

CITY COUNCIL AGENDA

Brainerd, Minnesota

September 21, 2020

7:30 P.M.

City Hall Council Chambers

WebEx Teleconference Call In Information

CALL TOLL-FREE: 1-844-992-4726

Access Code: 146 091 9376

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

2. **Roll Call**

___ K. Stunek ___ D. Pritschet ___ K. Bevans ___ W. Erickson

___ T. Erickson ___ J. Lambert ___ G. Johnson ___ Mayor Badeaux

3. **Pledge Of Allegiance**

4. **Approval Of Agenda - Voice Vote**

5. **Consent Calendar**

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

A. **Approval Of Minutes**

1. Regular Meeting Held on September 8, 2020
2. Workshop Held on September 14, 2020

Documents:

[20200908_CC draft.pdf](#)

[20200914_CC -Budget Workshop.pdf](#)

B. **Approval Of Licenses**

Contractor Licenses - 3

Documents:

[Contractor Report 09-17-2020.pdf](#)

C. **Department Activity Reports**

1. Police Chief
2. Finance Director

Documents:

[Police Chief Report.pdf](#)

6. **Presentations**

A. **Presentation By The Evergreen Cemetery Board**

Documents:

Evergreen Cemetery.pdf

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

C. **Introduction Of HRA Executive Director**

7. **Council Committee Reports**

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

WebEx Teleconference Information

- Call Toll-Free: 844-992-4726
- Access Code: 146 230 8151

Documents:

20200921_PF.pdf

1. Approval Of Bills
2. Police Records Management Tech Resignation & Request To Hire

Documents:

Records Mgmt Tech Resignation.pdf

3. Funding For DDA Human Resources, Inc. To Conduct Police Chief Search

Documents:

Funding for DDA to Conduct Police Chief Search.pdf

4. Zoning Code Update Consultant Selection

Documents:

Zoning Code Update.pdf

5. Civil Attorney Contract Renewal

Documents:

City Attorney.pdf

6. Anderson Brothers Construction Request To Purchase Industrial Lots

Documents:

Anderson Brothers Construction Request to Purchase Industrial Lots.pdf

B. Safety And Public Works Committee - 7:15 P.M.

WebEx Teleconference Information

- Call Toll-Free: 844-992-4726
- Access Code: 146 892 6656

Documents:

20200921_SPW.pdf

1. Event/Street Closure Application - Bikers For Kids - Kinship Partners Support Event

Documents:

Street Closure Application - Bikers for Kids.pdf

2. Event/Street Closure Application - Visit Brainerd Open House/25 Year Celebration

Documents:

Event Street Closure Application - Visit Brainerd.pdf

3. 2020-2021 Downtown Snow Removal Bids

Documents:

2020-2021 Downtown Snow Removal Bids.pdf

4. Improvement 14-05 - Old Stonebridge Trail - Final Pay Estimate

Documents:

IMP 14-05 Final Pay.pdf

8. Unfinished Business

A. Final Reading - Proposed Ordinance No. 1510 - Amending The Rural Service District

- a. Hold the Final Reading of Proposed Ordinance No. 1510
- b. City Administrator Bergman Recommends to Dispense with the Actual Reading
- c. Adopt Ordinance No. 1510 (Roll Call Vote)

Documents:

Final Reading - Proposed Ordinance No. 1510.pdf

B. Committee Recommendations - Recommended By Mayor Badeaux

- Marie Kirsch - Economic Development Authority (EDA) - Term to Expire 09/07/2021

Documents:

Kirsch, Marie - EDA Applicant.pdf

C. 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)

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

Economic Development Authority (EDA) - 1 term (Expire 2021) -
pending appointment

Other - Applicants Needed

Water Tower Committee

Parking Commission

9. New Business

A. Resolution - Accepting Babe The Blue Ox Statue

Documents:

Ox Statue.pdf

B. Authorize CARES Act Funds Pooling Agreement With Crow Wing County

Documents:

CARES Act.pdf

C. Adopt 2021 Preliminary Levy

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

Documents:

Res 2021 Preliminary Levy.pdf

D. Resolution - Declaring Costs To Be Assessed, Ordering

Preparation Of Proposed Assessment, And Ordering A Public Hearing On Proposed Assessment - 2020 Nuisance Abatement And Downtown Special Services District

Documents:

RES DTSS Nuisance.pdf

- E. Resolution - Declaring Costs To Be Assessed, Ordering Preparation Of Proposed Assessment, And Ordering A Public Hearing On Proposed Assessment - Improvement 14-05 - Old Stonebridge Trail Final Lift**

Documents:

RES IMP 14-05.pdf

- F. Resolution - Declaring Costs To Be Assessed, Ordering Preparation Of Proposed Assessment, And Ordering A Public Hearing On Proposed Assessment - Improvement 19-10 - NE Brainerd Resurfacing Project**

Documents:

RES IMP 19-10.pdf

- G. Resolution - Declaring Costs To Be Assessed, Ordering Preparation Of Proposed Assessment, And Ordering A Public Hearing On Proposed Assessment - Improvements 13-21, 19-09, And 19-16 - NE Brainerd Reconstruction Project**

Documents:

RES IMP 13-21 19-09 19-16.pdf

- H. Resolution - Declaring Costs To Be Assessed, Ordering Preparation Of Proposed Assessment, And Ordering A Public Hearing On Proposed Assessment - Improvements 16-09 And 19-07 - Buffalo Hills Lane And Mississippi Drive Reconstruction Project**

Documents:

RES IMP 16-09 19-07.pdf

10. Planning Commission

- A. First Reading - Proposed Ordinance No. 1511 - Amending Section 515-62 Of The City Code**

Documents:

11. **Public Forum**

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

12. **Staff Reports**

(Verbal: Any Updates since Packet)

13. **Mayor's Report**

14. **Council Member Reports**

15. **Adjourn**

Personnel & Finance Committee will meet at 6:45 PM in Council Chambers

WebEx Teleconference Call In Info:

Call Toll-Free: 844-992-4726

Access Code: 146 230 8151

Safety & Public Works Committee will meet at 7:15 PM in Council Chambers

WebEx Teleconference Call In Info:

Call Toll-Free: 844-992-4726

Access Code: 146 892 6656

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
September 8, 2020**

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

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

Due to Alderwoman Lambert participating in the meeting remotely, all motions will be made by roll call vote for accuracy.

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

MOVED AND SECONDED BY ALDERMEN BEVANS AND W. ERICKSON TO APPROVE THE AGENDA.

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

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

A. Approval of the Minutes of the Regular Meeting held on August 17, 2020 - Approved

B. Approval of Licenses - Approved

Contractor Licenses - 5

C. Department Activity Reports - Approved

1. Fire Chief
2. Parks Director

D. EDA Annual Report to Council - Approved

E. Last Turn Saloon Building Permit Denial Findings Of Fact – Adopted by Resolution No. 33:20

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

Presentations

Splash Pad Presentation

The Chair welcomed Ms. Emily Noble and Ms. Meta Mandich via WebEx, who have been working on raising funds for a splash pad. They indicated they have raised \$85,000, with another \$3,000 being raised this past Labor Day weekend and are asking the Council for a match of funds.

Ms. Noble and Ms. Mandich gave a brief update of the activities and community outreach that has taken place.

Ms. Kara Schaefer and Mr. Kevin Yeager, members of the Park Board were attending via WebEx and answered questions regarding the possible location change from Gregory Park to the Memorial Park during the park renovation. Mr. Yeager explained the different types of splash pads that could be constructed and the pros and cons of each. He stated the pump and dump system would be the most cost effective and most popular with other municipalities.

MOVED AND SECONDED BY ALDERMEN STUNEK AND LAMBERT TO DISCUSS THE POSSIBILITY OF A FUNDS MATCH, UP TO \$100,000 TOWARDS THE CONSTRUCTION OF THE SPLASH PAD AT THE 2021 BUDGET WORKSHOP BEING HELD ON MONDAY, SEPTEMBER 14, 2020.

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

Brainerd Lakes Regional Airport Annual Report

The Chair welcomed Mr. Steven Wright, director of the Brainerd Lakes Regional Airport, via WebEx who thanked the Council for the opportunity to present the 2019 Annual Report. Mr. Wright explained strategic, financial, and operating highlights as well as enplanement information and the monthly fuel reports. He reviewed the details of the CARES Act 2020 funding and the proposed development projects being planned to use those funds. Mr. Wright answered questions and the Council thanked him for the presentation.

Council Committee Reports

Personnel and Finance Committee Report

Approval of Bills - Approved

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

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

Ratification of Hiring Street and Sewer Maintenance I Personnel - Approved

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND T. ERICKSON TO RATIFY THE HIRING OF THE FOLLOWING INDIVIDUALS AS STREET MAINTENANCE I EMPLOYEES:

- ROBERT ANDERSON (TRANSFER FROM PARKS DEPARTMENT) AT STEP 6 (\$25.86 PER HOUR) EFFECTIVE 8/31/20
- MICHAEL JENSEN AT STEP 4 (\$23.79 PER HOUR) EFFECTIVE 9/8/20
- CHAD LARDY AT STEP 2 (\$21.73 PER HOUR) EFFECTIVE 9/14/20

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

Retirement of Police Chief Corky McQuiston - Approved

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND STUNEK TO ACCEPT WITH REGRET THE RETIREMENT OF POLICE CHIEF MCQUISTON, AUTHORIZE HIS SEVERANCE PAYOUT PER CITY POLICY AND REQUEST THE CIVIL SERVICE COMMISSION BEGIN THE HIRING PROCESS.

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

Long-Term Disability Insurance Request for Proposals Results - Approved

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND T. ERICKSON TO ACCEPT THE LONG-TERM DISABILITY PROPOSAL SUBMITTED BY MADISON NATIONAL LIFE INSURANCE COMPANY AT \$.15 PER \$100 OF MONTHLY PAYROLL FOR 2021, 2022, AND 2023.

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

Update on 2021 Health Insurance Request for Proposals - Approved

HR Director Schubert explained the details of the RFP and responses that were received. She stated the recommendation is to request a Council Member be a part of the Insurance Committee to review the proposals and make a selection for the Council to consider at the October 5, 2020 meeting.

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND STUNEK TO APPOINT ALDERMAN T. ERICKSON AS A COUNCIL REPRESENTATIVE TO THE EMPLOYEE INSURANCE COMMITTEE.

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

Loan Subordination - Approved

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND T. ERICKSON TO APPROVE THE SUBORDINATION REQUEST FOR MS. WANDA LANE, 1107 PINE STREET, BRAINERD.

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

Safety & Public Works Committee Report

Event/Street Closure Application – Fire Department Open House - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND W. ERICKSON TO ACCEPT STAFF'S RECOMMENDATION AND APPROVE THE EVENT/STREET CLOSURE APPLICATION FOR THE FIRE DEPARTMENT OPEN HOUSE ON OCTOBER 8, 2020 UNDER THE CONDITION THE FIRE DEPARTMENT OBTAIN ALL STATE APPROVALS FOR LARGE

EVENTS AND THE EVENT FOLLOWS ALL GUIDANCE PROVIDED BY THE GOVERNOR'S EXECUTIVE ORDERS OR OTHER GUIDANCE OBTAINED IN THE APPROVAL PROCESS AND THAT REQUESTS FOR TRAFFIC CONTROL BE MADE THROUGH THE STREET DEPARTMENT PRIOR TO THE EVENT.

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

Improvement 20-03 – 2020 Large Patching Project Final Pay Estimate - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND W. ERICKSON TO APPROVE THE INVOICES FROM ANDERSON BROTHERS CONSTRUCTION FOR IMPROVEMENT 20-03 AND THE LAST INVOICE FOR THE WILD AVENUE PATCHING IN THE TOTAL AMOUNT OF \$50,000, WHICH IS \$44,557 AND \$5,443, RESPECTIVELY.

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

Request to Construct Police Impound Lot - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET TO ACCEPT STAFF'S RECOMMENDATION AND APPROVE THE PLAN TO PROCEED WITH CONSTRUCTING A SEPARATE POLICE DEPARTMENT IMPOUND LOT ON THE INDUSTRIAL PARK PARCEL PID 41010549.

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

Garbage Haulers and Canisters – Discussion Item - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT TO WORK WITH STAFF AND GARBAGE HAULERS TO ENFORCE THE REMOVAL OF WASTE CANISTERS FROM THE RIGHT-OF-WAY AFTER PICKUP THROUGH COMMUNICATION AND ENACT A WASTE HAULERS COMMITTEE TO MEET YEARLY TO DISCUSS PENDING ISSUES; APPOINTING ALDERWOMAN LAMBERT AS A COUNCIL LIAISON TO SAID COMMITTEE.

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

Unfinished Business

Committee Resignations – Accept with Regret - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET TO ACCEPT WITH REGRET THE RESIGNATION OF YVETTE CAMPBELL FROM THE ECONOMIC DEVELOPMENT AUTHORITY.

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

Committee Recommendations – Recommended by Mayor Badeaux - Approved

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND BEVANS TO RENEW THE APPOINTMENT OF MICHAEL O'DAY TO THE ECONOMIC DEVELOPMENT AUTHORITY WITH A TERM TO EXPIRE 09/07/2026.

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

Committee Recommendations – Recommended by Council President - Approved

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND W. ERICKSON TO APPOINT KEITH RIEDEL TO THE AIRPORT COMMISSION WITH A TERM TO EXPIRE 12/31/2021.

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

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

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

Mayor Recommended: (terms to expire 09/07 of said year)
Economic Development Authority (EDA) – 1 term (Expire 2021)

Council President Recommended: (term to expire 12/31 of said year)
Airport Commission – 1 term (Expire 2021) – *pending appointment*

Other
Water Tower Fundraising Committee
Parking Commission

New Business

New On-Sale Liquor, Sunday Liquor and Off-Sale Liquor License Applications – Submitted by Northern Pacific Hospitality LLC dba Notch 8, 1551 Northern Pacific Rd., Brainerd - Approved

Finance Director Hillman explained the details of the applications being requested.

The Chair recognized Mr. Nick Miller, owner of 3 Cheers Hospitality, who was present for the meeting via the WebEx call in option. Council asked about the off-sale license that is being requested. Mr. Miller indicated this would allow a patron to purchase a bottle of wine, drink kit or a six-pack of beer to take home.

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND BEVANS TO APPROVE THE ON-SALE LIQUOR, SUNDAY, AND OFF-SALE LIQUOR LICENSES FOR NORTHERN PACIFIC HOSPITALITY LLC DBA NOTCH 8, 1551 NORTHERN PACIFIC RD, CONTINGENT UPON APPROVAL FROM THE POLICE CHIEF AND FIRE CHIEF.

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

Proposed Ordinance No. 1510 – Amending the Rural Service District – Public Hearing & First Reading - Approved

Community Development Director Chanski explained the details of the request from Mr. Ken Jedlenski to add his property PID 41330756 to the rural service district, as his adjacent property PID 41330716 is located in the district.

The Chair opened the public hearing at 8:26 p.m.

No one came forward.

The Chair closed the public hearing at 8:27 p.m.

MOVED AND SECONDED BY ALDERMEN BEVANS AND W. ERICKSON TO DISPENSE WITH THE ACTUAL READING AND HOLD THE FIRST READING OF ORDINANCE NO. 1510 – AN ORDINANCE TO AMEND THE RURAL SERVICE DISTRICT.

Community Development Director Chanski indicated the Planning Commission will be reviewing the Rural Services District ordinances to assess the usefulness of the district going forward.

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

Public Works Department – Approved

City Administrator Bergman stated the Park Board is exploring options and ideas for the possibility of a public works department, due to Park Director Sailer’s retirement. She indicated the Park Board is requesting the Council’s participation in researching this option.

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND BEVANS TO MOVE FORWARD IN DISCUSSION WITH THE PARK BOARD REGARDING THE POSSIBILITY OF A PUBLIC WORKS DEPARTMENT, APPOINTING ALDERMEN W. ERICKSON AND JOHNSON AS COUNCIL LIAISONS.

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

Planning Commission

Variance Request – 515 S. 9th St. – Setbacks for Duplex Development - Approved

Community Development Director Chanski explained the details of the variance application, submitted by Stangler Properties to construct a duplex at 515 S. 9th Street. He stated the public hearing will be held tonight to hear testimony for or against the variance.

The Chair opened the public hearing at 8:33 p.m.

Community Development Chanski stated he received a phone call from Ms. Jean Haurum who owns the property at 508 S. 9th Street. Ms. Haurum had some concerns about a duplex being constructed on a parcel that narrow.

The Chair closed the public hearing at 8:36 p.m.

MOVED AND SECONDED BY ALDERMEN W. ERICKSON AND LAMBERT TO APPROVE THE VARIANCE REQUEST AT 515 S. 9TH ST. FOR A REDUCED SIDE SETBACK OF THREE FEET FOR THE DEVELOPMENT OF A DUPLEX WITH THE CONDITION THAT THE NORTH LOT LINE SETBACK SHALL BE NO LESS THAN THREE FEET AND ALL OTHER SETBACKS SHALL BE MET AS REQUIRED BY ORDINANCE AS WELL AS THE RECOMMENDATION THE APPLICANT CONSIDER THE PLACEMENT OF THE PROPOSED GARAGE FURTHER FROM THE NORTH LOT LINE DUE TO THE PROXIMITY TO THE NEIGHBORING GARAGE.

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

Public Forum

The Chair opened the public forum at 8:37 p.m.

The Chair recognized Mr. Jeff Czczok, 511 D Street, who thanked staff and/or others that contributed in obtaining residents to apply to serve on the Charter Commission. He stated the street reconstruction of D Street looks great and he also thanked Chief McQuiston for his service.

The Chair closed the public forum at 8:40 p.m.

Staff Reports

City Administrator Bergman asked Council members to participate in the Employee Appreciation Day on September 16th from 11:30-12:30. She said the board members from the Evergreen Cemetery will be addressing the Council at the September 21st Council meeting and the Charter Commission will be holding a meeting very soon. She stated she participated in the History Walk that took place last week and encouraged everyone to participate in future walks. She also requested that City Council meetings be opened to the public, starting on September 21st.

Community Development Director Chanski stated the Walkable Bikeable Committee is requesting new participants to join in their meetings, which take place on the 4th Monday of the month at 5:00 p.m. He announced the Planning Commission is holding a Special Meeting to interview six respondents to the zoning rewrite RFP on September 9th at 6:00 p.m.

Mayor's Report

Mayor Badeaux also attended the meeting with the Evergreen Cemetery Board, and the History Walk which both were very well conducted.

Council Member Reports

Council Member Johnson also participated in the History Walk and thanked Chief McQuiston for his years of service.

Council Member Bevans requested an update regarding the water tower committee fundraising efforts prior to the October deadline.

Council Member Pritschet was happy to be a part of the first in-person day of school today.

Council Member T. Erickson gave an update to the Northland Arboretum and the Riverfront Committee meetings that took place recently and he wished Chief McQuiston well on his retirement.

Council Member Stunek announced there will be some exciting things happening at the airport very soon and he also wished Chief McQuiston well.

Council Member Lambert stated the Rental Housing Code review committee will resume meeting in October to continue with the code review.

Adjourn to Budget Workshop to be Held Monday, September 14, 2020, 6:00 P.M. at the Fire Department Training Room

The Council adjourned at 8:51 p.m.

Jennifer Bergman
City Administrator

Brainerd, MN
September 14, 2020

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

Upon roll call, the following members were noted present: Stunek, Pritschet (via WebEx), Bevans, W. Erickson, T. Erickson, Lambert, Johnson, and Mayor Badeaux. Also present were City Administrator Jennifer Bergman, Finance Director Connie Hillman, City Engineer Paul Sandy, Police Chief Corky McQuiston, Fire Chief Tim Holmes, Community Development Director David Chanski, Park Director Tony Sailer, IT Director Shawn Strong, and HR Director Kris Schubert.

