

CITY COUNCIL AGENDA

Brainerd, Minnesota

June 1, 2020

7:30 P.M.

WebEx Teleconference Meeting

Call Toll-Free: 844-992-4726

Access Code: 962 027 424

1. Call To Order - 7:30 PM

2. Roll Call

___ T. Erickson ___ J. Lambert ___ K. Stunek ___ D. Pritschet

___ K. Bevans ___ W. Erickson ___ G. Johnson ___ Mayor Badeaux

3. Approval Of Agenda - Voice Vote

4. Consent Calendar

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

A. Approval Of Minutes

1. Regular Meeting Held on May 18, 2020
2. Special Meeting Held on May 27, 2020

Documents:

20200518_CC draft.pdf

20200527_CC draft Spec Meeting.pdf

B. Approval Of Licenses

Contractor Licenses - 11

Documents:

CONTRACTOR LICENSE REPORT - 2020-05-28.pdf

C. Department Activity Reports

1. Fire Chief
2. Parks Director

Documents:

Fire Chief Report.pdf
Park Director Report.pdf

5. Community Member Of The Month

Documents:

Brandon Tuil.pdf

6. Council Committee Reports

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

WebEx Teleconference Meeting Information

- Call Toll Free - 844-992-4726
- Access Code - 963 054 610

Documents:

20200601_PF.pdf

1. Approval Of Bills
2. Police Officer Resignation

Documents:

Police Officer Resignation.pdf

3. Authorize Sale Of Retired Police Squad Car

Documents:

Authorize Sale of Retired Police Squad.pdf

4. Firehouse Subs Public Safety Foundation Grant Application

Documents:

Firehouse Subs.pdf

5. Consideration To Prorate Liquor License Fees

Documents:

Liquor Licenses.pdf

7. 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 - 1 term (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

B. Appoint Community Members To The R5CM Task Force

Documents:

[R5CM Task Force.pdf](#)

C. City Hall Fire Update

Documents:

[City Hall Fire Update.pdf](#)

D. COVID -19 Update

Documents:

[COVID-19 Update.pdf](#)

**E. Final Reading And Public Hearing - Proposed Ordinance No. 1503 - An Ordinance Pertaining To A Petition Of Annexation Of Property
PID 41170508**

a. Hold Public Hearing

b. City Administrator Bergman Recommends to Dispense with and Hold the Actual Reading

c. Adopt Ordinance

Documents:

[Final Reading ORD 1503.pdf](#)

F. Final Reading - Proposed Ordinance No. 1507 - An Ordinance Amending City Code Section 421 Uniform Fire Code

a. City Administrator Bergman Recommends to Dispense with and Hold the Actual Reading

b. Adopt Ordinance No. 1507

Documents:

Final Reading ORD 1507.pdf

G. Final Reading And Public Hearing - Proposed Ordinance No. 1508 - An Ordinance Amending Section 900 Animals

- a. Hold Public Hearing
- b. City Administrator Bergman Recommends to Dispense with and Hold the Actual Reading
- c. Adopt Ordinance

Documents:

Ord No. 1508 - PH and Final Reading.pdf

H. Final Reading And Public Hearing - Proposed Ordinance No. 1509 - An Ordinance Amending City Code Section 515-37 Signs

- a. Hold Public Hearing
- b. City Administrator Bergman Recommends to Dispense with and Hold the Actual Reading
- c. Adopt Ordinance

Documents:

Final Reading ORD 1509.pdf

8. New Business

A. Resolution - Ordering Improvement And Authorizing Advertisement For Bids - Improvement 14-05 - Old Stonebridge Trail Surfacing Final Lift

Documents:

PH and RES Imp 14-05.pdf

B. Public Hearing Regarding A Proposed Property Tax Abatement

1. Hold Public Hearing
2. Adopt Resolution

Documents:

Res - Tax Abatement Bonds.pdf

1. (Added Item) Email From Mr. Ed Menk Regarding Bonding

Documents:

Email from Ed Menk.pdf

C. Adoption Of Resolution Providing For The Issuance And Sale Of

**General Obligation Bonds, Series 2020A, In The Proposed
Aggregate Principal Amount Of \$3,880,000**

Documents:

Res - Set Sale of 2020A Bonds.pdf

9. **Public Forum**

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

10. **Staff Reports**

(Verbal: Any Updates since Packet)

11. **Council Member Reports**

12. **Adjourn**

Personnel & Finance Committee will meet at 7:00 PM via WebEx Teleconference

Call Toll-Free: 844-992-4726

Access Code: 963 054 610

Safety & Public Works Committee will not meet this week.

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

MISSION

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

**Brainerd, MN
May 18, 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: T. Erickson, Lambert, Stunek, Pritschet, Bevans, W. Erickson, and Johnson. Mayor Badeaux was also noted as present.

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

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

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

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

A. Approval of the Minutes of the Regular Meeting held on May 4, 2020 - Approved

B. Approval of Licenses - Approved

Contractor Licenses – 7

C. Department Activity Reports - Approved

1. Police Chief
2. Finance Director

D. Police Department Carpet Change to Remodel Project - Approved

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

Council Committee Reports

Personnel and Finance Committee Report

Approval of Bills - Approved

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND T. ERICKSON TO APPROVE THE PAYMENT OF BILLS AS RECOMMENDED BY PERSONNEL AND FINANCE COMMITTEE.

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

Request from Brainerd Community Action for 4th of July Fireworks Donation - Approved

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND STUNEK TO APPROVE THE REQUEST FROM BRAINERD COMMUNITY ACTION FOR A DONATION OF \$8,000 FOR THE 4TH OF JULY FIREWORKS; FURTHER TO AUTHORIZE THE PAYMENT TO BE MADE AFTER JUNE 2, 2020 WHEN IT IS KNOWN THAT THE EVENT WILL BE HELD DUE TO COVID-19.

Brainerd Community Action Executive Director Badeaux explained the organization hopes to present a firework's display amid COVID-19 regulations and will be in contact with other entities for donations.

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

Small Business Relief Grant - Approved

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND T. ERICKSON TO TRANSFER \$90,000 FROM THE CITY'S ECONOMIC INITIATIVE FUND (FUND 217) TO THE BRAINERD ECONOMIC DEVELOPMENT AUTHORITY (EDA) TO FUND THE SMALL BUSINESS RELIEF GRANT.

Committee Chair Pritschet explained the intent of the grant program is to help support small businesses during the pandemic. He stated Fund 217 was established in 2018 when the City participated in the one-time exception of use of State MIF Funds. The City retained 80% of the balance at that time, and the Council designated the funds to be used as City Economic Initiatives.

Community Development Director Chanski stated the grant eligibility is \$3,000 per legal entity.

Council Member Bevans indicated the grants need to be issued to businesses that generate revenue in the City, as this is the purpose of MIF funds.

Council discussion took place regarding the details of the grant and the guidelines.

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

Request for Funds to Conduct Marketing Campaign - Approved

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND BEVANS TO DIRECT STAFF TO IMPLEMENT THE PROPOSED MARKETING CAMPAIGN AND DESIGNATE \$25,000 OF CITY ECONOMIC INITIATIVE FUNDS FROM FUND 217 TO FUND THE CAMPAIGN.

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

Termination of Memorandum of Agreement (MOA) with HRA for Administration of Revolving Loan Program - Approved

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND T. ERICKSON TO AUTHORIZE WRITTEN NOTICE TO BE SENT TO THE HRA TERMINATING THE MEMORANDUM OF AGREEMENT (MOA) ASSOCIATED WITH THE ADMINISTRATION OF THE CITY OF BRAINERD'S REVOLVING LOAN PROGRAM AND REQUESTING THE HRA TO WAIVE THE 60-DAY NOTICE REQUIREMENT IN THE MOA.

Finance Director Hillman indicated the returned \$100,000 would be placed in Fund 217 for City Economic Initiatives.

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

Safety and Public Works Committee Report

Event Application – Corpus Christi Processional - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT TO ACCEPT STAFF'S RECOMMENDATION AND APPROVE THE CORPUS CHRISTI PROCESSIONAL ON JUNE 14, 2020 WITH THE CONDITION OF COMPLIANCE WITH THE GOVERNOR'S ORDERS REGARDING COVID-19 GUIDELINES.

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

Event Application – Produce Pop-Up - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND W. ERICKSON TO ACCEPT STAFF'S RECOMMENDATION AND APPROVE THE PRODUCE POP-UP EVENT ON MAY 26, 2020 UNDER THE CONDITION THAT SIGNAGE AND GARBAGE BE REMOVED IMMEDIATELY AFTER THE EVENT.

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

Improvement 20-02 – 2020 Crack Seal Project Quotes - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT TO ACCEPT STAFF'S RECOMMENDATION AND AUTHORIZE STAFF TO ENTER INTO A CONTRACT WITH LOT PROS INC IN THE CONTRACT COST OF \$15,759.

Committee Chair Bevans stated there is an additional cost of approximately \$5,600 of materials for this project that have been purchased on a state bid.

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

Testing Services – Improvement 19-10 – NE Brainerd Resurfacing Project - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND W. ERICKSON TO ACCEPT STAFF'S RECOMMENDATION AND APPROVE THE PROPOSAL FROM ITT IN THE AMOUNT OF \$4,495 FOR TESTING SERVICES ON IMPROVEMENT 19-10 NE BRAINERD RESURFACING PROJECT.

City Engineer Sandy stated staff felt comfortable accepting the low bid by ITT to give this firm an opportunity to prove their performance on a smaller project.

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

Testing Services – Improvements 19-09, 13-21, 19-16, 19-20 and 19-21 – NE Brainerd Reconstruction Project - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT TO ACCEPT STAFF'S RECOMMENDATION AND APPROVE THE PROPOSAL FROM BRAUN INTERTEC IN THE AMOUNT OF \$44,480 FOR TESTING SERVICES ON IMPROVEMENTS 19-09, 13-21, 19-16, 19-20 AND 19-21 NE BRAINERD RECONSTRUCTION PROJECT.

Committee Chair Bevans explained due to the complexity and timeliness of this state aid project, staff felt Braun Intertec was the correct choice.

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

Sanitary Sewer Infiltration and Inflow Study - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND W. ERICKSON TO ACCEPT STAFF'S RECOMMENDATION AND APPROVE THE PROPOSAL FROM SEH FOR THE SERVICES OUTLINED IN THE DOCUMENT WITH HALF THE COSTS TO BE PAID BY BPU AND THE CITY SHARE TO BE PAID FROM THE SANITARY SEWER FUND 237.

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

Unfinished Business

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

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

Cable TV Advisory Committee – 1 term (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)

Other

Water Tower Fundraising Committee – Applicants Needed

New Business

Consider City of Brainerd Preparedness Plan/COVID-19 Update

City Administrator Bergman gave an update of the current procedures staff is following regarding COVID-19 and the Governor's regulations. She indicated due to the fire at City Hall, it is suggested to continue with the current work at home plan for several staff members and for public buildings to remain closed to the public until at least June 2, 2020. She said the June 1, 2020 council meeting will take place via WebEx and further details and progress of the fire cleanup will be provided at that meeting.

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND BEVANS TO APPROVE THE STAY AT HOME WORK PLAN AS PRESENTED.

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

Fire Chief Holmes explained the details of the recommended preparedness plan and the guidelines staff will follow.

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND T. ERICKSON TO ADOPT THE CITY OF BRAINERD'S PREPAREDNESS PLAN AS PRESENTED.

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

Resolution Supporting Lake Country Cares – Adopted by Resolution No. 22:20

City Administrator Bergman gave a brief explanation of the campaign which is in collaboration with the Brainerd Chamber of Commerce and Crow Wing County.

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT TO ADOPT A RESOLUTION ENDORSING THE LAKE COUNTRY CARES CAMPAIGN AS PRESENTED.

RESOLUTION 22:20

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

Appoint Community Members to the R5CM Task Force – Direction to Staff

City Administrator Bergman explained the application process was open from May 5th through May 13th for residents to apply to the Region 5 Children's Museum Task Force. She indicated there were four applications received, but none of them are from City of Brainerd residents. She said the applicants are from surrounding areas of Brainerd and is asking for Council direction to proceed.

Council directed staff to re-open the application process until Wednesday, May 27th, 2020 with applications available on the City website.

Conduct Dangerous Dog Hearing – No Action

City Attorney Langel gave a brief explanation regarding the details of the dangerous dog hearing based on an appeal from the dog owner.

The Chair requested IT Director Strong to unmute the callers and asked for the dog owner to identify themselves by stating their name and address.

No one came forward as the dog owner.

It was determined the dog owner did not call in during the meeting, and the appeal hearing has been canceled.

Farmer's Market Update - Approved

City Administrator Bergman indicated she has reached out to four different organizations and the Parks Department to take the lead on the Downtown Farmer's Market this season to which they have all declined. She explained the guidelines for operating a market during COVID-19 would take extensive staff time and it has been recommended to suspend the market this year and continue to explore options for 2021.

MOVED AND SECONDED BY ALDERMEN LAMBERT AND BEVANS TO SUSPEND THE DOWNTOWN FARMERS MARKET FOR THE 2020 SEASON.

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

First Reading of Proposed Ordinance No. 1508 – Amending Section 900 of the Brainerd City Code Pertaining to Animals - Approved

Finance Director Hillman explained the new computer software has slightly modified the dog licensing process and a few changes to the City Code are recommended: 1) Remove the requirement for the owner to provide the color of the dog 2) Remove the requirement of attaching a copy of the vaccination record as staff will view and document rabies tag number 3) Remove the requirement to have the dog owner sign an affidavit of spay/neuter and to accept a verbal confirmation.

Michael O'Brien, animal control officer for the City indicated these changes are acceptable.

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET TO HOLD THE FIRST READING AND DISPENSE WITH THE ACTUAL READING OF PROPOSED ORDINANCE NO. 1508 TO AMEND CITY CODE SECTION 900 PERTAINING TO ANIMALS.

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

First Reading and Set Public Hearing – Proposed Ordinance No. 1509 – Amending Section 515-37: Signs of the Code of Ordinances - Approved

Community Development Director Chanski explained the change is to simplify the wording in the code regarding the placement of signs for elections or realtor signs.

MOVED AND SECONDED BY ALDERMEN AND TO HOLD THE FIRST READING AND DISPENSE WITH THE ACTUAL READING OF PROPOSED ORDINANCE NO. 1509 TO AMEND CITY CODE SECTION 515-37 PERTAINING TO SIGNS AND SET THE PUBLIC HEARING FOR JUNE 1, 2020.

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

Municipal Separate Storm Sewer System (MS4) Presentation and Public Hearing

City Engineer Sandy gave a presentation to educate the public on the importance of storm water management. The purpose of the presentation is to give an overview of the City's storm sewer system, and to allow the public to comment on the Municipal Separate Storm Sewer System (MS4) permit that is administered through the Minnesota Pollution Control Agency (MPCA).

The Chair opened the public hearing at 9:28 p.m.

No one came forward to speak.

The Chair closed the public hearing at 9:28 p.m.

Resolution – Accepting Bid – Improvement 19-10 – NE Brainerd Resurfacing Project – Adopted by Resolution No. 23:20

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT TO ADOPT A RESOLUTION TO ACCEPT THE BID AND AUTHORIZE STAFF TO ENTER INTO A CONTRACT WITH KNIFE RIVER INC AT THE COST OF \$1,145,091 ON IMPROVEMENT 19-10 NE BRAINERD RESURFACING PROJECT.

RESOLUTION NO. 23:20

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

Resolution – Accepting Bid – Improvements 19-09, 13-21, 19-16, 19-20 and 19-21 – NE Brainerd Reconstruction Project – Adopted by Resolution No. 24:20

MOVED AND SECONDED BY ALDERMEN BEVANS AND STUNEK TO ADOPT A RESOLUTION TO ACCEPT THE BID AND AUTHORIZE STAFF TO ENTER INTO A CONTRACT WITH ANDERSON BROTHERS CONSTRUCTION OF BRAINERD LLC AT THE COST OF \$1,950,725 FOR IMPROVEMENTS 19-09, 13-21, 19-16, 19-20 AND 19-21 NE BRAINERD RECONSTRUCTION PROJECT.

RESOLUTION NO. 24:20

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

Public Forum

The Chair opened the public forum at 9:34 p.m. and directed IT Director Strong to unmute the callers.

The Chair recognized Cheryl Peterson, 1518 Quince St., who stated she would like the Council to amend the City Code Section 900 to allow for a non-profit in-home animal rescue service.

The Chair recognized Julie Vanderschaaf, 11229 Easy St., who spoke in favor of Ms. Peterson and the rescue service.

The Chair closed the public forum at 9:42 p.m.

