water Plants*: Water plants are guaranteed for same-planted season only.
- *Weeds*: Yardcreations LLC. shall use its efforts to minimize any weeds, however, Yardcreations LLC. shall not be

required to inspect or otherwise ensure that there is no weed or other unwanted plant matter upon the Client's property in any soil or root balls/planting container of plant materials, nor shall it provide warranty for the removal of existing weeds.

- *Replacement plant material*: Yardcreations LLC. does not guarantee plant material that has been transplanted on site.
- *Required Maintenance*: Yardcreations LLC. will provide technical specification sheets on all materials and horticulture constructed, erected, implemented or planted on the site as part of the Contract. Failure to follow the recommendations with equal, equivalent or superior maintenance efforts, tools and resources will void any Contractor warranty on items so affected. Where Yardcreations LLC. recognizes that the Client lacks sufficient resources (water pressure, power outlets, and related) to enable the full maintenance and enjoyment of the materials, construction(s) and/or horticultural elements associated with this Contract, Yardcreations LLC. will also inform the Client and recommend possible solutions. However, Yardcreations LLC. is not obliged to be wary of such needs or to account for them in this Contract in terms of design, construction or costs, and the Client fully accepts responsibility for obtaining such knowledge and acting accordingly.
- *Water Supply*: Where water supply becomes an issue and negatively detracts from ponds, waterfalls, and other water features, the Client recognizes and agrees that such problems are the sole responsibility of the Client.

Permits

Client is responsible for any permits that are needed for the project. The Client can hire Yardcreations LLC. to assist in obtaining any permits needed with design or meetings with county, city, state and or associations. The Client is ultimately responsible for any permits needed.

Liens

Any person or company supplying labor or materials for the improvement to a property may file a lien against that property if the person or company is not paid for their contributions, even if such parties have no direct contractual relationship with the owner. Under Minnesota law, you have the right to pay persons who supplied labor or materials for this improvement directly and deduct this amount from our contract price, or withhold the amounts due them from us until 120 days after completion of the improvement, unless we give lien waiver signed by person who supplies any labor or materials for the improvement and who gave you timely notice.

Waiver and Release from Liability (Private Utility Lines and In-Ground Obstructions)

Landscaping installation requiring excavation presents unique challenges in that underground obstructions cannot be seen without commencing digging. In accordance with safe practices, Yardcreations LLC. will have public utilities marked by Gopher State One Call and will not begin digging until marking is complete and the written report is received. We will maintain appropriate clearance from Gopher State One Call markings and will follow all other rules pertaining to working near public utilities.

Private utilities lines, including, but not limited to underground wiring and irrigation systems can be marked or exposed by Owner. Alternately, we can arrange for private utilities to be marked at the Owner's expense. In either instance, we will maintain a safe work distance from those markings. Yardcreations LLC. cannot be responsible for any damage to unmarked private utilities. If private utilities are not marked at all or are inaccurately marked and damage does occur and that damage is recognized at the time work is underway, the damage will be flagged and left exposed if practical and safe to do so, so that repairs can be made in an efficient manner. Damage will be reported to the Owner and the Owner is responsible for making repairs and all costs associated with them.

Yardcreations LLC. is not responsible for additional costs associated with hidden or non-disclosed obstacles or hazards below the surface, including but not limited to rock, cement and water. If special equipment or substantial additional labor is required due to hidden or non-disclosed obstacles or hazards, the Owner will be advised as quickly as practical. The Owner will be responsible for any costs and agrees to reimburse Yardcreations LLC. for any expenses incurred by Yardcreations LLC. to resolve problems requiring emergency or rapid response. Through approval of any estimate requiring digging or excavation, the Property Owner hereby agrees to Release and Indemnify Yardcreations LLC. from any responsibility for damage to underground utilities, facilities and structures and to bear the cost for marking private utilities, damage to private utilities and for hidden or non-disclosed obstacles or hazards as described above. In the event that the Property Owner is not the Yardcreations LLC. client, the Property Owner's signature is required below.

_____

Property Owner Signature/Date

_____

Printed Name

Contractor: Adam Dewey
Adam Dewey

Client: _____

Signature Date: 04/14/2020

Signature Date: _____

18381 Hwy. 371 N Brainerd MN 56401

Qualifications

Lela Martin will be working on the Downtown Brainerd Landscaping project. She has a Landscape Technology Degree and an A.A.S in Business Management. Lela holds a Pesticide Applicator's License. She has 11 years of experience in the horticulture field. Six of those years have been managing both commercial and residential maintenance jobs.

Lela's cell: (218) 851-2691

Eckert's Greenhouse

H_2O LABOR SAVER

Hanging Baskets • Iron Brackets

34051 Ryan Road • Sterling Heights, MI 48310

586-264-5678 • www.h2olaborsaver.com

The Weekender

- 16" Outside Diameter (.150 thickness polypropylene)
- 30-40 lbs in weight (soil, water, and plants)
- 1 Gallon water reservoir
- Removable liner insert:
  - Made of .125 inch thick polypropylene
  - Holds 745.42 in^3 of soil and is 6.3" deep
- Year round usage; withstands heat to 220° and cold to -40°
- Available: Black, Sand, Sea-foam Green, Forest Green, Terracotta and White (includes UV protection)
- Hanger options: Swivel, Twisted, and Belden

H_2O Labor Saver

- 23" Outside Diameter (Made of .250 HMWPE)
- 60-75 lbs in weight (soil, water, and plants)
- 2.46 Gallon water reservoir
- Removable liner insert:
  - Made of .150 inch thick HMWPE
  - Holds 1645 cubic inches of soil
- Year round usage
- Available: Black and Coco Brown (includes UV protection)
- Hanger options: Swivel (test load 250 lbs)
  Chain (test load 400 lbs)

The Wrap Around

- 28" Outside Diameter (.175 thickness polypropylene)
- 2.2 Gallon water reservoir
- 100-120 lbs per pole (50-60 lbs per side)
- Removable liner insert:
  - Made of .150 inch thick polypropylene
  - Holds 1478.4 in^3 of soil and is 9" deep
- Wicking detail; feet spin to lock (4.5" tall)
- Available Color: Black
- Fits a 3.5" to 8" pole diameter
  (extenders available for larger poles)
- Mounting bracket and adjustable mount included

Eckert's Greenhouse

H_2O LABOR SAVER

Hanging Baskets • Iron Brackets

The Weekender

Available: Black, Sand, Sea-foam Green, Forest Green, Terracotta and White (includes UV protection)

Hanger Options (left from right):

Swivel

Twisted

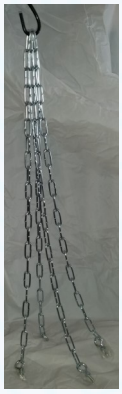
Belden

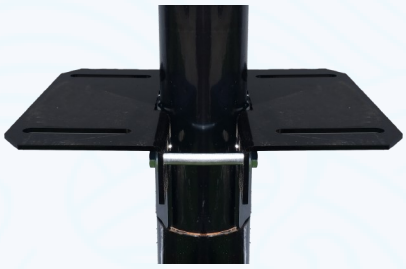
Donated By:
Eckert's Greenhouse

H_2O Labor Saver

Available: Black and Coco Brown (includes UV protection)

Hanger Options (left from right): Swivel and Chain





Mounting Bracket: Black

Wrap Around

With the Wrap Around you can use half the container as a window box as shown in the picture to the left.

Available From These Distributors:

Al Par Peat
AMA Plastics (CAN)
BFG Supplies
Carlin Sales
CISCO Companies
Eason Horticulture Resources
Eckert's Greenhouse
Fred Gloeckner Company
Garden Sales Associates
McHutchison Horticultural
Michell's
Tessman Seed
Waldo

Northwoods Landscaping

Al Praska
218-829-6551

13348 3 Mile Rd
Brainerd, MN.56401

Date - 04-14-2020

To: Brainerd Planning Department
501 Laurel St.
Brainerd, MN. 56401

We are please to submit the following bid for Maintenance Brainerd Downtown

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Tasks Performed by the City, including but not limited to:

1. Water flowers at least 3 days per week.
2. Inspect all landscape urns and planting beds for weed and trash removal.
3. Inspect trees for damage and needed pruning and pruning as needed.
4. Inspect sidewalks, parking lots, alleys and all other paved surfaces for weed removal.
5. Pick up trash/junk/cigarette butts.

Total: 17,480.00

We propose to hereby furnish material and labor, complete in accordance with the above specifications for the sum of: Seventeen Thousand Four Hundred Eighty Dollars
Payment to be made as follows:
6 Monthly payments. Interest after 30days

Acceptance of Proposal: The above price, specifications and conditions are accepted. You are authorizing us to
do the work specified. Payment will be made as conditioned above.

Date of acceptance_____

Al Praska

Signature_____

CITY OF BRAINERD
PERSONNEL AND FINANCE COMMITTEE
AGENDA

April 20, 2020
7:00 PM

WebEx Teleconference Meeting
Call Toll-Free: 844-992-4726
Access Code: 968 004 625

1. Approval of Bills

2. Contract for Inspection Services

3. League of MN Cities Insurance Trust (LMCIT) Premium Renewal ’20-‘21

4. Police Sergeant Promotion

5. Update Regarding New Seasonal/Temporary Hiring’s

Brainerd City Council
Agenda Request

Requested Meeting Date: April 20, 2020

Title of Item: Contract for Inspection Services

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

Summary of Issue:

When former Building Official Chuck Arvidson retired, the City was left without a qualified individual to administer this City's "Inspections Only" Delegation with the State of Minnesota. In light of this, the City Council enter into a Phased Retirement Option (PRO) agreement with Mr. Arvidson to continued to administer the City's delegation agreement until a replacement could be found. Per Council's direction, staff developed and disseminated a Request for Proposal for Inspection Services.

Alternatives, Options, Effects on Others/Comments:

Only Cities to Lakes Inspection Services and owner Scott Sadusky submitted a response to the City's RFP. Mr. Sadusky proposes a fee structure that includes 75% of the permit fee and plan review fee for state projects. Mr. Sadusky would also charge $95/hr for attendance of necessary meetings and a separate negotiated hourly fee for non-state inspections if needed. Based on the permit fees for Harrison Elementary School, which is the closest comparison to the remaining ISD 181 projects (permits that have not yet been issued), staff estimates that contracting with Cities to Lakes will cost no less than $100,000. While this is a high amount, staff does believe this is the best alternative. The City would still retain 25% of all state project permit fees, retain its "Inspections Only" Delegation with the State, and Building Official Darrin Deseth would gain the necessary experience to retain his own delegation agreement by hopefully 2022.

Chuck Arvidson has also submitted a proposal, which would extend his PRO agreement until December 31, 2021, to conduct inspections for the ongoing Harrison Elementary and Brainerd High School projects only. However, staff does believe that it would be more cost effective, efficient, and make the MN Department of Labor & Industry more at ease to contract with one individual.

Recommended Action/Motion:

Motion to accept the RFP response from Cities to Lakes Inspection Services and direct staff to enter into necessary negotiations and develop a contract for services agreement to be approved by Council.

Financial Impact:

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

What is the total cost, with tax and shipping $ 100,000

Is this budgeted? ☑ Yes ☑ No

Please Explain: The Community Development Department estimated approximately $350,000 in permit fee revenue in 2020. Permit fee revenue exceeded $600,000 in 2019. However, staff estimates this number to be lower in 2020 as much of last years permit fees came from the BHS project.

March 10, 2020

Proposal and Qualifications for State Project Building Inspection Services

Cities to Lakes Inspection Services

26121 Old Mill Road

Merrifield, MN 56465

(612) 986-7644

ssadusky@hotmail.com

Scott Sadusky

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Page 4 – Identification/Applicant Authority/Scope of Services

Page 5 – Basis for Compensation/Current Clients

Page 6 –List of References/Potential Conflicts /Insurance Coverage

CITIES TO LAKES INSPECTIONS

26121 Old Mill Rd. Merrifield, MN 56465

(612) 986-7644

ssadusky@hotmail.com

"From the cities to the lakes, we serve all your inspection needs"

NAME/TITLE	**SCOTT SADUSKY** – President of Sadusky Renovations, Inc. Minnesota Certified Building Official #2952
EXPERIENCE	Municipal Residential and Commercial Inspections – 2006 to Present Building Official of Breezy Point, Crosby, Deerwood, Ironton, and Staples (Municipalities served included Brainerd, Baxter, Brooklyn Center, East Gull Lake, Fifty Lakes, Pine River, Motley, and Burtrum) Rental and Nuisance Enforcement Inspections – 2006 to Present (Municipalities includes Crosby, Emily, Staples, and Little Falls) Lending Institution Inspections – 2011 to Present Renovation of Residential Homes – 1996 to 2006 (Nearly 300 homes) Real Estate Agent – 2003 to 2006 Residential Construction License – 2001 - 2006
LICENSE/CERTIFICATIONS	State of Minnesota Certified Building Official -State Delegation Certified for Inspections International Code Council Certified Property & Housing Maintenance Inspector FEMA Certification for Disaster Preparedness & Post Disaster Construction Certified State of Minnesota Special Engineer Boilers License State of Minnesota Resident Contractor License (Inactive) State of Minnesota Real Estate Agent (Inactive)
EDUCATION	North Hennepin Community College – Building Inspection Technology
PROFESSIONAL ASSOCIATIONS	Member of 10,000 Lakes Chapter of Minnesota Building Officials Member of International Code Council

Identification & Applicant Authority

-Scott Sadusky is the sole owner of Sadusky Renovations, Inc. Doing Business As (DBA) Cities to Lakes Inspection Services.