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

2021 Park Budget Presentation by the Park Board

The Chair recognized Park Board President Kara Schaefer, along with Vice President Kevin Yeager. Ms. Schaefer presented an overview of the Park Department, highlighting the significant changes between the 2021 proposed budget and the 2020 adopted budget as well as the initiatives the Park Board has been undertaking. The total current request including capital by the Park Board for 2021 is \$363,255 or \$463,255 including the \$100,000 match request for the splash pad.

Council discussion was held, and questions were asked of Ms. Schaefer and Mr. Yeager. The Chair thanked them for their presentation.

2021 Budget and Levy Discussion

The Chair recognized Finance Director Hillman, and he stated that the Park Board request would be included in the information provided tonight.

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

Finance Director Hillman stated, that if the Council desired to have a balanced budget, the levy could reduce the levy by \$10,015 considering the current proposed 2021 budget. The main reason for the reduction to the levy is for the reduction of debt due to two issues being paid off after the February 1, 2021 payment, and because the City levied an addition \$102,000 in 2020 with the intention to levy stabilize future levy increases.

Hillman then went through various revenue and expense categories, as well as the capital and debt needs for 2021, explaining the assumptions used in the budget and reasons for the changes between the proposed 2021 budget and the 2020 budget. The reorganization of the Community Development Department was discussed, changing the vacant Housing Inspector position to an Assistant Planner, and changing the Zoning Specialist Position to an Administrative

Specialist-2 position. The estimated cost of the reorganization of approximately \$2,500 was included in the current budget. Finance Director Hillman shared the preliminary estimated tax capacity of the City for pay year 2021 and discussed the impact of the change the estimated tax capacity has on the tax rate of a city. Assuming a 9% increase in the City's tax capacity, Hillman presented the estimated City's tax rate with various changes to the levy, and the estimated impact to a residential and commercial property assuming no change in estimated market value.

Council discussion was held. Council directed staff to prepare a resolution for the preliminary levy for the September 21, 2020 Council meeting with a 3-4% increase preliminary levy increase.

Adjourn

The Chair adjourned the meeting at 7:15 P.M.

Jennifer Bergman
City Administrator

Contractor List

09/17/2020

Contractor Name	Address	Local License #	Licensee Type
FIVE STAR HOME IMPROVEMENTS LLC DANIEL IVAN PETRIE	516 COLLEGE DR (218) 252-0439	2020-0007	General Commercial
PORTAGE LAKE CONCRETE, INC. TY EDMUNDSON	PO BOX 298 (218) 534-3094	2020-0004	Masonry
STAR LITE NEON & SIGN LANCE DAVIS	6920 COUNTY RD 127 (218) 232 4831	2020-0001	Sign Erector

Totals: 3

Population: All Records
Licensee.DateRegistered Between 9/3/2020 12:00:00 AM AND 9/17/2020 12:00:00 AM

**BRAINERD POLICE DEPARTMENT
MEMORANDUM**

TO: Brainerd City Council
FROM: Police Chief Corky McQuiston
DATE: 09-11-20
RE: Monthly Report



Officer Troy Schreifels' Retirement



Retiring Officer Troy Schreifels receiving the Tower Award from Deputy Chief Mike Bestul

August 16th marked a monumental day for the Police Department as it was the Official Retirement of Officer Troy Schreifels. Troy had a very significant impact on the department during his nearly 24 years of service. Troy's departure leaves a major void for the department to recover from in three very important areas. First, Troy was one of the main internal instructors for Use of Force and Firearms for annual in-service mandates and new hire initial training. Second, was the assignment as the School

Resource Officer. Third, and probably the most important, was the immeasurable positive impact he had for the department with his community involvement and volunteering. We do wish him well in a very well-deserved retirement.

Officer Drew Selvestra has been assigned as the new School Resource Officer. We think Drew will be a good fit for the schools. Drew has been with the department for almost 3 ½ years. He has a Bachelor's Degree in Criminal Justice from the University of Minnesota Crookston. Drew has prior experience with the Dakota County Community Corrections Juvenile Probation and with Tri-County Community Corrections Juvenile Center in Crookston.

New Officer

Sam Judd started his first day with the police department on August 14th. Sam is a graduate of Burnsville High School and has a Bachelor's Degree in Criminal Justice from Winona State University.



Sam has some experience as Deputy Sheriff working in Fillmore County and also as a Police Officer working for the Preston Police Department.

With Sam starting on August 14th, and Officer Schreifels' retirement effective August 16th our current licensed staff stays at 21, six short of our budgeted 27 positions.

Our actual workforce available for scheduling purposes is at 19, with Officer Judd in Step One of Field Training and Officer Host in Step Three.

We are in the middle of the background investigations for candidates 4, 5, and 6 on our current eligibility list of 13 candidates.

We have tentatively identified mid to late October for potential starting date(s) for the next officer(s)

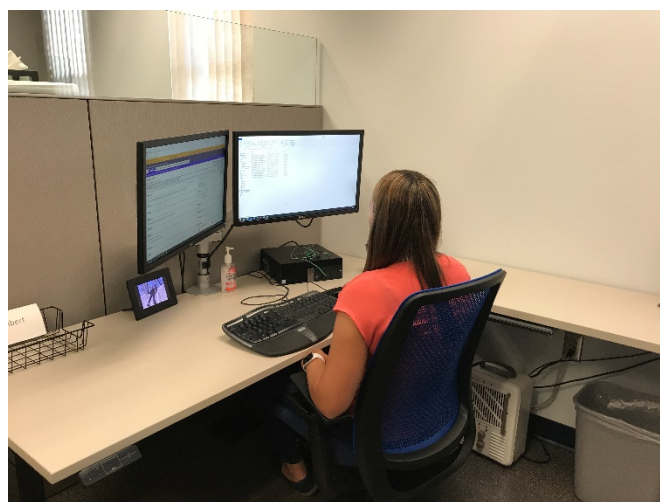
Records Technician Office Equipment Upgrade

The upgrades to the Police Records Technician Office area were completed in August.

The workstations now have electrical sit/stand desk capabilities, allowing the staff to switch back and forth for sitting and standing positions.

The design of these new workstations with the glass dividers on the top help them to be COVID-19 compliant, and give the office a clean, functional appearance.

The electronic controls allow for specific heights for sitting and standing that the user can store as preferences in the memory.



Records Management Technician Miranda Lambert pictured at new workstation.

Drug Arrest

On August 12th, Brainerd Officers assisted local Drug Task Force Agents executing a Search Warrant at residence located at 1112 4th Avenue NE and arrested Michael James Payne. Agents seized quantities of methamphetamine, marijuana, two loaded handguns and over \$3000 in cash. Payne is a convicted felon and has a lifetime ban on possession of firearms.

Payne was charged with four counts of 1st Degree Controlled Substance Crimes and Felon in Possession of a Firearm.

Payne was released from custody on August 20th, after posting \$150,000 bond and his next court appearance is scheduled for September 9th.



Body Worn Camera Data Report



Month	Number of Videos	Hours of Videos	GB of Videos	Average MB per Video	Average Time Length of Videos	Average Number of Videos Per Day
July	1858	360 Hours	645 GB	347 MB	11.7 Minutes	59
August	1702	351 Hours	627 GB	369 MB	12.4 Minutes	55

Conduct on Premises Activity Report for August

ICR	Date Reported	Title	Address	Summary
20009299	08/05/20	Conduct on Premises	920 13 th Avenue NE	Owner started eviction
20009654	08/14/20	Conduct on Premises	912 Oak Street	Owner gave Notice to Vacate after submitting Written Management Plan
20009702	08/14/20	Conduct on Premises	Brian Lane	Conduct on Premises
20010368	08/28/20	Conduct on Premises	1401 Norwood St	Conduct on Premises
20010512	08/31/20	Conduct on Premises	508 NW 7 th St	Conduct on Premises

Monthly Police Activity

August	2020	2019
ICRs	1440	1656
Citations (Inc. Parking)	184	234
Part I and Part II Crimes Reported	**	245

** Note: This does not include files that have not yet been coded

** Note: Transitioning to NIBRS reporting

43 parking tickets were issued in the month of August with the following dispositions:

1	Dismissed
0	Business Validations
18	Paid in Full
1	Partial Payments Received
23	No Payment Received

Revenue Recapture Receipts:

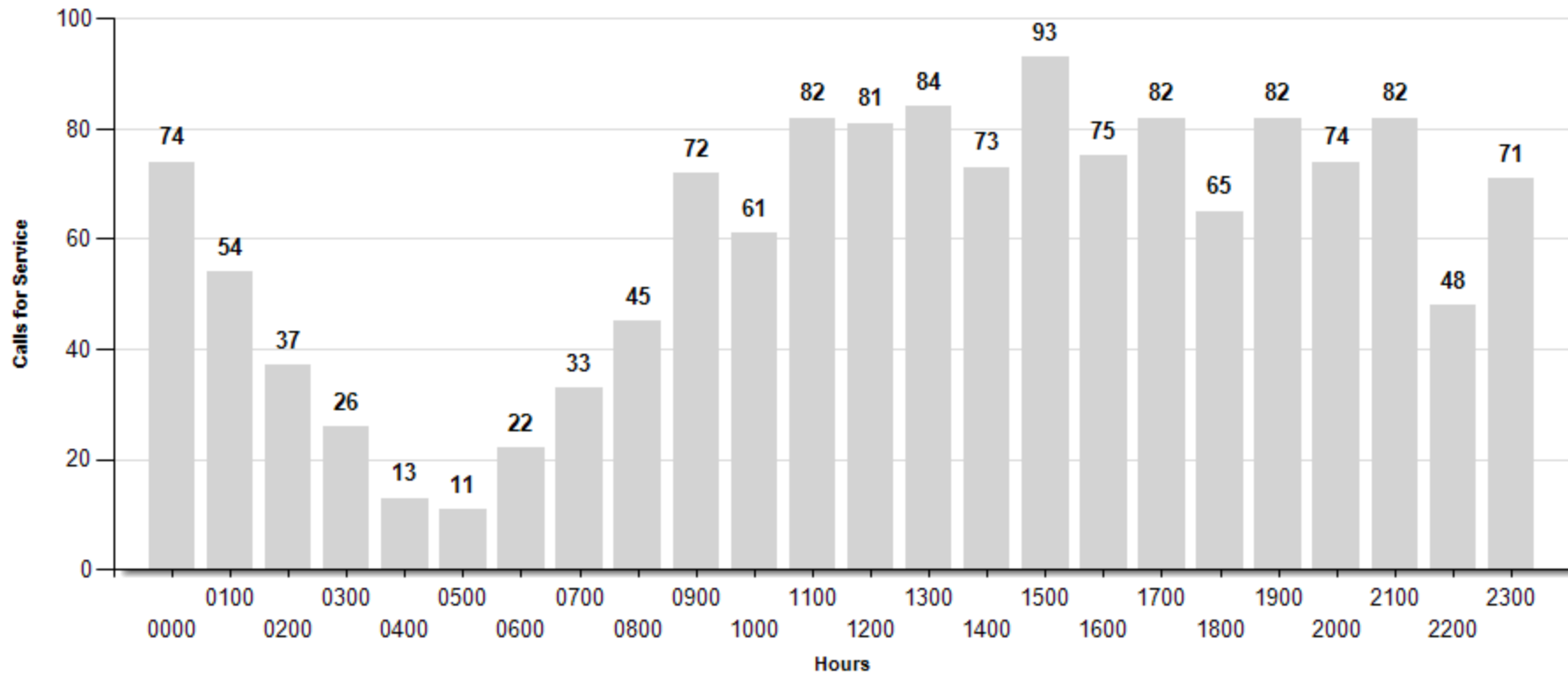
To Date: \$ 55,644.58
In 2020: \$ 7,804.50



Calls for Service Hourly

8/1/2020 to 8/31/2020

Total Calls: 1497



August Animal Control Report

Date	Call type	Address	Summary	Notes
8/1/2020	dog at large	1424 quince st	goa	
8/2/2020	barking dog (husky)	324 1/2 n 8th st	spoke to owner, advised on ord. they are dog-sitting for a week.	
8/2/2020	neglect concern	812 juniper st	couldn't locate dog	dog has been tied up all day with no water
8/3/2020	dog at large	912 11th ave ne	spoke to owner, advised on ordinance	dog has been going potty at neighbors (916 aath ave ne)
8/4/2020	barking dog	301 2nd ave ne	spoke with owners son, he is visiting and will be leaving today with dog.	we have been here before for same reason.
8/4/2020	barking dog	818 12th ave ne	spoke with owner, he is aware of issue and will work on it	
8/5/2020	missing dog	taco johns	dog got out of car, helped owner search for it. Couldn't locate.	
8/5/2020	dog at large	1st ave ne & evergreen ave	caught chihuahua transported to hart	
8/6/2020	dog at large	1001 terrace ave	caught terrier, transported to hart	
8/10/2020	aggressive dog	1941 graydon ave	spoke with owner, she was unaware of incident and doesn't believe it happened.	this is an ongoing issue with this address
8/10/2020	cat at large	1727 linden ln	caught cat, transported to hart	
8/11/2020	cat at large	710 2nd ave ne	set 2 traps in back yard	ongoing issue here, over past year we have trapped 13 cats at this home.
8/12/2020	routine activity	710 2nd ave ne	checked traps, no catches	
8/12/2020	dead animal on road	college ave, east of college square	picked up dead cat, identified owner, they had me dispose of cat for them.	
8/13/2020	routine activity	710 2nd ave ne	checked traps, no catches, pulled traps	

8/14/2020	cat at large	lum park camping site 13	small kitten hanging around, goa	
8/14/2020	dog at large	caseys station by lum park	someone held dog till I got there, transported to hart	
8/15/2020	cat at large	lum park camping site 13	caught cat, transported to hart	same small cat from yesterday
8/16/2020	aggressive dog	buster dog park	spoke to all parties, advised of ord.	3 way dog fight, 2 different stories. Warned all parties about licenses
8/17/2020	dog at large	south 6th & tamarac st	GSP was in area all am, goa	
8/18/2020	cat at large	710 2nd ave ne	set 2 traps in back yard	
8/19/2020	routine activity	710 2nd ave ne	checked traps, no catches	
8/19/2020	cat at large	804 wright st	they caught a feral cat but it escaped trying to transfer it to truck.	
8/21/2020	barking dog	1827 south 7th st	spoke to owner, advised on ord. he would purchase license that day.	
8/24/2020	dog in car	413 south 6th st	car was running, ac was on, dog was fine.	did speak to owner and advised he was ok with ac being left on.
8/24/2020	barking dog	1313 k st	spoke to owner, advised on ord.	
8/24/2020	missing dog	2920 graydon st	unable to locate	
8/25/2020	dog at large	2024 south 6th st	caught dog, returned to owner who was at clinic.	
8/26/2020	dog at large	cub foods east brainerd	caught dog, transported to hart	
8/27/2020	injured rabbit in yard	1011 8th st ne	caught an injured wild rabbit. Euthanized it and disposed of it.	explained to home owner we don't typically handle this type of call but he was 85 years old and couldn't deal with it himself
8/28/2020	dog at large	1302 quince st	caught dog transported to hart	

8/28/2020	dog at large	800 block of wright st	r/p thinks a car dumped off 2 dogs, unable to locate	
8/28/2020	cat at large	1401 norwood st	caught 2 kitens, transported to hart	
8/31/2020	dog at large	1202 oak st	caught dog, transported to hart	
8/31/2020	cat at large	210 & north 4th st	caught cat, transported to hart	



Brainerd City Council Agenda Request

Requested Meeting Date: September 21, 2020

Title of Item: Evergreen Cemetery Presentation

☐ 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: Jennifer Bergman	Department: Administration
Presenter (Name & Title): Duane Blanck	Estimated Time Needed: 15 minutes
Summary of Issue: Mayor Badeaux and I attended a joint meeting between the Evergreen Cemetery Board, Crow Wing County and the City of Brainerd on August 25th. Duane Blanck gave a presentation to the group (see attached) and we took a tour of the cemetery. Evergreen Cemetery has asked to make a presentation to the full Council.	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion: Mr. Blanck and other Evergreen Cemetery representatives will be making a presentation at the City Council meeting.	
Financial Impact: Is there a cost associated with this request: ☐ Yes ☐ No What is the total cost, with tax and shipping \$ _____ Is this budgeted? ☐ Yes ☐ No <u>Please Explain:</u>	

Evergreen Cemetery Association of Brainerd, Minnesota

A Brief of General Information – August 26, 2020 Meeting with City & County

HISTORY

Evergreen Cemetery Association is made up of two(2) cemeteries: Evergreen Cemetery located entirely within the City of Brainerd in NE Brainerd at the north end of Third Avenue and Memorial Gardens located just north of Brainerd on County Road 3 in the Unorganized Territory of Crow Wing County. The Office and Maintenance Building of the Association are located at 1105 Third Avenue NE, Brainerd.

Evergreen Cemetery –

- initially organized in 1873, 2-years after Brainerd was founded
- chartered with the State of Minnesota in 1879 and is classified as a Non Profit Public Cemetery (501(c)13) managed by a 9-member Board of Trustees who are volunteers and receive no compensation (NOTE: as a non profit we receive no government funds from the city, county, state or federal)
- originally occupied 15 acres and has been expanded over the years to 40+ acres its present size with all useable land plotted or laid out for graves
- there are more than 17,000 internments or burials within its boundaries

Memorial Gardens –

- originally developed as a private for profit, public cemetery in the 1950s known as Knollwood Memorial Gardens; by the late 1960s the developer “disappeared” resulting in a new association being created and with special legislation it became part of the Evergreen Cemetery Association in the 1970s
- situated on 25 acres with about half of it plotted or laid out for graves
- a master plan has been prepared for future development as may be needed in the future

Thus, the Evergreen Cemetery Association is responsible for more than 20,000 remains including the necessary records required by State Statutes, and the ongoing maintenance of 60+ acres of land and associated amenities.

BOARD and STAFF

In addition to the Charter and By Laws of the Evergreen Cemetery Association, Minnesota Statutes Chapter 306 in particular, set forth the duties of the Board of Trustees and provide guidance for staffing. As previously noted, Board members receive no compensation and terms are for 3-years. The establishment of staff positions and compensation is the responsibility of the Board.

Board –

The current Board of Trustees is made up of Duane Blanck, President, John Boeder, Vice President, Gary Bluth, Treasurer, John Van Essen, Secretary, Fred Casey, Denise Blackwell-Kraft, Tom Fitzpatrick, Susan Koering and Terry Thorkelson. All Board members have family ties to the Association and, as required, are lot owners or heirs.

Staff –

The current staff is made up of an executive director, a superintendent (or sexton), and two seasonal maintenance workers. The Superintendent is Rusty Billman and is the only full time employee; he is a 30-year employee and will be retiring at the end of this year. The Executive Director is Dede Tollefson and is a half time (20 hours per week) employee; she was appointed to the position in January this year to replace Karen Lentz who retired after 9-years of dedicated service to the Association. The seasonal workers are minimum wage employees engaged April through November weather permitting; one individual has returned several summers, which is helpful for continuity and familiarity.

PERPETUAL CARE FUND

The Evergreen Cemetery Association currently has a Perpetual Care Fund of just over \$600,000. This fund is built up by allocating 20% of lot sales to it and is governed by State Statute. It is restricted in that only the earnings from this fund can be used for maintenance and the principle can not be spent. We necessarily have a conservative investment policy and earnings, although helpful, earnings are not significant in covering overall operations.

REVENUE/INCOME SOURCES

The sources of income or revenue for operations of the Evergreen Cemetery Association are:

Revenue/Income Sources Continued -

1. lot or grave sales
2. burial fees (opening and closing of a grave)
3. monument and marker setting fees
4. perpetual care fund earnings
5. donations from the community
6. volunteer labor - not cash but provides for certain maintenance

CHANGE

In recent years considerable change has occurred in the funeral industry that has impacted cemetery operations as well. We are experiencing a major cultural change related to funerals, that is the change to cremations versus traditional casket burials. The change is more apparent in Minnesota than in other states as we are approaching 75% of deaths result in cremations and only about 25% of the cremains or ashes are buried in cemeteries. This has a very significant impact on cemetery business resulting in much lower income or revenue for the Cemetery Association. Another impact for us is the State Veterans Cemetery at Fort Ripley that attracts a number of burials since there is no cost to the family of a veteran (somewhat unfair competition).