Staff Reports

Fire Chief Holmes stated the state fire marshal was at City Hall this evening to investigate the roof fire that occurred today. He gave a brief outline of the damage incurred and the process going forward to discover the cause of the fire and the repairs needed.

City Engineer Sandy indicated the League of MN Cities insurance adjusters, as well as the contractors' insurance agents will be on site tomorrow.

City Administrator Bergman thanked the fire department for the prompt response and care given to the equipment inside.

City Administrator Bergman stated the House and Senate have a bill in process for the Cares Act to provide funding to cities and counties due to COVID-19.

Community Development Director Chanski announced the EDA is holding a meeting May 19th at 6:00 p.m. via WebEx and there will be no Planning Commission meeting this month.

Finance Director Hillman stated bonding is moving forward for several projects and a public hearing will be held at the council meeting, June 1, 2020 for the tax abatement bonds. She announced 2020 Election filings will be posted tomorrow, May 19th on the City website with links provided to the Secretary of State website. She said new legislation has changed how filing for office can be done for the 2020 election.

Council Member Reports

Mayor Badeaux thanked the fire and police departments, as well as first responders and city staff during the fire at City Hall today.

Council Member Bevans stated he had the opportunity to work with two local businesses, Easy Riders Bike Shop and Mike Hamad Upholstery who provided great service. He encouraged everyone to shop local and call ahead because many are open, but the doors are still locked due to COVID-19.

Council Member Lambert announced there will be a short Memorial Day service that will be live streamed at the All-Vets Memorial on Monday. She also inquired about the animal rescue from public forum, which cannot be discussed due to pending legal issues.

Council Member Stunek encouraged everyone to support local businesses.

Council Member T. Erickson also thanked the fire department for the great work today at City Hall.

Council Member W. Erickson gave recognition to the EDA for the work in developing a grant program for small businesses.

Council Member Johnson stated local businesses are struggling with the decisions from the Governor and is in support of the Lake Country Cares campaign and local grants. He announced Josh Heintzeman contacted him today regarding the fire at City Hall asking if the City needs anything to recover.

Finance Director Hillman stated staff has heard from local restaurants and bars thanking the City for delaying the liquor license fee due date, as this is a tremendous help during this time.

Adjourn

The Chair adjourned at 10:00 p.m.

Jennifer Bergman
City Administrator

Pursuant to due call and notice thereof, the special meeting of the Brainerd City Council via WebEx teleconferencing was called to order at 6:01 P.M. by Council President Johnson.

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

Approval/Amendment of Agenda

Council Member Bevans stated he would like to add a topic to the agenda: *City Hall Fire Update*.

MOVED AND SECONDED BY ALDERMEN BEVANS AND STUNEK TO AMEND THE AGENDA BY ADDING THE CITY HALL FIRE UPDATE.

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

City Hall Fire Update – No Action Allowed

City Engineer Sandy indicated an asbestos material was found on the roof of City Hall and explained the details of the discovery.

City Attorney Langel stated topics cannot be added to a special meeting agenda that are not public noticed.

Council determined the topic will be on the June 1st Council meeting agenda and no motion can be made tonight.

Consideration of Temporary Extension of Premises - Approved

City Administrator Bergman explained the Governor’s order to allow bars and restaurants to operate in an outdoor only setting with limits in place of no more than 50 patrons and to maintain the six-foot social distancing requirement.

Community Development Director Chanski reviewed the requirements of business owners that had been drafted in the Temporary Extension of Premises application that was provided in the packet. He indicated Crow Wing County and the City of Baxter will be following a similar process.

Council discussion took place.

Community Development Director Chanski recapped the changes to be made to the application are as follows:

- Remove Item 1b. If an extension of premises using right-of-way is requested, the proprietor must receive permission in writing from all immediately adjacent properties prior to submitting such an application.

- Amend Item 3a. Applicant to indicate they have a COVID-19 Preparedness Plan in place
- Remove Item 3b. Hours of Operation
- Remove Item 3c. Lighting Plan
- Amend Item 3d. Lighting and Noise Ordinances in City Code Section 2014 must be followed
- Remove Item 3e. Location of fire extinguishers
- Remove Item 3f. Parking plan
- Amend Item 5. Temporary structure requests are to be included in the application site plan

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND LAMBERT TO APPROVE THE AMENDED TEMPORARY EXTENSION OF PREMISES APPLICATION AND GUIDELINES AS PRESENTED.

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

MOVED AND SECONDED BY ALDERMEN LAMBERT AND STUNEK TO ADOPT THE ATTACHED RESOLUTION TO ALLOW FOR A TEMPORARY EXTENSION OF PREMISES WAIVING PERMIT FEES FOR TEMPORARY STRUCTURES.

RESOLUTION 25:20

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

Adjourn

The Chair adjourned at 7.28 p.m.

Jennifer Bergman
City Administrator

Contractor List

05/28/2020

Contractor Name	Address	Local License #	Licensee Type
CRAIG E WILLIAMS CONSTR CRAIG E WILLIAMS	22765 HOLE IN THE DAY DR (218) 963-2631	2020-0001	Residential Building
EL-JAY PLUMBING & HEATIN BRYANT FRITZ	520 APOLLO AVE NE (320) 251 8330	2020-0003	Plumbing Contractor
ENERGY & AIR SYSTEMS, INC ROB GRONSETH	806 HUGHITT AVE (715) 392-9115	2020-0003	Mechanical
EXTREME PLUMBING AND H MICHAEL E MASKE	7516 BLUE WATER BEACH RD (218) 851-2048	2020-0004	Plumbing Contractor
GREEN VALLEY ROOFING ERIC HAATAJA	33552 109TH AVE (218) 255 2477	2020-0001	Roofing
LOCHNER PLUMBING INC BRANDON LOCHNER	28251 103RD ST (320) 412-6398	2020-0006	Plumbing Contractor
MID-CITY MECHANICAL COR BRAD POSER	9103 DAVENPORT ST NE (763) 786 8617	2020-0004	Mechanical
MURRAY HEBERT'S HEATINC MURRAY HEBERT	6259 CLEARWATER RD (218) 825-7328	2020-0006	Mechanical
PETERSON SHEET METAL JAIME QUELLO	3728 BEMIDJI AVE N (218) 751-4502	2020-0005	Mechanical
RTL CONSTRUCTION, INC. SHAWN LARSON	290 SARAZIN ST (612) 597 8987	2020-0001	Drywall
TNT AGGREGATES, LLC JANET HAMMERLUND	40 COUNTY RD 63 (218) 326 4184	2020-0002	General Commerical

Totals: 11

Population: All Records

Brainerd Fire Department

To: Mayor and City Council
From: Tim Holmes, Brainerd Fire Chief
Date: May 28, 2020
Re: May Activity Report

As you can imagine, our May report is much like the last couple months. We have continued to stay very busy with calls, but we still have not been able to participate in public events. May is usually a very busy month with fire safety education in our schools and we always look forward to that time with the kids. This year has been much different. We connected with the public through a Virtual Field Trip of the Fire Station and the apparatus. It was our first attempt at any type of video production, and it was well received, with many positive comments.



A crew attended the BHS Graduation event at BIR. It was fun to be out in the community to celebrate with our area seniors. We appreciate the opportunity to assist in highlighting the BHS graduation.



We are continuing to monitor all the information associated with COVID-19 and remain committed to protecting our firefighters and the community. Chief Holmes and Fire Marshal/Deputy Chief Cox have been working with other city staff and businesses to help them re-open safely when the time is right. We have assisted with occupancy loads, fire code concerns, and general re-opening guidelines. FM/DC Cox is also conducting license inspections to make sure businesses are ready when they do open.

PulsePoint



You can download the free app in either the Apple App Store or on Google Play by simply searching for "PulsePoint". Once you have the app downloaded, click Nearby CPR-Needed in the notifications to receive these lifesaving alerts.

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

Structure Fire	4
Grass Fire	6
Outside Fire	2
Vehicle Crash with Injuries	2
Assist Other Governmental Agency	2
Good Intent	5
Unauthorized Burning	3
Smoke Removal	1
Alarm System Activation	10
Canceled Enroute	4
Carbon Monoxide Alarm	3
Total	42

City of Brainerd Incident Report

Structure Fire	3
Outside Fire	1
Vehicle Crash with Injuries	1
Assist Other Governmental Agency	2
Unauthorized Burning	2
Canceled Enroute	1
Good Intent Call	2
Alarm System Activation	4
Total	16

Parks and Recreation Report

June 2020

Gregory Park tennis courts

The Park Board approved putting up nets at the Gregory Park tennis courts effective May 27. Staff will follow LMC guidelines and place signs at each entrance stating: "This facility has not been sanitized. Use at your own risk."

Ash Management Grant

The USDA Forest Service has awarded the Minnesota Department of Natural Resource an ash management grant. The Park Board approved accepting a \$30,395 grant. The matching grant of \$10,132 was waived. Through this project, Brainerd will obtain an inventory of public trees, and will craft an Emerald Ash Borer management plan. (See attached for the plan outline).

Virtual programming

Staff has been working on virtual programming and the rollout date will be June 1. Programming will include color contests (MLB logos, wildlife, 4th of July theme, etc.); nature photography; virtual tours of state trails and museums; Ted Talks; fishing photos catch of the day; sport practice plans; zoo live cams; scavenger hunts; playground core workouts; possibly a yoga coach; home athletic drills for baseball, soccer, tennis, softball, basketball and volleyball. All activities are free.

Outdoor Recreation Grant update

The Minnesota DNR reported it has received more than 50 applications for the Outdoor Recreation Grant this year. The DNR is hoping a special session will provide more funds and will make award announcements after that – probably within the next two weeks. Staff applied for \$488,623 in funds for the Memorial Park project.

Memorial Park project

RFPs for the Memorial Park project were due May 29. A special meeting is scheduled for 4 p.m. on June 2 for the Park Board to choose the firm it will hire for the project

Lum Park campground

Following the governor's directives, the Lum Park campground will re-open June 1 for self-contained recreation vehicles only. Therefore, no pop-up trailers or pickup campers will be allowed. The restrooms and showers will remain closed as it would be very difficult to keep them sanitized since they are open 24 hours per day. Persons making reservations have been notified the restrooms/showers are not available for use.

State baseball qualifiers cancelled

The five state baseball qualifiers scheduled over three weekends in June have been cancelled. Staff has been on conference calls with the MRPA, LMC and the Minnesota Sports Commission regarding team activities and have been reviewing the governor's executive orders and proposals made to the governor's office by the sports associations. The Minnesota Sports Commission has proposed a three-phase plan: 1-practices, 2-in-house games, 3-tournaments. On June 1 it is hoped Phase 1 will be implemented.

Current guidelines for team activities state practices must be 10 or fewer individuals participating, beginning June 1.

Under the proposed Phase II and Phase III, during games only three people (coaches and/or players) can be in a dugout due to social distancing and all players and coaches would need to be separated by 6 feet outside the dugout. Umpires would call balls and strikes from behind the mound. Bleachers would be removed, and fans would need to be seated behind the outfield fence or along the sidelines on the outfield side of first or third base.

Proposals would require dugouts, baseballs and equipment to be sanitized after each half or full inning. Restrooms and concession stands (if open) would need to be sanitized throughout the day.

Staff believes that being an uncontrolled venue (as opposed to a business, for example) it would be next to impossible to control social distancing between the fans, interaction on the field (catcher/batter, plays at the bases, etc.), and mingling of players and coaches waiting to play the next games

Staff believes it would be costly to secure sanitizing product and equipment, and many people would be needed to sanitize everything listed earlier.

Rotary Riverside Park update

The Brainerd Rotary Club planted more than 100 red oak, burr oak, birch, mountain ash, crabapple, and chokecherry trees at Rotary Riverside Park. Most of the trees were 12 to 18 inches and protected from deer browse by plastic sleeves. The Rotary Club has put on the roof at the entrance gateway and the stonework will be completed soon.

Ski Loons cancel season

The Brainerd Ski Loons has cancelled its season, including all practices. They will not be putting out their dock and ramp.

To: Park Board
From: Tony Sailer, Parks Director
Date: May 6, 2020
RE: Ash Management Grant



www.ci.brainerd.mn.us/parks

The USDA Forest Service has awarded the Minnesota Department of Natural Resources an ash management grant. If approved by the Park Board the contract with the Minnesota DNR will include:

- Brainerd will be awarded \$30,395 in grant funds for allowable ash management activities
- The matching grant of \$10,132 will be waived
- Through this project, Brainerd will obtain an inventory of public trees, and will craft an EAB management plan. Following completion of the management plan, Brainerd will know where priorities lie for strategic management of the public tree resource. The funding remainder will then be used by Brainerd to slow the spread of EAB and other exotic tree pests and diseases in areas of the highest need, whether through:
 - Removal of unhealthy trees and replacement with a more diverse mixture of species,
 - Treatment of valuable and healthy ash with non-neonicotinoid injectable pesticide emamectin benzoate, or
 - Tree planting for building canopy diversity and resilience
- Funding to Brainerd will be reimbursed on a periodic basis, following completion of set grant accomplishments

The tentative timeline for this project is as follows:

September 2020: Grant contract fully executed.

Fall 2020: Community selects contractor to perform tree inventory and management plan.

Fall-Winter 2020-2021: Inventory work completed, EAB management plans developed.

Winter 2020-2021: Community marks and removes ash or other unhealthy/diseased trees (such as elm, if applicable). Community begins development of planting plans for ash replacement and three-year maintenance plans to ensure long-term success.

April-September 2021: Treatment of valuable ash trees with emamectin benzoate (if applicable).

Spring-Fall 2021: Inventory work and EAB management plans completed if not finished in 2020. Community plants containerized and/or bareroot trees.

Winter 2021-2022: Community marks and removes ash or other unhealthy/diseased trees.

Spring-Fall 2022: Repeat management schedule if/as needed.

September 30, 2022: End of grant. Submit final grant reporting.



Brainerd City Council Agenda Request

Requested Meeting Date:

Title of Item:

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by:	Department:
Presenter (Name & Title):	Estimated Time Needed:
Summary of Issue:	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion:	
Financial Impact: <i>Is there a cost associated with this request:</i> ☐ Yes ☐ No <i>What is the total cost, with tax and shipping</i> \$ _____ <i>Is this budgeted?</i> ☐ Yes ☐ No <i>Please Explain:</i>	



COMMUNITY MEMBER OF THE MONTH

THE BRAINERD CITY COUNCIL AWARDS

Brandon Tuil

For his selfless devotion to keeping the Brainerd community beautiful

Dave Badeaux
Mayor

David Chanski
Community Development Director



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

**June 1, 2020
7:00 PM**

**WebEx Teleconference Meeting
Call Toll-Free: 844-992-4726
Access Code: 963 054 610**

1. Approval of Bills
2. Police Officer Resignation
3. Authorize Sale of Retired Police Squad Car
4. Firehouse Subs Public Safety Foundation Grant Request
5. Consideration to Prorate Liquor License Fees



Brainerd City Council Agenda Request

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Letter of Resignation

05/13/2020

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

Dear Chief MuQuiston

Please accept this letter as a formal notice of my resignation as a Patrol Officer for the Brainerd Police Department. I intend for this resignation to become effective on 05/14/2020.

Thank you Brainerd Police Department for the opportunity to work with such a great group of individuals. The staff has shown me so much about being a great Police Officer. I have observed great police work first hand and was proud to be a part of your department making a difference. The intuition, training, skills, and integrity of the Officers at the Brainerd Police Department is one of highest regard. Thank you for allowing me to be a part of your Department and City.

Sincerely,
Dalton Joel Langer

Dalton J. Langer 05/14/2020



Brainerd City Council Agenda Request

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Brainerd City Council Agenda Request

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Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion:	
Financial Impact: <i>Is there a cost associated with this request:</i> ☐ Yes ☐ No <i>What is the total cost, with tax and shipping</i> \$ _____ <i>Is this budgeted?</i> ☐ Yes ☐ No <i>Please Explain:</i>	

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.

April 6, 2020

Connie Hillman

From: Jennifer Bergman
Sent: Tuesday, May 26, 2020 12:49 PM
To: Connie Hillman; Pamela Ziemer
Subject: FW: {external} RE: Liquor License Temporary Extension of Premises Legal Opinion

From: Debby Erickson <Debby.Erickson@crowwing.us>
Sent: Tuesday, May 26, 2020 11:59 AM

Subject: {external} RE: Liquor License Temporary Extension of Premises Legal Opinion

Good morning –

At their meeting this morning, the county board authorized refunding 50% of the liquor license fees for on-sale & Sunday establishments licensed by Crow Wing County. Essentially this, reduces the fees for the license period of July 1, 2020 – June 30, 2021 from \$2100 to \$700 for On-Sale & Sunday establishments and \$2,450 to \$815 for Combination On-Sale, Sunday & Off-Sale establishments.