-Scott Sadusky will be personally conducting all inspections, attend meetings, and provide reports as necessary for all delegation projects for the City of Brainerd.

-I have a delegation agreement with the Minnesota Department of Labor and Industry in 5 different cities. I just worked in the City of Baxter doing delegation inspections for 8 months.

-I have been conducting municipal building inspections for almost 14 years as Sadusky Renovations, Inc. DBA as Cities to Lakes Inspection Services.

-I am a former Brainerd employee working from 2012 to 2015. I left in good standing with a 6 month notice that was completed in its entirety.

-Sadusky Renovations, Inc. will be an Independent Contractor and not an employee of the City of Brainerd.

Scope of Services

There are several items that I believe work well in the past for a delegated project that I am inspecting as a consultant.

For scheduling, I found out it is the easiest to have the contractor's call me directly. That avoids confusion as far as scheduling for city staff and contractors. I will be available on a 48 hour MAXIMUM notice. I do not do set days and have found the flexibility in my schedule to be easier for the contractors to schedule inspections and be able to keep their job schedule. I have staff that takes care of the daily non delegated inspections in the five cities that I am Building Official in so I am available with very little notice. I did not have a problem with scheduling in Baxter and found contractors to be pleasantly surprised the by the availability of the inspections that I provided as compared to the State Inspectors.

I find it important to attend any weekly/biweekly meetings set by the general contractor/owner's representative. I know it helps all contractors to know when the inspector will be onsite on a consistent weekly basis. I also feel that the

owners of the project appreciate that they can have personal access to the inspector, and understand and observe what their permit cost is for.

Rather than submitting biweekly reports, I typically use the city inspection reports provided by the city that I am inspecting for. I usually come to city hall and turn in all inspection reports weekly. I would suggest the Brainerd Building Official can review inspection reports and could communicate with me on questions or concerns on the reports in lieu of a bi-weekly report.

Depending on the certification of the Building Official for the City of Brainerd, I would be open to including the Building Official of Brainerd in the inspection process for that individual to gain experience for future delegation approval with the Department of Labor and Industry.

This is the scope of work that has worked well for me in the past doing delegation inspections for other cities. I would absolutely be open to changes that would accommodate the City of Brainerd.

Compensation

Cities to Lakes Inspection Services would retain seventy-five percent (75%) of Building Permit Fees, for delegation projects and the City shall retain twenty-five (25%).

Cities to Lakes Inspection Services would retain seventy-five percent (75%) of Plan Review Fees for delegation projects, and the City shall retain twenty-five (25%).

Any other hourly inspections would be negotiated but would including drive time. (I currently live exactly 15 miles from Brainerd City Hall.)

Any City Council or any auxiliary meetings for the City of Brainerd that is over and above contract would be at $95/hr including drive time.

List of Current Clients

Breezy Point	Contact Patrick Wussow	218-562-4441
Staples	Contact Jerel Nelsen	218-894-2550
Crosby	Contact Lisa Sova	218-546-5021
Deerwood	Contact Lee Russell	218-534-3152

Ironton	Contact Amanda Meyer	218-546-5625
Little Falls	Contact Jon Radermacher	320-616-5500
Emily	Contact Cari Johnson	218-763-2480

References

City of Baxter, Community Development Director, Josh Doty 218-454-5111

City of Breezy Point, City Administrator, Patrick Wussow 218-562-4441

City of Crosby, City Administrator, Lisa Sova 218-546-5021

City of Staples, City Administrator, Jerel Nelsen 218-894-2550

Potential Conflicts of Interest

Sadusky Renovations, Inc. DBA as Cities to Lakes Inspection Services, or Scott Sadusky has no conflict of interest with these potential projects.

Insurance

Vehicle Insurance bodily injury in an amount no less than $100,000.00 per person, $300,000.00 per accident.

Liability Insurance for inspection services in the aggregate amount minimum of $250,000.00. City will be named as additional insured.

Proof of both insurances will be provided if contract is awarded.

Scott Sadusky - Cities to Lakes Inspections

April 12, 2020

Charles L. Arvidson
43701 260th Lane
Aitkin, MN 56431

PRO agreement extension as follows:

I agree to this revised PRO agreement with the City of Brainerd to remain a designated person for the MN DOLI Municipal Delegation Agreement with the following terms:

1) My duties during the PRO agreement will be conducting required field inspections and related inspection correspondence on behalf of the City of Brainerd for the Brainerd High School [Building permit #_____] and Harrison Elementary School [Building permit #_____].
2) The hourly rate for inspection services will be $125 per hour.
3) The time working may be a weekly maximum of 10-hours and include a two-hour minimum payment for daily inspections.
4) Include a $50 per week travel stipend.
5) Inspection results will be entered in the BS&A computer system.
6) I will be considered retired and not be eligible for any City of Brainerd benefits during the term of the PRO.
7) I am willing to serve in this capacity until December 2021.
8) Covid-19 /social distancing: Following the directive of the Governor of Minnesota, field inspections will be completed when social distancing may best be achieved as agreed upon by this inspector and the job superintendents. Inspections may be conducted outside of normal construction hours.
9) BS&A training and use: I am willing to train for BS&A and use the necessary field equipment for BS&S to record field inspections. All computer and related equipment and service needed to use the BS&A system must be provided by the City of Brainerd. The inspector must be compensated for the training required to use the BS&A system.

Respectfully,

Chuck Arvidson

Brainerd City Council
Agenda Request

Requested Meeting Date: April 20, 2020

Title of Item: League of MN Cities Insurance Trust (LMCIT) Premium Renewal '20-'21

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☑ P&F COMMITTEE ☐ SPW COMMITTEE ☐ MAIN AGENDA	**Action Requested:** ☑ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1st Reading **provide copy of published hearing notice*
Submitted by: Connie Hillman	**Department:** Finance
Presenter (Name & Title): Kelly Masche & James Sodomka	**Estimated Time Needed:** 15 Minutes

Summary of Issue:

Ms. Kelly Masche and Mr. James Sodomka will be joining the meeting to present the 2020-2021 general liability and auto insurance renewal information. Information is attached for your review.

Alternatives, Options, Effects on Others/Comments:

The Council budgeted $149,403 for the City and $18,622 for transit for the 10 months of 2020. The renewal for 10 months is $138,443 and $19,738.

Recommended Action/Motion:

Approve the insurance renewal from the LMCIT for March 1, 2020 - February 28, 2021.

Financial Impact:

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

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

Is this budgeted? ☑ Yes ☐ No

Please Explain:

Weizenegger Engel Insurance

April 8, 2020

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

RE: LMCIT Insurance Renewal

Dear Council Members,

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

The premium is based on the policy term 3/1/20 to 3/1/21. The liability experience mod is .939 which compares with 1.167 expiring, roughly a 20% improvement. The renewal premium summary and breakdown is attached, along with the memo on the rate changes and coverage changes. The Municipal Liability premium is down ~16% on the renewal. This is mostly due to the improvement in the experience mod.
The bottom line premium is up approx. 5% from expiring.

Coverage changes include automatic inflationary increases to the property limits. Increased limit of $250,000 for non-scheduled mobile equipment. Also, there were multiple auto addition/deletions along with autos added to the physical damage enhancement endorsement, list attached.

We have received a proposal from LMCIT for excess liability coverage with a limit of $1,000,000 for an annual premium of $35,614. Under your current municipal policy coverage would exclude downstream liability with the hydro-dam exposure. In addition, statutory tort limits to not apply to claims under Federal civil rights laws (employment practices, discrimination, etc.), liability assumed by contractor or the "taking" of property; which makes this a coverage to consider.

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

Regards,

Jim Sodomka
O: 218-829-4721
C: 952-693-1905
E: JMSODOMKA@WE-INS.COM

Kelly Masche
O: 218-829-4721
C: 507-213-9000
E: KJMASCHE@WE-INS.COM

CC: Todd Wicklund, BPU

Weizenegger
Engel
Insurance

COMMERCIAL INSURANCE PACKAGE
PREPARED FOR:

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

Prepared by: ***Jim Sodomka and Kelly Masche***

WEIZENEGGER
ENGEL INSURANCE

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

PREMIUM SUMMARY

CITY OF BRAINERD, BRAINERD PUBLIC UTILITIES &
BRAINERD & CROW WING PUBLIC TRANSIT
- All Departments Combined -
League of Minnesota Cities Insurance Trust
March 1, 2020 to March 1, 2021

COVERAGE	RENEWAL PREMIUM 2019/2020	RENEWAL PREMIUM 2020/2021
Building & Contents	$105,696	$126,042
Equipment	$7,099	$7,556
Municipal Liability	$149,183	$128,221
Public Officials E&O	Included	Included
Automobile	$56,451	$71,034
Blanket Employee Bond	$2,465	$2,238
Equipment Breakdown	$13,877	$14,767
Open Meeting Law	Included	Included
TOTAL ANNUAL PREMIUM	**$334,771**	**$349,858**

SUMMARY OF POLICY CHANGES

Increased overall property limit by $16,447,750

Added 12 new vehicles

BPU added a new substation with a limit $8,500,000

BPU added a new water tower with a limit $2,000,000

PREMIUM SUMMARY - City

- CITY OF BRAINERD -

League of Minnesota Cities Insurance Trust
March 1, 2020 to March 1, 2021

COVERAGE	RENEWAL PREMIUM 2019/2020	RENEWAL PREMIUM 2020/2021
Building & Contents	$18,693.00	$21,055
Equipment	$4,149.67	$4,140
Municipal Liability	$115,426.00	$98,595
Public Officials E&O	Included	Included
Automobile	$28,106.00	$38,134
Blanket Employee Bond	$1,917.23	$1,740
Equipment Breakdown	$2,454.00	$2,467
Open Meeting Law	Included	Included
ANNUAL PREMIUM	**$170,745.90**	**$166,131**

$166,131 * 10/12 = $138,442.50

PREMIUM SUMMARY - BPU

- BRAINERD PUBLIC UTILITIES -

League of Minnesota Cities Insurance Trust
March 1, 2020 to March 1, 2021

COVERAGE	RENEWAL PREMIUM 2019/2020	RENEWAL PREMIUM 2020/2021
Building & Contents	$87,003.00	$104,987
Equipment	$2,949.33	$3,416
Municipal Liability	$32,211.00	$27,941
Public Officials E&O	Included	Included
Automobile	$9,474.00	$11,148
Blanket Employee Bond	$273.88	$249
Equipment Breakdown (excl. Hydro)	$11,423.00	$12,300
Open Meeting Law	Included	Included
ANNUAL PREMIUM	**$143,334.21**	**$160,041**
Stand-Alone Coverage (non-LMCIT) Hydro - Equipment Breakdown *(Factory Mutual Insurance)*		

PREMIUM SUMMARY - Transit

- BRAINERD & CROW WING PUBLIC TRANSIT -

League of Minnesota Cities Insurance Trust
March 1, 2020 to March 1, 2021

COVERAGE	RENEWAL PREMIUM 2019/2020	RENEWAL PREMIUM 2020/2021
Building & Contents	$0.00	$0
Equipment	$0.00	$0
Municipal Liability	$1,546.00	$1,685.00
Public Officials E&O	Included	Included
Automobile	$18,871.00	$21,752.00
Blanket Employee Bond	$273.89	$249
Equipment Breakdown	$0.00	$0
Open Meeting Law	Included	Included
ANNUAL PREMIUM	**$20,690.89**	**$23,686**

$23,686 * 10/12 = $19,738.33

MUNICIPAL PROPERTY
March 1, 2020 to March 1, 2021

PROPERTY:	2019/2020	2020/2021
- Building & Contents Blanket Limit	$136,802,805	$153,250,555
- Mobile Equipment - Scheduled	$995,370	$0
- Mobile Equipment < $250,000	$1,783,446	$2,867,738
- Business Income / Hydro	$1,000,000	$1,000,000

**See Attached Property Schedule*

Special Causes of Loss Form

Replacement Cost Coverage

City Hall, City Hall Annex, Laurel & civic Lights/Welcome sign & Historic Water Tower insured at Reproduction Cost

Municipal Property Deductible: $5,000

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

ADDITIONAL PROPERTY COVERAGES
March 1, 2020 to March 1, 2021

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

MUNICIPAL LIABILITY
March 1, 2020 to March 1, 2021

COVERAGE WRITTEN ON: Claims Made Form

LIMITS OF LIABILITY:

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

Municipal Liability Deductible: $1,000

MISC. COVERAGE:

Errors & Omissions (incl. Airport)

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

MUNICIPAL AUTOMOBILE

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

Automobile Deductible: $1,000

ADDITIONAL CONSIDERATIONS
March 1, 2020 to March 1, 2021

	Annual Premium
Excess Liability Quote:	$35,614
- Coverage Limit @ $1,000,000	
45% City / 45% BPU / 10% Transit	
Data Breach option:	
- Data Breach limit can be increased	

Review of Electric Utility Locations/Equipment Breakdown Coverage

LMCIT does not provide any Equipment Breakdown Coverage at the Power Plant/Dam (see MPCBP 216) or Powerhouse Transformer.

Please contact me if you have any questions.