GRAPH of Burials and Grave Sales - Attached

This graph represents the declining nature of total burials and total grave sales from 1995 to the present. Essentially business has gone from 160 burials per year to 80 burials per year – half what is used to be!

SPREADSHEET on Fiscal Projections - Attached

This projection illustrates IF all things remain the same as of now, the Cemetery Association will be in a serious deficit condition by 2023. Regardless if such a deficit condition occurs in 2023 or beyond or in the very near future, this is obviously an overall bleak future.

WHAT HAS BEEN DONE?

The Board of Trustees has been aware of the impact of cremation and the changes within the funeral industry. We regularly have discussions with our local morticians and funeral homes. They also are adjusting to the impact of the cultural change to cremations.

What Has Been Done? Continued –

The following actions have been taken in adjusting to the drop in income:

- A. in the past 15 years we have reduced staff to what we believe is bare minimum: the executive secretary prior to 2011 was a 32-hour employee and now is a 20-hour employee; eliminated a full time assistant superintendent; reduced seasonal workers from 5 to 2
- B. deferred major maintenance concerns *
- C. revised the Perpetual Care Fund to achieve better investment returns
- D. adjusted fees to represent an average of cities the size of Brainerd
- E. revised policies to allow additional cremation burials on a standard internment thus increasing the life of the cemetery and a family plot encouraging burial of ashes
- F. reviewed records to identify grave sites that can be for sale particularly in Evergreen cemetery
- G. instituted an annual informational letter and appeal for donations to members of the association (grave lot owners and “friends of the cemetery”) **
- H. solicited and welcomed volunteers to assist with routine office work and, in particular, general grounds maintenance including adopting specific tasks such as flower bed upkeep, storm damage cleanup, monument and marker cleaning
- I. exercised frugal management of overall operations with regular monitoring of income and expenses

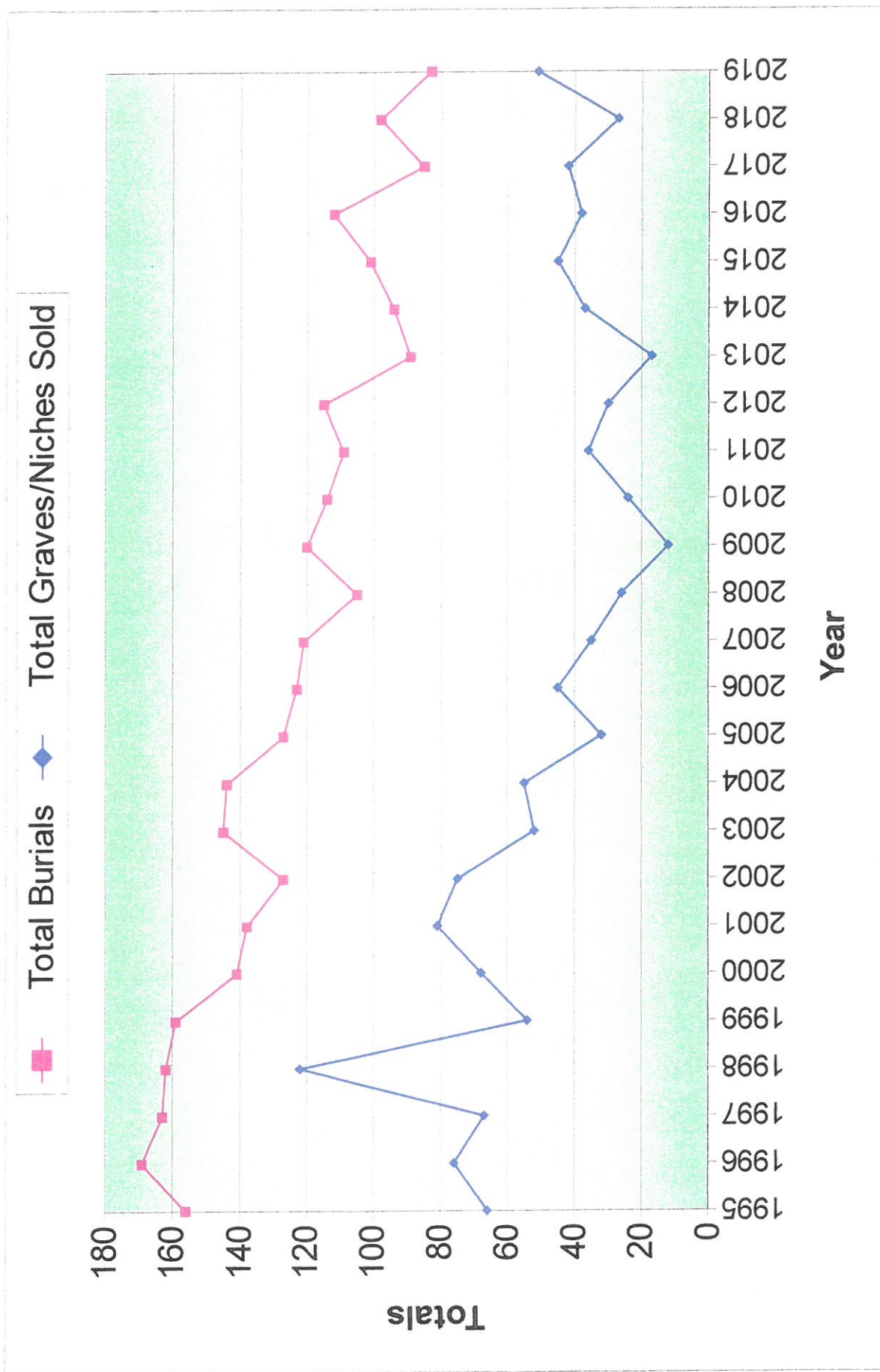
* major improvements with the roads, tree planting and irrigation systems have been accomplished through generous gifts from the community

** this has resulted in some parties or individuals making regular and substantial gifts where such donations now exceed investment earnings and are a critical source of income

FUTURE

To maintain our existence, and the legacy of what we believe is one of the finest outstate cemeteries in Minnesota, unless there is a major change that we don't see in the immediate future, we are going to need financial help from the City and County. We are not alone in this regard as many public, non-profit cemeteries are facing the same challenges. Example: our understanding is that the City of Worthington and Nobles County have recently entered into an agreement to fund any deficit in the Worthington Cemetery operations.

EVERGREEN and MEMORIAL GARDENS — GRAVES SOLD / BURIALS



EVERGREEN CEMETERY ASSOCIATION
CASH FLOW PROJECTIONS
FOR THE PERIOD JANUARY 1, 2020 -DECEMBER 31, 2024

	2020	2021	2022	2023	2024
Cash Funds Available - January 1,	<u>\$163,076.91</u>	<u>\$101,920.91</u>	<u>\$61,839.91</u>	<u>\$20,814.91</u>	<u>(\$21,173.09)</u>

Add: Cash Receipts:

Grave & Access Fees	\$58,200.00	\$58,200.00	\$58,200.00	\$58,200.00	\$58,200.00
Sales	22,020.00	22,020.00	22,020.00	22,020.00	22,020.00
Monument Markers	14,200.00	14,200.00	14,200.00	14,200.00	14,200.00
Donations Received	24,000.00	24,000.00	24,000.00	24,000.00	24,000.00
Investment Income	9,708.00	9,708.00	9,708.00	9,708.00	9,708.00
Miscellaneous Income	<u>830.00</u>	<u>830.00</u>	<u>830.00</u>	<u>830.00</u>	<u>830.00</u>
Total Cash Receipts	<u>\$128,958.00</u>	<u>\$128,958.00</u>	<u>\$128,958.00</u>	<u>\$128,958.00</u>	<u>\$128,958.00</u>

TOTAL FUNDS AVAILABLE

	<u>\$292,034.91</u>	<u>\$230,878.91</u>	<u>\$190,797.91</u>	<u>\$149,772.91</u>	<u>\$107,784.91</u>
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Less: Cash Disbursements:

Payroll & Related Payroll Expenses	\$107,823.00	\$107,823.00	\$107,823.00	\$107,823.00	\$107,823.00
General Operating Expenses (Less Depn)	46,271.00	47,196.00	48,140.00	49,103.00	50,085.00
Funds Transfer to Perpetual Care	2,400.00	2,400.00	2,400.00	2,400.00	2,400.00
Funds Transfer to Columbarium Savings	1,620.00	1,620.00	1,620.00	1,620.00	1,620.00
Capital Expenditures	<u>32,000.00</u>	<u>10,000.00</u>	<u>10,000.00</u>	<u>10,000.00</u>	<u>10,000.00</u>
Total Cash Disbursements	<u>\$190,114.00</u>	<u>\$169,039.00</u>	<u>\$169,983.00</u>	<u>\$170,946.00</u>	<u>\$171,928.00</u>

Cash Funds Available December 31,

	<u>\$101,920.91</u>	<u>\$61,839.91</u>	<u>\$20,814.91</u>	<u>(\$21,173.09)</u>	<u>(\$64,143.09)</u>
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MEMO: 1/1/20 Cash Funds:

Checking Account	\$9,695.45
Brd S&L Gen'l Savings	9,979.52
WF Invested Earnings	59,905.22
Donation Fund Savings	83,496.72
Total	<u>\$163,076.91</u>

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

September 21, 2020

6:45 PM

City Hall Council Chambers

WebEx Teleconference Call-In Information

Call Toll-Free: 844-992-4726 Access Code: 146 230 8151

1. Approval of Bills
2. Police Records Management Tech Resignation & Request to Hire
3. Funding for DDA Human Resources, Inc. to Conduct Police Chief Search
4. Zoning Code Update Consultant Selection
5. Civil Attorney Contract Renewal
6. Anderson Brothers Construction Request to Purchase Industrial Lots



Brainerd City Council Agenda Request

Requested Meeting Date: September 21, 2020

Title of Item: Records Management Technician Resignation & Request to Hire

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☒ P&F COMMITTEE ☐ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: CHIEF MCQUISTON	Department: POLICE
Presenter (Name & Title): CHIEF MCQUISTON	Estimated Time Needed: 5 MINUTES
Summary of Issue: Records Management Technician Dixie Sanborn has submitted the attached Letter of Resignation, effective September 25th. The police department is requesting that Dixie's resignation be accepted and authorize hiring a replacement for this position.	
Alternatives, Options, Effects on Others/Comments: The Police Chief and Police Administrative Supervisor Julie McCullough will work with HR Director Schubert regarding advertising, posting, and a testing/interview process for the position. This position will require passing a fingerprint background check prior to employment. Staff will return to the council for hiring ratification upon completion of the process.	
Recommended Action/Motion: Accept Records Management Technician Dixie Sanborn's resignation with regret and authorize filling the vacancy.	
Financial Impact: <i>Is there a cost associated with this request:</i> ☒ Yes ☐ No <i>What is the total cost, with tax and shipping</i> \$ _____ <i>Is this budgeted?</i> ☒ Yes ☐ No <u>Please Explain:</u> The position is with in the department's current budget.	

September 11, 2020

Chief Corky McQuiston
225 East River Road
Brainerd, Minnesota 57401

Dear Chief McQuiston,

I am writing to give my formal notice that I will be leaving my role as Police Records Management Technician for the Brainerd Police Department. My last day will be Friday, September 25, 2020.

Thank you so much for the opportunity to work in this position for the past five plus years. I have greatly enjoyed and appreciated the opportunities to learn and further develop my skills in the law enforcement field. It has been my pleasure and I am incredibly grateful to have been a part of this team. I am proud to have served you and each officer under your command.

Please let me know if I can be of any assistance during this transition.

I wish you all the best.

Sincerely,

Dixie Sanborn



Brainerd City Council Agenda Request

Requested Meeting Date: September 21, 2020

Title of Item: Funding for DDA Human Resources to Conduct Police Chief Search

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☒ P&F COMMITTEE ☐ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) <i>*provide copy of published hearing notice</i> ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1st Reading
Submitted by: Kris Schubert	Department: Human Resources
Presenter (Name & Title): HR Director Kris Schubert	Estimated Time Needed: 5 minutes
Summary of Issue: The Civil Service Commission, at its meeting held September 14th, approved retaining David Drown Associates Human Resources, Inc., (DDA) to conduct our Police Chief Search contingent on the City identifying funds to pay for the consultant. Attached is DDA's proposal. The total cost is \$19,000 of which Sourcewell will pay \$7,500 reducing the city's cost to \$11,500. After subtracting estimated advertising costs of \$2,000, the City's cost for the consultant would be \$9,500. Also, given DDA's projected hiring timeframe, Police Chief McQuiston has offered the possibility of extending his retirement date to shorten the gap when the new person would start.	
Alternatives, Options, Effects on Others/Comments: At the last meeting, the Council accepted Police Chief Corky McQuiston's retirement. At the time, I fully intended to conduct the Police Chief search. As I was preparing for the Civil Service Commission meeting, I reviewed LMC guidance about conducting executive searches as well as some HR ListServ questions specifically regarding Police Chief searches. I asked Chief McQuiston about some of the information I found and he suggested I contact the City of Cloquet as they recently conducted a Police Chief search. Cloquet informed me they decided to hire a consultant since the Police Chief is a position that gets a lot of public attention no matter what they do and for transparency purposes. Chief McQuiston, City Administrator Bergman and I discussed this and agreed that hiring a consultant would be preferred for the reasons identified and due to the current political climate and society unrest regarding Police Departments in general.	
Recommended Action/Motion: Motion to authorize the funding for DDA to conduct our Police Chief search as proposed.	
Financial Impact: Is there a cost associated with this request: ☒ Yes ☐ No What is the total cost, with tax and shipping \$ <u>11,500</u> Is this budgeted? ☐ Yes ☒ No <u>Please Explain:</u> Chief McQuiston noted the Department's overall budget could absorb the cost. There are not enough funds in its Professional Services Account to cover the cost; however, the Department has around \$20,000 remaining in its Professional Development Account since staff were unable to attend off-site training due to COVID-19 and there are also personnel cost savings as we have not been able to hire all of the budgeted officers for 2020.	

September 14, 2020

Sent via email only

Kris Schubert
City of Brainerd
501 Laurel Street
Brainerd, MN 56401

Dear Ms. Schubert,

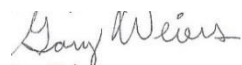
Thank you for the opportunity to submit a proposal to assist the City of Brainerd with a search for your next Police Chief. Our firm has extensive experience with local governments, and we thoroughly understand the complexities faced by cities in Minnesota. In addition, our work is focused on cities and counties in greater Minnesota.

The attached proposal includes several elements that set us apart in our approach to providing this service. Highlights include:

- **Knowledge:** Our firm comprehensively understands local government in Minnesota, and our consultants are former Administrators with significant experience. Additionally, we are very familiar with the City of Brainerd.
- **Communication:** We will be on site multiple times throughout the search process and will provide weekly email updates to the City throughout the process.
- **Brochure/Profile:** We will update the recently used City of Brainerd brochure for use for this search.
- **Experience:** DDA has conducted more Minnesota searches in the last five years than any other firm, by a wide margin.
- **Adherence to deadlines:** When a deadline is established, we will meet it.
- **Video Interview:** DDA uses video interviews in the screening process to get quality data that may not be apparent on resumes. These videos are made available to the City prior to selecting candidates for final interviews.
- **Work Personality Index:** Prior to deciding on final candidates, the City will also receive a personality index report on each person being considered for an interview.
- **Background check process:** Instead of doing a comprehensive background check on a single finalist, we do a comprehensive background and reference check on all finalists interviewed by the City. This is all included in the price. What is not included in the law enforcement specific background check that will need to be done on the selected candidate.
- **Intellectual Profile:** Each finalist will complete an intellectual profile measuring verbal reasoning, mathematical and logical reasoning, and overall mental aptitude.

Thank you for your consideration.

Sincerely,



Gary Weiers
DDA Human Resources, Inc.

Enclosures

DDA HUMAN RESOURCES, INC.



BRAINERD
MINNESOTA
A City for all Seasons

PROPOSAL FOR THE CITY OF BRAINERD

POLICE CHIEF SEARCH

SEPTEMBER 14, 2020



DDA

Human Resources, Inc.
a David Drown Associates Company

CONTENTS OF THE PROPOSAL

♦ Description of the Firm	♦ Process Details
♦ Approach to the Process	♦ Fees
♦ Service Team	♦ Assurance
♦ Timeline	♦ References

DESCRIPTION OF THE FIRM

David Drown Associates (DDA) is a full-service consulting firm with more than 20 years working with local governments providing a full range of fiscal and economic development services, along with compensation and classification services and executive searches, to over 450 government clients throughout Minnesota. Over these years, we have gotten to know local government well, and we have worked hard to keep our services up-to-date to meet the ever-changing needs of our clients.

In 2013, we expanded our scope to provide human resources services — we started with executive recruitment and organizational studies and more recently added classification and compensation studies. Because of growth in our human resource service area, a new Human Resource affiliate company was created in 2017. DDA Human Resources Inc. currently employs seven individuals serving cities, counties, and special districts throughout Minnesota. The vast majority of our consultants are recent practitioners having served as Administrators or Human Resource Managers. In addition, the scope and breadth of experience levels we bring to this project is second to none.

We take great pride in providing the best service at a fair and equitable price. We think you will find that our small company is nimble, efficient, and personable. We know and understand local government, and that will always guide our work.

APPROACH TO THE PROCESS

Our approach to this search will be to focus on finding the best fit for the City of Brainerd. This is accomplished, first and foremost, by listening to what you are saying, understanding your goals and objectives, and building the search process off of that foundation.

After gathering background information, we comprehensively advertise the position and make sure that the posting gets into the hands of prospective candidates. In some cases, those persons are not active job seekers, so we will make every effort to find those folks through direct outreach efforts. After the posting closes, an analysis of candidates will be completed so that, when the semifinalists are presented to the City, you will be confident that these people are the best matches from the submitted applications.

After the City selects the finalists, these candidates will be fully researched, and most necessary hiring information will be available prior to the City making a decision. The City will be responsible for the final law enforcement background check process on the selected candidate.

Communication with the City is a high priority. In addition to our Consultant Gary Weiers being on site regularly, the City will receive weekly email updates, and he will always be available for questions.

SERVICE TEAM

Gary Weiers

Gary joined DDA in 2013 and has conducted over 75 executive searches and numerous organizational studies. Prior to joining DDA, Gary had over 20 years of county government management experience, the last 11 years as County Administrator in Rice County. Prior to becoming Administrator, Gary served as the Social Service Department Director in Rice County and worked as a Social Service Supervisor in Mower County and Sherburne County. Gary received his bachelor's degree from the University of St. Thomas and has honed his skills by working his way up from an entry level social worker position to be the head of a \$50 million organization with over 350 employees.

Gary has worked with local governments ranging in size from a thousand residents to communities of over 1 million persons.

In addition to conducting executive searches, Gary has done work with communities on sharing services, organizational analysis and other management related work.

Gary will be the lead Consultant on this project and is obviously well known to the City of Brainerd.

Liza Donabauer

Liza came to DDA with both private and public-sector experience. With a background in construction and finance administration, her passion for public sector work led her to Wright County where she provided support to the HR Department, County Coordinator, and Commissioners. While pursuing her MBA, Liza entered city management for Clearwater, Kansas, and then later moved to Arlington, Minnesota.

During her four years in Arlington as a City Administrator, she completed a reorganization of the administration department, developed an orientation and capital planning process for two new councils, conducted compensation studies for several departments, engaged in a strategic planning session, and took part in developing a leadership curriculum for up and coming leaders in Sibley County. Her work has centered on human resource management, strong community participation, and leadership development.

Since joining DDA, Liza has assisted with several Administrator searches and Compensation and Classification Studies.

Liza will assist with reference checking the final candidates.

Liz Foster

Liz is an Assistant Consultant that provides support and assistance within our Human Resources Division. Since joining DDA in 2015, Liz has been involved in numerous executive searches and other HR projects.

Some of Liz's duties include community research, creating position profiles, assembling interview materials for our clients, and providing general administrative support to our consultants.