If your city has taken action to reduce fees for your liquor establishments, please let me know what action has been taken so we can create a comprehensive listing.

Thank you

Original Fee is \$2,100, March - June forgiven - \$700, for a net fee of \$1,400 * 50% = \$700

Deborah A. Erickson
Administrative Services Director
326 Laurel Street, Suite 22
Brainerd, MN 56401

Office: [\(218\) 824-1049](tel:(218)824-1049)
Cell: [\(218\) 831-4037](tel:(218)831-4037)
Fax: [\(218\) 824-1046](tel:(218)824-1046)
www.crowwing.us

How are we doing? We'd love to hear from you...[Customer Service Survey](#)



Our Vision: Being Minnesota's favorite place.
Our Mission: Serve well. Deliver value. Drive results.
Our Values: Be responsible. Treat people right. Build a better future.



Brainerd City Council Agenda Request

Requested Meeting Date:

Title of Item:

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RECEIVED

MAY 12 2020

City of Brainerd Commission/Committee/Board Application Form

Any questions contact City Hall at 218-828-2307

CITY OF BRAINERD
ADMINISTRATION

Commission/Committee/Board Applying for Children's Museum Date: 5-9-2020

This application is public data pursuant to M.S. 13.43

PLEASE NOTE: Completion and submission of this form grants the City authority to conduct a background check including a complete criminal history and driver's license check.

*Name: Last Askerooth-Dlson First Cynthia M.I. S.

PLEASE NOTE: Please see the individual committee requirements to serve on a City Committee or Board.

Why do you want to be on the Commission/Committee/Board you are applying for?

My deep desire and passion for a children's Museum expands over 43 years of dreaming! I'm serious-its true. I've taken hundreds of children on buses to: The Works, Bell, Science Museums. I am dedicated to my community, I want to help!

What skills, strengths, or abilities do you believe you will add to the organization?

I AM detail orientated and yet can visualize complete projects. I have a robust imagination and curiosity towards life. I enjoy doing research. Consider myself hard working, fun and enjoy listening to viewpoints. It would be a honor to help create this amazing project!

* Please refer to the "Meeting Dates and Time" for your desired Committee; are you able to commit to this schedule? I'm available anytime, I'll be there.

* After Reviewing the City's "Conflict of Interest Policy" Please Explain if you are aware of any situation that might be perceived by others as a "Conflict of Interest" if you are appointed: None

Please list any additional comments:

P.S. I've taught K-6 Visual Arts, Kindergarten and First Grade for 43 ~~glou~~ glorious years!

Cynthia Askerooth-Dlson 5-9-2020
(Signature) (Date)

*Required Information

Submit completed application forms via one of the following options:

Email: sbestul@ci.brainerd.mn.us

fax: 218-828-2316

Mail: City of Brainerd, 501 Laurel Street, Brainerd MN 56401



City of Brainerd

Commission/Committee/Board Application Form

Any questions contact City Hall at 218-828-2307

Region 5 Children's Museum

Commission/Committee/Board Applying for Task Force _____ Date: 5/10/20

This application is public data pursuant to M.S. 13.43

PLEASE NOTE: Completion and submission of this form grants the City authority to conduct a background check including a complete criminal history and driver's license check.

*Name: Last Dens First Mandy M.I. L

PLEASE NOTE: Please see the individual committee requirements to serve on a City Committee or Board.

Why do you want to be on the Commission/Committee/Board you are applying for?

I am very excited about the addition of the Children's Museum to our community. I value investing time in the community in order to enrich the lives of others. I also have a daughter who will love to go to the Children's Museum. I have experience organizing educational opportunities for children.

What skills, strengths, or abilities do you believe you will add to the organization?

I have my Master's Degree in Elementary Education and have worked in the Brainerd School District. My Leadership experience includes: All Saints Church Building Committee, Brainerd Jaycees Ice Fishing Extravaganza Planning Committee, past Brainerd Jaycees Board member, and past Chairperson for Brainerd Distinguished Service Awards. My communication expertise includes being the statewide coordinator for the MN School Sealant Program. I am skilled at working on teams and I get along easily with others.

*Please refer to the "Meeting Dates and Time" for your desired Committee; are you able to commit to this schedule? Yes, I have flexibility.

*After Reviewing the City's "Conflict of Interest Policy" Please Explain if you are aware of any situation that might be perceived by others as a "Conflict of Interest" if you are appointed:

Please list any additional comments:

I have transitioned from being a full time teacher to raise my daughter. I have time and energy that I am excited to devote to the planning and implementation of the Children's Museum. Thank you for your consideration. I look forward to hearing from you.

Amanda Dens
(Signature)

5/10/2020
(Date)

*Required Information

Submit completed application forms via one of the following options:

Email: sbestul@ci.brainerd.mn.us fax: 218-828-2316

Mail: City of Brainerd, 501 Laurel Street, Brainerd MN 56401



City of Brainerd Commission/Committee/Board Application Form

Any questions contact City Hall at 218-828-2307

Commission/Committee/Board Applying for Region 5 Children's Museum Date: 5/8/2020

This application is public data pursuant to M.S. 13.43

PLEASE NOTE: Completion and submission of this form grants the City authority to conduct a background check including a complete criminal history and driver's license check.

*Name: Last Gundlach First Amy M.I. M

PLEASE NOTE: Please see the individual committee requirements to serve on a City Committee or Board.

Why do you want to be on the Commission/Committee/Board you are applying for?

My family and I have frequented the Mankato Children's Museum several times while visiting grandparents who live in St. Peter. Each time we go I think, "Why don't we have this in the BLA???" I have been so excited to hear about the plan for a children's museum in our area and would love to be involved in any capacity possible. I have a five, three, and one year old and also work with children ages birth-5 who would benefit from having the museum in our area.

What skills, strengths, or abilities do you believe you will add to the organization?

I have my own children, and work with children ages birth-5 on speech and language development (I am a Speech Pathologist), so I KNOW what kids like! I also know overall child development as this is my daily job, so I could offer that professional perspective too. Having been to another regional children's museum that is very successful I can offer input on that personal experience as a consumer as well.

*Please refer to the "Meeting Dates and Time" for your desired Committee; are you able to commit to this schedule? I can be flexible!

*After Reviewing the City's "Conflict of Interest Policy" Please Explain if you are aware of any situation that might be perceived by others as a "Conflict of Interest" if you are appointed:

I do not believe there is a conflict of interest.

Please list any additional comments:

I am very excited for this opportunity! I believe that this attraction will greatly benefit the children of Region 5 by providing hands-on play, enrichment, and exploration. Many of our kids lack exposure to various types of play and experiences and this project would provide those opportunities that are missing. I have visions of additional programs that could be offered in addition to the interactive exhibits so I am excited to share those ideas as well!


(Signature) 5/8/2020
(Date)

*Required Information

Submit completed application forms via one of the following options:

Email: sbestul@ci.brainerd.mn.us fax: 218-828-2316

Mail: City of Brainerd, 501 Laurel Street, Brainerd MN 56401



City of Brainerd Commission/Committee/Board Application Form

Any questions contact City Hall at 218-828-2307

Commission/Committee/Board Applying for _____ Date: _____

This application is public data pursuant to M.S. 13.43

PLEASE NOTE: Completion and submission of this form grants the City authority to conduct a background check including a complete criminal history and driver's license check.

*Name: Last _____ First _____ M.I. _____

PLEASE NOTE: Please see the individual committee requirements to serve on a City Committee or Board.

Why do you want to be on the Commission/Committee/Board you are applying for?

What skills, strengths, or abilities do you believe you will add to the organization?

*Please refer to the "Meeting Dates and Time" for your desired Committee; are you able to commit to this schedule? _____

*After Reviewing the City's "Conflict of Interest Policy" Please Explain if you are aware of any situation that might be perceived by others as a "Conflict of Interest" if you are appointed:
no

Please list any additional comments:

	
--	--

(Signature) (Date)

*Required Information

Submit completed application forms via one of the following options:

Email: sbestul@ci.brainerd.mn.us **fax:** 218-828-2316
Mail: City of Brainerd, 501 Laurel Street, Brainerd MN 56401



City of Brainerd

Commission/Committee/Board Application Form

Any questions contact City Hall at 218-828-2307

***Address:** _____ **City, State, Zip:** _____

***If you do not live but do own property within the City Limits, please list the address of that property for verification:** _____

***Phone Number(s) Home:** _____ **Work:** _____

Cell: _____ ***Email Address:** _____

***Required Information**



Brainerd City Council Agenda Request

Requested Meeting Date:

Title of Item:

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
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MEMO

TO: Mayor and City Council

FROM: Paul Sandy, P.E. – City Engineer

DATE: May 27, 2020

SUBJECT: City Hall Fire Update

This memo is intended to provide the City Council a brief update on the City Hall fire and what has happened since the fire that occurred on 5/18/2020 on the City Hall roof.

On May 18, 2020, while contractors were working to demo existing materials such as insulation and existing roofing from the roof of City Hall, a fire ignited on the roof of City Hall. City staff in the building received a phone call from a bystander at Mid-Minnesota Credit Union of the fire, as the alarms in the building were on test mode and not triggered until somewhere around 12:40. The fire originated and was extinguished on the roof of the building. Staff was able to tarp all desks and recover all computer hardware and files before water intrusion from the extinguishing of the fire damaged anything. Staff assessed the damage with State Fire Marshall's office. The League of Minnesota Cities Insurance Trust (the City's Insurance Company) was notified immediately of the claim and the process started. Staff was able to call ServiceMaster and have them immediately begin extruding water and begin the drying process after the fire.

On Tuesday, May 19, City staff met on site with the League of Minnesota Cities Insurance Adjuster, a 3rd party fire consultant representing the League, the Insurance Adjuster of Thelen Heating and Roofing, and their fire consultant. Among others in attendance were Kevin Currie from Contegrity Group, City Administrator Bergman, and City Finance Director Hillman. The investigators and consultants investigated the site and did not come to the same conclusion at the time as to the origination and ignition of the fire. Upon this determination, the LMC recommended and the City elected to hire contractors to install a temporary roof structure to protect the open roof to impending rain forecasted for Friday, May 22. The site had to be protected at that time due to the possibility of other parties being brought into the investigation and the possibility of the need for them to investigate the same scene as seen by the City's and Thelen's agents.

On Wednesday, May 20, The City met with ServiceMaster, Hy-Tec, and McDowall Roofing to analyze the site and come up with a temporary roof protection solution while the investigation continued. On Wednesday evening, the City entered into an agreement with ServiceMaster to perform this temporary solution. The roof was installed on Thursday, May 21.

On Friday, May 22, 2020, the City was notified that Thelen's Insurance Carrier would be taking full responsibility for the claim of the fire at City Hall.

During the fire, there was minor roof damage that took place, and some repairs will need to be made before the permanent roof solution can be installed. This includes the replacement of roof joists and the charred roof decking from the fire. As part of the investigation, staff hired a testing agency to test the roofing materials for the presence of asbestos. The results of the tests came back such that the roof decking does contain asbestos, while the underlying vermiculite insulation does not. Staff has since been in discussions with the League about removal and coverage for the removal of the asbestos laden materials from the roof. The insurance companies will cover the damaged asbestos material removal, however, there is some question on whether they will cover the consequential material that was not damaged as part of the fire. In staff's opinion, this is an opportune time to remove all asbestos laden materials from the roof, whether there is participation from the insurance companies or not. Staff would like approval to do so and should have a cost to do so before the meeting.

Other damage to the building besides the roof includes water intrusion damage to the 3rd and second floor of City Hall (second floor is minimal). ServiceMaster has been drying since the day of the fire with large fans, dehumidifiers, heaters, and ridding the fire scent using Ozone. The drying process is almost complete except for the concrete roof deck under the suspended wood roof deck, which is on-going and will not be complete until the vermiculite on top of the concrete roof deck is removed.

Damage to the 3rd floor that will be repaired as part of the claim includes complete removal and replacement of ceiling tiles (whether water damaged or not due to smell), a complete cleaning, disinfection, and re-application of protective coating of the carpeting, replacement of possible damaged light fixtures, a complete cleaning of the air ducting and handling system, and more investigation of possible wall damage due to water intrusion that may include exploratory holes in the sheetrock to evaluate.

Staff has been in constant coordination with the insurance companies, LMC's legal counsel, and others during this process to ensure what is being done will be covered by insurance. However, in the case that the asbestos laden materials that were not damaged are not covered by insurance, staff would like authorization to remove these materials from the roof site as to potentially limit future liability for someone coming into contact with asbestos. LMCIT has indicated that the removal on vermiculite insulation in the amount of \$13,800 will be fully covered under the claim. The removal of damaged asbestos laden roof decking will be covered to the amount of \$2,780.77, with the rest having to be paid by the City if the City Council elects. This leaves approximately \$11,679.23 in additional City costs if we elect to remove the rest of the asbestos decking.

Staff will be available at the meeting to discuss any further information about the fire or happenings since that time.

ACCT

I N C O R P O R A T E D

Asbestos Control & Consulting Team

230 HWY 33 N, CLOQUET, MN 55720
Telephone (218) 879-2241 * Fax (218) 879-6194

Proposal

May 27, 2020

Taylor Dickinson
IEA Inc.
5525 Emerald Ave.
Mountain Iron, MN 55768

Dear Mrs. Dickinson:

ACCT, Inc. is pleased to provide you with a quotation for: **The Brainerd City Hall**. Having examined the site of the proposed project and being familiar with the conditions surrounding the project our proposal is as follows:

ACCT, proposes to furnish all labor, materials, equipment, supplies, disposal and insurance. Asbestos abatement procedures will comply with all EPA, OSHA, state & local regulations governing asbestos abatement. The following is the proposed scope of work.

1. Removal of the asbestos containing roofing material.

Price: \$14,460.00

This price is based on Thelen roofing removing the ballast rock, rubber membrane & foam insulation prior to ACCT removing the fiber board, asbestos containing mat & rosen paper. Thelen will also provide a crane, crane operator & a skip to lower the material down to the dumpster. The roofing material will be wrapped in poly when lowered to the ground as well as the dumpster being lined with poly.

2. Removal of the vermiculite insulation from the attic space.

Price: \$13,800.00

If you have any further questions regarding this matter please feel free to contact our office.

Sincerely,

Rick J. Grivette
Project Manager

Accepted by



Brainerd City Council Agenda Request

Requested Meeting Date:

Title of Item:

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by:	Department:
Presenter (Name & Title):	Estimated Time Needed:
Summary of Issue:	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion:	
Financial Impact: <i>Is there a cost associated with this request:</i> ☐ Yes ☐ No <i>What is the total cost, with tax and shipping</i> \$ _____ <i>Is this budgeted?</i> ☐ Yes ☐ No <i>Please Explain:</i>	

CITY OF BRAINERD'S COVID-19 WORK FROM HOME PLAN

*Essential Employees Who Must Remain on the Job per Governor's Order		
DEPARTMENT	JOB TITLE	REPORTS TO WORK
POLICE	POLICE CHIEF	Alternating Work Remote/Report
POLICE	DEPUTY POLICE CHIEF	Alternating Work Remote/Report
POLICE	POLICE LIEUTENANT	Yes
POLICE	POLICE SERGEANT	Yes
POLICE	POLICE SERGEANT	Yes
POLICE	POLICE SERGEANT	Yes
POLICE	POLICE SERGEANT	Yes
POLICE	INVESTIGATOR	Alternating Work Remote/Report
POLICE	INVESTIGATOR	Alternating Work Remote/Report
POLICE	POLICE OFFICER	Yes
POLICE	POLICE OFFICER	Yes
POLICE	POLICE OFFICER	Yes
POLICE	POLICE OFFICER	Yes
POLICE	POLICE OFFICER	Yes
POLICE	POLICE OFFICER	Yes
POLICE	POLICE OFFICER	Yes
POLICE	POLICE OFFICER	Yes
POLICE	POLICE OFFICER	Yes
POLICE	POLICE OFFICER	Yes
POLICE	POLICE OFFICER	Yes
FIRE	FIRE CHIEF	Yes
FIRE	FIRE MARSHAL / DEPUTY FIRE CHIEF	Yes