Cordially yours,

Jim Duerre CPCU

LMCIT Senior Underwriter

Brainerd City Council
Agenda Request

Requested Meeting Date: April 20, 2020

Title of Item: Police Sergeant Promotion

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

Summary of Issue:

The promotion of Sergeant Michael Kulzer on April 7th to Lieutenant created a Sergeant vacancy. On April 14th, the Police & Fire Civil Service Commission certified the next three available candidates on the eligibility list that was created in March. We have discussed this with the Mayor and have selected Officer Paul Rosier to be promoted to the position of Police Sergeant. We are requesting this to take effect on April 21st, pending a successful completion of a background check.

Alternatives, Options, Effects on Others/Comments:

We are requesting his wage be set at Step 3 of the Teamsters contract at $35.67/hour. The Step 2 Teamsters rate is $34.05 and is below Officer Rosier's current rate at Step 6 of the LELS Patrol Officer's contract of $34.30/hour.

Recommended Action/Motion:

Approve promoting Police Officer Paul Rosier to Police Sergeant effective April 21st contingent on a background investigation, and that his wage be set at the Step 3 rate of the Teamsters Labor Agreement of $35.67 per hour.

Financial Impact:

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

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

Is this budgeted? ☑ Yes ☐ No

Please Explain:

Brainerd City Council
Agenda Request

Requested Meeting Date: April 20, 2020

Title of Item: Update regarding 2020 Seasonal/Temporary Hirings

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

Summary of Issue:

Historically the City of Brainerd has hired many seasonal/temporary employees in the summer. The positions vary from interns that assist and learn from our departments, a code compliance inspector for primarily nuisance type of violations, street and parks maintenance/paint crews, to staffing our recreation programs. At this time, Staff has given conditional job offers to eight individuals. Due to COVID-19 concerns and uncertainty, we consulted with our City Attorney how to address their employment. It was recommended that we include a provision in their conditional job offer that the individual be hired provided the job is still needed. To clarify, that determination can be made right up to their starting date.

Alternatives, Options, Effects on Others/Comments:

In reviewing our process, the City Attorney also recommended that the City Council officially approve all seasonal/temporary hirings as the Council is the City's final hiring authority. In the past, temporary/seasonal employees were considered part of the budgetary process and the Council only approved the hiring of regular part-time and full-time employees. We also require that all of our staff successfully complete a background check. At this time, we were able to complete the background check for one of the eight individuals. Hiring recommendations will be presented at the May 4th Council meeting for the remaining individuals.

Recommended Action/Motion:

1. Motion to approve the hiring of Isaiah Escobedo as our 2020 Engineering Intern at $15 per hour with a tentative starting date of May 11, 2020; further, to authorize Staff to determine if the position will still be needed up to Isaiah's official hiring date for said position.

2. Staff also seeks clarification if seasonal/temporary employee hiring recommendations should be included on the P & F Agenda or on the Consent Calendar as an HR Director's Report in the future.

Financial Impact:

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

What is the total cost, with tax and shipping $ $15 per hour

Is this budgeted? ☑ Yes ☐ No

Please Explain: Isaiah worked for us last year and did a great job. Please note that Sourcewell will not reimburse the City for this position in 2020. Their internship program is limited to one-time for an individual and Isaiah's wages were covered under their program last year.

Brainerd City Council
Agenda Request

Requested Meeting Date: April 20, 2020

Title of Item: Appoint a Chair for Personnel and Finance Committee

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

Summary of Issue:

The appointment of Alderman Badeaux as the Mayor has left a vacancy in the Personnel and Finance Committee chair position. This is a Council President appointment.

Alternatives, Options, Effects on Others/Comments:

Recommended Action/Motion:

Appoint a chair to the Personnel and Finance 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

Please Explain:

Brainerd City Council
Agenda Request

Requested Meeting Date: April 20, 2020

Title of Item: Authorize Curbside Pick Up at the Brainerd Public Library

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

Summary of Issue:

The Brainerd Public Library is part of the Kitchigami Regional Library System (KRLS). All public regional library systems in Minnesota take direction for the Office of State Library Services which is under the Minnesota Department of Education. While libraries are not allowed to be open under the Governor's Executive Order, the Brainerd Public Library continues to offer on-line and digital services and programs. Planning is now in the works in the Kitchigami Region to get libraries set for curbside pickup starting sometime after mid-April, provided that meets with the approval of local jurisdictions.

The Brainerd Library Board met on April 15th and voted in support of the proposal for curbside pick up at the library with the inclusion of service hours for at least two evenings.

Since the KRLS is asking for local approval, the Library Board is asking the City Council to authorize the curbside pickup.

Alternatives, Options, Effects on Others/Comments:

Recommended Action/Motion:

Authorize curbside pickup at the Brainerd Public Library.

Financial Impact:

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

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

Is this budgeted? ☐ Yes ☐ No

Please Explain:

Brainerd City Council
Agenda Request

Requested Meeting Date: April 20, 2020

Title of Item: Discussion on Recommendations to the Park Board

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☑ MAIN AGENDA	**Action Requested:** ☐ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☑ Direction Requested ☑ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1st Reading **provide copy of published hearing notice*
Submitted by: Jennifer Bergman	**Department:** Administration
Presenter (Name & Title): Jennifer Bergman, City Administrator	**Estimated Time Needed:** 15 minutes

Summary of Issue:

The Park Board has a special meeting scheduled for April 22nd to discuss the park and recreation programs for the 2020 season (see attached spreadsheet). They will be reviewing beach, piers and dog park once we see what the governor gives more guidance. According to the Charter, the role of the City is limited to the following:

1) Designation of parks by resolution
2) Appropriation of funds to the Park Board
3) Approval of property procured by lease for more than 1 year
4) Approval of the Park Board budget which must be submitted to the City prior to September 1

While it is the Park Board's decision on the continuation, postponement or cancellation of programs and operations of the parks, Council President Johnson thought it would a good idea to prepare a letter from the City Council with recommendations to the Park Board.

Alternatives, Options, Effects on Others/Comments:

There are a number of recommendations to consider, including but not limited to: community gardens, Lum Park campground, Lum Park beach, parks, fishing piers, playgrounds, youth programs and general programs.

Recommended Action/Motion:

Discuss recommendations to the Park Board and authorize the City Administrator to prepare a letter outlining the City Council's recommendations to the Park Board.

Financial Impact:

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

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

Is this budgeted? ☐ Yes ☐ No

Please Explain:

2020 Summer Programs & Rentals

Program	Deadline	Current status	Options
Adult Softball	Passed	May 12 start; refund on per game status	- Shorten season - League games but no playoffs - Change to summer/fall league - Cancel season
Competitive youth softball and baseball	Changed to May 8	Draft/skills clinic after May 12	- Play full season - League games but no playoffs - Cancel season
Non-competive programs	May 15	No change; seasons start first week of June	- Delay start of season - Cancel season
Baseball tournaments (3 weekends in June)	May 15	No change	- Follow governor's directive - Cancel
Fishing Clinic (May 23)		Need to make decision by May 11 in order to purchase prizes and organize volunteers and learning station groups	- Have event if social distancing directive is withdrawn - Cancel
Campground		Closed until May 12	- Do not open - Open but don't open restrooms - Open with restrooms open
Pavilions		Closed until May 12	- Follow governor's directive
Tennis courts		Closed until May 4	- Follow govenor's directive
Haapajoki softball tourney (July 11-12)		Registrations being taken	- Allow tournament - Cancel tournament

Brainerd Parks and Recreation
Facility and program considerations

What we know: On Friday Gov. Walz issued an executive order closing campgrounds and restrooms throughout the state. Team activities are not permitted.

What we do not know: When the social distancing directive will be rescinded or modified.

Park Facilities

Lum Park campground

- By order of the governor, all campgrounds and outdoor public restrooms in the state are closed until further notice.
- In March, the City Council voted to close city facilities for 8 weeks, through May 11.
- Staff began accepting campground reservations for after May 11. However, campers were informed the campground may not be open depending on directives from the governor.
- Deposits are required for holiday weekends, NHRA week, and for groups of three or more. Persons would be refunded their deposits in the campground is closed. The campground is booked solid for Memorial Day weekend.
- Once the governor's directive is lifted, staff could have the campground ready for use in half a day. This would require turning the water on and checking for busted pipes which happens rarely.

Pavilions

- Persons cannot make reservations until after May 11. Refunds would be the same as the campground.
- Staff could have the pavilions ready for use quickly as it would require blowing out/sweeping the inside of the pavilions. This will be done ahead of time.

Gregory Park tennis courts

- The United States Tennis Association recommends not opening tennis courts as the virus could be spread by common sharing of tennis balls, touching gate handles or nets, and possibly via the court surface.
- ISD 181 and the City of Baxter have not put up nets. If nets would be put up at Gregory Park the Park Board believes the courts would be heavily used and may violate the social distancing directive.
-

Signs have been placed at playgrounds, ball fields and the dog park recommending social distancing and for persons to follow CDC and MDH guidelines.

Seasonal employee/volunteer coaches

Things to consider:

- Staff has not begun the hiring process but would need to do so well ahead of programs starting. Staff has been part of the Minnesota Recreation and Parks Association's weekly

conference calls (with about 70 communities) and a large majority are not currently hiring seasonal employees.

- The Parks Department hires about 60 seasonal employees. This includes umpires, concession workers, recreational aides, field maintenance, tournament announcers, a person to assist with mowing and two garbage pickup/restroom cleaning employees (one for during the week and one for weekends). The hiring paperwork takes about 15 minutes to complete and must be done at the Park office so staff can assist with the process and notarize the background check permission paperwork. The office is currently closed to the public
- Any person who has any contact with youths (umpires, rec aides, concession workers, tournament announcers and volunteer coaches) must complete an annual background check through the Brainerd Police Department and the BCA. It takes about a week to process.
- Volunteer coaches and umpires must complete concussion certification every three years. These are done at home and persons return the certificate to the office.
- Persons registering online pay about $2 to $3 convenience fee. If programs are cancelled, they would receive a refund, minus the convenience fee. It would cost the City about 10 cents per person to make refunds.

Adult softball

- The two men's leagues were scheduled to begin their seasons on April 28 and April 29. Masters was to begin May 1, Women's on May 11, and Co-Rec on May 14.
- Teams have been notified that no games will be played until May 12 at the earliest.
- The Park Board, following its policy, authorized staff to refund on a per game basis which is different for each league as the league fee depends on how many games are played in a season.
- There has been discussion with teams that, if the ban on team activities continues, an option would be to A) not have playoffs and B) play a summer/fall league.

Competitive youth baseball and softball

- The deadline was moved from April 17 to May 8.
- Prior to practices and games beginning, volunteer coaches would need to be secured. Usually coaches are parents of youths enrolled. Coaches must complete background checks.
- To make teams as balanced, talent-wise, as possible a skills clinic and a draft are held to form teams.
- Teams should have at least two weeks of practices as most participants have not played since last summer.
- League games are currently scheduled to start the first week of June. An option is to delay the start of the season and not have playoffs.

Non-competitive programs

(Four T-ball leagues, kickball, soccer, tennis, Miracle League, Benchwarmer Basketball)

- The registration deadline is May 15 with the seasons scheduled to start the first week of June. Staff places players on teams for each league.

Tournaments

- There are five state qualifier youth baseball tournaments held in June.
- The sanctioning body is the Minnesota Youth Athletic Services, which has cancelled all statewide tournaments scheduled prior to May 15. It has not decided on tournaments scheduled after that date.
- Most teams entered in the Brainerd Lakes Classics come from the metro area and have already reserved rooms. On average it is 12 rooms per team.
- The Haapajoki softball tournament is scheduled July 11-12 and registrations are being taken.

Brainerd City Council
Agenda Request

Requested Meeting Date: April 20, 2020

Title of Item: First Reading and Set Public Hearing - Proposed Ordinance No. 1503 - Petition for Annexation

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☑ MAIN AGENDA	**Action Requested:** ☐ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☑ Ordinance 1st Reading **provide copy of published hearing notice*
Submitted by: Community Development Director	**Department:** Community Development
Presenter (Name & Title): David Chanski, CDD	**Estimated Time Needed:** 2 minutes

Summary of Issue:

Robert and Andrea Marohn, 11427 Easy St., have submitted a Petition for Annexation to bring a vacant, unaddressed parcel (PID 41170508) immediately adjacent to their property into City limits. The Marohns have purchased this property and would like to formally connect it to the property on which their home sits through annexation by ordinance. The first step in this process is to conduct the first reading of Proposed Ordinance No. 1503 and set the public hearing for this annexation request.

Alternatives, Options, Effects on Others/Comments:

Per state statute, public hearings for annexations must have a 30 day notice. Staff recommends the public hearing be held during the regular council meeting on June 1, 2020. This would provide 42 days for properly notifying all individuals and entities as required by statute.

Recommended Action/Motion:

1) Conduct or dispense with the reading of Proposed Ordinance No. 1503, providing for the annexation of certain properties located in Oak Lawn Township, Crow Wing County, to the City of Brainerd, Crow Wing County Minnesota, Pursuant to Minnesota Statute 414.033.

2) Set the public hearing for Proposed Ordinance No. 1503 for June 1, 2020.