City of Brainerd
Police Chief Search Timeline
September 15, 2020

ITEM	TASK	COMPLETION DATE
Decision by City to proceed	Civil Service Commission: Authorize utilizing a Consultant City Council: Authorize Funding for Consultant	September 14, 2020 September 21, 2020
Information gathering	♦ Gather all pertinent background information using a short survey	September 23, 2020
Professional profile	♦ Update position profile and advertisement	September 24, 2020
Approve position profile	♦ City approves profile	September 25, 2020
Candidate recruitment	♦ Post position immediately upon approval of profile ♦ Comprehensively advertise ♦ Email and phone calls to prospective candidates	September 28, 2020- October 26, 2020
Screening of applicants	DDA and Commission will review, and rank applicants based on job related criteria and select semifinalists	October 29, 2020
Video Interview	Each semifinalist will complete a video interview- <i>Optional</i>	November 9, 2020
Personality Index	DDA will administer a work-related personality index to all semifinalists.	November 9, 2020
Selection of finalists	♦ Commission selects finalists for interviews ♦ DDA will notify candidates not selected as finalists	November 16, 2020
Background check of all finalists selected for interviews	♦ Includes: • Criminal background: county, state, national • Sex offender registry • Social Security number verification • Employment and education verification • Credit Check • Does not include final law enforcement specific background check	December 1, 2020
Reference check on all finalists	DDA will conduct reference checks with current and former employers on all finalists	December 1, 2020
Intellectual profile	DDA will administer an intellectual profile measuring verbal reasoning, mathematical and logical reasoning, and overall mental aptitude	December 1, 2020
Finalist Packet	DDA will provide the City information including: • Summary of references • Results of background checks • Personality index reports • Video interview • Resumes, etc.	December 1, 2020
Interviews	DDA will prepare all interview materials and be present at all interviews and other functions.	December 10, 2020
Decision	City will select candidate for offer	December 10, 2020
Offer and agreement	DDA will negotiate agreement with selected person	TBD
Projected start date	New Police Chief begins	January 25, 2021
Follow up	DDA will follow up periodically with the new Police Chief	January, 2021

PROCESS DETAILS

Step 1: Information Gathering

DDA will gather and assemble background information pertaining to the City and position. At a minimum the Commission and others will be asked for input regarding the position and organization using a short survey. We already have a comprehensive understanding of the organization and that will be enhanced by information received during the brief information gathering process.

Step 2: Development of Position Profile

Based on the information received from the City, DDA will update the position profile that is customized to present the City of Brainerd in the most positive manner and provide prospective candidates with meaningful information. A draft will be presented to the City for consideration and approval prior to advertising.

Step 3: Advertisement and Recruitment

DDA will comprehensively advertise the position and make direct contact with possible candidates who are not active job seekers. Some of the places the position will be advertised include: League of Minnesota Cities, GovernmentJobs.com, International City/County Management Association, Association of Minnesota Counties, and municipal associations in Iowa, Wisconsin, North Dakota, and South Dakota. In addition, the posting will be shared with professional networks through Minnesota State University Mankato, Hamline University, St. Cloud State University, the University of Minnesota, and many other colleges. The position will also be posted with the Minnesota Board of Peace Officer Standards and Training and the International Association of Chiefs of Police, as well as the Minnesota Police Chiefs' Association. Other local advertising will be done as per direction from the City. Regular communication with candidates will occur throughout the process.

The simple DDA online application process will be used unless the City prefers to use an existing City methodology.

Step 4: Initial Screening and Review

DDA and the Commission will complete a comprehensive analysis of every application received and determine approximately 8-10 semifinalists based on job related criteria. Each semifinalist will complete a video interview and a work related personality index. The video interview is an optional step that will be recommended if the candidate pool is large. About one week prior to the selecting finalists for interviews, the video interview, personality index, cover letter, and resume from each of the 8-10 semifinalists will be made available to the Commission for viewing. This will allow the City ample time to comprehensively review candidates prior to determining who to bring in the for the final interviews. After the Commission selects finalists, those not selected as finalists will be notified by DDA.

Step 5: Selection

After the City selects finalists, DDA will complete comprehensive background screenings including criminal history, civil court history, verification of recent employment, verification of education, driver's license review, credit check, and other items. Along with background checking all finalists, DDA will check employment references on each person. Please note that the law enforcement specific background process will be needed on the selected candidate. This is not included as part of this proposal.

In addition, DDA will administer an intellectual profile measuring verbal reasoning, mathematical and logical reasoning, and overall mental aptitude.

About a week prior to the final interview process, the City will have access to each candidate's application materials, video interview, background check results, reference information, a work personality report, and an intellectual profile on each person.

Early in the search process, Gary will discuss interview possibilities.

Prior to interviews, Gary will prepare questions and then facilitate all interviews and other activities the City determines appropriate. Our goal is to make the process smooth and painless so the City can focus all its energy on finding the right person for the job.

Step 6: Offer

After interviews are complete, we will assist the City with deliberations and facilitate the offer to the selected candidate. We will negotiate the terms with the candidate based on the parameters established by the City.

Step 7: Follow Up

DDA will make periodic contact with the new Police Chief for at least the first year of employment.

LIST OF SEARCH CLIENTS FROM THE PAST TWO YEARS

Entity	Type of Search	Entity	Type of Search
City of Crookston, MN	Administrator	City of Waseca, MN	Director of Engineering
Brainerd HRA	Executive Director	City of Aitkin, MN	Administrator
City of New Brighton, MN	Manager	City of Lake City, MN	Finance Director
City of St. James, MN	Manager	City of Brainerd, MN	Administrator
Waseca County, MN	Administrator	Isanti County, MN	Administrator
City of Kasson, MN	Administrator	City of Staples, MN	Public Works Director
City of Scandia, MN	Administrator	Mahnomen County, MN	Administrator
City of Sleepy Eye, MN	Manager	Albert Lea HRA, MN	Executive Director
City of Albert Lea, MN	Manager	Sherburne County, MN	Administrator
City of Waseca, MN	Finance Director	Murray County, MN	Administrator
Murray County, MN	Administrator	City of Plainview, MN	Public Works Director
City of Montevideo, MN	Police Chief	City of Montevideo, MN	Manger
Kitchigami Regional Library System	Director	City of Melrose, MN	Administrator
City of Melrose, MN	Administrator	City of Dundas, MN	Administrator
City of Maple Lake, MN	Administrator/Clerk/Treasurer	Brown County, MN	Administrator
City of New Ulm, MN	Manager	City of Olivia, MN	Police Chief
City of Sleepy Eye, MN	Manager	City of Blooming Prairie, MN	Administrator
Albert Lea Econ. Dev. Agency	Executive Director	City of Prior Lake, MN	Manager
Yellow Medicine County, MN	Administrator	Mower County, MN	Administrator
City of Dodge Center, MN	Administrator	City of Brainerd, MN	Comm. Development Director
City of Winsted, MN	Administrator	City of Springfield, MN	Manager

In addition to the specific references listed on the following page, the City of Brainerd is encouraged to speak with any of the entities listed above.

DDA is currently conducting searches for the Cities of Albert Lea, Cannon Falls, Monticello, Paynesville, and Pequot Lakes, as well as Beltrami, Cook, and Kittson Counties.

FEES

The fee for the search process is \$19,000. This all-inclusive fee covers professional services and all expenses including travel, advertising, personality index, intellectual profile, background checks on all finalists, etc.

Because of the exclusive partnership between DDA Human Resources, Inc. and Sourcewell, Sourcewell will cover up \$7,500 of the cost of the search, leaving the City with a cost of \$11,500.

ASSURANCE

If the newly hired Police Chief leaves the organization within the first 24 months of employment, DDA will complete another search without professional service fees. Only actual expenses will be billed to the City.

REFERENCES

Greg Zylka

Mayor, City of Little Falls

Administrator Search

Phone Number: 320-360-3584

Email: gzylka@charter.net

Royal Ross

Council Member, City of Faribault

Administrator Search

Phone Number: 507-456-2932

Email: rross@ci.faribault.mn.us

Erica Zweifel

Mayor, City of Northfield

Administrator Search

Phone Number: 507-663-7131

Email: ericazweifel@gmail.com

Rich Nagel

Mayor, City of Arlington

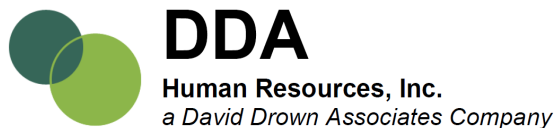
Administrator Search

Phone Number: 507-964-5141

Email: rwnagel@frontiernet.net

DDA HUMAN RESOURCES, INC.

RECENT POSITION PROFILE





BRAINERD MINNESOTA

POSITION: CITY ADMINISTRATOR

LOCATION: CITY OF BRAINERD, MINNESOTA

POPULATION: 13,732

2020 STARTING SALARY RANGE: \$110,988 TO \$127,649



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The Community

Nestled in the heart of the Lakes Country is the City of Brainerd, Minnesota. The City is located just north of the geographical center of the state and is the county seat of Crow Wing County. Brainerd is the principal City of the Brainerd Micropolitan Area. Brainerd is also one of the largest cities in central Minnesota and is home to 13,732 residents who enjoy all this City has to offer. In fact, 57.8% of the Brainerd population is under the age of 39 indicating a growing and vibrant community.



Brainerd was founded in 1870 when the Northern Pacific Railroad's survey determined that its Mississippi River crossing should be located there. Originally named "The Crossing," it was organized as a City three years later, and the community was given the maiden name of Ann Eliza (Brainerd) Smith, wife of the Northern Pacific's first president, John Gregory Smith. As the City grew, it attained prominence as the railroad and wood products center in north central Minnesota. Extensive railroad shops, yards, and sawmills dominated the City's industrial makeup for many years.

Today, Brainerd is known for being a vacation destination. Surrounded by lakes and wildlife, Brainerd has much to offer its residents and visitors including exceptional recreational amenities, a solid education system, top-notch healthcare, and an unbeatable quality of life.

Economic Development



The City of Brainerd partners with a number of entities that seek to help the community thrive. The Brainerd Lakes Area Economic Development Corporation (BLAEDC) is a community-driven, non-profit organization created to preserve and enhance the area's economic base by expanding business, building community, and growing jobs. The Brainerd Lakes Chamber of Commerce works to help businesses connect with people, organizations, and other businesses, advocates on behalf of business interests regarding government concerns at

the local, state, and national levels, and promotes business growth through marketing and educational programs. The City of Brainerd Economic Development Authority also works to promote economic efforts throughout the City.

The City of Brainerd is a growing and active commercial base with significant retail along the Washington Street and nearby State Highway 371 corridors. The City also owns three industrial parks encompassing 57 acres of land, much of which is shovel ready. The Burlington Northern/Santa Fe Railroad (BNSF) still operates a yard near Brainerd's downtown which recently underwent a nearly \$2 million improvement project that resulted in improvements to the face of the City while retaining its historic appeal.

The workforce in Brainerd tends to be educated, loyal, skilled, and diverse. Some of the major employers include Essentia Health, Brainerd School District, Crow Wing County, BNSF Railroad, and Ascensus.

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Education

Public education in Brainerd is provided by Brainerd Public Schools ISD 181 which enrolls over 6,334 students and just completed a Comprehensive Long Range Facilities Plan. Members of the community recently showed their support for the District by passing a \$205 million school referendum which will improve the elementary schools, Early Childhood facilities, the secondary schools and alternative education facilities, and will add a Performing Arts Center and competition size swimming pool.



Brainerd Public Schools has six elementary schools, a free public Montessori charter school, (K-6) one middle school, one high school, and three alternative programming sites. Four of the elementary schools and the high school are located in Brainerd. In 2014, all six of the District's elementary schools were awarded the National Blue Ribbon Award. Brainerd High School (BHS) is a comprehensive, public, four-year high school. The BHS South Campus houses students in 9th grade, while students in grades 10-12 are housed at the North Campus.

There are also private school options in the City of Brainerd including the Oak Street Christian School, a Seventh-day Adventist School, as well as the St. Francis of the Lakes Catholic School.

Opportunities for higher education can also be found right in the City. Central Lakes College is one of the 31 Minnesota State Colleges and Universities. It is a comprehensive community and technical college serving approximately 6,000 students per year. The Brainerd Campus dates back to 1938. A branch of the College of St. Scholastica is also located on the Central Lakes College Campus. St. Scholastica offers a variety of accelerated undergraduate and graduate degree programs.



Healthcare

Comprehensive healthcare for the whole family can be found right in the City of Brainerd. Essentia Health Brainerd Clinic, one of Essentia Health's many Catholic facilities, provides a wide range of medical specialties, as well as in-house ancillary patient-care services.

Essentia Health- St. Joseph's Medical Center is a 162-bed nonprofit community hospital with more than 1,000 employees and over 100 physicians representing 21 specialties making St. Joseph's the largest hospital in north-central Minnesota.



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Recreational Opportunities

Considered part of Minnesota's playground, the City of Brainerd is overflowing with opportunities for recreational fun.

With over 450 lakes in the Brainerd Lakes Area, folks can enjoy fishing, water sports, or just relaxing on one of the many beaches. Gull Lake is one of the largest and most popular lakes in the area. Brainerd is home to the Minnesota School of Diving where residents and visitors can spend the day scuba diving in historic mine pits that are now filled with water and full of a wide variety of fish. Brainerd is also the host of the Brainerd Jaycees \$150,000 Ice Fishing Extravaganza, the largest ice fishing contest in the world. This winter event generates over \$1 million in revenue for area businesses and over \$150,000 for area charities annually.



Outdoor enthusiasts have access to hundreds of miles of ATV trails, scenic bike routes, including the famous Paul



Bunyan State Trail, as well as many miles of horseback, hiking, and cross county skiing trails. The area also offers some of the most acclaimed and challenging Minnesota golf courses and has been rated a top fifty world golf destination. The City offers a clean, well-maintained park system for its residents and visitors where folks can enjoy camping, ball diamonds, playground equipment, hockey rinks, basketball, pickle ball, tennis courts, pavilions, and much more.

Racing fans can enjoy watching the races at the North Central Speedway or the Brainerd International Raceway, the largest speedway in the northern Midwest. This track hosts exciting races throughout the summer including the NHRA Lucas Oil Nationals.



Animal enthusiasts can visit the new Safari North Wildlife Park and view wildlife exhibits, feed animals, ride camels, or pet the animals in the barnyard petting zoo. For birdwatchers, the Northland Arboretum offers over 20 miles of trails, scenic gardens, picnic areas, and over 136 bird species frequenting the Arboretum. Hunters are also offered ample opportunity to hunt for small game, ruffed grouse, and whitetail deer.



There is no shortage of arts and culture opportunities throughout the City. Brainerd is home to The Crossing Arts Alliance, located in Downtown Brainerd, The Brainerd Minnesota Cultural Arts Series, located at Central Lakes College, and The Stage North Theatre Company, with performances at the historic Franklin Arts Center. The City is also home to the Lakes Area Music Festival which serves as a worldwide hub for connecting classical music performers and audiences. The arts community will also be enhanced

following the construction of the new Performing Arts Center.

Brainerd offers an excellent variety of dining options whether you are looking for lakeside dining and entertainment, fast food, or fine dining. Craft beer enthusiasts can find locally crafted beer in a unique and historic environment.

Brainerd also offers exciting events throughout the year including the 4th of July Celebration, Arbor Day Celebration, Bike Safety Clinic, Disc Golf Tournament, Easter Egg Hunt, Great Pumpkin Festival, Kids Fishing Clinic, and the annual Skating Party at Gregory Park.

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The Organization

The Brainerd City Council is the governing body of the City. The City boasts a progressive and stable Council that manages and controls all finances and properties of the City and its departments. Under the authority of the City's home rule Charter, they have the power and authority to make, enact, ordain, establish, publish, enforce, order, modify, amend, and repeal all ordinances, resolutions, rules, by-laws, and regulations for the governance of the City. The Administration office includes the City Administrator's office and the office of the Mayor. The Mayor is the chief executive officer for the City of Brainerd. The daily affairs of the City of Brainerd are administered through the City Administrator as the chief administrative officer of the City.



The City is fortunate to have a strong management team and good staff. The departments of the City of Brainerd work together to provide basic municipal services such as administration, finance, park maintenance and recreation programs, street maintenance, fire service, police protection, planning and development oversight, building inspections, engineering and street design, and transit services. The City owns the Brainerd Public Library and jointly owns the Brainerd Lakes Regional Airport with Crow Wing County. The airport features commercial air service, general aviation, hangar space, and available land for private hangar construction and aviation-related business development. The Brainerd Public Utilities is under the direction of the Public Utility Commission. The Commission is governed by the City Council.

Organizational Chart



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Budget Information (Includes General, Public Safety, Parks & Recreation, and Streets)

	2017 Actual	2018 Actual	2019 Budget
REVENUES			
Property Taxes	2,078,595	2,298,862	2,674,021
Other Taxes	289,138	305,175	265,500
Intergovernmental	4,639,521	4,828,894	4,862,007
Charges for Services	884,550	883,523	906,459
Licenses & Permits	391,487	538,283	492,015
Fines & Forfeits	175,813	211,354	148,000
Special Assessments	46,971	63,351	39,400
Interest	10,759	12,304	10,000
Other Revenue	886,766	1,006,952	916,683
TOTAL REVENUES	9,403,600	10,148,698	10,314,085
EXPENDITURES			
General Government	2,134,642	2,258,922	2,660,836
Police	3,293,376	3,509,695	3,786,840
Fire	1,001,259	1,007,837	1,050,505
Misdemeanor Prosecutor	190,689	190,731	192,940
Animal Control	58,191	46,878	71,860
Parks—all programs	1,037,069	1,105,500	1,126,444
Street	908,303	1,126,600	1,009,696
TOTAL EXPENDITURES	8,623,529	9,246,162	9,899,121
OTHER SOURCES (USES)			
Transfer In (Out)	(752,616)	(415,246)	(399,964)
Other Sources (Uses)	-	-	-
TOTAL OTHER SOURCES (USES)	(752,616)	(415,246)	(399,964)
EXPENDITURES AND OTHER SOURCES (USES)	27,456	487,290	15,000
Fund Balance—Jan 1st	3,518,940	3,546,395	4,033,685
Fund Balance—Dec 31st	3,546,395	4,033,685	4,048,685
<i>Unassigned—Dec 31st</i>	<i>3,475,845</i>	<i>3,861,936</i>	
EXPENDITURES			
Personnel Services	6,060,777	6,334,650	6,792,633
Supplies	361,990	439,636	447,800
Services	1,756,231	2,023,033	2,201,657
Other	444,531	448,843	457,031
TOTAL EXPENDITURES	8,623,529	9,246,162	9,899,121

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Administrator Core Duties

- ◆ Serves as chief administrative officer of the City; administers policies and directives of the Council.
- ◆ Coordinates activities of the City Council and keeps Council members informed; prepares agendas and supporting materials for Council meetings and makes presentations and recommendations; attends Council meetings.
- ◆ Advises the Council of financial conditions and current and future City needs; prepares a variety of studies, reports, and related information for decision-making purposes.
- ◆ Prepares, presents, and administers the annual budget and capital improvement plan; directs short and long term strategic and financial planning processes.
- ◆ Manages and supervises City departments and operations to achieve goals and objectives within available resources established by the Council.
- ◆ Oversees and coordinates the establishment and implementation of economic development policies and programs; participates in determining and recommending priorities for community development programs including tax increment financing, revolving loan fund, etc.
- ◆ Administers all personnel policies and actions; recommends and/or participates in hiring employees; directs the evaluation of employee performance.
- ◆ Represents the Council in negotiations with the City's recognized bargaining units and oversees contract administration.
- ◆ Interprets and enforces local, state, or federal laws, ordinances, policies, and rules related to local government; prepares ordinances, resolutions, and policies for Council approval.
- ◆ Supervises purchasing for the City including the collection of estimates, quotations, and sealed bids; approves purchases and recommends the award of contracts.
- ◆ Represents the City at meetings and official functions as appropriate.
- ◆ Responds to concerns, issues, complaints, and questions from the public and employees; mediates disputes and resolves issues as appropriate.
- ◆ Performs other duties as assigned or apparent.