***This list of Essential Employees includes our 35 Paid-on-Call Firefighters**

****Modified Teleworking Employees (Working a Normal Schedule)**

DEPARTMENT	JOB TITLE	WORK FROM HOME
ADMIN	CITY ADMINISTRATOR	*Split Home/City Hall
COMMUNITY DEVELOPMENT	COMM DEV DIRECTOR	No
COMMUNITY DEVELOPMENT	BUILDING OFFICIAL	No
COMMUNITY DEVELOPMENT	HOUSING INSPECTOR	No
COMMUNITY DEVELOPMENT	ZONING SPECIALIST / PERMIT TECH	No
FINANCE	FINANCE DIRECTOR	*Split Home/City Hall
FINANCE	PAYROLL / HR - ADMIN SPECIALIST 2	*Split Home/City Hall
FINANCE	ADMIN SPECIALIST - ADMIN	*Split Home/City Hall
FINANCE	A/P - ADMIN SPECIALIST	*Split Home/City Hall
FIRE	ADMIN SPECIALIST 2 - FIRE	Yes
HR	HR DIRECTOR	*Split Home/City Hall
IT/GIS	IT/GIS DIRECTOR	*Split Home/City Hall
IT/GIS	IT SPECIALIST	*Split Home/City Hall
ENGINEERING	CITY ENGINEER	No
ENGINEERING	ASST CITY ENGINEER	No
ENGINEERING	SENIOR ENG TECH / PROJECT COORD	No
ENGINEERING	ENGINEERING TECH	No
ENG (TRANSIT)	TRANSIT COORDINATOR	Yes
ENG (TRANSIT)	TRANSIT OPERATIONS SPECIALIST	Yes
PARKS	PARK DIRECTOR	No
PARKS	RECREATION COORDINATOR	No
PARKS	ADMIN SPECIALIST - PARKS	*Split Home/City Hall
POLICE	POLICE ADMIN SUPERVISOR	No
POLICE	POLICE RECORDS MGMT LEAD	No

****Teleworking employees are expected to work their normal work schedule (8 hours per day/40 hours per week) during the time identified in the Governor's Executive Order 20-20. Overtime will not be authorized unless approved by the City Administrator**

Employees Unable to Work from Home - Reported for Work

DEPARTMENT	JOB TITLE	REPORTS TO WORK
ENG (STREET)	STREET & SEWER FOREMAN	Yes
ENG (STREET)	MAINT III / SEWER LEAD	Yes
ENG (STREET)	MAINT III / BLADE OPERATOR	Yes
ENG (STREET)	MAINT III / HEAVY EQUIP OPERATOR	Yes
ENG (STREET)	MAINT II	Yes
ENG (STREET)	MAINT I	Yes
ENG (STREET)	MAINT I	Yes
PARKS	PARK FOREMAN	Yes
PARKS	PARK MAINT I	Yes
PARKS	PARK MAINT I	Yes
PARKS	PARK MAINT I	Yes
PARKS	PARK MAINT I	Yes
PARKS	PARK MAINT I	Yes
POLICE	POLICE RECORDS MGMT TECH	No
POLICE	POLICE RECORDS MGMT TECH	No
POLICE	POLICE RECORDS MGMT TECH	No
POLICE	POLICE RECORDS MGMT TECH	No
POLICE (CSO - Part-time)	COMMUNITY SERVICE OFFICER	Yes
POLICE (CSO - Part-time)	COMMUNITY SERVICE OFFICER	Yes
POLICE (CSO - Part-time)	COMMUNITY SERVICE OFFICER	Yes
POLICE (CSO - Part-time)	COMMUNITY SERVICE OFFICER	Yes

Interns/Temp		
DEPARTMENT	JOB TITLE	WORK FROM HOME
ADMIN	COMMUNICATIONS/MARKETING	No
COMMUNITY DEVELOPMENT	CODE COMPLIANCE	No
HR	HR INTERN	No
IT/GIS	GIS INTERN	No
PARKS	PARK INTERN	No
ENG (STREETS)	STREET PAINT CREW	No
ENG INTERN	ENG INTERN	No



Brainerd City Council Agenda Request

Requested Meeting Date:

Title of Item:

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by:	Department:
Presenter (Name & Title):	Estimated Time Needed:
Summary of Issue:	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion:	
Financial Impact: <i>Is there a cost associated with this request:</i> ☐ Yes ☐ No <i>What is the total cost, with tax and shipping</i> \$ _____ <i>Is this budgeted?</i> ☐ Yes ☐ No <i>Please Explain:</i>	

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. Marsh
Andrea Marsh

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



**ORDINANCE
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, _____

CERTIFIED MAIL

April 30, 2020

TO WHOM IT MAY CONCERN:

Pursuant to Minnesota Statutes Annotated Section 414. 033 (Annexation by Ordinance) the City of Brainerd will be holding a Public Hearing on Monday, June 1 at 7:30pm to consider annexation of certain land owned by Robert and Andrea Marohn, 11427 Easy Street, Brainerd, MN 56401.

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

Because of the health pandemic, attendance at the regular meeting location by members of the public may not be 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 may not be feasible.

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

In the event that this public hearing is not held in-person, members of the public may monitor the meeting via phone. Information regarding how to attend this meeting, either in-person or virtually, will be posted to the City's website (ci.brainerd.mn.us) by 4:30pm on Friday, May 29, 2020.

The property of the proposed annexation is located in Oak Lawn Township, Crow Wing County and is legally described as follows:

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 enclosed map identifies the location of the property proposed for annexation.

Please feel free to contact the Community Development Department at (218) 828- 2307 if you have any questions regarding this matter.

Sincerely,

David C. Chanski, MPA
Community Development Director



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.

Marohn Annexation NOH Mailing Map

Date: 5/1/2020 Time: 7:31:24 AM





Brainerd City Council Agenda Request

Requested Meeting Date:

Title of Item:

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by:	Department:
Presenter (Name & Title):	Estimated Time Needed:
Summary of Issue:	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion:	
Financial Impact: <i>Is there a cost associated with this request:</i> ☐ Yes ☐ No <i>What is the total cost, with tax and shipping</i> \$ _____ <i>Is this budgeted?</i> ☐ Yes ☐ No <i>Please Explain:</i>	

**ORDINANCE
NO. 1507_____**

**AN ORDINANCE AMENDING BRAINERD CITY CODE SECTION 421
UNIFORM FIRE CODE**

THE CITY COUNCIL OF THE CITY OF BRAINERD DOES ORDAIN:

SECTION ONE: That Section 421 shall be amended by adding and removing the following:

Section 421 – Uniform Fire Code

421.01 Adoption of the 2015~~2015~~2020 Minnesota State Fire Code. Subdivision 1. The 2015~~2015~~2020 Minnesota State Fire Code, as adopted pursuant to Minnesota Statute 299F.011, is hereby adopted as the Fire Code for the City of Brainerd for the purpose of prescribing regulations governing conditions hazardous to life or property from fire, hazardous materials, or explosives. The provisions of the 2015~~2015~~2020 Minnesota State Fire Code, appendices B, C, D, F, H, I, ~~and K, N, O, and P~~ thereto, the International Fire Code published by the International Code Council Inc., (Falls Church, Virginia) and any and all amendments and changes thereto adopted by the Minnesota Commissioner of Public Safety through the Division of Fire Marshal and set forth in Minnesota State Rules and Regulations of the Department of Public Safety, Fire Marshal Division, Chapter 7511 except as modified or amended by this Section, are hereby adopted by reference and made a part of this Section as if set forth herein. One copy of this Code shall be marked as the official copy and shall be on file in the office of the State Fire Marshal.

Subd. 2. The rules and codes governed by this Section shall be enforced by the Brainerd Fire Department which shall be operated under the supervision of the Chief of the Fire Department. The Fire Chief may appoint an employee, or employees, of the Fire Department to carry out the duties of Fire Inspector.

Subd. 3. The Fire Inspector shall prepare fire prevention policies for the interpretation and efficient administration of this code, which policies shall not require approval of the City Council. A copy of said policies shall be maintained on file in the office of the Fire Inspector.

Subd. 4. If there is conflict between or among any of the provisions or policies of the above mentioned codes, standards or policies, the following orders of precedence shall apply:

- 1) The City's fire prevention code.
- 2) The Minnesota State Fire Code.
- 3) Standards of the National Fire Protection Association or other nationally recognized fire-safety standards as are approved by the Fire Inspector.

421.03 Definitions. Subdivision 1. Wherever the word “jurisdiction” is used in the 2007 Minnesota State Fire code, it shall mean the City of Brainerd.

Subd. 2. Whenever the term “this Code” is used in the 2015~~2020~~ Minnesota State Fire Code or this Section, it shall mean the Code adopted pursuant to this Section.

Subd. 3. “Fire service” means any deployment of firefighting personnel and/or equipment to extinguish a fire or perform any preventative measure in an effort to protect equipment, life, or property in an area threatened by fire. It also includes the deployment of firefighting personnel and/or equipment to provide fire suppression, rescue, extrication, and any other services related to fire and rescue as may occasionally occur.

~~421.05 Amendments to the Minnesota State Fire Code. Subdivision 1. Section 314 of the 2015 Minnesota State Fire Code is amended to add a new section 314.5 to read: Solid Fuel Burning Appliances in Exhibit Halls and Assembly Occupancies. Use of solid fuel burning appliances for display purposes is prohibited in assembly occupancies other than cooking fuel as described in NFPA 101, 2000 Edition, Section 12.7.1.4. Solid fuel burning appliances may be defined as any appliance that uses decomposition of cellulose material, hydrocarbon solids, animal fat or proteins to produce heat or leaves an ash residue. This would include plant products or materials, wood, coal, mesquite, etc.~~

~~Subd. 2. Section 314 of the 2015 Minnesota State Fire Code is amended to add a new Section 314.6 to read: Compressed flammable gas cylinders and flammable or combustible liquids. Compressed flammable gas cylinders and flammable or combustible liquids used for display purposes are prohibited within exhibit hall and assembly occupancies.~~

~~Subd. 3. Section 505.1 of the 2015 Minnesota State Fire Code relating to Address Numbers is amended by adding the following language: New and existing buildings and buildings under construction or demolition shall have approved address numbers, building numbers, or approved building identification placed in a position that is plainly legible and visible from the street or road fronting the property. Buildings with multiple tenants/addresses shall place approved numbers or addresses on front and rear doors identifying each address. These numbers shall contrast with their background. Address numbers shall be Arabic numerals. Numbers shall be a minimum of 6 inches high with a minimum stroke width of 0.5 inch (12.7 mm).~~

~~Exception: R-3 Occupancies shall have a minimum of 4 inches high with a minimum stroke width of 0.5 inches (12.7 mm).~~

~~Subd. 4. Section 3308.2.2 of the 2015 Minnesota State Fire Code Proximate Audience Displays is amended by adding the following language: Indoor displays of fireworks, pyrotechnics and open flame performances to proximate audiences are prohibited within the City.~~

~~Subd. 5.~~ **421.05** Amendments to the Minnesota State Fire Code. Subdivision 1. Section 105.1.1 of the ~~2015~~**2020** Minnesota State Fire Code is hereby replaced in its entirety with the following language:

- 1) Permit required. No person shall engage in any activity, operation, practice, or function listed below without first having obtained a permit from the Fire Inspector, or designee, or MN State Fire Marshal. Permits shall be kept on the premises designated therein at all times and shall be readily available for inspection.
 - a) Installation and removal of all fire suppression systems.
 - b) Installation and removal of all fire alarm, monitoring, or related systems.
 - c) Installation and removal of underground or above-ground tanks for the storage or use of flammable or combustible liquids, gas, or any hazardous material.
 - d) Installation of spray booths or spray areas involving spraying or dipping operations utilizing flammable or combustible liquids and spray booths involving the application of powders by powder spray guns, electrostatic powder spray guns, fluidized beds, or electrostatic fluidized beds.
 - e) Installation of smoke removal systems
 - f) Storage of explosives, black powder, and blasting agents.
 - g) Use of explosives.
 - h) Fireworks sales, displays, and pyrotechnic special effects material.
 - i) Any open burning.
 - j) Carnivals and fairs.
 - k) Exhibition and trade shows and any special event requiring a fire safety inspection.
 - l) Temporary membrane structures, tents, and canopies.

(Amended Ord. 1352 – 2010)

- 2) The fees for such permits, if any, shall be in an amount set forth in the City's Fee Schedule as adopted by City Council resolution from time to time.

421.06 Additional Fire Department Fees. Subdivision 1. The Fire Department is authorized to charge fees for annual fire safety inspection and follow-up inspections, fire watch supplied by the Fire Department, and family day care and/or foster care home initial licensure inspections.

Subd. 2. Fees for Emergency Protection Fire Services. The Fire Department is authorized to charge for fire service as authorized by Minn. Stat. §§ 366.011, 366.012, and 415.01. The Fire Department may charge fees for fire service provided to owners of property within the City who receive fire service, anyone who receives fire service as a result of a motor vehicle accident or fire within the City, and owners of property in towns or cities to which the City provides fire service pursuant to a fire protection contract in accordance with the terms of the applicable fire protection contract.

Subd. 3. False alarms may be billed as a fire call.

Subd. 4. The fees for services under this section, if any, shall be in an amount set forth in the City's Fee Schedule as adopted by City Council resolution from time to time.

Subd. 5. A person requesting and receiving fire services may be billed directly by the Fire Department. If the person receiving the fire services did not request services but a fire or other situation exists which, at the discretion of the Fire Department personnel in charge requires fire service, the person will be charged and billed. If the fire service charge remains unpaid for thirty days after a notice of delinquency is sent by the City, the City may, on or before October 15 of each year, certify the unpaid fire service charge to the county auditor in which the recipient of the service owns real property for collection with property taxes in accordance with Minn. Stat. § 366.011.

Subd. 6. A person billed for fire services may appeal the billing by filing an appeal of the billing in writing with the Fire Chief within fifteen (15) days of receipt of the billing. The appeal will be heard by the Personnel and Finance Committee at its next available meeting. The Personnel and Finance Committee shall make a recommendation to affirm, repeal, or modify the billing to the City Council.

421.07 Enforcement. The Fire Chief or designee is authorized to enforce the provisions of the Minnesota State Fire Code and this Section.

421.09 Penalties. A person who violates the provisions of the Minnesota State Fire Code or this Section after being given written notice shall be guilty of a misdemeanor. Each day's violation after notice thereof shall constitute a separate offense.

421.11 Appeals. Whenever the Fire Inspector or Chief of the Fire Department, as the case may be, disapproves an application or refuses to grant a permit applied for, or when it is claimed that the provisions of the Code and Standards do not apply or that the true intent and meaning of the Code and Standards have been misconstrued or wrongly interpreted, the applicant may appeal from the decision of the Fire Inspector or Chief to the Brainerd City Council Safety and Public Works Committee within thirty (30) days from the date of the Inspector's or Chief's decision.

421.13 New Materials, Processes, or Occupancies That May Require Permits. The Building Official, the Chief of the Fire Department and the Fire Inspector shall act as a

committee to determine and specify, after giving affected persons an opportunity to be heard, any new materials, processes or occupancies for which permits are required in addition to those now enumerated in the Code and Standards. The Chief shall post such list in a conspicuous place in the office of the Chief, and distribute copies thereof to interested persons.

421.15 Repeal of Conflicting Ordinances. All former ordinances or parts thereof conflicting or inconsistent with the provisions of this Section of the Code and Standards hereby adopted are repealed.

421.17 Validity. The City Council hereby declares that should any section, paragraph, sentence or word of this Section of the City Code or of the Code or Standards hereby adopted be declared for any reason to be invalid, it is the intent of the City Council that it would have passed all other portions of this Ordinance independent of the elimination here from of any such portion as may be declared invalid.

(Added Ord. 902 – 1991)

(Amended Ord. 978 – 1994, Ord. 1069 – 1999, Ord. 1201 – 2003, Ord. 1321 – 2008, Ord. 1430 – 2015, Ord. 1452 – 2016, **Ord. 1507 - 2020**)

SECTION TWO: All other provisions of Section 421 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, _____



Brainerd City Council Agenda Request

Requested Meeting Date:

Title of Item:

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by:	Department:
Presenter (Name & Title):	Estimated Time Needed:
Summary of Issue:	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion:	
Financial Impact: <i>Is there a cost associated with this request:</i> ☐ Yes ☐ No <i>What is the total cost, with tax and shipping</i> \$ _____ <i>Is this budgeted?</i> ☐ Yes ☐ No <i>Please Explain:</i>	

M E E T I N G N O T I C E

**The Brainerd City Council will hold a
Public Hearing and Second Reading of proposed Ordinance No. 1508
regarding amending Section 900 Animals**

Monday, June 1, 2020 at 7:30 P.M.

**The meeting will be held Electronically.
Call in information will be provided on our website on
Thursday, May 27th, 2020**

**ORDINANCE
NO. 1508**

**AN ORDINANCE AMENDING SECTION 900
OF THE BRAINERD CITY CODE PERTAINING TO
ANIMALS**

THE CITY COUNCIL OF THE CITY OF BRAINERD DOES ORDAIN:

SECTION ONE: That Section 900.03 Dogs and Cats shall be amended to read:

Subd. 2. License Required.