Financial Impact:

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

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

Is this budgeted? ☐ Yes ☐ No

Please Explain:

PROPERTY OWNER PETITION FOR ANNEXATION BY ORDINANCE

IN THE MATTER OF THE PETITION OF CERTAIN PERSONS FOR THE ANNEXATION OF CERTAIN LAND TO THE CITY OF BRAINERD, MINNESOTA PURSUANT TO MINNESOTA STATUTES § 414.033, SUBD. 5

TO: Council of the City of Brainerd, Minnesota

AND

Office of Administrative Hearings
Municipal Boundary Adjustment Unit
P. O. Box 64620
St. Paul, MN 55164-0620

PETITIONER(S) STATE: The property owner or a majority of the property owners in number are required to commence a proceeding under Minnesota Statutes § 414.033, Subd. 5.

It is hereby requested by:

- [✔] the sole property owner; or
- [ ] all of the property owners; or
- [ ] a majority of the property owners of the area proposed for annexation to annex certain property described herein lying in the Town of _____ to the City of Brainerd, County of Crow Wing, Minnesota.

The area proposed for annexation is described as follows:

INSERT THE COMPLETE AND ACCURATE PROPERTY DESCRIPTION. DO NOT USE DESCRIPTIONS FROM PROPERTY TAX STATEMENTS.

1. There are 2 property owners in the area proposed for annexation. (If a property owner owns more than one parcel in the area proposed for annexation, he/she is only counted once as an owner - the *number* of parcels *owned* by a petitioner is not counted.)

2. 2 property owners have signed this petition. (If the land is owned by both husband and wife, *both* must sign the petition to represent all owners.)

3. Said property is unincorporated, abuts on the city's (N) S (E) W (circle one) boundary(ies), and is not included within any other municipality.

4. The area of land proposed for annexation, in acres, is:
   [ ] Unplatted [.11] Platted [.11] Total

5. The reason for the requested annexation is Lot Consolidation.

6. The area proposed for annexation will be zoned R1.

7. All of the area proposed for annexation is or is about to become urban or suburban in character.

8. The area proposed for annexation is not included in any area that has already been designated for orderly annexation pursuant to Minnesota Statutes § 414.0325, nor in any other boundary adjustment proceeding pending before the Municipal Boundary Adjustment Unit of the Office of Administrative Hearings.

PETITIONERS REQUEST: That pursuant to Minnesota Statutes § 414.033, the property described herein be annexed to and included within the City of Brainerd, Minnesota.

Dated: 03/05/2020

Signatures: Robert E Marohn

Andrea Marohn

NOTE: Pursuant to Minnesota Statutes § 414.033 and Minnesota Rules 6000.0800, the petition to the Office of Administrative Hearings must be accompanied by a certification showing that a copy of the petition was filed within 10 days after service on the annexing city to the affected township(s), county, and any other abutting municipality(ies).

NOTE: Under Minnesota Statutes § 414.033, Subd. 5, if the petition is not signed by all of the property owners of the land proposed for annexation, the ordinance shall not be enacted until the municipal council has held a hearing on the proposed annexation after at least 30 days mailed notice to all property owners within the area to be annexed.

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

Date: 3/11/2020 Time: 8:40:21 AM

CROW WING COUNTY MINNESOTA

O R D I N A N C E
NO. 1503

AN ORDINANCE PROVIDING FOR THE ANNEXATION OF CERTAIN PROPERTIES LOCATED IN OAK LAWN TOWNSHIP, CROW WING COUNTY, TO THE CITY OF BRAINERD, CROW WING COUNTY MINNESOTA, PURSUANT TO MINNESOTA STATUTE 414.033

THE CITY COUNCIL OF THE CITY OF BRAINERD DOES ORDAIN:

SECTION ONE: That Robert and Andrea Marohn, 11427 Easy Street, Brainerd, MN 56401, the fee owners of certain property in the County of Crow Wing, State of Minnesota, described as follows:

NW'LY 32 FT OF LOT 4 PINE SHORES First Subdivision, Crow Wing County, Minnesota.

P.I.N. # 81170603

filed a petition with the City Council of the City of Brainerd pursuant to Minnesota Statutes section 414.033, subdivision 2 (3). This property is located within Oak Lawn Township of Crow Wing County. This area contains approximately .61 acres of land.

SECTION TWO: That said realty abuts the City of Brainerd and is less than 120 acres in size.

SECTION THREE: That pursuant to Minnesota Statutes section 414.033, subdivision 13, the petitioner will see no change in their electric utility service at this time.

SECTION FOUR: That pursuant to Minnesota Statutes Section 414.033, Subdivision 2b, the City of Brainerd held the required public hearing and notified the Township along with all landowners within and contiguous to the area being annexed.

SECTION FIVE: Annexation of said realty to the City is in the best interest of the City and the territory affected and accordingly, said realty is hereby annexed to the City and zoned as R-1 (Single Family Residential) District so as to become and be part of the City and included within its corporate limits and boundaries thereof.

SECTION SIX: The property receives neither water nor sewer service through the municipal utility, Brainerd Public Utilities, nor any other municipal utility.

SECTION SEVEN: ~~The property taxes payable on the annexed land shall continue to be paid to the affected town for the year in which the annexation becomes effective. If the annexation becomes effective on or before August 1, of a levy year, the City may levy on the annexed area beginning with that same levy year. If the annexation becomes effective after August 1 of a levy year, the town may continue to levy on the annexed area for that levy year, and the City may not levy on the annexed area until the following levy year. The first year following the year when the City could first levy on the annexed area, property taxes on the annexed land shall be paid to the City. However, the City shall make a cash payment to the town for the period and in accordance with the following schedule:~~

~~i. In the first year following the year the City could first levy on the annexed area, and amount equal to 90% of the property taxes distributed to the town in regard to the annexed area in the last year the property taxes from the annexed area were payable to the town;~~

~~i. In the second year, an amount equal to 70%;~~

~~ii. In the third year, an amount equal to 50%;~~

~~iii. In the fourth year, an amount equal to 30%; and~~

~~iv. In the fifth year, an amount equal to 10%~~

Pursuant to Minnesota Statutes section 273.13, subdivision 34, the property is exempt from property taxes due the property owner's status as a Disabled American Veteran.

SECTION EIGHT: The property is not in a floodplain but is shoreland. Existing City land use controls conform to State shoreland requirements.

SECTION NINE: This Ordinance shall take effect upon final approval by the Chief Administrative Law Judge of the Minnesota Office of Administrative Hearings and publication as required by the City Charter.

Adopted this ____ day of _____, 2020

_____
GABE JOHNSON
President of the Council

Approved this ____ day of _____, 2020

_____
DAVE BADEAUX
Mayor

ATTEST: _____
JENNIFER BERGMAN
City Administrator

Published: One Time, _____

Brainerd City Council
Agenda Request

Requested Meeting Date: April 20, 2020

Title of Item: First Reading - Proposed Ordinance No. 1504 - An Ordinance To Rezone Property At 1420 S. 6th 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 1st Reading **provide copy of published hearing notice*
Submitted by: Community Development Director	**Department:** Community Development
Presenter (Name & Title): David Chanski, CDD	**Estimated Time Needed:** 2 minutes

Summary of Issue:

Becky Dryburgh has submitted a request on behalf of Trinity Lutheran Church, 1420 S. 6th St., Brainerd, MN 56401, to rezone the property from R-1 (Single Family Residential) District to B-2(Neighborhood Business) District.

The purpose of this rezoning is to bring Trinity Children's Center (TCC) into compliance with the Zoning Code. TCC's current CUP is considered legal non-conforming.

Alternatives, Options, Effects on Others/Comments:

During their regular meeting on April 20, the Planning Commission voted unanimously to approve this rezoning request, adding the finding of fact that this request complies with Goal 1 of the Land Use Chapter of the Comprehensive Plan, which states "Support mixed-use development that is focused on integration instead of the separation of land uses."

Recommended Action/Motion:

Motion to hold/dispense with the first reading of Proposed Ordinance No. 1504, an Ordinance Amending Ordinance No. 812 Pertaining to the Zoning in the City of Brainerd.

Financial Impact:

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

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

Is this budgeted? ☐ Yes ☐ No

Please Explain:

O R D I N A N C E
NO. 1504

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-1 (Single-Family Residential) District to a B-2 (Neighborhood Business) District for the following:

PIN 41361048
N 771 Ft of Lot 7 Except Part to Gilmer, and Also Except the Following Described Parcel; That Part of Lot 7, Desc as; Comm at the SE Corner of Black 317, 1st Addition to Brainerd. Section 36, Township 45, Range 031

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

Adopted this _____day of _____, 2020

_____
GABE JOHNSON
President of the Council

Approved this____ day of _____, 2020

_____
DAVE BADEAUX
Mayor

ATTEST: _____
JENNIFER BERGMAN
City Administrator

Published: One Time, _____, 2020

City of Brainerd
Community Development Department

TO: Planning Commission

FROM: David Chanski, Community Development Director

DATE: April 9, 2020

RE: Trinity Lutheran Church Rezoning

Becky Dryburgh has submitted a request on behalf of Trinity Lutheran Church, 1420 S. 6th St., Brainerd, MN 56401, to rezone the property from R-1 (Single Family Residential) District to B-2 (Neighborhood Business) District.

The purpose of this rezoning is to bring Trinity Children's Center (TCC) into compliance with the Zoning Code. TCC's current CUP is considered legal non-conforming. While TCC may continue to operate under such a designation, it cannot expand in any way. TCC has submitted a request to the Minnesota Department of Human Service to increase its occupancy to 71 students. However, an increase in TCC's occupancy is not allowed as it is considered legal non-conforming. Additionally, MDHS will not approve such an increase until the City approves it.

The Planning Commission tabled a requested CUP amendment during their February 19 meeting because of TCC's legal non-conforming status. As a result, Trinity Lutheran Church has submitted a request to rezone their property, from which TCC operates, from R-1 to B-2 in order to bring TCC's CUP back into compliance with the Zoning Code.

<u>Findings of Fact</u>

1. Trinity Lutheran Church is located in a R-1 (Single Family Residential) District.
2. The operation of a church is permitted as a conditional use in a R-1 District with the following conditions:
    a. Side yards shall be thirty (30) feet.
    b. Adequate screening from abutting residential uses and landscaping is provided in compliance with Section 20 of this Ordinance.
    c. Adequate off-street parking and access is provided on the site or on lots directly abutting or directly across a public street or alley to the principal use in compliance with Section 22 of this Ordinance and that such parking is adequately screened and landscaped from surrounding and abutting residential uses in compliance with Section 20 of this Ordinance.
    d. Adequate off-street loading and service entrances are provided and regulated where applicable by Section 23 of this Ordinance.
3. The operation of a church is permitted as a conditional use in a B-2 District with the following conditions:
    a. Side yards shall be thirty (30) feet.

   b. Screening from abutting residential uses and landscaping is provided in compliance with Section 20 of this Ordinance.
   c. Off-street parking and access is provided on the site or on lots directly abutting or directly across a public street or alley to the principal use in compliance with Section 22 of this Ordinance and that such parking is adequately screened and landscaped from surrounding and abutting residential uses.
4. It is staff's opinion that the requested rezoning should not negatively affect Trinity Lutheran Church's current CUP in any way.
5. The requested rezoning would bring Trinity Children's Center (a ministry of Trinity Lutheran Church) into compliance with the zoning code as commercial day care facilities are a conditional use in B-2 Districts.

As of this writing, one adjacent property owner has contacted the Community Development Department with questions or concerns about this requested rezoning. The property owner provided his full support of this request.

<u>Staff Opinion</u>

Staff recommends approval of this rezoning application.

SYCAMORE ST
TAMARAC ST
VINE ST
WILLOW ST
LAWN ST
SUMMIT ST
BROOK ST
JOSEPH ST
TODD ST
HATTIE ST
CEDAR ST
PARK ST
MARY ST
S 4TH ST
S 5TH ST
S 6TH ST
S 7TH ST
S 8TH ST
GRAYDON AVE
LINDEN LN
Kiwanis
Hitch Wayne
Bane
B-4
B-2
R-3
R-2
R-1
R-1A
I-1

NOTICE OF HEARING

Notice is hereby given that Becky Dryburgh has submitted a request on behalf of Trinity Lutheran Church, 1420 S. 6th St., Brainerd, MN 56401, to rezone the property at 1420 S. 6th St. from an R-1 (Single Family Residential) District to B-2 (Neighborhood Business) District. The purpose of this rezoning is to bring Trinity Children's Center (a ministry of Trinity Lutheran Church) into compliance with the Zoning Code.

The legal description of the property is as follows:
N 771 Ft of Lot 7 Except Part to Gilmer, and Also Except the Following Described Parcel; That Part of Lot 7, Desc as; Comm at the SE Corner of Black 317, 1st Addition to Brainerd.
P.I.N. 41361048
Section 36, Township 45, Range 031

A Public Hearing to consider this rezoning request will be conducted by the Brainerd Planning Commission at 6:00 p.m. on Wednesday, April 15, 2020.

In accordance with the requirements of Minn. Stat. Section 13D.021, Jennifer Bergman, the City Administrator, has determined that an in-person meeting in not practical or prudent because of a health pandemic declared under Chapter 12 of the Minnesota Statutes.

Because of the health pandemic, it has been determined that attendance at the regular meeting location by members of the public is not feasible.

Because of the health pandemic, it has been determined that the physical presence at the regular meeting location by at least one member of the body, chief legal counsel or chief administrative officer is not feasible.

Therefore, some or all of the City Council members may be participating by telephone or other electronic means.

Members of the public may monitor the meeting via phone. Information regarding how to attend this virtual meeting will be posted to the City's website (ci.brainerd.mn.us) by 4:30pm on Friday, April 10, 2020.