Desired Attributes

- ♦ Be highly motivated and enthusiastic.
- ♦ Be a proven manager who has well developed organizational management skills and abilities.
- ♦ Understand governing board processes, and be able to successfully achieve organizational outcomes within that framework.
- ♦ Be a skilled negotiator.
- ♦ Have the ability to enhance organizational relationships that bring people together around common goals.
- ♦ Be skilled in team development.
- ♦ Understand and appreciate the value and importance of downtown vitality in a medium sized community.
- ♦ Understand public finance and budgeting.
- ♦ Demonstrate listening skills by understanding and appreciating other opinions and perspectives.
- ♦ Be a uniter.
- ♦ Have the ability to strategically and appropriately delegate.
- ♦ Be open to input from leadership staff.
- ♦ Be open and honest in all interactions with customers, staff, and Councilors.
- ♦ Have impeccable character.
- ♦ Have a customer service orientation.
- ♦ Be self-confident.
- ♦ Be patient.
- ♦ Have a thick skin.
- ♦ Understand, appreciate, and value the unique characteristics and qualities of the Brainerd community.



Goals & Priorities

- ♦ Continue with implementation and maintenance of the pay for performance compensation system.
- ♦ Help oversee planned facility improvement projects at City Hall and other City properties.
- ♦ Assist the Council and other boards with prioritization of park improvement and development projects throughout the City.
- ♦ With the Council, build upon established organizational priorities.
- ♦ Help the staff and Council roll out goals established in the soon to be completed comprehensive plan.
- ♦ Assist with planning efforts pertaining to riverfront development.
- ♦ Devote time and energy to the development of relationships with the Council, staff, and community groups and organizations.



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Position Announcement

City Administrator: City of Brainerd, Minnesota

2020 Starting Salary Range: \$110,988 to \$127,649

Nestled in the heart of the Lakes Country is the City of Brainerd, Minnesota. Brainerd is one of the largest cities in central Minnesota and is home to 13,732 residents who enjoy all this City has to offer.

Qualifications for the position include a bachelor's degree in Public or Business Administration, or related field, and five years of management and supervisory experience in a governmental agency. Desired qualifications include a master's degree in Public or Business Administration, or related field, and demonstrated experience with strategic planning.

The position profile is available at: <https://www.ddahumanresources.com/active-searches>.

To apply, go to <https://daviddrown.hiringplatform.com/32305-brainerd-city-administrator/85164-application-form/en>, and complete the process by October 15, 2019. Finalists will be selected on November 4, 2019, and final interviews are scheduled for November 18 and 19, 2019.

Please direct questions to Gary Weiers at gary@daviddrown.com or 612-920-3320 x109.



DDA

Human Resources, Inc.
a David Drown Associates Company

DDA Human Resources, Inc.

Faribault Office

1327 Merrywood Court

Faribault, MN 55021

Phone: 612-920-3320 x109

Fax: 612-605-2375

gary@daviddrown.com

www.ddahumanresources.com

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Brainerd City Council Agenda Request

Requested Meeting Date: September 21, 2020

Title of Item: Zoning Code Update Consultant Selection

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☒ P&F COMMITTEE ☐ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Community Development Director	Department: Community Development
Presenter (Name & Title): David Chanski, CDD	Estimated Time Needed: 5 minutes
Summary of Issue: In July, the City Council approved the distribution of an RFP seeking qualified consultants to conduct a comprehensive update of the City's zoning code. Eight consulting firms submitted proposals, and the Planning Commission interviewed six of these consultants during a special meeting on September 9th. During their regular meeting on September 16th, the Planning Commission deliberated and are recommending the selection of Swanson Haskamp Consulting to perform a comprehensive update of the Zoning Code.	
Alternatives, Options, Effects on Others/Comments: The RFP response submitted by Swanson Haskamp Consulting is attached.	
Recommended Action/Motion: Motion to contract with Swanson Haskamp Consulting to perform a comprehensive update of the Zoning Code for an amount to not exceed \$90,000.	
Financial Impact: <i>Is there a cost associated with this request:</i> ☒ Yes ☐ No <i>What is the total cost, with tax and shipping</i> \$ <u>90,000</u> <i>Is this budgeted?</i> ☒ Yes ☐ No <i>Please Explain:</i> The City Council approved \$50,000 in the 2020 CIP budget and have preliminarily approved an additional \$50,000 in the 2021 CIP budget.	

Proposal for Zoning Code Update Services

08.14.2020



Proposal Submitted to
City of Brainerd
Attn: David Chanski
501 Laurel Street
Brainerd, MN 56401



Submitted by
Swanson Haskamp Consulting, LLC
246 S. Albert Street, Suite 2A
Saint Paul, MN 55105
Jennifer Haskamp, AICP
651.341.4193
jhaskamp@swansonhaskamp.com
swansonhaskamp.com

A. Title Page

August 14, 2020



City of Brainerd
Attn: David Chanski
501 Laurel St.
Brainerd, MN 56401

RE: Proposal for Zoning Code Update

Dear Mr. Chanski,

Please accept this proposal for consideration of the City of Brainerd's Zoning Code Update Project ("Project"). We have assembled a Team with expertise preparing zoning codes, leading comprehensive plan updates, and working with municipalities on daily planning services. Our daily planning services have reinforced our belief that there is no substitute for a clear and concise set of zoning regulations. We have experienced first hand the value of a well-written zoning code and how it can serve as a catalyst for redevelopment, mixed-use and infill economic development initiatives. Equally as important to the Project is to create a code that supports existing neighborhoods, protects the community's historical character and clearly supports the City's long-term goals and aspirations.

We bring to Brainerd:

- » Form Based Code expertise.
- » Sophisticated mapping and market-based recommendations that support zoning recommendations.
- » Online alternatives that engage the public (including the production of a short video about the Project for your website and distribution).
- » A fun team! We enjoy our work, and we like to learn about new communities.

Thank you for the opportunity to work with the City of Brainerd, we look forward to hearing from you.

Sincerely,

Jennifer Haskamp
Principal Planner & Owner

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C. Assigned Personnel



c. Assigned Personnel

Project Team

Swanson Haskamp Consulting (SHC) is perfectly positioned to work collaboratively with the City of Brainerd to refine the project approach, schedule and plan for the Zoning Update Project (“Project”). Our firm is committed to providing a tailored approach to every project we pursue and undertake, and we are committed to working with you to achieve your goals and objectives for the Project. SHC excels at creating documents, plans, and regulatory tools that are easy to understand, that focus on layout and graphic communications, and that support and implement your vision for the community. To further enhance our team, we have strategically partnered with Michael Lamb Consulting, LLC for their breadth of experience with hybrid “form-forward” and form-based codes and with Todd Grabe a videography consultant who specializes in story-telling. An introduction to our Team is provided on the following pages.





Jennifer Haskamp, AICP
SHC

Project Role: Principal Planner, Facilitation, and Document Preparation

Jennifer has extensive experience in facilitation, project management and document preparation. She founded SHC on the principle that it is essential for the public sector to think proactively about economic development and to ensure its tools, such as a Zoning Ordinance, are easy to understand for both the public and private sectors. Using that philosophy, Jennifer will work collaboratively with the City staff and the SHC Team to refine both the vision and the process to implement the vision for this Project.

Relevant Experience

Zoning Studies & Updates, Planning Services/ Implementation in MN

- » City of Lauderdale (in-progress)
- » City of Scandia (in-progress)
- » City of Mendota
- » Bottineau TOD, Hennepin County
- » City of Grant
- » City of Lake Elmo
- » City of Lakeland

Urban Context Analysis & Market Research

- » Austin Water, Austin, TX
- » Ramsey County, MN
- » Washington County, MN

Recent MN Comprehensive Plans

- » City of Lauderdale
- » City of Anoka (housing chapter)
- » City of Lake Elmo
- » City of Brooklyn Center
- » City of Grant
- » City of Birchwood Village

MN Entitlements Management, Owners Representative, Development QA/QC, Land Use & Redevelopment

- » Private Developer, Medina
- » Private Developer, Chaska
- » Private Landowner, Minnetrista

Downtown Design Guidelines

- » City of Maple Plain, MN

Education

- » Master of Urban and Regional Planning, Humphrey Institute, University of MN
- » Bachelor of Arts, Architecture University of MN

And...

- » Is happy that Major League Soccer is back, even if she can't watch her Loons in person.



Mike Lamb, AICP

Michael Lamb Consulting

Project Role: Code Technical Author

Michael will lead the technical aspects of the code writing to include diagnostic review, character area and physical assessment, standards, form-based requirements, district definitions and assist with associated memorandums, graphic analysis, mapping review and draft code documents. As the City makes the transition to a new and revised zoning code he will provide technical support with form-based and hybrid zoning standards. He will assist the team in understanding the essential qualities and character of Brainerd's distinct areas including street and block patterns, neighborhood and commercial built environment, and public realm/open spaces.

Relevant Experience

Zoning Updates and Rewrite

- » TOD zoning code updates for cities along the Bottineau LRT Corridor.
- » Development code calibration for the TCAAP site in Arden Hills for Ramsey County.
- » Provided TOD code testing and training support to Brooklyn Park, MN
- » Led the complete rewrite of the Madison, WI Zoning Code.
- » Updates to the zoning code, subdivision code and Twin Lakes area for Roseville, MN.
- » Led the update to the Minnesota State Capitol Area Zoning and Design Rules.

Design, Design Standards and Entitlements

- » Prepared the Ford Site Design Standards for the City of Saint Paul.
- » Full design & entitlements for Clover Field, a new 45 acre neighborhood in Chaska, MN.

Form-based code and Traditional Neighborhood Development

- » Supported the form-based code for Downtown Overland Park, MO
- » Model Traditional Neighborhood Development Code for Dane County, WI
- » Traditional Neighborhood Development Code for Mt. Horeb, WI

Education

- » Graduate of the Form Based Code Institute
- » Masters of Architecture in Urban Design, University of Colorado - Denver
- » Bachelor of Arts, Urban Studies, University of Alabama - Birmingham

And...

- » Is a former amateur bike racer who completed the Inspiration 100, a 100+ mile gravel race near Alexandria, on his gravel bike in under 9 hours!



Project Role: Project Manager, Lead Quality Assurance & Quality Control

Ellison's experience in project management and coordination will be essential on this Project, particularly as we navigate the process in the time of uncertainty due to the pandemic. Ellison will provide on-going, and regular support and communications throughout the Project to ensure the process goes smoothly. She excels at review and critique of graphic and text communications and will provide review, edit, and quality assurance through document preparation.

Ellison Yahner, AICP

SHC

Relevant Experience

Planning Services/Implementation in MN

- » City of Lauderdale (in-progress)
- » City of Scandia (in-progress)
- » Bottineau TOD, Hennepin County
- » City of Grant
- » City of Lake Elmo

Recent MN Comprehensive Plans

- » City of Lauderdale
- » City of Anoka (housing chapter)
- » City of Lake Elmo
- » City of Brooklyn Center
- » City of Grant
- » City of Birchwood Village

Urban Context Analysis & Market Research

- » Austin Water, Austin, TX
- » Ramsey County, MN
- » Washington County, MN

Education

- » Master of Urban and Regional Planning, Humphrey Institute, University of MN
- » B.S., Art, University of Madison-Wisconsin

And...

- » Is vacationing in the Brainerd area the weekend after this proposal is due.
- » Is missing large events and museum visits.



Project Role: GIS, Engagement Outreach (social media, etc.), Document Layout and Support Services

Jess will support the SHC Team in its graphic communications, mapping support, and online engagement efforts. She excels at social media engagement, GIS analysis and mapping, and support of the project team. Jess will be available to assist throughout the Project with virtual communications to support both the City staff and SHC Team.

Jess Points

SHC

Relevant Experience

Planning Services/Implementation in MN

- » City of Lauderdale (in-progress)
- » City of Scandia (in-progress)
- » City of Grant
- » City of Lakeland
- » City of Lake Elmo

Urban Context Analysis & Market Research in MN

- » Ramsey County
- » Washington County Strategic Facility Plan and Transit Oriented Development

Recent MN Comprehensive Plans

- » City of Grant

Education

- » B.A., Fine Art and Interdisciplinary Design - University of Minnesota

And...

- » Loves travel, more recently discovering dog-friendly campsites across the mid-west.

5



Todd Grabe

Independent Creative Director

Project Role: Video Director/Editor Lead for Video

Todd will review the City's vision within its Comprehensive Plan and content relevant to the Zoning Update and Economic Development to direct the production of a creative and compelling video overview of the Project.

Relevant Experience

Creative Work Clients

- » Target
- » Amtrak
- » Best Buy
- » MN Twins
- » General Mills
- » Converse
- » Loews
- » Polaris

Education

- » B.A. in Film & Television Production, University of Bozeman - Montana

And...

- » Relieved the pandemic has not slowed his fly-fishing or mountain bike adventures.
- » Super creative story-teller.



Firm Information

Swanson Haskamp Consulting, LLC (SHC)

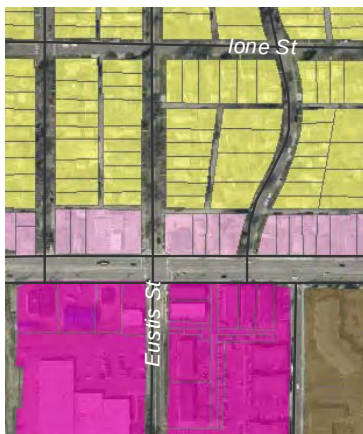
In business: 13 years

SHC will perform as the project manager and co-facilitator of this Project. Our Team will work in coordination with Michael Lamb Consulting to prepare the comprehensive update of the City of Brainerd's Zoning Ordinance. Our firm is a certified Disadvantaged Business Entity (DBE) and is also a certified WBE through the CERT program. Our firm specializes in urban context analysis, market-based land use and site constraint analysis, redevelopment and infill analysis, zoning implementation, master planning and market research. In coordination with Mike Lamb, we will work with the City to develop a form-forward or form-based code that specifically addresses the City's objectives to ensure a user-friendly, modernized set of development ordinances and codes are delivered.

Example Firm Experience:

6

SHC's is currently working with several municipalities to update their zoning codes for consistency with recently adopted comprehensive plans including long-term clients Lauderdale and Grant. Our Team has a range of experience working with clients on site selection, TOD, mixed-use, redevelopment and infill projects and plans.



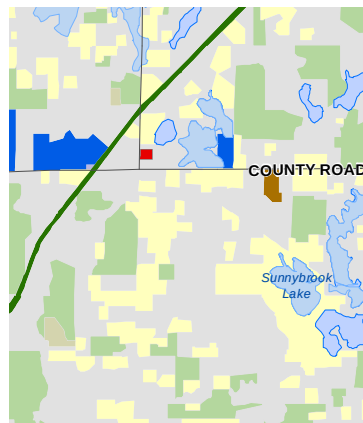
City of Lauderdale, MN

SHC's Projects:

*Zoning Code Re-Write
(in-progress)*

*Daily Planning Services
(on-going)*

*2040 Comprehensive
Plan (Complete)*



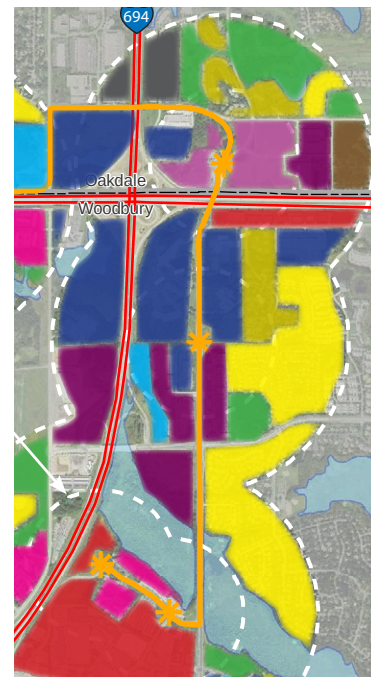
City of Grant, MN

SHC's Projects:

Zoning Code Update (on-going)

*Daily Planning Services
(on-going)*

*2040 Comprehensive
Plan (Draft Complete)*



Washington County, MN

SHC's Project:

TOD Search of a Site

Michael Lamb Consulting, LLC

In business: Established 2020 (led by Mr. Lamb with more than 30 years of experience.)

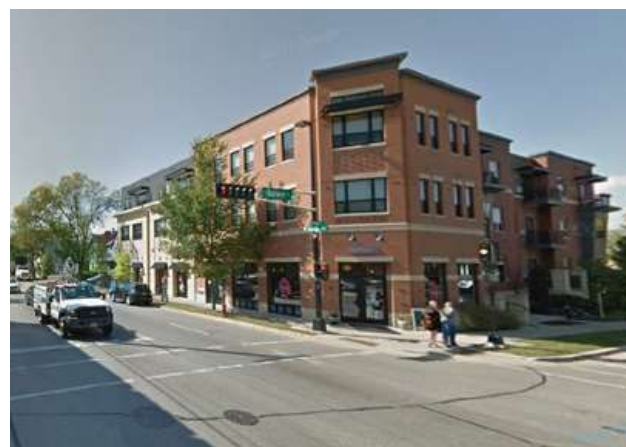
Michael Lamb Consulting, LLC will perform as the lead Code Technical Author and graphic lead of this Project. Michael Lamb Consulting, LLC specializes in urban design services for municipalities providing services including form-forward and form-based codes, and comprehensive planning. Michael Lamb Consulting will focus on assisting SHC with facilitation efforts, lead technical drafting and graphic code integration. Michael Lamb Consulting's experience and knowledge of form-based codes, and specialization in urban design will provide valuable context to the City as we refine the direction of this Project.

Example Experience:

City of Madison, WI

Complete Re-write of Code to be Form-Based

Prior to establishing Michael Lamb Consulting, LLC, Mr. Lamb prepared and completed several form-forward and form-based zoning codes. An example of this type of code re-write process was completed for the City of Wisconsin. A key component of the re-write process was the desire to better match zoning regulations with existing historic neighborhood patterns and uses.



Mixed use building
1252 Williamson Street
Madison, WI



SHC

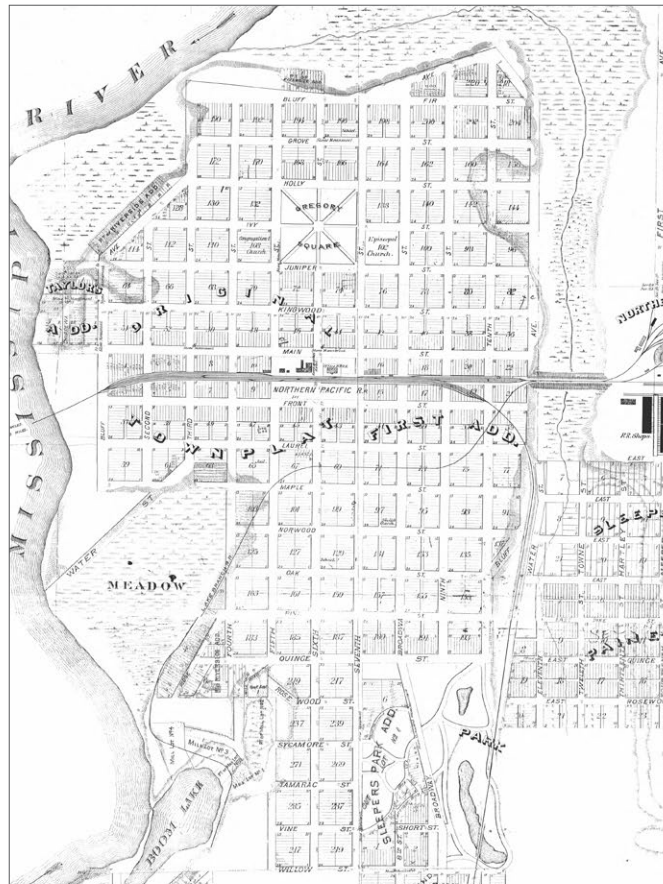
D. Approach To Scope of Services

Project Understanding

We understand that the City of Brainerd is seeking a consultant to prepare an update to its Zoning Code to be consistent with the City's recently adopted 2035 Comprehensive Plan ("2035 Plan"). The vision and policies established in the 2035 Plan offers a bold new direction for the City that necessitates a full review, refinement and in some areas repeal and replace of the City's current zoning regulations. Perhaps the single most effective implementation tool of a comprehensive plan is an equally innovative and efficient set of zoning regulations.