A.) All dogs over the age of four (4) months kept, harbored, or maintained by their owners in the City, shall be licensed and registered with the City. Dog licenses shall be issued by the City upon payment of the annual license fee on or before the first day of January of each year, or within thirty (30) days of acquiring ownership or possession of any unlicensed dog. The annual license fee shall be set by Chapter X of the Brainerd City Code. The owner shall state, at the time application is made for the license and upon forms provided for such purpose, his or her name and address and the name, breed, ~~color~~, and sex of each dog owned or kept by him or her. No license shall be granted for a dog which has not been vaccinated against rabies, as provided in this Section. Vaccination shall be performed only by a doctor qualified to practice veterinary medicine in the State in which the dog is vaccinated. A veterinarian who vaccinates a dog to be licensed in the City shall complete a certificate of vaccination. ~~One copy shall be issued to the dog owner for affixing to the license application.~~ **A copy of the current rabies vaccination shall be shown at the time of licensing.** ~~An applicant for a license for a neutered dog shall sign an affidavit indicating that the dog has been neutered and shall give the date of the operation.~~

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:



Brainerd City Council Agenda Request

Requested Meeting Date:

Title of Item:

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by:	Department:
Presenter (Name & Title):	Estimated Time Needed:
Summary of Issue:	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion:	
Financial Impact: <i>Is there a cost associated with this request:</i> ☐ Yes ☐ No <i>What is the total cost, with tax and shipping</i> \$ _____ <i>Is this budgeted?</i> ☐ Yes ☐ No <i>Please Explain:</i>	

**ORDINANCE
NO. 1509**

**AN ORDINANCE AMENDING BRAINERD ZONING ORDINANCE
SECTION 515-37: SIGNS**

THE CITY COUNCIL OF THE CITY OF BRAINERD DOES ORDAIN:

SECTION ONE: That Section 515-37-5.C –Shall be amended by adding the following:

5. Signs ~~are not permitted in the public right-of-way~~ shall be placed no less than fifteen (15) feet from the back of the curb and ~~or~~ shall not be within the sight visibility triangle.

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 – _____



Brainerd City Council Agenda Request

Requested Meeting Date:

Title of Item:

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by:	Department:
Presenter (Name & Title):	Estimated Time Needed:
Summary of Issue:	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion:	
Financial Impact: <i>Is there a cost associated with this request:</i> ☐ Yes ☐ No <i>What is the total cost, with tax and shipping</i> \$ _____ <i>Is this budgeted?</i> ☐ Yes ☐ No <i>Please Explain:</i>	

April 27, 2020

Mayor Menk
and Brainerd City Council Members

RE: City Improvement 14-05 – Old Stonebridge Trail Final Lift

Dear Mayor Menk and City Council Members,

I am pleased to present this report for improvements as listed above, and from here on out in this report, I will generally refer to these as the “Improvements” to simplify and condense this report. Generally, the improvements consist of paving the final 2-inch lift on Old Stonebridge Trail to complete the street surfacing.

Project Description and Existing Curb and Gutter and Pavement Condition Ratings

The Stonebridge Development was originally constructed in 2004 and 2005. At the time, the final lift of asphalt was never installed on the streets and was never assessed to the abutting properties or included as part of the purchase price of the lots. This has left the street as an un-finished product, and leaves curb and gutter exposed to snowplow damage, manhole castings and other underground infrastructure exposed to potential damage from travelling public or maintenance activities.

Staff is proposing to raise the subsequent manhole iron and to pave the final 2” lift of asphalt on the street so that the street is finished. A breakdown of the project costs is below:

Roadway

Surfacing	\$75,000
Engineering	\$5,000
Old Stonebridge Trail Assessable	\$80,000

Sanitary Sewer

Sanitary Sewer Adjustment	\$3,000
Sanitary Sewer Engineering	\$1,000

This improvement is feasible, cost effective, and necessary due to the roadway being incomplete from its original construction. The street needs to have its final lift of pavement installed to protect the public improvements within the City right-of-way including the curb and gutter, first lift of pavement, manhole castings, and for the safety of the travelling public.

Respectfully Submitted,



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

Client:

CITY OF BRAINERD

Account # 316123 Ad # 2838165

Phone: (218) 828-2307

Fax:

Address: 501 LAUREL STREET
BRAINERD, MN 56401

Sales Rep.:

3804 Ann Windorski

Phone: (218) 855-5804

Fax:

Email: ann.windorski@brainerddispatch.com

Class.: 9960 MINNESOTA LEGALS

Requested By:

Start Date: 05/15/2020

End Date: 05/22/2020

Nb. of Inserts: 10

Dimensions: 1 col. x 3.75 Inches

Publications: Brainerd Dispatch
brainerddispatch.com

Total Price: \$109.50

Paid Amount: \$0.00

Balance: \$109.50

Page 1 of 1

(Published in the Brainerd Dispatch,
May 15, 22, 2020, 2t.)

**NOTICE OF HEARING ON
IMPROVEMENT**

TO WHOM IT MAY CONCERN:

Notice is hereby given that the City Council of Brainerd, Minnesota, will meet in the Council Chambers of Brainerd City Hall, 501 Laurel Street, Brainerd, MN 56401 at 7:30 p.m. on June 1, 2020 to consider making the improvement as described below pursuant to Minnesota Statute Sections 429.011 to 429.111:

IMPROVEMENT 14-05

Street Surfacing – Final lift
Old Stonebridge Trail – From easterly cul-de-sac to westerly cul-de-sac.

The area proposed to be assessed is the property abutting said streets and alleys. The estimated cost of such improvements is \$84,000.

Such persons as desire to be heard with reference to the proposed improvements will be heard at this meeting.

Any individual needing special accommodations please call 828-2307.

Dated: May 4, 2020
Jennifer Bergman
City Administrator

RESOLUTION

NO. _____

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

WHEREAS, a motion by the City Council passed on the 4th day of May 2020, fixed a date for a Council hearing on the proposed improvement listed below; and

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

IMPROVEMENT 14-05

Street Surfacing – Final Lift

Old Stonebridge Trail – westerly cul-de-sac to easterly cul-de-sac

WHEREAS, such plans and specifications have been presented to the Council for approval;

WHEREAS, ten days' mailed and two weeks' published notice of the hearing was given and the hearing was held thereon on the 1st day of June, 2020, at which time all persons desiring to be heard were given an opportunity to be heard thereon; and

WHEREAS, at said hearing there was available a reasonable estimate of the amount to be assessed and a description of the methodology, in the forms attached hereto as Exhibit A;

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

1. Said improvement is necessary, cost-effective, and feasible as detailed in the feasibility report.
2. Said improvement is hereby ordered as proposed in the Council motion on the 1st day of June 2020.
3. City Engineer Sandy is hereby designated as the engineer for this improvement.
4. The City Council declares its official intent to reimburse itself for costs of the project from proceeds of bonds, which are expected to be issued in the maximum principal amount of \$100,000.

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

1. Such plans and specifications, a copy of which is on file at the offices of the City Administrator and the City Engineer, are hereby approved.
2. The City Administrator shall prepare and cause to be inserted in the official paper an advertisement for bids upon the making of such improvement under such approved plans and specifications. The advertisement shall be published, shall specify the work to be done, shall state that bids will be received by the City Administrator until 11:00 a.m. on June 26, 2020, at which time they will be publicly opened in the Council Chambers of the City Hall by the City Administrator and City Engineer, will then be tabulated, and will be considered by the Council at 7:30 p.m. on July 6, 2020, in the Council Chambers of the City Hall, Brainerd, Minnesota. Any bidder whose responsibility is questioned during consideration of the bid will be given an opportunity to address the Council on the issue of responsibility. No bids will be considered unless sealed and filed with the City Administrator and accompanied by a cash deposit, cashier's check, bid bond or certified check payable to the City Administrator for five (5) percent of the amount of such bid.

Adopted this ____ day of _____, 2020

GABE JOHNSON
President of the Council

Approved this _____ day of _____, 2020

DAVE BADEAUX
Mayor

ATTEST: _____
JENNIFER BERGMAN
City Administrator

EXHIBIT A
IMPACT OF ASSESSMENTS
CITY OF BRAINERD
IMPROVEMENT NO. 14-05

Available at Hearing Held June 1, 2020

The purpose of the improvement is to provide necessary and desirable facilities for public use. The City's intention with respect to the assessments for the improvement is to make benefited properties and their owners responsible for paying the costs of the improvement over time, not the public at large. The extent of the impact of the assessments depends upon the amount assessed.

The total estimated cost of the proposed improvements is \$84,000. A reasonable estimate of the total amount assessed is \$80,000. This estimate is approximately 100% of the street resurfacing costs. The City reserves the right when actually levying assessments to assess up to the full costs of the improvement, which may exceed estimates available at the time of the hearing on the improvement.

The following is a description of the methodology the City intends to use to calculate individual assessments for affected parcels on Improvement 14-05: in accordance with per lot calculations consistent with the City's Assessment Policy. The City reserves the right when levying assessments to modify or depart from this methodology to the extent the City deems appropriate.

City of Brainerd, Minnesota

Street and Sewer Assessment Policy

1. Introduction

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

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

Special Assessments have three distinct characteristics:

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

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

2. Assessable Improvements

How Much is Being Assessed?

Developer New Construction

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

Petitioned New Construction

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

Petitioned or Council Authorized Reconstruction of Resurfacing

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

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

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

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

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

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

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

3. Initiation of an Improvement

By Petition from Property Owners

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

By Council Action

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

4. Proceedings

Minnesota Statute 429

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

Interest Rates

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

5. Payments

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

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

6. Deferments

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

7. Other Frequently Asked Questions

Will Improvements Affect my Property Taxes?

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

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

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



Brainerd City Council Agenda Request

Requested Meeting Date:

Title of Item:

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by:	Department:
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Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion:	
Financial Impact: <i>Is there a cost associated with this request:</i> ☐ Yes ☐ No <i>What is the total cost, with tax and shipping</i> \$ _____ <i>Is this budgeted?</i> ☐ Yes ☐ No <i>Please Explain:</i>	

CITY OF BRAINERD, MINNESOTA

**NOTICE OF PUBLIC HEARING REGARDING A PROPOSED
PROPERTY TAX ABATEMENT**

NOTICE IS HEREBY GIVEN that the City Council of the City of Brainerd, Minnesota (the "City") will meet on Monday, June 1, 2020, at or after 7:30 p.m. in the Crow Wing County Court House, 326 Laurel Street in the City, to hold a public hearing concerning a proposal that the City abate all or a portion of property taxes levied by the City on the properties in the City with the following property identification numbers (the "Property"):

41180623	41180602	41180527	41180518	41190787	41191422	41191406
41180622	41180601	41180528	41180517	41190788	41191421	41191405
41180620	41180600	41180529	41180515	41190792	41191420	41191404
41180619	41180599	41180530	41180627	41190803	41191419	41191403
41180618	41180598	41180531	41180626	41191864	41191418	41191402
41180617	41180597	41180532	41180624	41191863	41191417	41191401
41180616	41180596	41180533	41180501	41191862	41191416	41191013
41180615	41180595	41180534	41180502	41191861	41191415	41191012
41180614	41180594	41180535	41180503	41191860	41191414	41191004
41180613	41180593	41180536	41180504	41191859	41191413	41191003
41180612	41180586	41180537	41180547	41191858	41191412	41191002
41180611	41180585	41180506	41180573	41191427	41191411	41190997
41180610	41180522	41180507	41190781	41191426	41191410	41190998
41180609	41180523	41180521	41190782	41191425	41191409	41190999
41180607	41180525	41180520	41190783	41191424	41191408	
41180605	41180526	41180519	41190784	41191423	41191407	

The total amount of the taxes proposed to be abated by the City on the Property is estimated not to exceed \$1,300,000. The City Council will consider the property tax abatement in connection with financing the construction of improvements to City parks.

All interested persons may appear and be heard at the public hearing either orally or in writing or may file written comments with the City Administrator before the hearing.

PLEASE NOTE, due to COVID-19, the public hearing may be conducted via telephone or other electronic means as allowed under Minnesota Statutes, Section 13D.021. Please refer to the City's website at <https://www.ci.brainerd.mn.us/> or call City Hall at 218-828-2307 to learn how to attend the public hearing via telephone or electronically.

**BY ORDER OF THE CITY COUNCIL OF
THE CITY OF BRAINERD, MINNESOTA**

/s/ Jennifer Bergman

City Administrator

City of Brainerd, Minnesota

RESOLUTION
NO. _____

**RESOLUTION APPROVING PROPERTY TAX ABATEMENT
RELATED TO INFRASTRUCTURE IMPROVEMENTS IN THE
CITY OF BRAINERD**

BE IT RESOLVED By the City Council (the "Council") of the City of Brainerd, Minnesota (the "City"), as follows:

Section 1. Recitals.

1.01. The City has contemplated granting a property tax abatement in order to finance infrastructure improvements primarily consisting of improvements to City parks (the "Project"), which will benefit certain property in the City, all pursuant to Minnesota Statutes, Sections 469.1812 through 469.1815, as amended (the "Act").

1.02. Pursuant to Section 469.1813, subdivision 1 of the Act, the City may grant an abatement of all or a portion of the taxes imposed by the City on a parcel of property to pay for all or part of the cost of acquisition or improvement of public infrastructure, whether or not located on or adjacent to the parcel for which the tax is abated.

1.03. The City has identified certain parcels located in the City, identified in EXHIBIT A hereto (the "Abatement Property"), which will be benefitted by the Project and from which the City proposes to abate a portion of the City's share of taxes to finance the Project, subject to all the terms and conditions of this resolution (the "Abatement").

1.04. The City intends to issue one or more series of general obligation bonds, a portion of which will be designated as tax abatement bonds in the approximate aggregate principal amount of \$1,300,000 (the "Abatement Bonds") and will be issued to pay the costs of the Project pursuant to the Act and are expected to be paid primarily through the collection of Abatement revenues.

1.05. On the date hereof, the Council conducted a duly noticed public hearing on the Abatement at which the views of all interested persons were heard.

Section 2. Findings.

2.01. It is hereby found and determined that the benefits to the City from the Abatement will be at least equal to the costs to the City of the Abatement, because (a) the Abatement will help finance or provide public infrastructure in a way that will preserve natural resources and ensure a high quality of life for residents of the City; and (b) the increased City taxes collected from the Abatement Property upon termination of the Abatement are expected to far exceed the amount of the Abatement collected from the Abatement Property during the term of this resolution.

2.02. It is hereby found and determined that the Abatement is in the public interest for the reasons described in Section 2.01 hereof.

Section 3. Actions Ratified; Abatement Approved.

3.01. The Board hereby ratifies all actions of the City's staff and consultants in arranging for approval of this resolution in accordance with the Act.

3.02. Subject to the provisions of the Act, the Abatement is hereby approved and adopted subject to the following terms and conditions:

(a) The term "Abatement" means the City's share of the real property taxes generated from the improvements on the Abatement Property, in the amounts described in this Section:

(i) The aggregate Abatement paid by the City during the term of this resolution will not exceed the amount necessary to pay the principal of the Abatement Bonds, up to a maximum of \$1,300,000.

(ii) Notwithstanding anything to the contrary herein, the Abatement payable on any August 1 and subsequent February 1, combined, will not exceed the amount produced by extending the City's total tax rate for the applicable year against the tax capacity of the Abatement Property, as of January 2 in the prior year.

(iii) In accordance with Section 469.1813, subdivision 8 of the Act, in no year shall the Abatement, together with all other abatements approved by the City under the Act and paid in that year, exceed the greater of ten percent (10%) of the City's net tax capacity for that year or \$200,000 (the "Abatement Volume Cap"). The City may grant any other abatements permitted under the Act after the date of this resolution, provided that to the extent the total abatements in any year exceed the Abatement Cap, the allocation of Abatement Cap to such other abatements is subordinate to the Abatements under this resolution.

(b) The Abatement will be for a term of fourteen (14) years, and the City will pay the Abatement in semiannual installments each February 1 and August 1, commencing August 1, 2021, and continuing through February 1, 2035. The City will pay the Abatement solely to finance the cost of the Project, through application of Abatement amounts toward debt service payments on the Abatement Bonds (including any bonds issued to refund the initial Abatement Bonds).

(c) This resolution may be modified only with the prior written approval of the City, and any modification is subject to Section 469.1813, subdivision 7 of the Act.

(d) In accordance with Section 469.1815 of the Act, the City will add to its levy in each year during the term of the Abatement the total estimated amount of current year Abatement granted under this resolution.

3.03. The Mayor and City Administrator are authorized and directed to execute and deliver any agreements, certificates or other documents that the City determines are necessary to implement this resolution.

Adopted this ____ day of _____, 2020.

GABE JOHNSON
President of the Council

Approved this ____ day of _____, 2020.