Please submit comments regarding this rezoning request to Community Development Director David Chanski at dchanski@ci.brainerd.mn.us. Comments can also be mail to City Hall at 501 Laurel St., Brainerd, MN 56401 or submitted via the dropbox located on the west side of City Hall.

The public is invited to attend the hearing to offer input regarding the proposed rezoning. Any individual needing special accommodations please call (218) 828-2307.

Dated this 3rd day of April 2020

Publication Date: April 5, 2020

_____
David C. Chanski, MPA
Community Development Director

David Chanski

From: Chris Hanneken <Chris@hannekeninsurance.com>
Sent: Monday, April 6, 2020 5:15 PM
To: David Chanski
Subject: {external} public hearing

I am responding with comments related to the public hearing that will be held related to the Becky Dryburgh / Trinity Lutheran Church zoning and conditional use permit changes.

As owner of the building located adjacent to this property at 1301 S 6th St, and owner of the business located in that building, I am in full support of approving their request.

Please feel free to contact me if you have additional questions or concerns.

Thank you,

Chris Hanneken
Lazy H Properties, LLC
Hanneken Insurance Agency, Inc.
Little Falls / Pierz / Brainerd / Pine River
www.hannekeninsurance.com

Brainerd City Council
Agenda Request

Requested Meeting Date: April 20, 2020

Title of Item: First Reading - Proposed Ordinance No. 1505 - An Ordinance To Rezone Unaddressed Properties on 2nd St. NW and Jackson 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 1st Reading **provide copy of published hearing notice*
Submitted by: Community Development Director	**Department:** Community Development
Presenter (Name & Title): David Chanski, CDD	**Estimated Time Needed:** 5 minutes

Summary of Issue:

Tom Lake has submitted a request on behalf of Gustafson Properties of Brainerd, LLC, 424 NW 3rd St., Brainerd, MN 56401, to rezone thirteen (13) parcels located between 2nd St. NW to the east, 3rd St. NW to the west, Jackson St. to the north, and James St. to the south from R-2 Medium Density Residential District and R-3 (High Density Residential) District to B-4 (General Business District).

This rezoning request is in tandem with a requested text amendment allow mini-storage facilities in B-4 (General Business) Districts as a conditional use.

Alternatives, Options, Effects on Others/Comments:

During their regular meeting on April 15, the Planning Commission voted unanimously to deny this rezoning request.

The reasoning behind their decision was that, without the "safety net" allowed by the B-4 text amendment to allow mini-storage facilities as a conditional use (which was also denied), this property should remain residentially zoned.

Recommended Action/Motion:

1) Motion to deny or not to hold the first reading of Proposed Ordinance No. 1505, an Ordinance Amending Ordinance No. 812 Pertaining to the Zoning in the City of Brainerd.

or

2) Motion to hold/dispense with the first reading of Proposed Ordinance No. 1505, an Ordinance Amending Ordinance No. 812 Pertaining to the Zoning in the City of Brainerd.

Financial Impact:

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

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

Is this budgeted? ☐ Yes ☐ No

Please Explain:

O R D I N A N C E
NO. 1505

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

THE CITY COUNCIL OF THE CITY OF BRAINERD DOES ORDAIN:

SECTION ONE: That existing Section 515-04-02 of the Brainerd City Code is hereby amended by changing the zoning designation of the properties below from an R-2 (Medium Density Residential) District and an R-3 (High-Density Residential) District to a B-4 (General Business) District for the following:

The following properties are zoned R-2 and are legally described as:

Lot 12 Block M and the Adjacent N'ly ½ of Vacated Robert Street, West Brainerd Addition
P.I.N. 41040501
Section 4, Township 133, Range 028

Lot 11 Block M, West Brainerd Addition
P.I.N. 41040502
Section 4, Township 133, Range 028

Lot 10 Block M, West Brainerd Addition
P.I.N. 41040503
Section 4, Township 133, Range 028

Lots 7 Thru 9 Inclusive Block M, West Brainerd Addition
P.I.N. 41040504
Section 4, Township 133, Range 028

Lots 1 Thru 6 Inclusive Black M and the Adjacent N'ly ½ of Vacated Robert Street, West Brainerd Addition
P.I.N. 41040505
Section 4, Township 133, Range 028

Lots 9 and 10 Block E, West Brainerd Addition
P.I.N. 41040805
Section 4, Township 133, Range 028

Lot 8 Block E, West Brainerd Addition
P.I.N. 41040806
Section 4, Township 133, Range 028

Lot 7 Block E and the Adjacent S'ly ½ of Vacated Robert Street, West Brainerd Addition
P.I.N. 41040807
Section 4, Township 133, Range 028

Lots 5 and 6 Block E and the Adjacent S'ly ½ of Vacated Robert Street, West Brainerd Addition
P.I.N. 41040808
Section 4, Township 133, Range 028

Lot 4 Block E, West Brainerd Addition
P.I.N. 41040809
Section 4, Township 133, Range 028

Lot 3 Block E, West Brainerd Addition
P.I.N. 41040810
Section 4, Township 133, Range 028

The following properties are zoned R-3 and are legally described as:

Lots 1 Thru 6 Inclusive Block S Ex. Part of Lots 4, 5, and 6 for HWY. and also Including the E. 10 FT of Vacated N-S Alley in Block S, Except That Portion for HWY, West Brainerd Addition
P.I.N. 41040511
Section 4, Township 133, Range 028

Lot 1 Block 3, Except that Parcel Shown as Parcel 258D on MN DOT ROW Plat #18-90 Cert of Title #67399,
Arena Addition to the City of Brainerd
P.I.N. 41040853
Section 4, Township 133, Range 028

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

Adopted this _____day of _____, 2020

_____
GABE JOHNSON
President of the Council

Approved this____ day of _____, 2020

_____
DAVE BADEAUX
Mayor

ATTEST: _____
JENNIFER BERGMAN
City Administrator

Published: One Time, _____, 2020

City of Brainerd
Community Development Department

TO: Planning Commission

FROM: David Chanski, Community Development Director

DATE: April 9, 2020

RE: Gustafson Property Rezoning

Tom Lake has submitted a request on behalf of Gustafson Properties of Brainerd, LLC, 424 NW 3rd St., Brainerd, MN 56401, to rezone thirteen (13) parcels located between 2nd St. NW to the east, 3rd St. NW to the west, Jackson St. to the north, and James St. to the south from R-2 Medium Density Residential District and R-3 (High Density Residential) District to B-4 (General Business District).

This rezoning request is in tandem with a requested text amendment allow mini-storage facilities in B-4 (General Business) Districts as a conditional use. Should both the text amendment and the rezoning be approved, the applicant intends on submitting a conditional use permit application for a mini-storage facility on the parcels associated with this rezoning request.

<u>Findings of Fact</u>

1. There are thirteen (13) parcels associated with this rezoning request.
    a. The eleven (11) lots located between 3rd St. NW and 2nd St NW are zoned R-2 (Medium Density Residential) District.
    b. The two (2) lots located on Jackson St. are zoned R-3 (High Density Residential) District.
2. All parcels associated with this rezoning request are currently undeveloped.
3. Parcels are adjacent to both residential and commercial uses.
4. 3rd St. NW and 2nd St. NW are unimproved streets.
    a. The City of Brainerd is in the planning process for an infrastructure project that would improve 3rd St. NW.
5. The northeast corner of PID 41040583 is located in the Mississippi River shoreland management zone.
    a. No other parcels are located in any shoreland management zone.
6. City water and sewer are in place on Jackson St., James St, 3rd St. NW, and 2nd St. NW.
7. A stormwater line is in place on Jackson St.

As of this writing, one adjacent property has contacted the Community Development Department with questions or concerns about this requested rezoning. He expressed that his is not in favor of this rezoning request.

NOTICE OF HEARING

Notice is hereby given that Tom Lake has submitted a request on behalf of Gustafson Properties of Brainerd, LLC, 424 NW 3rd St., Brainerd MN 56401, to rezone thirteen (13) parcels located between 2nd St. NW to the east, 3rd St. NW to the west, Jackson St. to the north, and James St. to the south from an R-2 (Medium Density Residential) District and R-3 (High Density Residential District) to B-4 (General Business) District. The applicant is also seeking a requested zoning code text amendment to allow mini-storage facilities in B-4 Districts as a conditional use. The purpose of these requests is to allow for the development of a mini-storage facility on the properties described below.

The following properties are zoned R-2 and are legally described as:
Lot 12 Block M and the Adjacent N'ly ½ of Vacated Robert Street, West Brainerd Addition
P.I.N. 41040501
Section 4, Township 133, Range 028

Lot 11 Block M, West Brainerd Addition
P.I.N. 41040502
Section 4, Township 133, Range 028

Lot 10 Block M, West Brainerd Addition
P.I.N. 41040503
Section 4, Township 133, Range 028

Lots 7 Thru 9 Inclusive Block M, West Brainerd Addition
P.I.N. 41040504
Section 4, Township 133, Range 028

Lots 1 Thru 6 Inclusive Black M and the Adjacent N'ly ½ of Vacated Robert Street, West Brainerd Addition
P.I.N. 41040505
Section 4, Township 133, Range 028

Lots 9 and 10 Block E, West Brainerd Addition
P.I.N. 41040805
Section 4, Township 133, Range 028

Lot 8 Block E, West Brainerd Addition
P.I.N. 41040806
Section 4, Township 133, Range 028

Lot 7 Block E and the Adjacent S'ly ½ of Vacated Robert Street, West Brainerd Addition
P.I.N. 41040807
Section 4, Township 133, Range 028

Lots 5 and 6 Block E and the Adjacent S'ly ½ of Vacated Robert Street, West Brainerd Addition
P.I.N. 41040808
Section 4, Township 133, Range 028

Lot 4 Block E, West Brainerd Addition
P.I.N. 41040809
Section 4, Township 133, Range 028

Lot 3 Block E, West Brainerd Addition
P.I.N. 41040810
Section 4, Township 133, Range 028

The following properties are zoned R-3 and are legally described as:
Lots 1 Thru 6 Inclusive Block S Ex. Part of Lots 4, 5, and 6 for HWY. and also Including the E. 10 FT of Vacated N-S Alley in Block S, Except That Portion for HWY, West Brainerd Addition
P.I.N. 41040511

Section 4, Township 133, Range 028

Lot 1 Block 3, Except that Parcel Shown as Parcel 258D on MN DOT ROW Plat #18-90 Cert of Title #67399, Arena Addition to the City of Brainerd
P.I.N. 41040853
Section 4, Township 133, Range 028

A Public Hearing to consider this rezoning request will be conducted by the Brainerd Planning Commission at 6:00 p.m. on Wednesday, April 15, 2020.

In accordance with the requirements of Minn. Stat. Section 13D.021, Jennifer Bergman, the City Administrator, has determined that an in-person meeting in not practical or prudent because of a health pandemic declared under Chapter 12 of the Minnesota Statutes.

Because of the health pandemic, it has been determined that attendance at the regular meeting location by members of the public is not feasible.

Because of the health pandemic, it has been determined that the physical presence at the regular meeting location by at least one member of the body, chief legal counsel or chief administrative officer is not feasible.

Therefore, some or all of the City Council members may be participating by telephone or other electronic means.

Members of the public may monitor the meeting via phone. Information regarding how to attend this virtual meeting will be posted to the City's website (ci.brainerd.mn.us) by 4:30pm on Friday, April 10, 2020.

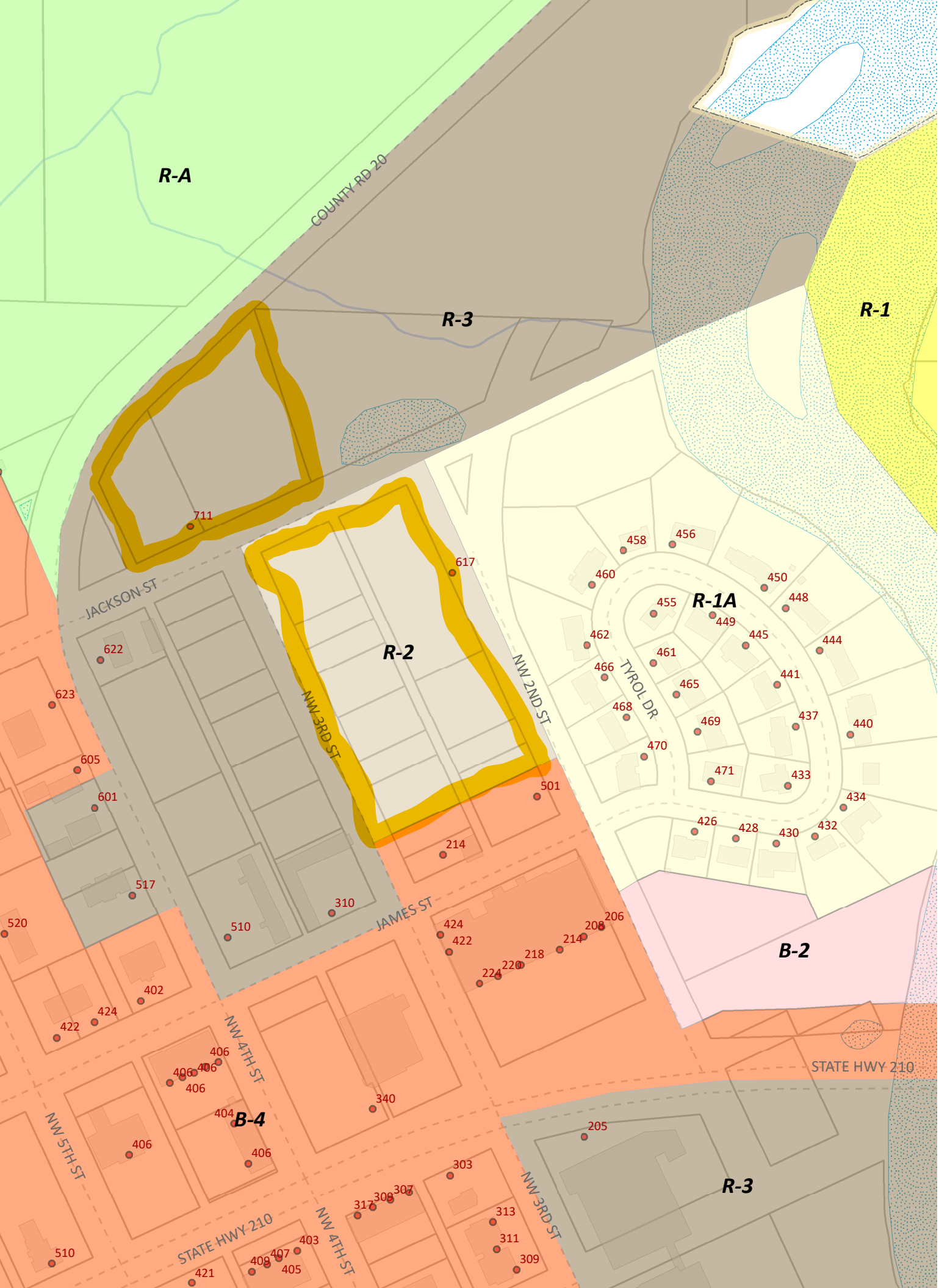
Please submit comments regarding this rezoning request to Community Development Director David Chanski at dchanski@ci.brainerd.mn.us. Comments can also be mail to City Hall at 501 Laurel St., Brainerd, MN 56401 or submitted via the dropbox located on the west side of City Hall.