A review of land, development, and platting from the late 1800's shows us the simple and authentic parcel arrangement that features alley-loaded, 300-foot dimensionally square blocks interrupted by the railroad reservation and defined by multiple environmental corridors including the Mississippi River. (See Map 1 and Map 2.)

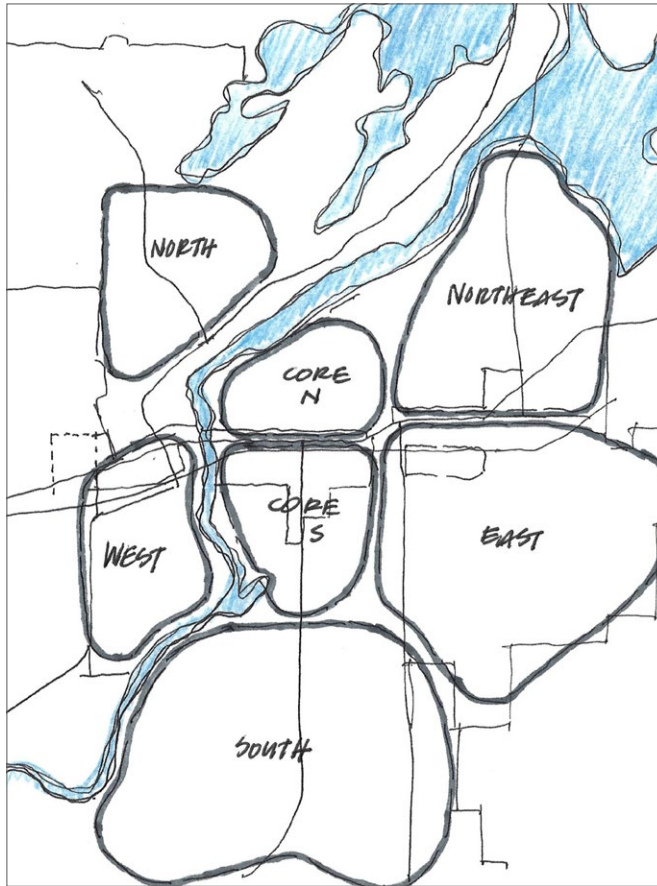
Map 1: 1883 City of Brainerd, Plat Map



1883 Plat Map depicting City of Brainerd regular lot and bloc configuration.

Today the City can be generalized into smaller discrete areas that begin to suggest how the physical character of development can be addressed with regulatory standard. As we assess more closely we will undoubtedly find more nuanced sub-areas (neighborhoods, districts, and corridors) that exhibit unique patterns, forms and relationship which can be codified to reinforce solutions that are local and define Brainerd.

Map 2: 2020 Potential Generalized Areas



Generalized areas can offer direction to organize regulatory standards by neighborhood or geographic area, further reinforcing neighborhood or corridor patterns.

Many times zoning is thought of as boring and a necessary evil of implementing the Comprehensive Plan. But with the adoption of your new 2035 Plan there is an opportunity to rethink your zoning approach to create new opportunities for development and redevelopment in your community. We take the City's request for proposal as a challenge to not only address the City's need to update an ineffective set of zoning regulations, but to match the hard work and new direction of the City adopted in the 2035 Plan. As an essential official control, the zoning regulations should be easy to understand, easy to use, graphically interesting and focused on creating an exciting and vibrant community moving forward. To that, our Team says, challenge accepted. We believe that an effective set of zoning regulations will implement the policy vision established in the 2035 Plan, but will also be responsive to market conditions, will engage with stakeholders and residents, will communicate information both graphically and through text, and most of all will be easy to understand.

Project Approach

Our Project approach requires collaboration, discussion, education, engagement, and feedback from staff, policymakers and stakeholders. In an ordinary process, communication and engagement are challenges by themselves but add a pandemic into the mix and suddenly it becomes imperative to think creatively and be willing to alter course if needed. The good news is that our Team has been navigating the current pandemic-engagement process and have adapted, modified and pivoted our approach to respond to current direction and guidelines. This means we are

constantly learning about new ways to collaborate and to engage, and we can be flexible and responsive to the changing restrictions and requirements as we progress through the Project. We believe now more than ever that there is no substitute for effective communication, and thoughtful engagement and education – and that principle is the foundation of our approach.

An essential part of successfully delivering a new code will be frequent and effective communication. From the engagement process to the final deliverable, delivering information in a clear, easy to follow, and easy to understand platform will be critical. Subsequent sections will highlight our proposed Scope of Services, but underlying the entire process is the central belief that a clear communication and engagement plan will ensure that a successful set of zoning regulations are created for the City. The following summary of our engagement process and plan is provided as follows:

Objectives of the Engagement Plan

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When we say “engagement” we mean targeted communication and education efforts with city staff, City Council, advisory bodies such as the Planning Commission, residents, business owners and other interested stakeholders. We have identified a preliminary set of objectives of the Engagement Plan for the Project:

- » To **engage policymakers and advisory bodies** through the Project process. Engagement includes education, feedback, and review throughout the process. We want to build an informed educational base for the process, the approach, and the deliverables – after all, this is a document that these bodies will use in their decision-making moving forward.
- » To **first educate, and second engage the public** (residents, business owners and other stakeholders). Throughout the process we propose targeted engagement with the public using a variety of tools that we will work with staff to implement. Guidance regarding the pandemic changes daily – so we know we need a variety of ways to engage that can be tailored given whatever the current direction. Further we understand that the 2035 Plan development process included

***Meetings** in this proposal may be conducted virtually using Zoom, or other City-approved video conferencing platform.*

Meetings at major milestones may be conducted in-person, depending on current guidelines.

extensive public engagement. Our goal is to build on those efforts, not to recreate the wheel or be repetitive to that process. Therefore, this effort will likely focus more on education and information, with targeted solicited feedback at key milestones in the process.

- » To **create a Technical Advisory Group** (TAG) comprised of city staff and the consultant team to work through the technical development of the zoning regulations. This team will work collaboratively throughout the process and will serve as the central working group on the Project. The intent of the TAG is to keep policymakers, advisory boards and the public informed throughout the process using a variety of tools. The TAG will occasionally meet in-person, but the majority of meetings and sessions will take place virtually. At a minimum, the TAG will meet monthly throughout the process, with the potential for more frequent meetings in Phase II and Phase III of this process as defined within the Scope of Services.

An arsenal of tools to engage with policymakers and the public is essential in order to be responsive in these challenging times. While some tools can be selected and tailored as-needed, there is the need to have a few communication tools that are a constant throughout the process. The following wide-ranging engagement tools we propose include:

- » **Project Website**

We will build a Project website where all the information regarding the process will be contained. Information on the website will include schedule, opportunities for engagement or activities, upcoming meetings, meeting materials, etc. If desired, targeted engagement efforts could also be incorporated on the website (e.g., directed questions regarding a specific zoning requirement).

- » **Open House (virtual or in-person, environment depending):** Once the direction has been identified, and a draft prepared, we will host an open house to share key highlights of the new zoning code.

- » **Short-story Video:** We propose to engage a videographer on the Project to create a short-story video for Brainerd near the end of this process. We believe that the new direction of Brainerd as expressed in the 2035 Plan and within a new form-focused zoning code has the potential to spur economic development if promoted. Our intent is for the video to do double duty – it will be both educational and promotional. Our goal with the video is to get people excited about development in the community and to use zoning as a way to support (not impede) economic development and the development process.

Available tools in our arsenal, to be deployed based on Technical Advisory Group collaboration

- » On-line surveys (hard copies available, if needed)
- » Zoom webinars
- » Round Table discussions
- » Individual interviews
- » Pop-up engagements – local businesses, such as a store front, etc.
- » Open Houses
- » Event attendance (e.g. farmer's markets or other community based events)

Supplementing the communication and engagement process, our approach is focused on creating a set of zoning regulations that are:

- » **Easy to Use.** In our experience the public, stakeholders and even developers find most traditional zoning ordinances cumbersome and difficult to understand. Our approach is focused on creating a synthesized set of regulation that:
 - » Is in common language and reduces the legal jargon that often accompanies traditional codes.
 - » Seamlessly integrates both graphic and text communication to explain the City's requirements.
 - » Provides opportunities for cheat-sheets that can easily be used to

communicate the City's regulations with stakeholders. These cheat-sheets provide opportunities to educate stakeholders, policymakers and advisory bodies about the requirements while clearly communicating the City's expectations.

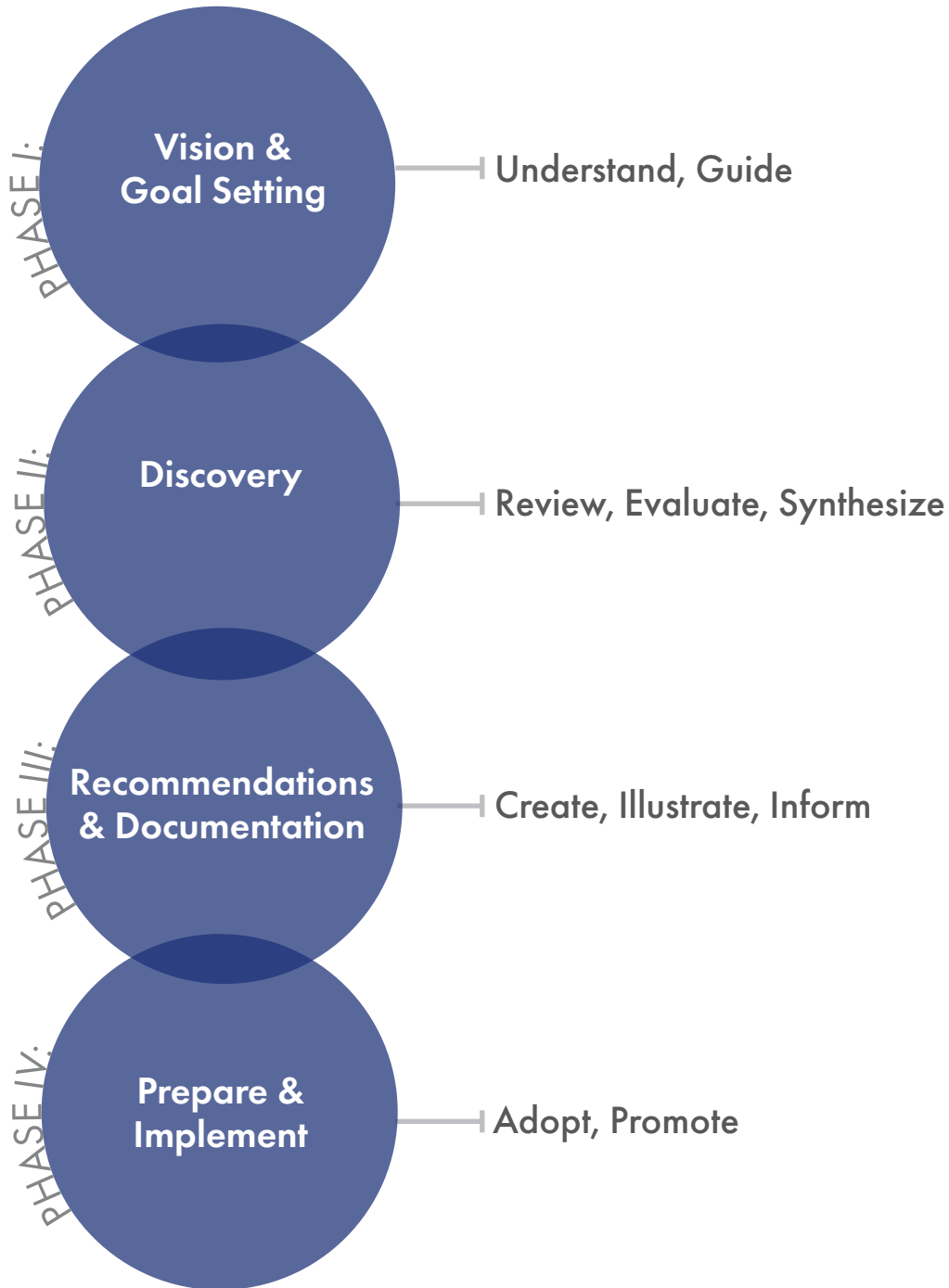
- » **Incorporates the physical characteristics of what is 'working' on the ground today.** (i.e. what are the best parts of your neighborhoods today, and how do we create a set of regulations that support and enhance that fabric). This approach:
 - » Repeals and replace essential areas of the code that are ineffective, and update portions that work today (if any). A one size fits all approach to this process may not result in the desired outcomes. We have used hybrid and "Form-Forward" approaches, where we evaluate each area based on the desired types of development patterns and then match the appropriate zoning methodology to meet your objectives. In this approach some areas of the community may transition to a full form-based code, while others may incorporate a hybrid approach.
- » **Is based on market realities.** While the market is sometimes an afterthought in zoning, we believe it is a critical aspect to consider. The City's Code can promote economic development if done well, and if done poorly can detract investments from the City. Some examples in this approach:
 - » How much of a mixed-use zoning district should be required to be commercial versus residential uses? Or should we let the form dictate that answer, and simply permit a mix of residential and commercial uses by-right? The reality is, there is a way to write



Example: Conceptual graphics integrated into specific code sections can help make regulations and standards easier for developers, businesses and residents to understand.

Scope of Services

Our Project Approach and Understanding in conjunction with the City's RFP were used to develop the following Scope of Services. Generally, our approach includes four phases to accomplish the objectives of this Project. As demonstrated on the schedule in subsequent sections, it is likely that there will be some overlap of the tasks and phases particularly in Phase II and Phase III as we work through issue identification and the opportunity analysis.



Phase I

Vision & Goal Setting

We will kick-off the process by leveraging the current excitement surrounding the 2035 Plan. Building on that planning effort we will work with the City to establish the vision, goals and objectives for this plan development process. Tasks and objectives of Phase I include:

- » **Leverage the 2035 Plan.** Using the 2035 Comprehensive Plan as launching point, we will work to identify the process and Project priorities. We will work collaboratively with the staff, advisory bodies (PC, EDA, HRA) and the City Council to establish the key objectives to accomplish so that this Project is successful.
- » **Use Examples to Educate.** Since this may be one of the first times policymakers and advisory board members are exposed to form-based codes education is essential to assist their decision making. During an early exercise with the City Council and with select advisory bodies we will:
 - » Identify two concept sites in the City, and demonstrate through graphics and supporting text how traditional zoning regulations are applied in contrast to how form-based or form-forward zoning regulations are applied. Through this example process policymakers will be better equipped to help define and guide the direction of the final code development.
 - » Identify Essential Priorities. Essential priorities will be identified through a series of prioritization exercises. A combination of tools will be used, and our Team will work with staff to identify the best methodology to solicit feedback. Potential tools include:
 - » On-line Survey
 - » Individual Interviews
 - » Round-table discussion

» **Key Meetings/Engagement**

- » TAG – Monthly
- » Planning Commission (2)
- » City Council (1)

» **Phase I Deliverable**

- » A summary memo will be prepared documenting the outcome of Phase I. The Phase I memo will include, at a minimum, initial priorities as agreed to and established during work sessions with the City Council, Planning Commission and Staff.

Phase II

Discovery

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The priorities established within Phase I will be used as a lens to evaluate the existing conditions in the City. For purposes of this Project, we believe it is important to perform a critical review of the current zoning regulations in conjunction with review of the existing physical development of the City's neighborhoods. We understand that the current code includes 21 zoning districts, and that many of those districts to enhance, support or embrace the actual historical development pattern of the City's neighborhoods. As a result, there is a mismatch between the City's current regulations and the physical development of the community that would not necessarily present itself if only reviewing the code language. Phase II tasks will focus on identification of areas of mismatch and inconsistency.

*We can't figure out where
we're going, if
we don't know where
we are **today**...*

- » **Existing Conditions – Code Review.** Our first step will include a review of current zoning regulations and codes to identify inconsistencies and conflicts.
- » **Existing Conditions – GIS Analysis.** We will perform a mapping analysis to identify significant areas of nonconformity based on current regulations (i.e. lot size, use, etc.)

- » **Existing Conditions – Physical Analysis.** To supplement our efforts, we will conduct a community site visit and conduct walking tours with staff to document the existing development patterns of identified neighborhoods or business districts. During this process we will review and ask:
 - » *How are current neighborhoods laid out?*
 - » *What are dominant uses? How do people want to use their properties? Does the current use match desired use (i.e. work from home, ADUs, etc.)?*
- » **Engage the Public.** During this Phase we should engage with residents, businesses, and stakeholders in a targeted approach. We will work with the TAG to identify the appropriate engagement tool and will deploy an effort that will include specific questions about a particular area or neighborhood.
- » **Best Practices Summary.** We will supplement the existing conditions analysis with a summary of best practices that are most relevant to the City of Brainerd. This section may include a summary of form-forward approaches for specific areas, while other areas may be better suited for a form-based approach.
- » **Key Meetings/Engagement**
 - » TAG – Monthly
 - » Public Engagement – targeted engagement to be selected
 - » Planning Commission (2)
 - » City Council (1)
- » **Phase II Deliverable**
 - » A Phase II memo will be prepared to document the findings of the existing conditions analysis. This memo will outline and identify current issues and inconsistencies as well as document the physical development patterns through mapping and photos.

Phase III

Recommendations & Documentation

Phase III is where the fun begins. Using the information collected in Phase I and Phase II we will begin the process of identifying options for the City's code development. We realize that there may not be a one-size-fits-all approach for every neighborhood or business corridor in the City, so it is critical to clearly outline the options so that a direction can be selected. The purpose of this Phase is to confirm the direction for each portion of the code that will change so that a draft code can be prepared. The following tasks will be completed as part of Phase III:

- » **Specific Neighborhood or Business Options.** Information collected in Phase I and Phase II will be used to identify options for specific neighborhoods, business districts or key corridors.
 - » Options may include: Form-forward, form-based, and maybe a mix of some traditional
 - » Overlays and/or special districts or areas that may need design attention
- » **Engage the Public.** Use one of the engagement tools to solicit feedback from neighborhoods
 - » Geographically target areas and residents living in specific neighborhoods or areas of interest for feedback regarding the available options.
- » **Annotated Outline.** To confirm the direction of the code in more detail we will develop an annotated Outline with the selected options. This outline will be detailed and will ensure City staff has the opportunity to change, alter, or modify the direction before full code development is commenced. The annotated outline will:
 - » Highlight the solutions and potential direction for each zoning district, and other sections of the code to be addressed as part of the Project.

- » **Engage the Public.** At the end of Phase III we propose to engage the public in a more formal way, if possible. This will be either an in-person or virtual open house (webinar with polling, or similar) to solicit feedback regarding the direction.
- » **Key Meetings/Engagement**
 - » TAG – Monthly
 - » Open House (virtual or in-person)
 - » Planning Commission (3)
 - » City Council (1)
- » **Phase III Deliverable**
 - » A summary memo will be prepared to supplement the Annotated Outline that will provide the full structure of the zoning code.