DAVE BADEAUX
Mayor

ATTEST:

JENNIFER BERGMAN
City Administrator

EXHIBIT A

ABATEMENT PROPERTY

Parcel Identification Numbers:

BR345-130 (MNI)
654677v2

From: [Jennifer Bergman](#)
To: [Stephanie Bestul](#)
Subject: FW: {external} Memorial park etc.
Date: Tuesday, June 2, 2020 2:16:14 PM
Attachments: [image003.png](#)

From: Jennifer Bergman
Sent: Monday, June 1, 2020 4:32 PM
To: City Council <CityCouncil@ci.brainerd.mn.us>
Cc: Joseph J. Langel <jjl@ratwiklaw.com>; Connie Hillman <chillman@ci.brainerd.mn.us>; 'Steinman, Paul' <Paul.Steinman@bakertilly.com>
Subject: FW: {external} Memorial park etc.

Mr. Mayor and City Council Members,

Alderman Bevans asked me to forward this to you.

Jennifer



Jennifer Bergman, City Administrator
City of Brainerd
501 Laurel Street
Brainerd, MN 56401
Office: (218) 454-3404
Cell: (218) 821-3546

Email correspondence to and from the City of Brainerd government offices is subject to the Minnesota Government Data Practices Act and may be disclosed to third parties.

From: Edwin Menk <edmenk@brainerd.net>
Sent: Monday, June 1, 2020 11:03 AM
To: dpri7@gmail.com; Kelly Bevans
Subject: {external} Memorial park etc.

Good morning David, and Kelly,

Hope all is well with you and yours,

Just a quick note, How do you think the State of Minnesota will be financially after all of this?

My concern is that the state is working on such a huge deficit that the LGA for next year and possibly future years will be affected.

I really question the wisdom of bonding for a ball field/hockey rink/play ground at this time. There undoubtedly will be a revenue short fall this year and the Legislature may feel they have to bail out the Metro areas after this last week and in the past there have been some state legislature individuals that question such spending for unnecessary items at the local level when there are greater needs elsewhere.

Also in play will be the tax receipts that the County is to turn over to the City in July. Will they be normal or smaller and if smaller how small. I know we have some reserve but will it be enough?

Just some random thoughts

Ed Menk



Brainerd City Council Agenda Request

Requested Meeting Date:

Title of Item:

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by:	Department:
Presenter (Name & Title):	Estimated Time Needed:
Summary of Issue:	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion:	
Financial Impact: <i>Is there a cost associated with this request:</i> ☐ Yes ☐ No <i>What is the total cost, with tax and shipping</i> \$ _____ <i>Is this budgeted?</i> ☐ Yes ☐ No <i>Please Explain:</i>	

City of Brainerd, Minnesota Pre-Sale Summary for Issuance of Bonds

\$3,880,000 General Obligation Bonds, Series 2020A

The City Council has under consideration the issuance of bonds (the “Bonds”) to finance (i) various improvements to City parks (the “Tax Abatement Portion”); (ii) the purchase of various capital equipment (the “Equipment Portion”); and various City improvement projects (the “Improvement Portion”). This document provides information relative to the proposed issuance.

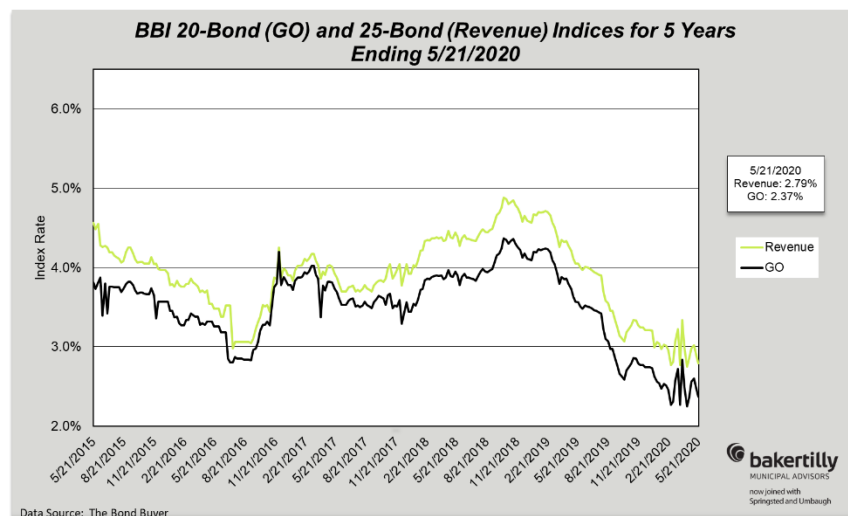
On March 11, 2020, the World Health Organization proclaimed the Coronavirus (COVID-19) to be a pandemic. The continually changing conditions resulting from the pandemic have created significant, ongoing volatility in the financial markets. It is not known what impact this may have on the City’s ability to issue the proposed Bonds on the timeline, at the interest rate estimates, or under the method of sale presented in this Pre-Sale Summary. This document and corresponding schedules are based on estimates made at the time this document was prepared. In the time leading up to the City’s sale, BTMA will continue to monitor the market on the City’s behalf and will work with the City to address issues and/or identify alternative approaches to the City’s financing.

KEY EVENTS: The following summary schedule includes the timing of some of the key events that will occur relative to the bond issuance.

June 1, 2020	Council sets sale date and terms
Week of June 22, 2020	Rating conference is conducted
July 6, 2020, 10:30 a.m.	Competitive proposals are received
July 6, 2020, 7:30 p.m.	Council considers award of the Bonds
August 6, 2020	Proceeds are received

RATING: An application will be made to S&P Global Ratings (S&P) for a rating on the Bonds. The City’s general obligation debt is currently rated “AA-” by S&P.

THE MARKET: Performance of the tax-exempt market is often measured by the Bond Buyer’s Index (“BBI”) which measures the yield of high grade municipal bonds in the 20th year for general obligation bonds rated Aa2 by Moody’s or AA by S&P (the BBI 20-Bond GO Index) and the 30th year for revenue bonds rated A1 by Moody’s or A+ by S&P (the BBI 25-Bond Revenue Index). The following chart illustrates these two indices over the past five years.



**SCHEDULES
ATTACHED:**

Schedules attached for the Bonds include sources and uses of funds and estimated debt service requirements for the Bonds as a whole and by purpose given the current interest rate environment.

**RISKS/SPECIAL
CONSIDERATIONS:**

The outcome of this financing will rely on the market conditions at the time of the sale. Any projections included herein are estimates based on current market conditions.

Principal payments on the Improvement Portion have been structured around estimated assessment revenue collections. If actual collections are different than estimated, the levy requirement will differ from what is shown in this Summary

**SALE TERMS AND
MARKETING:**

Variability of Issue Size: A specific provision in the sale terms permits modifications to the issue size and/or maturity structure to customize the issue once the price and interest rates are set on the day of sale.

Prepayment Provisions: Bonds maturing on or after February 1, 2030 may be prepaid at a price of par plus accrued interest on or after February 1, 2029.

Bank Qualification: The City does not expect to issue more than \$10 million in tax-exempt obligations that count against the \$10 million limit for this calendar year; therefore, the Bonds are designated as bank qualified.

\$1,280,000 Tax Abatement Portion

Description of Purpose

PURPOSE:

Proceeds of the Tax Abatement Portion will be used to finance infrastructure improvements primarily consisting of improvements to a City park.

AUTHORITY:

Statutory Authority: The Tax Abatement Portion is being issued pursuant to Minnesota Statutes 475 and 469 and Sections 469.1813 through 469.1815.

Statutory Requirements: As a requirement of this statute, the City must hold a public hearing with due notice and specify the public benefit of the abatement, identify properties located within its jurisdiction whose value will equal the proposed amount of abatement and the term of the abatement, and further comply with the public hearing requirements. A public hearing will be held on June 1, 2020.

**SECURITY AND
SOURCE OF
PAYMENT:**

The Tax Abatement Portion will be a general obligation of the City, secured by its full faith and credit and taxing power.

The Tax Abatement Portion will be repaid from an annual tax abatement levy. The tax abatement levy collections are estimated to be at least equal to the principal due on the Tax Abatement Portion. The City will be required to levy ad valorem taxes for the remaining debt service due on the Tax Abatement Portion net of the anticipated tax abatement levy.

The City made their first general ad valorem tax levy for the Tax Abatement Portion in 2019 in the amount of \$117,000. The first half collection of approximately \$59,000 will be

received in July 2020 and will be used as a source of funds to reduce the borrowing amount.

Each year's collection of tax abatement revenue and ad valorem taxes will be used to make the August 1 interest payment due in the collection year and the February 1 principal and interest payment due the following year.

**STRUCTURING
SUMMARY:**

In consultation with the City, the Abatement Portion has been structured with a repayment term of 15 years with the February 1, 2021 debt service payment to match the second half of the 2019 tax levy collection of \$58,000 with approximately level debt service thereafter.

\$1,210,000 Equipment Portion

Description of Purpose

PURPOSE: Proceeds of the Equipment Portion will be used to finance various capital equipment including a ladder truck, end loader and street sweeper.

AUTHORITY: Statutory Authority: The Equipment Portion is being issued pursuant to Minnesota Statutes Chapter 475 and Section 412.301.

Statutory Requirements: Pursuant to Minnesota Statutes, Section 412.301, the City may finance capital equipment with the issuance of certificates of indebtedness without being subject to a petition requirement calling for a referendum if the total amount of the issue does not exceed $\frac{1}{4}$ of 1% of the estimated market value of the City. Based on the City's 2018/2019 estimated market value of \$704,978,000, this represents a maximum issue size of \$1,762,445. This issuance of \$1,210,000 for the Equipment Portion is within that limitation and is not subject to a taxpayer petition for a referendum.

**SECURITY AND
SOURCE OF
PAYMENT:** The Certificate Portion will be a general obligation of the City, secured by its full faith and credit and taxing power and will be repaid with ad valorem taxes.

The City made their first levy for the Equipment Portion in 2019 for collection in 2020 in the amount of \$159,000. The first half collection of approximately \$80,000 will be received in July 2020 and will be used as a source of funds to reduce the borrowing amount. Each year's collection of taxes will be used to make the August 1 interest payment due in the collection year and the February 1 principal and interest payment due the following year.

**STRUCTURING
SUMMARY:**

In consultation with the City, the Equipment Portion has been structured with a repayment term of ten years with the February 1, 2021 debt service payment to match the second half of the 2019 tax levy collection of \$80,000 plus \$74,000 of contributions from other fire districts (total of \$154,000) with approximately level debt service thereafter.

\$1,390,000 Improvement Portion

Description of Purpose

PURPOSE:	Proceeds of the Improvement Portion will be used to finance various 2020 construction improvement projects within the City.
AUTHORITY:	<u>Statutory Authority:</u> The Improvement Portion are being issued pursuant to Minnesota Statutes, Chapters 429 and 475. <u>Statutory Requirements:</u> Pursuant to Minnesota Statutes, Chapter 429, at least 20% of the City's share of the projected cost of the projects must be paid from special assessments. The projects being financed meet this requirement.
SECURITY AND SOURCE OF PAYMENT:	The Improvement Portion will be a general obligation of the City, secured by its full faith and credit and taxing power. The Improvement Portion will be repaid with a combination of special assessments filed against benefitted properties and general ad valorem taxes. Special assessments in the principal amount of \$877,663 are expected to be filed in the fall of 2020 for first collection in 2021. The assessments will be collected over a term of ten years with level payments of principal and interest. Interest on the unpaid balance will be charged at a rate of 1.5% over the true interest cost (TIC) of the Improvement Portion of the Bonds, which has been estimated to be 3.126%. Additionally, the City will be required to levy taxes for the portion of the Improvement Portion not paid from special assessments. The City made their first levy for the Improvement Portion in 2019 for first collection in 2020 in the amount of \$160,000. The first half collection of approximately \$80,000 will be received in July 2020 and will be used as a source of funds to reduce the borrowing amount. Each year's collection of assessments and taxes will be used to make the August 1 interest payment due in the collection year and the February 1 principal and interest payment due the following year.
STRUCTURING SUMMARY:	In consultation with the City, the Improvement Portion has been structured with a repayment term of eleven years with the February 1, 2021 debt service payment to match the second half of the 2019 tax levy collection of \$80,000. Thereafter, the Improvement Portion is structured around the projected assessment income to result in approximately level annual levy requirement.

Post Issuance Compliance

COMPLIANCE:	The issuance of the Bonds will result in post-issuance compliance responsibilities. The responsibilities are in two primary areas: (i) compliance with federal arbitrage requirements and (ii) compliance with secondary disclosure requirements. <u>Federal arbitrage requirements</u> include a wide range of implications that have been taken into account as this issue has been structured. Post-issuance compliance responsibilities for this tax-exempt issue include both rebate and yield restriction provisions of the IRS
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Code. In general terms the arbitrage requirements control the earnings on unexpended bond proceeds, including investment earnings, moneys held for debt service payments (which are considered to be proceeds under the IRS regulations), and/or reserves. Under certain circumstances any “excess earnings” will need to be paid to the IRS to maintain the tax-exempt status of the Bonds. Any interest earnings on gross bond proceeds or debt service funds should not be spent until it has been determined based on actual facts that they are not “excess earnings” as defined by the IRS Code.

The arbitrage rules provide for an exception to the rebate requirements for an issuer that issues \$5 million or less of tax-exempt obligations in a calendar year; therefore, the City will qualify as a small issuer and the Bonds will be exempt from rebate.

Regardless of whether the issue qualifies for an exemption from the rebate provisions, yield restriction provisions will apply to Bond proceeds (including interest earnings).

Secondary disclosure requirements result from an SEC requirement that underwriters provide ongoing disclosure information to investors. To meet this requirement, any prospective underwriter will require the City to commit to providing the information needed to comply under a continuing disclosure agreement.

Baker Tilly Municipal Advisors currently provides both arbitrage and continuing disclosure services to the City. Baker Tilly Municipal Advisors will work with the City staff to include the Bonds under the existing Agreement for Municipal Advisor Services

**SUPPLEMENTAL
INFORMATION AND
BOND RECORD:**

Supplementary information will be available to staff including detailed terms and conditions of sale, comprehensive structuring schedules and information to assist in meeting post-issuance compliance responsibilities.

Upon completion of the financing, a bond record will be provided that contains pertinent documents and final debt service calculations for the transaction.

Baker Tilly Municipal Advisors, LLC is a registered municipal advisor and wholly-owned subsidiary of Baker Tilly Virchow Krause, LLP, an accounting firm. Baker Tilly Virchow Krause, LLP trading as Baker Tilly is a member of the global network of Baker Tilly International Ltd., the members of which are separate and independent legal entities. © 2020 Baker Tilly Municipal Advisors, LLC.