Any individual needing special accommodations or would like more information about this request please call (218) 828-2307.

Dated this 3rd day of April 2020.

Publication Date: April 5, 2020

_____
David C. Chanski, MPA
Community Development Director


R-A
COUNTY RD 20
R-3
R-1
R-1A
R-2
B-2
B-4
R-3
JACKSON ST
NW 3RD ST
NW 2ND ST
TYROL DR
JAMES ST
NW 4TH ST
NW 5TH ST
STATE HWY 210
711
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421
510

David Chanski

From: dale anselment <dalelori1@yahoo.com>
Sent: Wednesday, April 8, 2020 11:36 AM
To: David Chanski
Subject: {external} Gustafson request

My name is Dale Anselment at 462 Tyrol Drive. It isn't clear what they plan on doing with theproperty they want to rezone. Ive heard that they want storage units in there. I and a lot of the neighbors think that this would be a poor decision to take a nice wooded property that houses so many animals and tear it up for this purpose is silly. I am dead set. Leave it zoned for residential property.
Sent from Mail for Windows 10
Thank you

Virus-free. www.avast.com

1 SITE PLAN
SCALE: 1" = 80'

WIDSETH SMITH NOLTING
Engineering | Architecture | Surveying | Environmental

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

DATE: LIC. NO.

DATE	REV#	REVISIONS DESCRIPTION	BY

DATE: MARCH 16, 2020
SCALE: AS SHOWN
DRAWN BY: MJA
CHECKED BY: MJA
JOB NUMBER: 0280B0336.000

BRAINERD SITE DEVELOPMENT
GUSTAFSON PROPERTIES OF BRD LLC
424 3RD ST NW BRAINERD, MN 56401

SITE PLAN

SHEET NO.
C1.1
SHEET OF

Brainerd City Council
Agenda Request

Requested Meeting Date: April 20, 2020

Title of Item: First Reading - Proposed Ordinance No. 1506 - An Ordinance Amending Section 515-64: General Business District

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☑ MAIN AGENDA	**Action Requested:** ☐ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☑ Ordinance 1st Reading **provide copy of published hearing notice*
Submitted by: Community Development Director	**Department:** Community Development
Presenter (Name & Title): David Chanski, CDd	**Estimated Time Needed:** 2 minutes

Summary of Issue:

Tom Lake has submitted a requests on behalf of Gustafson Properties of Brainerd, LLC to amend Section 515-63 of the Zoning Code to allow mini-storage facilities as a conditional use and to rezone certain properties from R-2 and R-3 to B-4. This request was split into to items, the text amendment and the rezoning request. Proposed Ordinance No. 1506 amends Section 515-63 of the Zoning Code as request by the applicant.

Alternatives, Options, Effects on Others/Comments:

During their regular meeting on April 20, the Planning Commission voted 5-1 to deny the request to amend Section 515-64 of the Zoning Code to allow mini-storage facilities as a conditional use.

The five members who voted to deny this request felt that it is not in the best interests of the City of Brainerd no support the Comprehensive Plan to make this change.

Recommended Action/Motion:

1) Motion to deny or not hold the first reading of Proposed Ordinance No. 1506, an Ordinance Amending Brainerd Zoning Ordinance Section 515-63: B4, General Business District.

or

2) Motion to hold/dispense with the first reading of Proposed Ordinance No. 1506, an Ordinance Amending Brainerd Zoning Ordinance Section 515-63: B4, General Business District.

Financial Impact:

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

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

Is this budgeted? ☐ Yes ☐ No

Please Explain:

O R D I N A N C E
NO. 1506

AN ORDINANCE AMENDING BRAINERD ZONING ORDINANCE
SECTION 515-63: B-4, GENERAL BUSINESS DISTRICT

THE CITY COUNCIL OF THE CITY OF BRAINERD DOES ORDAIN:

SECTION ONE: That Section 515-63-6 –Shall be amended by adding the following:

S. Mini Self-Storage Facilities provided that:

1. At least twenty-five (25) percent of the site is open green space and landscaped in accordance with a plan approved by the City Council.

2. No buildings shall be located closer than twenty-five (25) feet to each other to allow for parking, loading, driveway, and fire lanes.

3. No single building shall be greater than one hundred fifty (150) feet in length.

4. All structures are to be within two hundred (200) feet of a fire hydrant

5. All driveways and parking areas are to have a bituminous or concrete surface and adequate turning radius for fire truck maneuverability is to be maintained throughout the site. Designated snow storage space is to be provided to insure adequate and safe access during winter months.

6. All structures shall comply with the building standards outlined in Section 17 of this ordinance.

7. No retailing, wholesaling, manufacturing, repair, or other such activity other than storage is to occur within the self-storage, mini warehousing facility.

8. No outdoor storage or long-term parking is permitted, and all storage facilities shall be fully enclosed.

9. Outdoor lighting for any structures adjacent to a residential use shall meet the criteria for B-1 and B-2 Districts as outlined in Section 18 of this ordinance.

SECTION TWO: All other provisions of Sections 515-63 shall remain in full force and effect.

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

Adopted this _____day of _____, 2020

_____
GABE JOHNSON
President of the Council

Approved this _____day of _____, 2020

_____
DAVE BADEAUX
Mayor

ATTEST: _____
JENNIFER BERGMAN
City Administrator

Published: One Time – _____

City of Brainerd
Community Development Department

TO: Planning Commission

FROM: David Chanski, Community Development Director

DATE: April 9, 2020

RE: Mini-Storage Facilities as Conditional Use in B-4 Districts

The City of Brainerd and Crow Wing County are conducting a major infrastructure improvement to NW 4th St. this summer. In preparation for this project, the City has been working with various property owners along the project area to acquire the necessary right-of-way easements. One such necessary acquisition is to fully acquire a small parcel at the intersection of NW 4th St and Jackson St. (PID 41040506).

The City made an offer to acquire the parcel, and the property owners made a counteroffer, which included allowing the construction of mini-storage facilities on property between NW 3rd St and NW 2nd St to the east and west and between James St and Jackson St to the north and south. This property is currently zoned R-2 Medium Density Residential. Currently, mini-storage units are only allowed as a conditional use in I-1 Light Industrial Districts. The City Council responded to the counteroffer by stating that they support such a development, but that the property owners will need work with staff and go through the proper procedure to do so, starting with the Planning Commission.

Tom Lake has submitted a requests on behalf of Gustafson Properties of Brainerd, LLC to amend Section 515-63 of the Zoning Code to allow mini-storage facilities as a conditional use and to rezone certain properties from R-2 and R-3 to B-4.

Below is draft language for amending Section 515-63.

Section 515-63-6.S Mini self-storage facilities provided that:

1. *At least twenty-five (25) percent of the site is open green space and landscaped in accordance with a plan approved by the City Council.*

2. *No buildings shall be located closer than twenty-five (25) feet to each other to allow for parking, loading, driveway, and fire lanes.*

3. *No single building shall be greater than one hundred fifty (150) feet in length.*

4. *All structures are to be within two hundred (200) feet of a fire hydrant*

5. *All driveways and parking areas are to have a bituminous or concrete surface and adequate turning radius for fire truck maneuverability is to be maintained throughout the site. Designated snow storage space is to be provided to insure adequate and safe access during winter months.*

6. *All structures shall comply with the building standards outlined in Section 17 of this ordinance.*

7. *No retailing, wholesaling, manufacturing, repair, or other such activity other than storage is to occur within the self-storage, mini warehousing facility.*

8. *No outdoor storage or long-term parking is permitted, and all storage facilities shall be fully enclosed.*

9. *Outdoor lighting for any structures adjacent to a residential use shall meet the criteria for B-1 and B-2 Districts as outlined in Section 18 of this ordinance.*

Brainerd City Council
Agenda Request

Requested Meeting Date: April 20, 2020

Title of Item: Tower Motors CUP

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☑ MAIN AGENDA	**Action Requested:** ☑ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1st Reading **provide copy of published hearing notice*
Submitted by: Community Development Director	**Department:** Community Development
Presenter (Name & Title): David Chanski, CDD	**Estimated Time Needed:** 2 minutes

Summary of Issue:

Allison Doyle has submitted a request on behalf of Tower Motors, 624 Washington St., Brainerd, MN 56401, for a Conditional Use Permit to operate an automobile dealership with associated mechanic shop.

Alternatives, Options, Effects on Others/Comments:

During their regular meeting on April 20, the Planning Commission voted unanimously to approve this Conditional Use Permit request with no conditions.

Recommended Action/Motion:

Motion to approved the Conditional Use Permit for Tower Motors to operate an automobile dealership with associated mechanic shop at 624 Washington St.

Financial Impact:

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

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

Is this budgeted? ☐ Yes ☐ No

Please Explain:

City of Brainerd
Community Development Department

TO: Planning Commission

FROM: David Chanski, Community Development Director

DATE: April 9, 2020

RE: Tower Motors CUP

Allison Doyle has submitted a request on behalf of Tower Motors, 624 Washington St., Brainerd, MN 56401, for a Conditional Use Permit to operate an automobile dealership with associated mechanic shop.

Findings of Fact

1. 624 Washington St. is in the B-6 (Washington Street Commercial) District.
2. Per Section 515-65-6.G of the Code of Ordinances, automobile dealerships are considered a conditional use in the B-6 District provided that:
    a. Outdoor sales area shall be set at least five (5) feet back from all property lines, and at least fifteen (15) feet back from any street surface.
        i. Per the parking plan submitted by the applicant, this requirement appears to be met.
    b. Outdoor sales shall be physically defined on the site by surfacing, curbing, landscaping, or a fence barrier.
        i. This site is paved, has a sidewalk that separates the site from Hwy 210, an existing solid white stripe that denotes the edge of the existing parking area, and fencing is present that separates it from adjacent properties (the Historic Brainerd Water Tower, Breen and Person, Ltd, and BNSF tracks).
    c. The boulevard portion of the street right-of-way shall not be used for parking, or storage or display of sale items.
    d. Outside sales areas are fenced or screened from view of neighboring residential uses or an abutting residential district in compliance with Section 20 of this Ordinance.
        i. There are no neighboring residential uses.
    e. All lighting shall be hooded and so directed that the light source is not visible from the public right-of-way or from an abutting residence and shall be in compliance with Section 18 of this Ordinance.
        i. There are no existing light poles on the site and none are listed in the proposed plan.
    f. All display/sales/storage areas shall be paved.
        i. The property is fully paved.

g. Required parking shall be segregated from the sales display. The use shall not take up parking space as required for conformity to this Ordinance.
    i. Per Section 515-22-8 of the Code of Ordinances, properties within the B-6 District are exempt from minimum off-street parking requirements.

3. Personal, recreational, and professional vehicle repair is a permitted use within the B-6 District.
4. Tower Motors has submitted a Second Hand Auto Dealer License application, which will be considered by the City Council should this CUP request be approved.

As of this writing, no entity has contacted the Community Development Department with questions or concerns about this requested CUP.

Staff Opinion

Staff recommends approval of this CUP request.

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

RECEIVED
APR 03 2020
CITY OF BRAINERD
ADMINISTRATION

Receipt # _____
Check # _____
Date Paid: _____

CONDITIONAL USE/REZONING/VARIANCE APPLICATION

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

PROPERTY ADDRESS: 624 Washington St.