Phase IV

Prepare & Implement

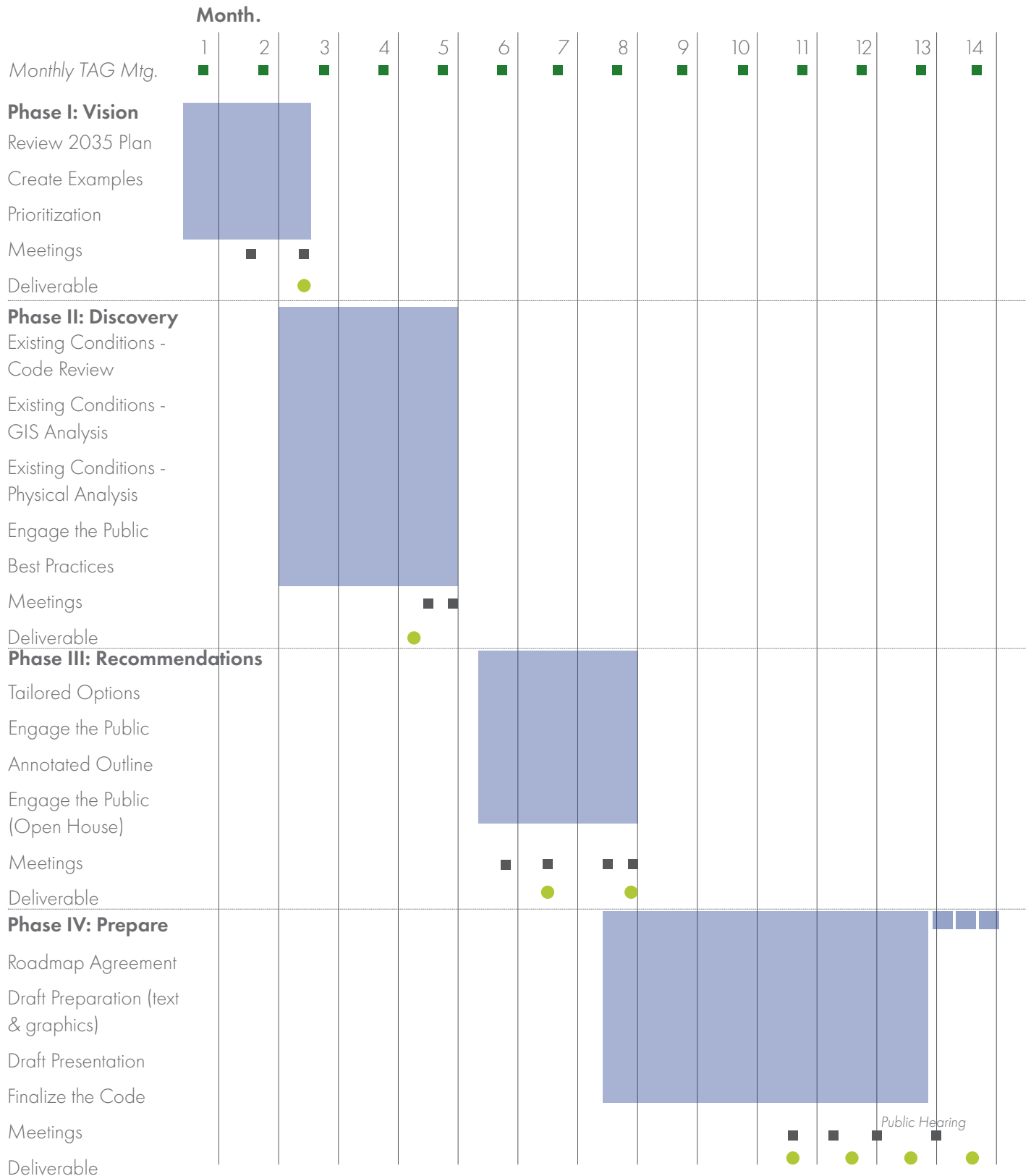
The final phase of the Project will include the development of the full draft code. While much of this work will happen behind the scenes, we will collaborate with the TAG extensively during this Phase. It is at this time that we also propose to begin tackling the promotional aspects of the code development. To that end, we propose to develop a Zoning Promotional short-story video. The video will be prepared to summarize the process, and to demonstrate how this new tool can be an important part of the City's economic development and development initiatives for years to come. The following tasks are associated:

- » **Confirm the roadmap.** Before we begin developing the code there must be agreement on the code outline. Agreement from policymakers, advisory bodies and city staff is important at this stage to ensure we develop a code that works.

- » **Draft Zoning Code Preparation.** We will prepare a full draft of the code using the agreed upon document outline. The draft will be submitted to City staff for review, comments and edits.
- » **Modification, Revisions and Edits – City staff.** We will work with the City staff through the QA/QC process which will likely include some modifications, and some edits. Our initial scope includes two (2) rounds of comprehensive edits prior to submitting the draft for review by the Planning Commission.
- » **Let’s Present.** After thorough staff level review, it is time to unroll the draft to the policymakers and advisory bodies. This phase will include a presentation to the City Council and Planning Commission, and any other advisory bodies as recommended by the city staff.
- » **Finalize the Code.** A final draft of the code will be developed incorporating any feedback, comments, or direction from the policymakers and advisory bodies. Once a final draft is prepared, we will follow the statutory requirements including a formal public hearing, followed by final adoption by the City Council.
- » **Key Meetings/Engagement**
 - » TAG – Monthly
 - » Short-Story Video Production
 - » Planning Commission (2)
 - » City Council (2)
- » **Phase IV Deliverable**
 - » Summary memo
 - » Draft zoning code
 - » Final zoning code
 - » Short-Story Video

Project Timeline

We estimate to complete the scope of services as identified in this proposal that the project will take between 12 and 14 months. If selected, we will work with city staff to further refine and tailor the schedule to meet the City's needs.





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E.

Basis for Compensation



E. Basis for Compensation

Proposed Fee *

Phase I Vision & Goals	\$10,500
Phase II Discovery	\$25,000
Phase III Recommendations & Documentation	\$15,000
Phase IV Prepare & Implement	\$35,000
Reimbursable Expense @ 2%	\$2,200
<u>Subtotal</u>	<u>\$87,700</u>
Not-to-Exceed	\$90,000

** Prices and terms valid until December 31, 2020,
and for the length of any resulting contract.*

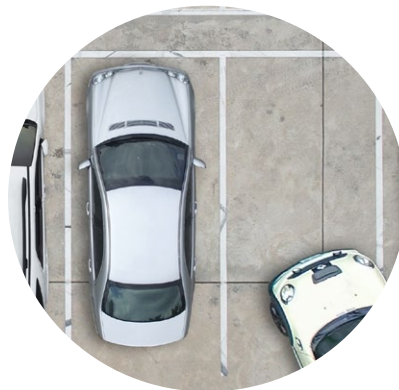


PROPOSED FEE SCHEDULE

(2020)

Principal, Planner	\$125/Hour
Sr. Planner/ Sr. Landscape Architect	\$115/Hour
Planner	\$95/Hour
Document Preparation/Layout/Production • GIS Mapping • Document Layout • Graphics	\$90/Hour
Mileage rate (Standard IRS rate)	\$0.575/mile
Printing and Mailing Services	Actual Expenses

** Prices and terms valid until December 31, 2020,
and for the length of any resulting contract.*



F.

References & Potential Conflict of Interest

F. References & Potential Conflict of Interest

SHC

References

Heather Butkowski
City Administrator
City of Lauderdale
651.792.7657

Projects: Zoning Code Update,
2040 Comprehensive Plan

Tim Benetti
Community Development Director
City of Mendota Heights
651.225.1142
Projects: 2040 Comprehensive Plan
(in-progress), City of Medina 2030
Comprehensive Plan

Public Clients

City of Lauderdale, MN
City of Grant, MN
City of Lakeland, MN
City of Anoka, MN
City of Lake Elmo, MN

City of Mendota, MN
City of Mendota Heights, MN
City of Scandia, MN
Village of Readstown, WI

33

Michael Lamb Consulting

References

Laureen Bodin
City Administrator
City of Buffalo
763.684.5404
Project: Downtown 2040 Plan

Caroline Spurgeon
Clerk/Treasurer
Ravenna Township Clerk/Treasurer
651.480.1902
Project: Zoning Code Update

Public Clients

City of Buffalo, MN*
Ravenna Township/Carver County, MN*
City of Rochester, MN**

City of Scandia, MN***
Village of Readstown, WI***

* *sub-consultant to LHB*

** *sub-consultant to Perkins+Will*

*** *sub-consultant to SHC*

Conflict of Interest

None known.



**G.****Disclosure &
Assurances**

G. Disclosure & Assurances

Jennifer Haskamp, Owner and Principal Planner, has the authority to make the representations in this proposal and may sign, and execute if granted, any contract with the City of Brainerd on behalf of the SHC Team.

CERTIFICATE OF LIABILITY INSURANCE		DATE (MM/DD/YYYY) 08/11/2020																																																																	
THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.																																																																			
IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must have ADDITIONAL INSURED provisions or be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).																																																																			
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Submitted by:

Swanson Haskamp Consulting, LLC

246 S. Albert Street, Suite 2A

Saint Paul, MN 55105

Jennifer Haskamp, AICP

651.341.4193

jhaskamp@swansonhaskamp.com

swansonhaskamp.com



Brainerd City Council Agenda Request

Requested Meeting Date: September 21, 2020

Title of Item: Civil Attorney Contract Renewal

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☒ P&F COMMITTEE ☐ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Connie Hillman	Department: Finance/Administration
Presenter (Name & Title): Finance Director Hillman	Estimated Time Needed: 5 Minutes
Summary of Issue: The current contract for civil legal services with Ratwik, Roszak & Maloney expires December 31, 2020. Staff feels that we have received good service from Mr. Langel as well as other members of the firm like Mr. Schafer who is our employment law attorney from the firm. Therefore, staff requested a quote from Ratwik, Rosack & Maloney for the next two years. The proposed agreement is attached as well as an e-mail from Mr. Langel detailing the changes - hourly rate to increase by \$5 per hour for 2022 and the retainer \$2,000 increase per year for 2022 as well.	
Alternatives, Options, Effects on Others/Comments: The amount paid to Ratwik, Roszak & Maloney is listed below 2014 - \$76,723 2015 - \$68,379 2016 - \$54,785 2017 - \$62,468 2018 - \$72,658 2019 - \$78,824 This excludes HRA and BPU as well as any legal fees for construction projects which are coded directly to the project.	
Recommended Action/Motion: Authorize staff to enter into an agreement with Ratwick, Roszak & Maloney for 2021 and 2022.	
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>	

Connie Hillman

From: Joseph J. Langel [REDACTED]
Sent: Tuesday, September 15, 2020 10:49 AM
To: Connie Hillman
Cc: Jennifer Bergman
Subject: {EXTERNAL} 2021-2022 Contract
Attachments: 2021-22 Legal Services Contract.pdf

WARNING: This email originated outside of the City of Brainerd. DO NOT open links or attachments unless you KNOW the content is safe.

Good morning,

You asked about the proposed terms of our next legal services contract, given that the current one expires on December 31, 2020.

After reviewing the billings over the last 19 months, we propose the following:

- The following charges will remain the same:
 - o Flat fee for extra meetings.
 - o Litigation rate.
 - o Developer rate.
 - o Out of pocket costs (usually based on actual cost).
 - o Hourly rate for 2021.
 - o Retainer for 2021.
- We propose that the hourly rate increase in 2022 from \$150/hr to \$155/hr to bring it closer to market rate.
- We propose that the annual retainer increase in 2022 by \$2,000.

If you need further information, please let me know. Thank you!

Joe



Joseph J. Langel
Ratwik, Roszak & Maloney, P.A.
730 Second Ave. South, Suite 300
Minneapolis, MN 55402
PH: 612-339-0060 | Direct Fax: 612-225-6860
Web: www.ratwiklaw.com

The information contained in this electronic message may be attorney-client privileged and/or confidential information and is intended only for the use of the individual(s) to whom this electronic message is addressed. If the reader of this message is not the intended recipient, or the employee or agent responsible to deliver it to the intended recipient, you are hereby notified that any dissemination, distribution or copying of this electronic communication or any attachment thereto is strictly prohibited. If you have received this electronic communication in error, you should immediately return it to us and delete the message from your system. Thank you.

CONTRACT FOR CIVIL LEGAL SERVICES

This agreement is entered into by and between the **City of Brainerd**, 501 Laurel Street, Brainerd, MN 56401 (hereinafter “City”) and the law firm of **Ratwik, Roszak, & Maloney, P.A.**, 730 Second Avenue South, Suite 300, Minneapolis, MN 55402 (hereinafter “Law Firm”), for the purpose of utilizing the Law Firm to provide civil legal services to the City.

RECITALS

WHEREAS, the Law Firm has provided civil legal services to the City since January 1, 2014 and has the skill and expertise necessary to perform the duties as set forth in this Agreement; and

WHEREAS, the City and the Law Firm desire for the Law Firm to continue to provide civil legal services to the City for 2021 and 2022.

NOW THEREFORE, IN CONSIDERATION OF the mutual promises contained herein and other good and sufficient consideration the parties agree to the following:

TERMS

1. Scope and Nature of Legal Services: The parties agree to the following description of the nature of the legal services to be provided by the Law Firm to the City:

1.1 Retainer Matters: The Law Firm shall provide the following basic civil legal services to the City in exchange for the retainer fee set forth in Paragraph 5.1:

- A. Two City Council meetings per month (additional meetings will be billed at a flat rate of \$750 per meeting).
- B. Routine legal advice through telephone, electronic communication, or personal consultations with elected officials, City Administrator, Department Heads, and various City staff as appropriate.
- C. Routine review of ordinances, resolutions, agreements, forms, notices, deeds, city charter, and other legal documents as necessary.

- D. Updates on relevant new legislation and case law affecting municipal government.

1.2 Non-Retainer Matters: The parties contemplate that the Law Firm will also provide civil legal services outside the scope of services covered by the retainer as described in paragraph 1.1 above. Legal services outside of the annual retainer would be billed at the Law Firm's \$150 hourly rate for 2021 and \$155 for 2022, except for Development Matters, as provided in Section 1.3. The Non-Retainer Matters include all other legal services not set forth in Sections 1.1 and 1.3, including projects requiring significant legal research and analysis, formal written legal opinions, drafting complex agreements, drafting charter amendments, grievances, on-site labor negotiations, investigations, property acquisition and routine zoning and code enforcement.

1.3 Development Matters: The Law Firm will perform legal services in the Land Use/Economic Development area where the project proposer is required to reimburse the City for legal services. These legal services will be billed to the City by the Law Firm at \$185.00 per hour during the term of this Agreement.

1.4 Litigation Matters: Contested case and litigation matters in which representation is not otherwise provided by insurance defense counsel, will be billed to the City by the Law Firm at the rate of \$180.00 per hour during the term of this Agreement. This category includes eminent domain proceedings, assessment appeals to district court, annexation proceedings, and any litigation (e.g., contract disputes, debt collection and removal of hazardous structures).

2. Reimbursable Costs and Expenses.

2.1 General Rule: For all costs associated with retainer and non-retainer work, the City will reimburse the Law Firm for actual, necessary, and reasonable costs and expenses incurred by the Law Firm in the performance of the legal services contained in this Agreement.

2.2 Specific Rates:

<u>Description of Costs</u>	<u>Rate</u>
Mileage	I.R.S. Rates
Parking	Actual Cost
Photocopying	\$.20 per page

Facsimile	No charge
Postage	Actual Cost
Messenger	Actual Cost
Court Costs	Actual Cost
Arbitration Costs	Actual Cost
Other Contested Case Costs	Actual Cost

2.3 Billing Procedures: Notwithstanding the provisions of Paragraph 5 regarding billing and payment procedures, the parties understand and agree that certain expenses may not be known to the Law Firm until after the monthly bill for legal services has been prepared and mailed to the City for payment. For example, an arbitrator's award and bill may not arrive until months after all legal services have been provided, billed, and paid.

3. Responsible Attorney and Staff. Joseph J. Langel shall be the primary attorney for the City. Mr. Langel shall be responsible for the performance of this agreement, although he may be assisted by other attorneys or support staff in the firm.

4. Conflict of Interest and Attorney/Client Privilege Issues:

4.1 Conflict of Interest: The Law Firm will notify the City if the Law Firm represents or has ever represented an opposing party in a legal matter, whether within or outside of the retainer. The Law Firm declares that it represents many school districts, cities, counties, and other public entities throughout the State of Minnesota, and in the area of the City of Brainerd.

4.2 Attorney/Client Privilege: The Law Firm is authorized to utilize e-mail without encryption to transmit and receive confidential client information. Cordless and cellular telephones may be used by the Law Firm to transmit and receive confidential client information. The City specifically acknowledges that it understands the confidentiality risks associated with inadvertent interception.

5. Billing Format, Cycle, Payment Expectations and Interests.

5.1 Retainers: The annual retainer for the retainer services described in Paragraph 1.1 shall be \$51,000 for 2021 and \$53,000 for 2022.

5.2 Billing Format: The Law Firm will submit monthly statements for both retainer and non-retainer matters, itemizing legal services

rendered for the prior month broken down into categories. These categories shall include: retainer, non-retainer matters, and non-retainer developer reimbursable matters.

- 5.3 Billing Cycle:** The Law Firm will bill monthly for legal services rendered in the prior month. Generally, bills will go out approximately fifteen (15) days after the end of the prior month.
- 5.4 Payment Expectations:** The City will pay the bill of the Law Firm within thirty (30) days or less of its receipt of the bill by forwarding a check to the Law Firm paying for both legal services and expenses shown on the Law Firm's bill.
- 5.5 Disputes:** In the event that the City disputes any aspect of the Law Firm's bill, the appropriate City representative will contact Joseph J. Langel at the Law Firm stating the nature of the dispute. The parties pledge their mutual good faith in resolving any disputes.
- 5.6 Interest:** Because the City will be paying the Law Firm's bills within thirty (30) days from their receipt, no interest will be charged. If the City determines that it will be necessary to deviate from that payment schedule, then it will notify the Law Firm. An interest rate of 8% per annum will be charged to the City if it elects a payment schedule greater than thirty (30) days, subject to change as may be mutually agreed between the parties.
- 5.7 Term:** The term of this Agreement will be from January 1, 2021 to December 31, 2022, subject to the following provisions:
1. During the term of the Agreement, either party may terminate the Agreement upon thirty (30) calendar days' written notice to the other party.
- 5.8 City Approval:** The City Council has approved the Law Firm's performance of legal services for the City during the term of this agreement.
- 5.9 Severability.** Upon termination of this agreement, the City shall only be responsible for the pro rata portion of the annual retainer under Section 5.1.
- 5.10 Other.** The City expressly reserves its right to hire independent counsel on matters it determines requires an attorney with expertise

in a particular field. In such a situation, the City shall remain responsible to the Law Firm for the monthly fee provided under this agreement along with any billings not related to the matter for which special counsel was retained. The City shall only be responsible to the Law Firm for extra expenses in relation to the matter for which special counsel is retained if the City names the Law Firm as co-counsel in the matter or otherwise requests the Law Firm's participation.

THE CITY OF BRAINERD

RATWIK, ROSZAK & MALONEY, P.A.

By: _____
Its Mayor

By: _____
Ann R. Goering, President

By: _____
Its City Administrator



Brainerd City Council Agenda Request

Requested Meeting Date: September 21, 2020

Title of Item: Anderson Brothers Construction Request to Purchase Industrial Lots

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☒ P&F COMMITTEE ☐ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Community Development Director	Department: Community Development
Presenter (Name & Title): David Chanski, CDD	Estimated Time Needed: 5 minutes
Summary of Issue: Anderson Brothers Construction of Brainerd, LLC has submitted a request to the EDA to purchase the remaining 13 lots of Phase IV of the Industrial Park. The company is seeking to use the lots to relocate its operations from its central location at 11325 State Highway 210. The relocation will also result in approximately 10 employees who currently work at sites outside of the City of Brainerd also being relocated to this new central location. Please see the attached memo and application materials as provided to the EDA.	
Alternatives, Options, Effects on Others/Comments: The EDA considered Anderson Brothers' request during a special meeting on September 17. The EDA unanimously voted to recommend to the City Council the sale of the property to Anderson Brothers Construction at a cost of \$1 per acre. However, the EDA chose to follow staff's recommendation and voted unanimously to recommend NOT waiving development fees as requested by Anderson Brothers Construction.	
Recommended Action/Motion: Motion to support the sale of the remaining 13 lots of Phase IV in the Industrial Park and to transfer the following lots to the EDA for sale: Lots 1, 7, and 8, Block 1; Lot 1, Block 2; Lot 1, Block 3; Lots 1-4, Block 4; and Lots 1-4, Block 5; all in Brainerd Industrial Park 1st Addition, Crow Wing County, Minnesota.	
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> All fees associated with the sale of this property are being paid by Anderson Brothers Construction who has already submitted a \$10,000 developer's payment.	