\$3,880,000

City of Brainerd, Minnesota
General Obligation Bonds, Series 2020A
Issue Summary

Total Issue Sources And Uses

Dated 08/06/2020 | Delivered 08/06/2020

	Tax Abatement Bonds	Equipment Certificates	Improvement Bonds	Issue Summary
Sources Of Funds				
Par Amount of Bonds.....	\$1,280,000.00	\$1,210,000.00	\$1,390,000.00	\$3,880,000.00
City cash contribution.....	59,000.00	80,000.00	80,000.00	219,000.00
Total Sources.....	\$1,339,000.00	\$1,290,000.00	\$1,470,000.00	\$4,099,000.00
Uses Of Funds				
Deposit to Project Construction Fund.....	1,300,000.00	1,260,000.00	1,434,000.00	3,994,000.00
Costs of Issuance.....	21,584.53	18,040.86	20,724.61	60,350.00
Total Underwriter's Discount (1.100%).....	14,080.00	13,310.00	15,290.00	42,680.00
Rounding Amount.....	3,335.47	(1,350.86)	(14.61)	1,970.00
Total Uses.....	\$1,339,000.00	\$1,290,000.00	\$1,470,000.00	\$4,099,000.00

\$3,880,000

City of Brainerd, Minnesota
General Obligation Bonds, Series 2020A
Issue Summary

NET DEBT SERVICE SCHEDULE

Date	Principal	Coupon	Interest	Total P+I	105% of Total	Abatement Revenue	Assessment	Levy Required
02/01/2021	245,000.00	0.900%	25,351.91	270,351.91	283,869.51	45,000.00	-	238,869.51
02/01/2022	340,000.00	0.950%	49,947.50	389,947.50	409,444.88	80,000.00	122,061.68	207,383.20
02/01/2023	330,000.00	1.050%	46,717.50	376,717.50	395,553.38	80,000.00	112,459.14	203,094.24
02/01/2024	335,000.00	1.150%	43,252.50	378,252.50	397,165.13	85,000.00	109,715.56	202,449.57
02/01/2025	335,000.00	1.250%	39,400.00	374,400.00	393,120.00	85,000.00	106,970.96	201,149.04
02/01/2026	335,000.00	1.350%	35,212.50	370,212.50	388,723.13	85,000.00	104,227.40	199,495.73
02/01/2027	335,000.00	1.400%	30,690.00	365,690.00	383,974.50	85,000.00	101,483.82	197,490.68
02/01/2028	335,000.00	1.450%	26,000.00	361,000.00	379,050.00	85,000.00	98,740.26	195,309.74
02/01/2029	345,000.00	1.500%	21,142.50	366,142.50	384,449.63	90,000.00	95,996.70	198,452.93
02/01/2030	350,000.00	1.550%	15,967.50	365,967.50	384,265.88	90,000.00	93,253.14	201,012.74
02/01/2031	215,000.00	1.650%	10,542.50	225,542.50	236,819.63	90,000.00	90,509.56	56,310.06
02/01/2032	90,000.00	1.700%	6,995.00	96,995.00	101,844.75	90,000.00	-	11,844.75
02/01/2033	95,000.00	1.800%	5,465.00	100,465.00	105,488.25	95,000.00	-	10,488.25
02/01/2034	95,000.00	1.900%	3,755.00	98,755.00	103,692.75	95,000.00	-	8,692.75
02/01/2035	100,000.00	1.950%	1,950.00	101,950.00	107,047.50	100,000.00	-	7,047.50
Total	\$3,880,000.00	-	\$362,389.41	\$4,242,389.41	\$4,454,508.88	\$1,280,000.00	\$1,035,418.22	\$2,139,090.66

Dated..... 8/06/2020
Delivery Date..... 8/06/2020
First Coupon Date..... 2/01/2021

Yield Statistics

Bond Year Dollars..... \$24,086.11
Average Life..... 6.208 Years
Average Coupon..... 1.5045576%

Net Interest Cost (NIC)..... 1.6817551%
True Interest Cost (TIC)..... 1.6887359%
Bond Yield for Arbitrage Purposes..... 1.4987863%
All Inclusive Cost (AIC)..... 1.9626739%

IRS Form 8038

Net Interest Cost..... 1.5045576%
Weighted Average Maturity..... 6.208 Years

\$1,280,000

City of Brainerd, Minnesota
General Obligation Bonds, Series 2020A
Tax Abatement Bonds

Debt Service Schedule

Date	Principal	Coupon	Interest	Total P+I	105% Levy
02/01/2021	45,000.00	0.900%	9,158.33	54,158.33	56,866.25
02/01/2022	80,000.00	0.950%	18,435.00	98,435.00	103,356.75
02/01/2023	80,000.00	1.050%	17,675.00	97,675.00	102,558.75
02/01/2024	85,000.00	1.150%	16,835.00	101,835.00	106,926.75
02/01/2025	85,000.00	1.250%	15,857.50	100,857.50	105,900.38
02/01/2026	85,000.00	1.350%	14,795.00	99,795.00	104,784.75
02/01/2027	85,000.00	1.400%	13,647.50	98,647.50	103,579.88
02/01/2028	85,000.00	1.450%	12,457.50	97,457.50	102,330.38
02/01/2029	90,000.00	1.500%	11,225.00	101,225.00	106,286.25
02/01/2030	90,000.00	1.550%	9,875.00	99,875.00	104,868.75
02/01/2031	90,000.00	1.650%	8,480.00	98,480.00	103,404.00
02/01/2032	90,000.00	1.700%	6,995.00	96,995.00	101,844.75
02/01/2033	95,000.00	1.800%	5,465.00	100,465.00	105,488.25
02/01/2034	95,000.00	1.900%	3,755.00	98,755.00	103,692.75
02/01/2035	100,000.00	1.950%	1,950.00	101,950.00	107,047.50
Total	\$1,280,000.00	-	\$166,605.83	\$1,446,605.83	\$1,518,936.12

SIGNIFICANT DATES

Dated..... 8/06/2020
Delivery Date..... 8/06/2020
First Coupon Date..... 2/01/2021

Yield Statistics

Bond Year Dollars..... \$10,182.22
Average Life..... 7.955 Years
Average Coupon..... 1.6362423%

Net Interest Cost (NIC)..... 1.7745226%
True Interest Cost (TIC)..... 1.7804278%
Bond Yield for Arbitrage Purposes..... 1.4986856%
All Inclusive Cost (AIC)..... 2.0166669%

IRS Form 8038

Net Interest Cost..... 1.6362423%
Weighted Average Maturity..... 7.955 Years

**Interest rates are estimates. Changes in rates may
cause significant alterations to this schedule.
The actual underwriter's discount bid may also vary.**

\$1,210,000

City of Brainerd, Minnesota
General Obligation Bonds, Series 2020A
Equipment Certificates

Debt Service Schedule

Date	Principal	Coupon	Interest	Total P+I	105% Levy
02/01/2021	135,000.00	0.900%	7,391.32	142,391.32	149,510.89
02/01/2022	115,000.00	0.950%	13,990.00	128,990.00	135,439.50
02/01/2023	115,000.00	1.050%	12,897.50	127,897.50	134,292.38
02/01/2024	115,000.00	1.150%	11,690.00	126,690.00	133,024.50
02/01/2025	115,000.00	1.250%	10,367.50	125,367.50	131,635.88
02/01/2026	120,000.00	1.350%	8,930.00	128,930.00	135,376.50
02/01/2027	120,000.00	1.400%	7,310.00	127,310.00	133,675.50
02/01/2028	120,000.00	1.450%	5,630.00	125,630.00	131,911.50
02/01/2029	125,000.00	1.500%	3,890.00	128,890.00	135,334.50
02/01/2030	130,000.00	1.550%	2,015.00	132,015.00	138,615.75
Total	\$1,210,000.00	-	\$84,111.32	\$1,294,111.32	\$1,358,816.89

SIGNIFICANT DATES

Dated..... 8/06/2020
Delivery Date..... 8/06/2020
First Coupon Date..... 2/01/2021

Yield Statistics

Bond Year Dollars..... \$6,068.19
Average Life..... 5.015 Years
Average Coupon..... 1.3861013%

Net Interest Cost (NIC)..... 1.6054416%
True Interest Cost (TIC)..... 1.6153831%
Bond Yield for Arbitrage Purposes..... 1.4987863%
All Inclusive Cost (AIC)..... 1.9357958%

IRS Form 8038

Net Interest Cost..... 1.3861013%
Weighted Average Maturity..... 5.015 Years

**Interest rates are estimates. Changes in rates may
cause significant alterations to this schedule.
The actual underwriter's discount bid may also vary.**

\$1,390,000

City of Brainerd, Minnesota
General Obligation Bonds, Series 2020A
Improvement Bonds

NET DEBT SERVICE SCHEDULE

Date	Principal	Coupon	Interest	Total P+I	105% of Total	Assessment	Levy Required
02/01/2021	65,000.00	0.900%	8,802.26	73,802.26	77,492.37	-	77,492.37
02/01/2022	145,000.00	0.950%	17,522.50	162,522.50	170,648.63	122,061.68	48,586.95
02/01/2023	135,000.00	1.050%	16,145.00	151,145.00	158,702.25	112,459.14	46,243.11
02/01/2024	135,000.00	1.150%	14,727.50	149,727.50	157,213.88	109,715.56	47,498.32
02/01/2025	135,000.00	1.250%	13,175.00	148,175.00	155,583.75	106,970.96	48,612.79
02/01/2026	130,000.00	1.350%	11,487.50	141,487.50	148,561.88	104,227.40	44,334.48
02/01/2027	130,000.00	1.400%	9,732.50	139,732.50	146,719.13	101,483.82	45,235.31
02/01/2028	130,000.00	1.450%	7,912.50	137,912.50	144,808.13	98,740.26	46,067.87
02/01/2029	130,000.00	1.500%	6,027.50	136,027.50	142,828.88	95,996.70	46,832.18
02/01/2030	130,000.00	1.550%	4,077.50	134,077.50	140,781.38	93,253.14	47,528.24
02/01/2031	125,000.00	1.650%	2,062.50	127,062.50	133,415.63	90,509.56	42,906.07
Total	\$1,390,000.00	-	\$111,672.26	\$1,501,672.26	\$1,576,755.87	\$1,035,418.22	\$541,337.65

Dated..... 8/06/2020
Delivery Date..... 8/06/2020
First Coupon Date..... 2/01/2021

Yield Statistics

Bond Year Dollars..... \$7,835.69
Average Life..... 5.637 Years
Average Coupon..... 1.4251737%

Net Interest Cost (NIC)..... 1.6203064%
True Interest Cost (TIC)..... 1.6291582%
Bond Yield for Arbitrage Purposes..... 1.4987863%
All Inclusive Cost (AIC)..... 1.9152518%

IRS Form 8038

Net Interest Cost..... 1.4251737%
Weighted Average Maturity..... 5.637 Years

\$877,663

City of Brainerd, Minnesota
General Obligation Bonds, Series 2020A
Assesment Income

ASSESSMENT INCOME

Date	Principal	Coupon	Interest	Total P+I
12/31/2020	-	-	-	-
12/31/2021	87,767.00	3.126%	34,294.68	122,061.68
12/31/2022	87,767.00	3.126%	24,692.14	112,459.14
12/31/2023	87,767.00	3.126%	21,948.56	109,715.56
12/31/2024	87,766.00	3.126%	19,204.96	106,970.96
12/31/2025	87,766.00	3.126%	16,461.40	104,227.40
12/31/2026	87,766.00	3.126%	13,717.82	101,483.82
12/31/2027	87,766.00	3.126%	10,974.26	98,740.26
12/31/2028	87,766.00	3.126%	8,230.70	95,996.70
12/31/2029	87,766.00	3.126%	5,487.14	93,253.14
12/31/2030	87,766.00	3.126%	2,743.56	90,509.56
Total	\$877,663.00	-	\$157,755.22	\$1,035,418.22

SIGNIFICANT DATES

Filing Date..... 10/01/2020
First Payment Date..... 12/31/2021

Extract of Minutes of Meeting
of the City Council of the City OF
Brainerd, Crow Wing County, Minnesota

Pursuant to due call and notice thereof a regular meeting of the City Council of the City of Brainerd, Minnesota, was held by teleconference or other electronic means on Monday, June 1, 2020, commencing at 7:30 P.M. The teleconference was held in accordance with Minnesota Statutes, Section 13D.021, and pursuant to [a resolution adopted on _____, 2020] [a declaration by _____ on _____, 2020].

The following members of the Council were present:

and the following were absent:

* * *

* * *

* * *

Member _____ presented the following written resolution, the reading of which was dispensed with by unanimous consent, and moved its adoption:

RESOLUTION
NO. 20:_____

**RESOLUTION PROVIDING FOR THE ISSUANCE AND SALE
OF GENERAL OBLIGATION BONDS, SERIES 2020A, IN THE
PROPOSED AGGREGATE PRINCIPAL AMOUNT OF
\$3,880,000**

BE IT RESOLVED By the City Council (the "City Council") of the City of Brainerd, Crow Wing County, Minnesota (the "City") as follows:

1. Improvement Bonds.

(a) The City is authorized by Minnesota Statutes, Chapters 429 and 475, as amended (collectively, the "Improvement Act"), to issue obligations in an amount deemed necessary to defray in whole or in part the expense incurred and estimated to be incurred in making improvements authorized by the Improvement Act.

(b) Certain assessable public improvements in the City designated as the NE Brainerd Resurfacing Project (the "Assessable Improvements") have been made, duly ordered, or contracts let pursuant to the provisions of the Improvement Act.

(c) It is necessary and expedient to the sound financial management of the affairs of the City to issue general obligations in the proposed principal amount of \$1,390,000 (the "Improvement Bonds"), pursuant to the Improvement Act, to provide financing for the Assessable Improvements.

2. Abatement Bonds.

(a) Under Minnesota Statutes, Chapter 475, as amended, and Sections 469.1812 through 469.1815, as amended (collectively, the "Abatement Act"), the City is authorized to grant a property tax abatement on specified parcels in order to accomplish certain public purposes, including the provision of public infrastructure in the City.

(b) Pursuant to a resolution adopted by the City Council on the date hereof (the "Abatement Resolution"), following a duly noticed public hearing, the City Council approved a property tax abatement (the "Abatements") in the maximum amount of \$1,300,000 for certain property in the City (the "Abatement Parcels") over a period of fifteen (15) years, in an amount sufficient to pay the principal amount of and all or a portion of the interest on bonds issued to finance infrastructure improvements primarily consisting of improvements to City parks (the "Abatement Project").

(c) In the Abatement Resolution, the City found and determined that the Abatement Project benefits the Abatement Parcels, that the Abatement Project will provide public infrastructure in a way that will preserve natural resources and ensure a high quality of life for residents in the City, and that the maximum principal amount of bonds to be secured by Abatements does not exceed the estimated sum of Abatements from the Abatement Parcels for the term authorized under the Abatement Resolution.

(d) It is necessary and expedient to the sound financial management of the affairs of the City to issue general obligations in the proposed principal amount of \$1,280,000 (the "Abatement Bonds"), pursuant to the Abatement Act, to provide financing for the Abatement Project.

3. Equipment Certificates.

(a) The City is authorized by Minnesota Statutes, Chapter 475, as amended, and Minnesota Statutes, Sections 410.32 and 412.301, as amended (collectively, the "Equipment Acquisition Act"), to issue its general obligation equipment certificates of indebtedness on such terms and in such manner as the City determines to finance the purchase of items of capital equipment (the "Equipment"), subject to certain limitations contained in the Equipment Acquisition Act.

(b) The City will purchase and acquire various items of Equipment, including a ladder truck, an end loader, and a street sweeper or other similar equipment to be purchased pursuant to the Equipment Acquisition Act.

(c) As required by the Equipment Acquisition Act:

(i) the expected useful life of each item of Equipment is or will be at least as long as the term of the equipment certificates issued to finance such Equipment; and

(ii) the principal amount of equipment certificates to be issued in the year 2020 will not exceed one-quarter of one percent (0.25%) of the estimated market value of taxable property in the City for the year 2020.

(d) It is necessary and expedient to the sound financial management of the affairs of the City to issue general obligations in the proposed principal amount of \$1,210,000 (the "Equipment Certificates"), pursuant to the Equipment Acquisition Act, to provide financing for the acquisition of the Equipment.

4. Sale of Bonds.

(a) The City Council finds it necessary and expedient to the sound financial management of the affairs of the City to issue its General Obligation Bonds, Series 2020A (the "Bonds"), in the proposed aggregate principal amount of \$3,880,000, pursuant to the Improvement Act, the Abatement Act, and the Equipment Acquisition Act (collectively, the "Act"), to provide financing for the construction of the Assessable Improvements, the construction of the Abatement Project, and the acquisition of the Equipment. The Bonds will be issued, sold, and delivered in accordance with the Terms of Proposal attached hereto as EXHIBIT B (the "Terms of Proposal").

(b) The City is authorized by Section 475.60, subdivision 2(9) of the Act to negotiate the sale of the Bonds, it being determined that the City has retained an independent municipal advisor in connection with such sale.

5. Authority of Municipal Advisor. Baker Tilly Municipal Advisors, LLC (the "Municipal Advisor") is authorized and directed to negotiate the Bonds in accordance with the

Terms of Proposal. The City Council will meet at 7:30 P.M. on Monday, July 6, 2020, to consider proposals on the Bonds and take any other appropriate action with respect to the Bonds.

6. Authority of Bond Counsel. The law firm of Kennedy & Graven, Chartered, as bond counsel for the City ("Bond Counsel"), is authorized to act as bond counsel and to assist in the preparation and review of necessary documents, certificates and instruments relating to the Bonds. The officers, employees and agents of the City are hereby authorized to assist Bond Counsel in the preparation of such documents, certificates, and instruments.

7. Covenants. In the resolution awarding the sale of the Bonds the City Council will set forth the covenants and undertakings required by the Act.

8. Official Statement. In connection with the sale of the Bonds, the officers or employees of the City are authorized and directed to cooperate with the Municipal Advisor and participate in the preparation of an official statement for the Bonds and to execute and deliver it on behalf of the City upon its completion.

The motion for the adoption of the foregoing resolution was duly seconded by Member _____, and upon vote being taken thereon, the following voted in favor thereof:

and the following voted against the same:

whereupon said resolution was declared duly passed and adopted.

Adopted this ____ day of _____, 2020.

GABE JOHNSON
President of the Council

Approved this ____ day of _____, 2020.