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

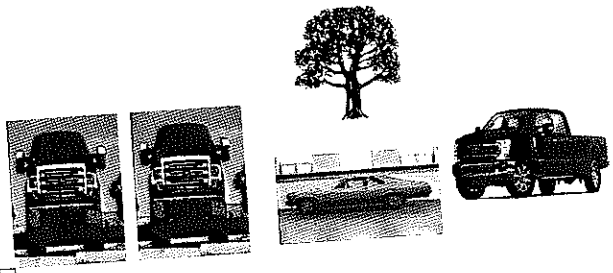
Property Owner Name: Tower Motors
Street Address: 624 Washington St. **City:** Brainerd **State:** MN **Zip Code** 56401
Phone Number: _____ **Fax:** _____ **E-mail:** _____
Applicant Name: (If different than Property Owner) Tower Motors / Allison Doyle
Street Address: 624 Washington St. **City:** Brainerd **State:** MN **Zip Code:** 56401
Phone Number: 218-270-2981 **Fax:** _____ E-mail: servicecautomn@gmail.ca

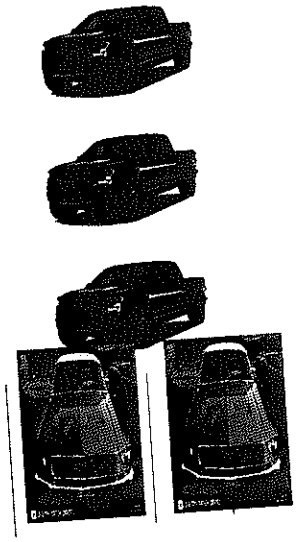
Description of Request:
We are opening a Used Car Dealership and Mechanic Shop.

Property Owner Signature
Tower Motors
(Please print name)
4/2/2020
Date

Applicant Signature
Allison Doyle
(Please print name)
4/2/20
Date

(OVER)





BRAINERD TOWER MOTORS
SALES & SERVICE
218-270-2981

Grass Area

Sidewalk

218-270-2981

Tower Motors
624 Washington St.
Brainerd, MN. 56401

Google Maps 698 MN-210

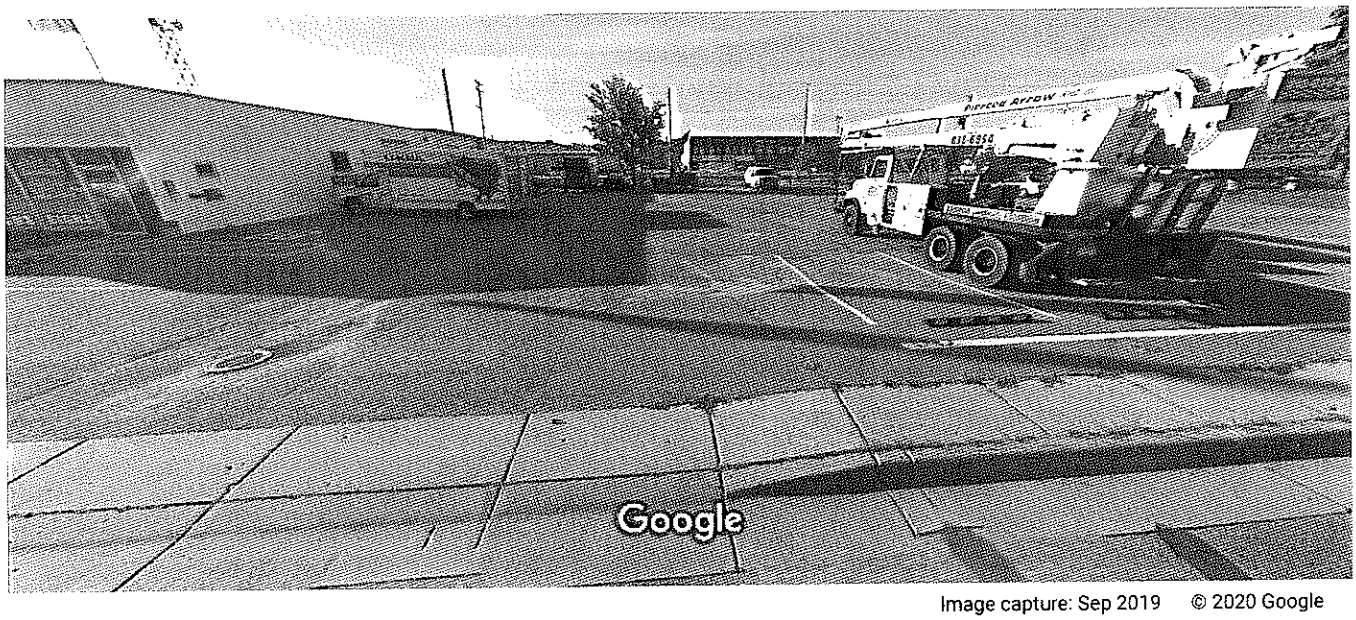
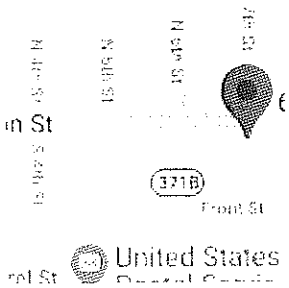


Image capture: Sep 2019 © 2020 Google

Brainerd, Minnesota

Google

Street View



Google Maps 615 MN-210

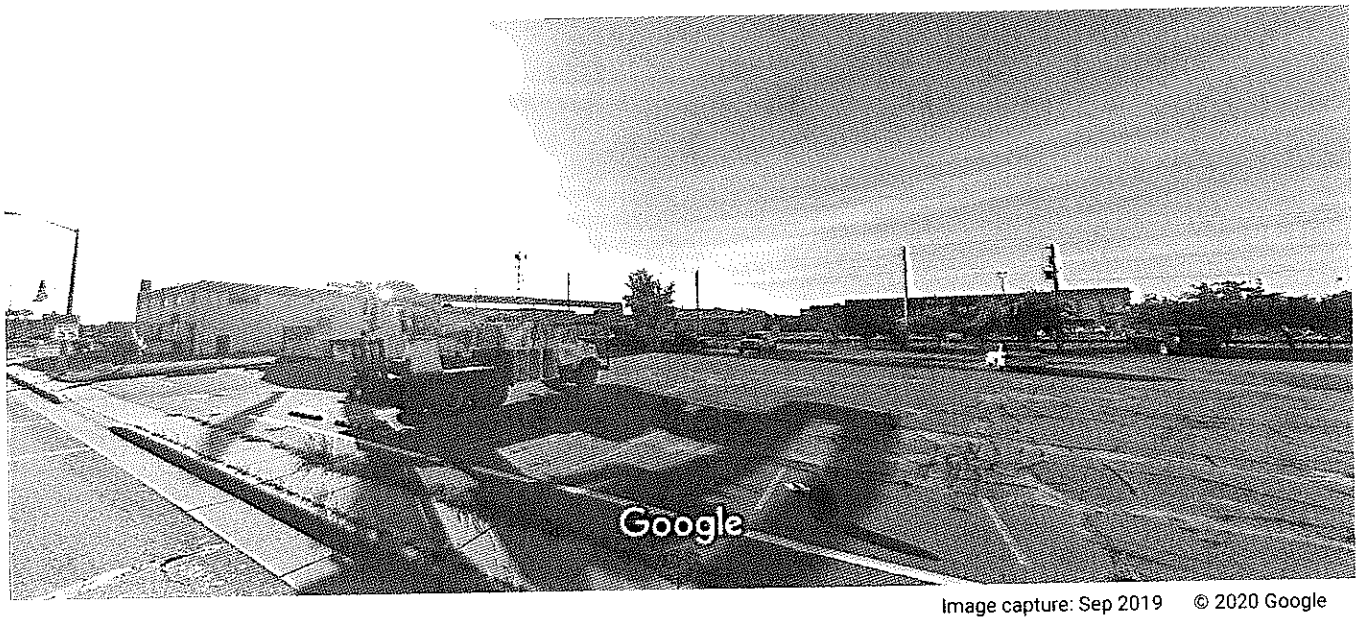
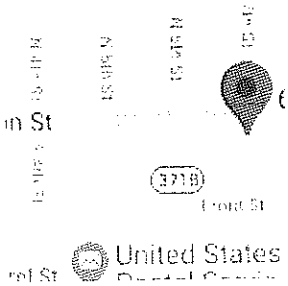


Image capture: Sep 2019 © 2020 Google

Brainerd, Minnesota

Google

Street View



Google Maps 701 MN-210

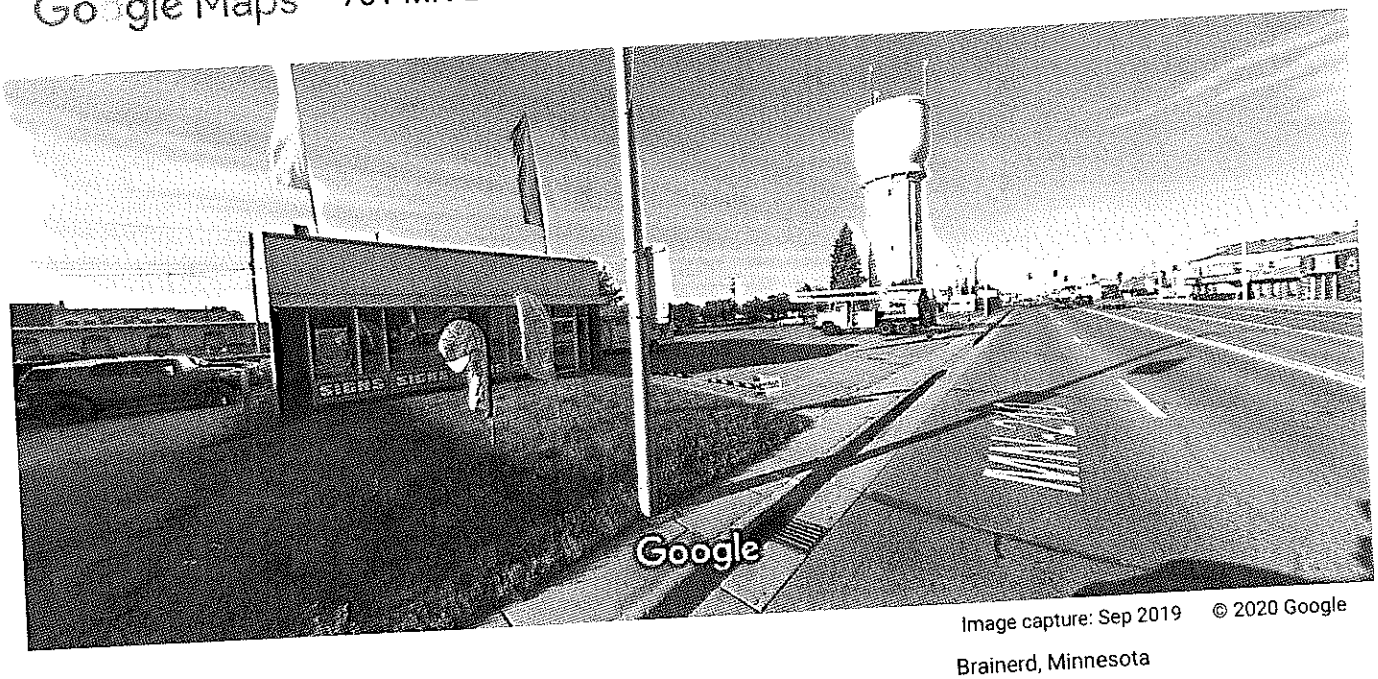
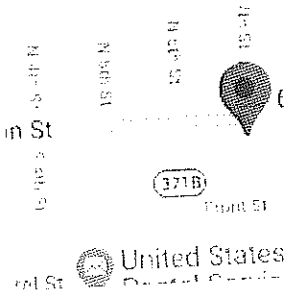


Image capture: Sep 2019 © 2020 Google

Brainerd, Minnesota

Google

Street View



NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that Allison Doyle has submitted a request on behalf of Tower Motors, 624 Washington St., Brainerd, MN 56401, for a Conditional Use Permit to operate an automobile dealership with associated mechanic shop. The property is legally described as:

> *THAT PT OF THE NENW & THE NWNE DAF: COMM AT THE INTERS OF THE S LINE OF WASHINGTON ST & THE E LINE OF 6TH ST ORIGINAL TOWN OF BRAINERD THEN N 89D 58'15" E ASSM BEAR 150 FT ALG SD S LINE OF WASHINGTON ST THEN S 00D 00'35" W 127.20 FT THEN N 89D 01'39" E 130.02 FT TO THE POB OF THE TRACT TO BE DESC THEN N 89D 57'31" E 75 FT THEN N 00D 00'35" E 125.04 FT TO SD S LINE OF WASHINGTON ST THEN S 89D 58'15" W 75 FT ALG SD S LINE OF WASHINGTON ST TO ITS INERS WITH THE LINE WHICH BEARS N 00D*
> *00'35" E FROM THE POB THEN S 00D 00'35" W 125.06 FT TO THE POB.*
> *P.I.N. 41251152*
> *Section 25, Township 45, Range 31*

The property is zoned B-6 (Washington Street Commercial) District. A copy of the proposed site plan is on file for review at the Community Development Department.

A Public Hearing to consider this Conditional Use Permit request will be conducted by the Brainerd Planning Commission at 6:00 p.m. Wednesday, April 15, 2020.

In accordance with the requirements of Minn. Stat. Section 13D.021, Jennifer Bergman, the City Administrator, has determined that an in-person meeting in not practical or prudent because of a health pandemic declared under Chapter 12 of the Minnesota Statutes.