DAVE BADEAUX
Mayor

ATTEST:

JENNIFER BERGMAN
City Administrator

EXHIBIT A
TERMS OF PROPOSAL

THE CITY HAS AUTHORIZED BAKER TILLY MUNICIPAL ADVISORS, LLC TO NEGOTIATE THIS ISSUE ON ITS BEHALF. PROPOSALS WILL BE RECEIVED ON THE FOLLOWING BASIS:

TERMS OF PROPOSAL

\$3,880,000*

**CITY OF BRAINERD, MINNESOTA
GENERAL OBLIGATION BONDS, SERIES 2020A**

(BOOK ENTRY ONLY)

Proposals for the above-referenced obligations (the “Bonds”) will be received by the City of Brainerd, Minnesota (the “City”) on Monday, July 6, 2020 (the “Sale Date”) until 10:30 A.M., Central Time (the “Sale Time”) at the offices of Baker Tilly Municipal Advisors, LLC (“Baker Tilly MA”), 380 Jackson Street, Suite 300, Saint Paul, Minnesota, 55101, after which time proposals will be opened and tabulated. Consideration for award of the Bonds will be by the City Council at its meeting commencing at 7:30 P.M., Central Time, of the same day.

SUBMISSION OF PROPOSALS

Baker Tilly MA will assume no liability for the inability of a bidder or its proposal to reach Baker Tilly MA prior to the Sale Time, and neither the City nor Baker Tilly MA shall be responsible for any failure, misdirection or error in the means of transmission selected by any bidder. All bidders are advised that each proposal shall be deemed to constitute a contract between the bidder and the City to purchase the Bonds regardless of the manner in which the proposal is submitted.

(a) **Sealed Bidding.** Completed, signed proposals may be submitted to Baker Tilly MA by email to bondservice@bakertilly.com or by fax (651) 223-3046, and must be received prior to the Sale Time.

OR

(b) **Electronic Bidding.** Proposals may also be received via PARITY®. For purposes of the electronic bidding process, the time as maintained by PARITY® shall constitute the official time with respect to all proposals submitted to PARITY®. *Each bidder shall be solely responsible for making necessary arrangements to access PARITY® for purposes of submitting its electronic proposal in a timely manner and in compliance with the requirements of the Terms of Proposal.* Neither the City, its agents, nor PARITY® shall have any duty or obligation to undertake registration to bid for any prospective bidder or to provide or ensure electronic access to any qualified prospective bidder, and neither the City, its agents, nor PARITY® shall be responsible for a bidder’s failure to register to bid or for any failure in the proper operation of, or have any liability for any delays or interruptions of or any damages caused by the services of PARITY®. The City is using the services of PARITY® solely as a communication mechanism to conduct the electronic bidding for the Bonds, and PARITY® is not an agent of the City.

If any provisions of this Terms of Proposal conflict with information provided by PARITY®, this Terms of Proposal shall control. Further information about PARITY®, including any fee charged, may be obtained from:

PARITY®, 1359 Broadway, 2nd Floor, New York, New York 10018
Customer Support: (212) 849-5000

* *Preliminary; subject to change.*

Baker Tilly Municipal Advisors, LLC is a registered municipal advisor and wholly-owned subsidiary of Baker Tilly Virchow Krause, LLP, an accounting firm. Baker Tilly Virchow Krause, LLP trading as Baker Tilly is a member of the global network of Baker Tilly International Ltd., the members of which are separate and independent legal entities. © 2020 Baker Tilly Municipal Advisors, LLC.

DETAILS OF THE BONDS

The Bonds will be dated as of the date of delivery and will bear interest payable on February 1 and August 1 of each year, commencing February 1, 2021. Interest will be computed on the basis of a 360-day year of twelve 30-day months.

The Bonds will mature in the years and amounts* as follows:

2021	\$245,000	2024	\$335,000	2027	\$335,000	2030	\$350,000	2033	\$ 95,000
2022	\$340,000	2025	\$335,000	2028	\$335,000	2031	\$215,000	2034	\$ 95,000
2023	\$330,000	2026	\$335,000	2029	\$345,000	2032	\$ 90,000	2035	\$100,000

* *The City reserves the right, after proposals are opened and prior to award, to increase or reduce the principal amount of the Bonds or the amount of any maturity or maturities in multiples of \$5,000. In the event the amount of any maturity is modified, the aggregate purchase price will be adjusted to result in the same gross spread per \$1,000 of Bonds as that of the original proposal. Gross spread for this purpose is the differential between the price paid to the City for the new issue and the prices at which the proposal indicates the securities will be initially offered to the investing public.*

Proposals for the Bonds may contain a maturity schedule providing for a combination of serial bonds and term bonds. All term bonds shall be subject to mandatory sinking fund redemption at a price of par plus accrued interest to the date of redemption scheduled to conform to the maturity schedule set forth above. In order to designate term bonds, the proposal must specify "Years of Term Maturities" in the spaces provided on the proposal form.

BOOK ENTRY SYSTEM

The Bonds will be issued by means of a book entry system with no physical distribution of Bonds made to the public. The Bonds will be issued in fully registered form and one Bond, representing the aggregate principal amount of the Bonds maturing in each year, will be registered in the name of Cede & Co. as nominee of The Depository Trust Company ("DTC"), New York, New York, which will act as securities depository for the Bonds. Individual purchases of the Bonds may be made in the principal amount of \$5,000 or any multiple thereof of a single maturity through book entries made on the books and records of DTC and its participants. Principal and interest are payable by the registrar to DTC or its nominee as registered owner of the Bonds. Transfer of principal and interest payments to participants of DTC will be the responsibility of DTC; transfer of principal and interest payments to beneficial owners by participants will be the responsibility of such participants and other nominees of beneficial owners. The lowest bidder (the "Purchaser"), as a condition of delivery of the Bonds, will be required to deposit the Bonds with DTC.

REGISTRAR

The City will name the registrar which shall be subject to applicable regulations of the Securities and Exchange Commission. The City will pay for the services of the registrar.

OPTIONAL REDEMPTION

The City may elect on February 1, 2029, and on any day thereafter, to redeem Bonds due on or after February 2030. Redemption may be in whole or in part and if in part at the option of the City and in such manner as the City shall determine. If less than all Bonds of a maturity are called for redemption, the City will notify DTC of the particular amount of such maturity to be redeemed. DTC will determine by lot the amount of each participant's interest in such maturity to be redeemed and each participant will then select by lot the beneficial ownership interests in such maturity to be redeemed. All redemptions shall be at a price of par plus accrued interest.

SECURITY AND PURPOSE

The Bonds will be general obligations of the City for which the City will pledge its full faith and credit and power to levy direct general ad valorem taxes. In addition, the City will pledge (i) special assessments against benefited properties and (ii) tax abatement revenues derived from certain parcels within the City for repayment of a portion of the Bonds. The proceeds of the Bonds will be used to finance (i) the purchase of capital equipment, (ii) various City improvement projects, and (iii) City park facilities.

BANK QUALIFIED TAX-EXEMPT OBLIGATIONS

The City will designate the Bonds as qualified tax-exempt obligations for purposes of Section 265(b)(3) of the Internal Revenue Code of 1986, as amended.

BIDDING PARAMETERS

Proposals shall be for not less than \$3,837,320 plus accrued interest, if any, on the total principal amount of the Bonds. No proposal can be withdrawn or amended after the time set for receiving proposals on the Sale Date unless the meeting of the City scheduled for award of the Bonds is adjourned, recessed, or continued to another date without award of the Bonds having been made. Rates shall be in integral multiples of 1/100 or 1/8 of 1%. The initial price to the public for each maturity as stated on the proposal must be 98.0% or greater. Bonds of the same maturity shall bear a single rate from the date of the Bonds to the date of maturity. No conditional proposals will be accepted.

ESTABLISHMENT OF ISSUE PRICE

In order to provide the City with information necessary for compliance with Section 148 of the Internal Revenue Code of 1986, as amended, and the Treasury Regulations promulgated thereunder (collectively, the "Code"), the Purchaser will be required to assist the City in establishing the issue price of the Bonds and shall complete, execute, and deliver to the City prior to the closing date, a written certification in a form acceptable to the Purchaser, the City, and Bond Counsel (the "Issue Price Certificate") containing the following for each maturity of the Bonds (and, if different interest rates apply within a maturity, to each separate CUSIP number within that maturity): (i) the interest rate; (ii) the reasonably expected initial offering price to the "public" (as said term is defined in Treasury Regulation Section 1.148-1(f) (the "Regulation")) or the sale price; and (iii) pricing wires or equivalent communications supporting such offering or sale price. [However, such Issue Price Certificate may indicate that the Purchaser has purchased the Bonds for its own account in a capacity other than as an underwriter or wholesaler, and currently has no intent to reoffer the Bonds for sale to the public.] Any action to be taken or documentation to be received by the City pursuant hereto may be taken or received on behalf of the City by Baker Tilly MA.

The City intends that the sale of the Bonds pursuant to this Terms of Proposal shall constitute a "competitive sale" as defined in the Regulation based on the following:

- (i) the City shall cause this Terms of Proposal to be disseminated to potential bidders in a manner that is reasonably designed to reach potential bidders;
- (ii) all bidders shall have an equal opportunity to submit a bid;
- (iii) the City reasonably expects that it will receive bids from at least three bidders that have established industry reputations for underwriting municipal bonds such as the Bonds; and
- (iv) the City anticipates awarding the sale of the Bonds to the bidder who provides a proposal with the lowest true interest cost, as set forth in this Terms of Proposal (See "AWARD" herein).

Any bid submitted pursuant to this Terms of Proposal shall be considered a firm offer for the purchase of the Bonds, as specified in the proposal. The Purchaser shall constitute an "underwriter" as said term is defined in the Regulation. By submitting its proposal, the Purchaser confirms that it shall require any agreement among underwriters, a selling group agreement, or other agreement to which it is a party relating

to the initial sale of the Bonds, to include provisions requiring compliance with the provisions of the Code and the Regulation regarding the initial sale of the Bonds.

If all of the requirements of a “competitive sale” are not satisfied, the City shall advise the Purchaser of such fact prior to the time of award of the sale of the Bonds to the Purchaser. **In such event, any proposal submitted will not be subject to cancellation or withdrawal.** Within twenty-four (24) hours of the notice of award of the sale of the Bonds, the Purchaser shall advise the City and Baker Tilly MA if 10% of any maturity of the Bonds (and, if different interest rates apply within a maturity, to each separate CUSIP number within that maturity) has been sold to the public and the price at which it was sold. The City will treat such sale price as the “issue price” for such maturity, applied on a maturity-by-maturity basis. The City will not require the Purchaser to comply with that portion of the Regulation commonly described as the “hold-the-offering-price” requirement for the remaining maturities, but the Purchaser may elect such option. If the Purchaser exercises such option, the City will apply the initial offering price to the public provided in the proposal as the issue price for such maturities. If the Purchaser does not exercise that option, it shall thereafter promptly provide the City and Baker Tilly MA the prices at which 10% of such maturities are sold to the public; provided such determination shall be made and the City and Baker Tilly MA notified of such prices whether or not the closing date has occurred, until the 10% test has been satisfied as to each maturity of the Bonds or until all of the Bonds of a maturity have been sold.

GOOD FAITH DEPOSIT

To have its proposal considered for award, the Purchaser is required to submit a good faith deposit via wire transfer to the City in the amount of \$38,800 (the “Deposit”) no later than 1:30 P.M., Central Time on the Sale Date. The Purchaser shall be solely responsible for the timely delivery of its Deposit, and neither the City nor Baker Tilly MA have any liability for delays in the receipt of the Deposit. If the Deposit is not received by the specified time, the City may, at its sole discretion, reject the proposal of the lowest bidder, direct the second lowest bidder to submit a Deposit, and thereafter award the sale to such bidder.

A Deposit will be considered timely delivered to the City upon submission of a federal wire reference number by the specified time. Wire transfer instructions will be available from Baker Tilly MA following the receipt and tabulation of proposals. The successful bidder must send an e-mail including the following information: (i) the federal reference number and time released; (ii) the amount of the wire transfer; and (iii) the issue to which it applies.

Once an award has been made, the Deposit received from the Purchaser will be retained by the City and no interest will accrue to the Purchaser. The amount of the Deposit will be deducted at settlement from the purchase price. In the event the Purchaser fails to comply with the accepted proposal, said amount will be retained by the City.

AWARD

The Bonds will be awarded on the basis of the lowest interest rate to be determined on a true interest cost (TIC) basis calculated on the proposal prior to any adjustment made by the City. The City's computation of the interest rate of each proposal, in accordance with customary practice, will be controlling.

The City will reserve the right to: (i) waive non-substantive informalities of any proposal or of matters relating to the receipt of proposals and award of the Bonds, (ii) reject all proposals without cause, and (iii) reject any proposal that the City determines to have failed to comply with the terms herein.

BOND INSURANCE AT PURCHASER'S OPTION

The City has **not** applied for or pre-approved a commitment for any policy of municipal bond insurance with respect to the Bonds. If the Bonds qualify for municipal bond insurance and a bidder desires to purchase a policy, such indication, the maturities to be insured, and the name of the desired insurer must be set forth on the bidder's proposal. The City specifically reserves the right to reject any bid specifying municipal bond insurance, even though such bid may result in the lowest TIC to the City. All costs

associated with the issuance and administration of such policy and associated ratings and expenses (other than any independent rating requested by the City) shall be paid by the successful bidder. Failure of the municipal bond insurer to issue the policy after the award of the Bonds shall not constitute cause for failure or refusal by the successful bidder to accept delivery of the Bonds.

CUSIP NUMBERS

If the Bonds qualify for the assignment of CUSIP numbers such numbers will be printed on the Bonds; however, neither the failure to print such numbers on any Bond nor any error with respect thereto will constitute cause for failure or refusal by the Purchaser to accept delivery of the Bonds. Baker Tilly MA will apply for CUSIP numbers pursuant to Rule G-34 implemented by the Municipal Securities Rulemaking Board. The CUSIP Service Bureau charge for the assignment of CUSIP identification numbers shall be paid by the Purchaser.

SETTLEMENT

On or about August 6, 2020, the Bonds will be delivered without cost to the Purchaser through DTC in New York, New York. Delivery will be subject to receipt by the Purchaser of an approving legal opinion of Kennedy & Graven, Chartered of Minneapolis, Minnesota, and of customary closing papers, including a no-litigation certificate. On the date of settlement, payment for the Bonds shall be made in federal, or equivalent, funds that shall be received at the offices of the City or its designee not later than 12:00 Noon, Central Time. Unless compliance with the terms of payment for the Bonds has been made impossible by action of the City, or its agents, the Purchaser shall be liable to the City for any loss suffered by the City by reason of the Purchaser's non-compliance with said terms for payment.

CONTINUING DISCLOSURE

In accordance with SEC Rule 15c2-12(b)(5), the City will undertake, pursuant to the resolution awarding sale of the Bonds, to provide annual reports and notices of certain events. A description of this undertaking is set forth in the Official Statement. The purchaser's obligation to purchase the Bonds will be conditioned upon receiving evidence of this undertaking at or prior to delivery of the Bonds.

OFFICIAL STATEMENT

The City has authorized the preparation of a Preliminary Official Statement containing pertinent information relative to the Bonds, and said Preliminary Official Statement has been deemed final by the City as of the date thereof within the meaning of Rule 15c2-12 of the Securities and Exchange Commission. For an electronic copy of the Preliminary Official Statement or for any additional information prior to sale, any prospective purchaser is referred to the Municipal Advisor to the City, Baker Tilly Municipal Advisors, LLC, by telephone (651) 223-3000, or by email bondservice@bakertilly.com. The Preliminary Official Statement will also be made available at <https://go.bakertilly.com/bond-sales-calendar>.

A Final Official Statement (as that term is defined in Rule 15c2-12) will be prepared, specifying the maturity dates, principal amounts, and interest rates of the Bonds, together with any other information required by law. By awarding the Bonds to the Purchaser, the City agrees that, no more than seven business days after the date of such award, it shall provide to the Purchaser an electronic copy of the Final Official Statement. The City designates the Purchaser as its agent for purposes of distributing the Final Official Statement to each syndicate member, if applicable. The Purchaser agrees that if its proposal is accepted by the City, (i) it shall accept designation and (ii) it shall enter into a contractual relationship with its syndicate members for purposes of assuring the receipt of the Final Official Statement by each such syndicate member.

Dated June 1, 2020

BY ORDER OF THE CITY COUNCIL

/s/ Jennifer Bergman
City Administrator

STATE OF MINNESOTA)
)
COUNTY OF CROW WING)
)
CITY OF BRAINERD)

I, the undersigned, being the duly qualified City Administrator of the City of Brainerd, Minnesota (the "City"), hereby certify that I have carefully compared the attached and foregoing extract of minutes of a regular meeting of the City Council of the City held on Monday, June 1, 2020, with the original minutes on file in my office and the extract is a full, true and correct copy of the minutes, insofar as they relate to the issuance and sale of the City's General Obligation Bonds, Series 2020A, in the proposed aggregate principal amount of \$3,880,000.

WITNESS My hand as City Administrator and the corporate seal of the City this ____ day of June, 2020.

(SEAL)

City Administrator
City of Brainerd, Minnesota