Because of the health pandemic, it has been determined that attendance at the regular meeting location by members of the public is not feasible.

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Therefore, some or all of the City Council members may be participating by telephone or other electronic means.

Members of the public may monitor the meeting via phone. Information regarding how to attend this virtual meeting will be posted to the City's website (ci.brainerd.mn.us) by 4:30pm on Friday, April 10, 2020.

Please submit comments regarding this Conditional Use Permit request to Community Development Director David Chanski at dchanski@ci.brainerd.mn.us. Comments can also be mail to City Hall at 501 Laurel St., Brainerd, MN 56401 or submitted via the dropbox located on the west side of City Hall.

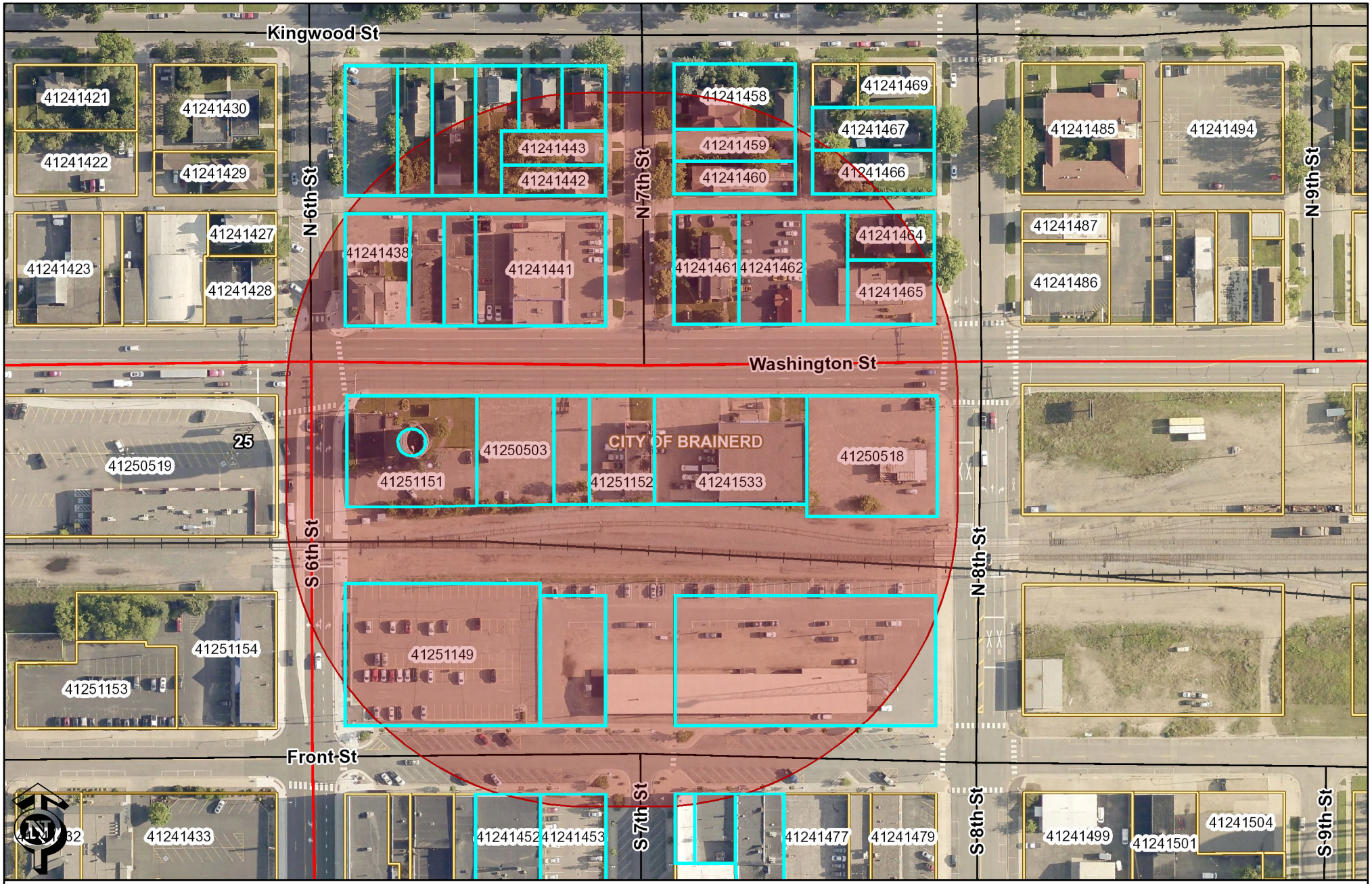
Any individual needing special accommodations or would like more information about this request, please call (218) 828-2307.

Dated this 3rd day of April 2020

Publication Date: April 5, 2020

_____
David C. Chanski, MPA
Community Development Director

Parcel Number	Legacy Parcel Number	Tax Name	Tax Address	Tax Address 2	Tax Address 3	Physical Address	
41241464	09196042007Z889	BEMENT, HARRY & ARLISS	11279 ASH AVE	BRAINERD, MN 56401		211 8TH ST N	
41241437	09196044019X009	BENTHIN, MEREDITH A & DENNIS	612 KINGWOOD ST	BRAINERD MN 56401		612 KINGWOOD ST	
41241442	09196044005Z009	BGK HOLDINGS LLC	12792 PARKWOOD DR		BAXTER MN 56425	213 7TH ST N	
41241443	09196044004Z009	BGK HOLDINGS LLC	12792 PARKWOOD DR		BAXTER MN 56425	217 7TH ST N	
41241441	09196044007Z009	DLP INVESTMENTS LLC	3995 ROOSEVELT RD	ST CLOUD, MN 56301		615 WASHINGTON ST	
41241435	09196044019Z009	GMEINDER, ALFRED J & BARBARA K %SAW	601 WASHINGTON ST	BRAINERD MN 56401			0
41241438	09196044016Y889	GMEINDER, ALFRED J & BARBARA K %SAW	601 WASHINGTON ST	BRAINERD MN 56401		601 WASHINGTON ST	
41251152	060252100C00009	HAMLIN LAKES PROPERTIES LLC	18092 STATE HWY 371		BRAINERD MN 56401	624 WASHINGTON ST	
41251159	060252100DA0009	HAMLIN LAKES PROPERTIES LLC	18092 STATE HWY 371		BRAINERD MN 56401		
41241476	09196041014Z009	HANSON, CARL SIDNEY POST #255	% AMERICAN LEGION	708 FRONT ST	BRAINERD MN 56401	708 FRONT ST	
41241466	09196042005Z009	HELDT, PAIGE	215 N 8TH ST	BRAINERD, MN 56401		215 8TH ST N	
41241444	09196044001Z009	HINRICHS, WILLIAM T	614 KINGWOOD ST	BRAINERD MN 56401		614 KINGWOOD ST	
41241439	09196044014X009	HORSESHOE ENTERPRISES LLC	29468 RUSTIC LN	MERRIFIELD, MN 56465		607 WASHINGTON ST	
41241459	09196042020Z889	JACK AND HARRY INVESTMENTS LLC	206 7TH ST N	BRAINERD, MN 56401		218 7TH ST N	
41241461	09196042016Z009	JACK AND HARRY INVESTMENTS LLC	206 7TH ST N	BRAINERD, MN 56401			0
41241462	09196042013Z009	KINNEY, KAREN	711 WASHINGTON ST	BRAINERD MN 56401		711 WASHINGTON ST	
41241460	09196042019Z009	LAKE, THOMAS J & MELISSA A	102 BELLE RAE CIR	BRAINERD, MN 56401		214 7TH ST N	
41251149	060252100F00009	LIVELY AUTO BLDG REAL EST HOLDINGS	PO BOX 826		BRAINERD MN 56401		0
41250503	060252100D00009	MAROONS LLC	PO BOX 472	BRAINERD, MN 56401		124 6TH ST N	
41251151	060252100EA0009	MAROONS LLC	PO BOX 472	BRAINERD, MN 56401		124 6TH ST N	
41241533	09196016007Z009	MATTHIES FAMILY TRUST AGMT	MATTHIES, WILLIAM & EVELYN TRUSTEES	418 NORTH 3RD ST	BRAINERD, MN 56401	712 WASHINGTON ST	
41250518	09196016001Z009	MATTHIES FAMILY TRUST AGMT	MATTHIES, WILLIAM & EVELYN TRUSTEES	418 NORTH 3RD ST	BRAINERD, MN 56401	724 WASHINGTON ST	
41241463	09196042011Z009	MCLAIN, COLIN & AMY	C/O ROBERT MCLEAN & DOUG SWANSON	2331 DANCING WIND RD SW	PINE RIVER, MN 56474	713 WASHINGTON ST	
41241465	09196042007Y009	MCLAIN, COLIN & AMY	C/O ROBERT MCLEAN & DOUG SWANSON	2331 DANCING WIND RD SW	PINE RIVER, MN 56474	723 WASHINGTON ST	
41241440	09196044013Z009	NOETZEL, BRANDEN J	611 WASHINGTON ST	BRAINERD, MN 56401		611 WASHINGTON ST	
41241436	09196044019Y009	PARSONS, MARY	13204 TIMBERLANE DR	BAXTER, MN 56425-8025		608 KINGWOOD ST	
41241452	09196043010Z889	PUERINGER, DAVID F PUERINGER INVEST	616 1/2 FRONT ST	BRAINERD, MN 56401		614 FRONT ST	
41241473	09196041018A889	PUERINGER, DAVID F PUERINGER INVEST	616 1/2 FRONT ST	BRAINERD, MN 56401		205 7TH ST S	
41241467	09196042003Z009	ROSENBERG, GREGORY J & MARGARET A	219 NORTH 8TH STREET	BRAINERD MN 56401		219 8TH ST N	
41241458	09196042022Z889	RUNBERG, JAMES P & DIANE E TRTEES	1205 LAKEVIEW LN N	BRAINERD, MN 56401		222 7TH ST N	
41241445	09196044001Y009	SORENSON, PHYLLIS M	620 KINGWOOD ST	BRAINERD MN 56401		620 KINGWOOD ST	
41241446	09196044001X009	STREIFF, MARY BETH	624 KINGWOOD ST	BRAINERD MN 56401		624 KINGWOOD ST	
41241475	09196041016Z889	VANDEPUTTE INVESTMENT PROP LLC	8194 FAIRVIEW RD	BAXTER MN 56425		704 FRONT ST	
	091960150000NRE						



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Mailing Map

Date: 4/3/2020 Time: 12:08:30 PM

CROW WING COUNTY MINNESOTA

M E M O

TO: Mayor and City Council

FROM: City Administrator, Jennifer Bergman

DATE: April 20, 2020

RE: City Administrator Report/Update

Farmer's Market

I have been some research on getting the Farmer's Market up and running this summer. Farmer's Markets are clearly exempt in the Governor's Executive Order; however, we will need ensure that we meet the guidelines of the CDC. I believe that often times things are more successful if they are a grass roots effort. Because of this, I reached out to the Downtown Brainerd Business Coalition (DBBC) and the Crow Wing Food Co-op to see if they would have any interest in taking the lead on the Farmer's Market; both declined. I also reached out to Brainerd Community Action to see if they would have any interest and they will be discussing this at their next board meeting. In the meantime, we are putting together the application and information so we can be ready in time. One thing that I may be recommending is to consider closing a street downtown Brainerd from 3:00-6:00 on Tuesday. With the CDC recommendations, we need to make sure that we do not have people and booths within 6' of each other. If we were able to spread our vendors out on the street, we would be able to more easily accommodate this. This will be on your May 4th agenda for your consideration.

Memorial Park Parking Lot

We have executed the purchase agreement for the Memorial Park parking lot and have started moving this process forward. Community Development Director Chanski is reviewing the lot split and we have processed the check for the earnest money. Attorney Langel is working with the Brainerd Land LLC and the title company to get a closing scheduled.

Communications/Marketing Intern

Last week, IT Director Strong and I interviewed several excellent candidates for the Communications/Marketing Intern. You will have a recommendation on the May 4th agenda. This person will be assisting us with several things this summer including reestablishing the city newsletter, creating some consistent messaging and preparing a communication plan.

Ward 3 City Council Applications

Applications for the Ward 3 City Council member is on the City's website and has been posted in the Brainerd Dispatch. We have received two applications to date.

City Hall Remodel

With all the negative surrounding COVID-19, there have been some benefits. First, we are about a month ahead of schedule with the interior remodel of City Hall. Since staff is working at home, our contractors have been able to work uninterrupted. Second, we were going to have to build a temporary reception area for the police department while the current vestibule was being remodeled. Since we are working from home, the contractors were able to start working on the vestibule which will save us a significant amount of money by not having to do the temporary area. The contractors anticipate being completed with the 3rd floor by May 1st. The plan is to have City Hall cleaned and offices moved into their permanent location on May 4th and 5th. If the Governor removes the Stay at Home Order, City Hall staff will continue to work from home and come back to City Hall on May 6th. Since we're already set up to work from home, this will make cleaning and moving furniture much easier without people in the office.

Funding for Programs

Staff is exploring funding that could be available to create programs to assist our businesses when the Governor lifts the Stay at Home Order. We have identified several funds that could potentially be used. Community Development Director Chanski will be working with BLAEDC to establish a task force which will include a Council member and an EDA member. We would like to have something for Council to consider at their May 4th meeting.