MEMO



TO: EDA Board of Commissioners

FROM: David Chanski, Community Development Director

DATE: September 17, 2020

RE: Anderson Brothers Construction Request to Purchase Industrial Lots

Anderson Brothers Construction of Brainerd, LLC has submitted a request to the EDA to purchase the remaining 13 lots of Phase IV of the Industrial Park. The company is seeking to use the lots to relocate its operations from its central location at 11325 State Highway 210. The relocation will also result in approximately 10 employees who currently work at sites outside of the City of Brainerd also being relocated to this new central location.

Anderson Brothers Construction is requesting to purchase the property for the amount of \$1 per acre and is also requesting that the general development fees such as building permits, SAC/WAC, and park dedication fees be waived.

Principles with Anderson Brothers Construction will be present to submit their request to the EDA Board of Commissioners.

Attached to this memo is

- Letter of Intent from Anderson Brothers Construction
- Anderson Brothers Construction Public Financing Application
- Proposed Site Plan
- Proposed Approval Calendar
- Resolution calling for public hearings regarding a proposed modification to the development program for Development District No. 2, and land conveyance and associated business subsidy to Anderson Brothers Construction.

Recommendation

Staff recommends commencing with the process to sell the 13 remaining lots of Phase IV to Anderson Brothers Construction of Brainerd, LLC for the amount of \$1 per acre. However, staff does not recommend waiving any general development fees.

The first steps in the approval process should be to adopt the attached resolution calling for public hearings to be held during the EDA's regular meeting on Thursday, October 8 and submit a request to the City Council to convey the land to the EDA for sale. This request would be considered by the City Council during their September 21, 2020 meeting.



Brainerd Industrial Park

PROPOSAL 9.10.20

Introduction

Anderson Brothers Construction LLC., is a multi-disciplined contractor specializing in municipal, commercial and residential infrastructure. Anderson Brothers has earned a reputation as an industry leader and the Contractor of Choice for municipal, commercial and private infrastructure.

Anderson Brothers office headquarters and primary maintenance facility has operated on the original property in Brainerd since its inception in 1940. The company employs approximately 230-250 employees, this includes both seasonal and full-time staff. The number of seasonal employees fluctuates with the workload.

The Company's primary work is performed in the months of April through November, this is when the company operations and employees are at their maximum capacity. As we enter November, when temperatures aren't conducive for construction, we begin what we call our "lay-off" period. The number of employees that are "laid-off" can be approximately 180-200 people, these employees will return to work in April of the following year.

November through March is what we call our "off-season". This is when the company is closing out projects, estimating and bidding new projects, and maintaining the large fleet of equipment for the upcoming season. These activities are performed by the 50-60 employees. The Company also operates its equipment maintenance from two additional facilities outside the City of Brainerd.

Objectives

Anderson Brothers has some main objectives it wishes to achieve in a new location.

- Maintain a safer and easier access to facilities for employees and equipment.
 - Hwy 210 traffic volumes are increasing
- Bring all three maintenance facilities under one roof.
- Expand yard capacity to store our ever-increasing fleet of equipment.
 - Assets are currently being stored at multiple locations.

Business Plan

Anderson Brothers is requesting to purchase all 13 Industrial lots, approximately 25.25 acres. The utilization of the property would be:

- New Equipment Maintenance facility, approximately 30,000 s.f.
- New Office Headquarters, approximately 10,000 s.f.
- Filling stations
 - Diesel Fuel
 - Gasoline
 - Water
- Supply yard

- Parking
 - Employees
 - In-Season (April-November)
 - Approximately 150 employees would work from this location.
 - Off-Season (December-March)
 - Approximately 50 employees would work from this location.
 - 30 Management & Administrative
 - 20 Mechanics
 - 10 of these mechanics would be brought to Brainerd that are now working in the 2 remote facilities
 - Rolling stock (340 Units)
 - 100 pickups/medium duty trucks
 - 150 trailers
 - 40 semi tractors
 - 50 dump trucks
 - Inland marine (175 units)
 - Heavy equipment (dozers, excavators, loaders, motor graders, paving equipment, etc.)
 - Production plants (6)
 - There are nearly 200 units that make up the 6 mobile production plants.
 - These plants will not operate on the site, only stored and maintained there.

Project Timeline

If the property can be closed in October of 2020 Anderson Brothers would perform the construction in phases.

1. May 2021 – groundbreaking on Maintenance facility
 - a. Year end 2021 – Occupy building
2. May 2022 – groundbreaking on Office facility
 - a. Year end 2022 – Occupy building
3. Parking lot construction would run concurrent with both phases.

Preliminary Site Plan

Please find the Site Plan attached

Finances

Anderson Brothers has had conversations with our Financial institution Bremer Bank of Brainerd.

- Please find the Bremer Bank letter attached.

Anderson Brothers is also requesting that with the longevity of the Company occupying this property we ask that the general development fees such as building permits, SAC/WAC and park dedication fees be waived.



501 Laurel Street • Brainerd, MN 56401 • Phone (218) 828-2307

APPLICATION FOR PUBLIC FINANCING

Applicant Information

1. **Applicant Name:** Anderson Brothers Construction Company of Brainerd, LLC
(Name should be the officially registered name of the business entity.)
Address: 11325 State Highway 210, Brainerd, MN 56401
Telephone: 218-829-1768 **Email Address:** info@andersonbrothers.com
2. **Name of Person Completing the application:** Terry McFarlin
Address: 11325 State Highway 210, Brainerd, MN 56401
Telephone: 218-829-1768 **Email Address:** tmcfarlin@andersonbrothers.com
3. **Names and Addresses of Architect, Engineer, and General Contractor for this project:**
Attorney Name: _____
Address: _____
Telephone: _____ **Email Address:** _____
Architect Name: _____
Address: _____
Telephone: _____ **Email Address:** _____
Engineer Name: _____
Address: _____
Telephone: _____ **Email Address:** _____
General Contractor Name: _____
Address: _____
Telephone: _____ **Email Address:** _____
4. **If the applicant is a corporation, please name officers, directors, or stockholders holding more than 5% of the stock of the corporation. If the corporation is not formed, provide as much information as possible concerning potential officers, directors, or stockholders:**

4a. If the applicant is a general partnership, name of the general partners and if a limited partnership, state the general partners and limited partners with more than 5% interest in the limited partnership. If the partnership is not formed, provide as much information as possible concerning potential officers, directors or stockholders.

Anderson Brothers Construction Holdings, Inc.

Anderson Brothers Investment Group, LLC

4b. Has the applicant ever been in bankruptcy? If yes, please describe the circumstances.

Yes (please Explain):

No: xx

4c. Has the applicant ever been convicted of a felony? Is yes, please describe the circumstances.

Yes (please Explain):

No: XX

4d. Has the applicant ever defaulted on any bond or mortgage commitment?

Yes (please Explain):

No: XX

Project Information

1. PID#'s, legal description, address, and size of project site:

PID#: 41080500, 41080501, 41080502, 41080503, 41080504, 41080505, 41080506, 41080507, 41080508, 41080509, 41080510, 41080511, 41080512, 41080513, 41080514 (wooded acres)

Address: County Road 45 & Thiesse Drive, Brainerd, MN 56401

Legal Description: Phase IV - Lots 1, 7&8 Block 1, Brainerd Industrial Park 1st Addition

Lot 1 Block 2, Brainerd Industrial Park 1st Addition, Lot 1, Block 3, Brainerd Industrial Park 1st Addition

Lots 1-4 Block 4, Brainerd Industrial Park 1st Addition

Lots 1-4 Block 5, Brainerd Industrial Park 1st Addition

Size of Project Size (Acres): All remaining acres of Phase IV

2. Current ownership of the site: City of Brainerd

3. Do you have current control of the site:

Yes: _____

No: XX

4. Project description.

See attached document

5. If property is to be subdivided or replatted, please describe.

To be determined after Planning and Zoning review of final construction plans.

6. Estimated project costs: (Please enclose detailed sources and uses and 15-year operating Pro Forma).

- | | |
|--|---|
| a. Land Acquisition: | <u>\$ Final figures will be provided when</u> |
| b. Environmental/Soil Corrections: | <u>all construction costs are completed.</u> |
| c. Surveys: | _____ |
| d. Public Improvements: | _____ |
| e. Site Development: | _____ |
| f. Demolition: | _____ |
| g. Building(s): | _____ |
| Shell (if applicable) | _____ |
| Tenant Improvements
(if applicable) | _____ |
| h. FF&E: | _____ |
| i. Architectural & Engineering Fees: | _____ |
| j. Legal Fees/Other Consulting Fees: | _____ |
| k. Financing Costs: | _____ |
| l. Construction Interest: | _____ |
| m. Title Insurance: | _____ |
| n. Mortgage Registration: | _____ |
| o. Bank/Borrower Legal: | <u>Bremer Bank - letter enclosed</u> |

- p. Recording/Closing: _____
- q. Construction Loan Fees: _____
- r. SAC/WAC: _____
- s. Park Dedication: _____
- t. Appraisal: _____
- u. Taxes: _____
- v. Contingencies (construction): _____
- w. Contingencies (soft): _____
- x. Other: _____
- TOTAL \$** _____

7. Source of Financing

- a. Equity: \$ See Attached letter
- b. Bank Financing: _____
- c. Public Assistance: _____
(TIF or Tax Abatement) _____
- d. Other governmental loans/grants: _____
- e. Deferred Developer Fees: _____
- f. Other: _____
- TOTAL \$** _____

Terms of Financing (years): _____

Rate of Financing: _____

Cap Rate: _____

8. Project Construction Schedule:

- a. Construction Start Date: 05/2021
- b. Construction Completion Date: 12/2022
- c. If Phased Project :
- | | |
|-------------------------|-------------------|
| January 2, (year) _____ | % Completed _____ |
| January 2, (year) _____ | % Completed _____ |

9. Total Estimated Market Value of Project upon completion \$ _____

10. Please indicate how the project would meet one or more of Brainerd's Economic Development Goals (identify goal and state reason):

1. Maximize Brainerd's potential as a thriving center for business, health care, industry, education and recreation, while maintaining and enhancing its livability.
2. Actively promote development and redevelopment within the community, including financial incentive, with particular emphasis on attracting and supporting businesses that provide livable wage jobs.
3. Promote aesthetically pleasing development and redevelopment in the city.
4. Plan for the orderly, efficient and fiscally responsible growth of residential development in Brainerd
5. Support development that enhances community character and identity.

This project will meet and exceed all 5 of the goals set forth in Brainerd's Economic Development Goals.

Not only does this project retain 80 full-time employees and 190 seasonal employees in Brainerd, but it also brings 10 staff that are currently located outside the area to one central location here in Brainerd. Anderson Brothers Construction has been a fixture in Brainerd for 80 years and is integral to the overall economic landscape in Brainerd and Crow Wing County. This new facility will be built and maintained at the highest level, which is the reputation that Anderson Brothers has stood by for 80 years.

11. Please explain how the proposed either contributes to or alleviates the need for additional public parking.

No public parking is needed or required with this proposed project.

12. Will any public official of the City, either directly or indirectly, benefit from the issuance of public assistance within the meaning of Minnesota Statutes, Section 412.311 or 471.87? If yes, please explain the circumstances.

Yes (please Explain):

No: XX

Public Assistance Request

1. Amount of assistance and term.

Amount: N/A

Term (years): _____

2. Describe the purpose for which Public Assistance (TIF or Tax Abatement) is required.

No public assistance requested

3. Please submit an itemized list of project costs for which TIF assistance is being requested.

N/A

4. State specific reasons why, "but for" the use of public assistance, this project would not be possible.

N/A

Application Process

1. The following documents must accompany the Application:
 - A. A detailed sources & uses statement and 15-year project *Pro Forma*
 - B. Parcel Map depicting the proposed redevelopment area
 - C. Site plans and floors plans (as available)
 - D. Significant additional information may be requested at any time by the City and may be in addition to the materials outlined in this application. The Applicant shall be required to submit any and all information as requested by the City.
2. Applicant acknowledges and agrees to pay the \$1,000 Public Assistance Application Fee and is **non-refundable**.
3. At the time of acceptance by staff of the Public Financing Application, the applicant shall deposit \$10,000 with the City to cover attorney and consultant costs incurred as part of establishing a TIF district or abatement, drafting and negotiating a development agreement, and conducting any fiscal analysis that may be required to meet the requirements of utilizing any public financing. If additional expenses are incurred beyond the \$10,000 prior to the execution of a development agreement, the City shall notify the applicant in writing and the applicant will be required to deposit additional funds upon notice.
4. The Applicant shall hold the City, its officers, consultants, attorneys, and agents harmless from any and all claims arising from or in connection with the Project or

Public Assistance Application, including but not limited to, any legal or actual violations of any State or Federal securities laws.

5. The Applicant recognizes and agrees that the City reserves the right to deny any application for Public Assistance at any stage of the proceedings prior to adopting the resolution approving the public assistance, that the Applicant is not entitled to rely on any preliminary actions by the City prior to the final resolution, and that all expenditures, obligations, costs, fees, or liabilities incurred by the Applicant in connection with the Project are incurred by the Applicant at its sole risk and expense and not in reliance on any actions of the City.

The undersigned, a duly authorized representative of the Applicant, hereby certifies that the foregoing information is true, correct, and complete as of the date hereof and agrees that the Applicant shall be bound by the terms and provisions herein.

Terry McFarlin
APPLICANT'S NAME

9/1/20
DATE

CITY ACCEPTANCE OF APPLICATION

DATE

\$ _____
FEE AMOUNT REMITTED

DATE



321 S 7th St
Brainerd, MN 56401
P 218-829-8781
F 218-829-5583

bremer.com

August 27, 2020

City of Brainerd
C/O David Chanski
501 Laurel Street
Brainerd, MN 56401

Dear Mr. Chanski:

Anderson Brothers Construction Company of Brainerd, LLC has been a valued client of Bremer Bank, National Association since 1979.

We are happy to inform you that Anderson Brothers Construction Company of Brainerd, LLC has the ability to obtain financing to construct a new shop and a new office in the Brainerd Industrial Park.

Loan approval is contingent upon review and acceptance of additional documentation, some of which may include one or more of the following items:

- Accepted purchase agreement
- Acceptable documented funds to close
- Acceptable appraisal
- Clear title commitment
- Copy of the construction contract
- Plans and specs
- Survey of the property
- Other information as required by guidelines

If you have any questions regarding this letter, do not hesitate to contact us.
Our direct numbers are (218) 828-5155 and (218) 828-5181, respectively.

Sincerely,

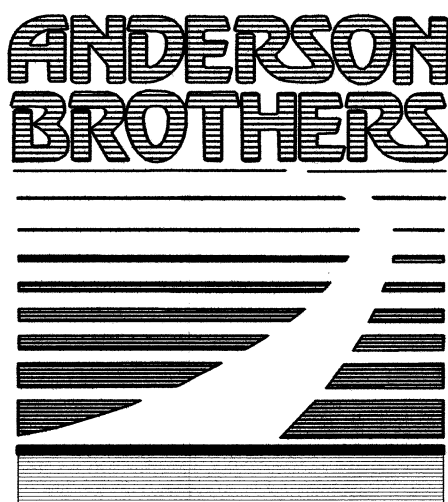
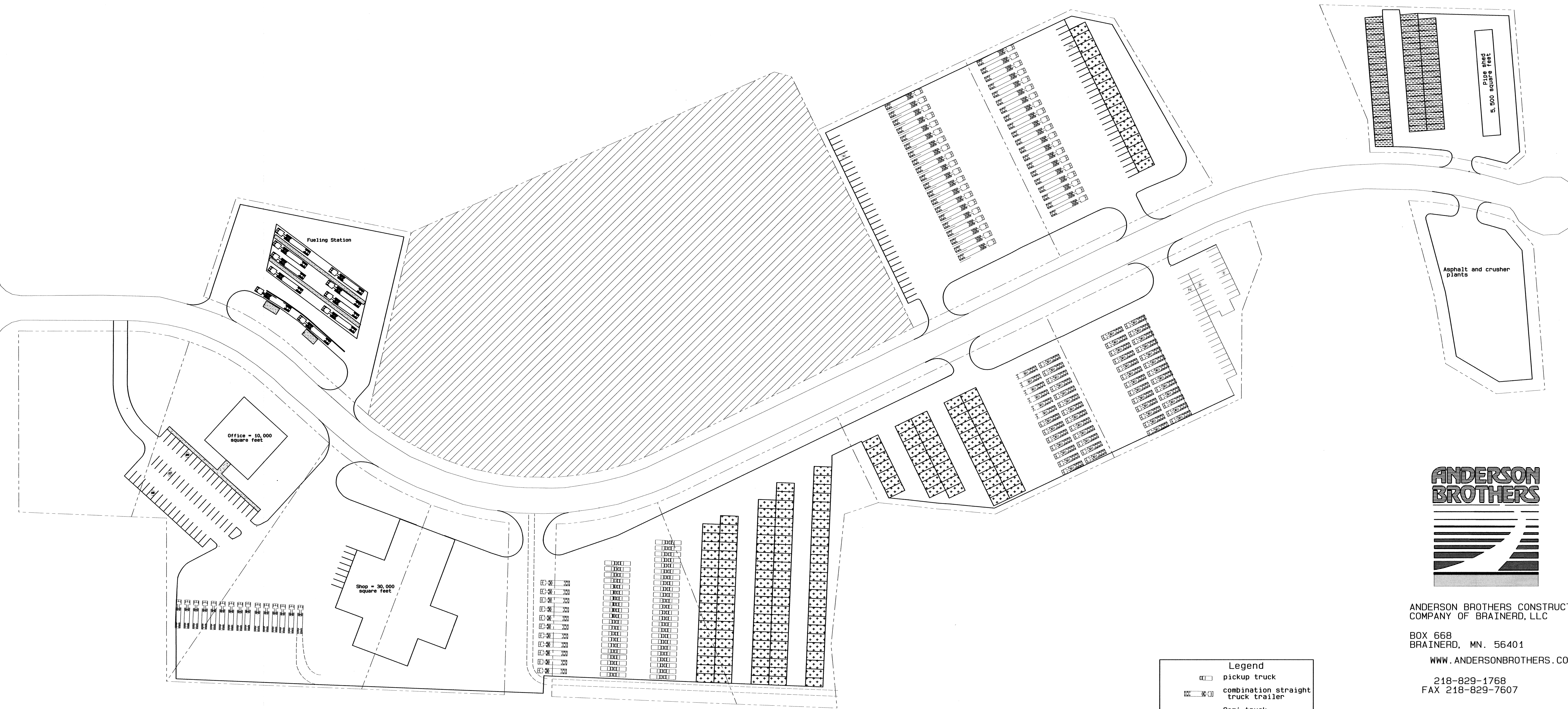
BREMER BANK, NATIONAL ASSOCIATION

Robert C. Musielewicz
Vice President

Kimberly L. Ellingson
EVP, Region President

*This pre-qualification is based on the preliminary information provided and is intended for your information. Pre-qualification is not an agreement to lend and does not guarantee loan approval or commitment of rates, fees or terms. The rate is not locked. This pre-qualification expires 90 days from the date above.

ANDERSON BROTHERS CONSTRUCTION
Preliminary relocation site plan



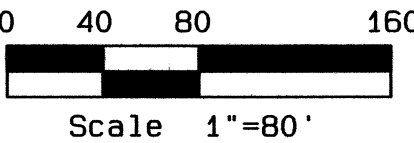
ANDERSON BROTHERS CONSTRUCTION
COMPANY OF BRAINERD, LLC

BOX 668
BRAINERD, MN. 56401

WWW.ANDERSONBROTHERS.COM

218-829-1768
FAX 218-829-7607

Legend	
	pickup truck
	combination straight truck trailer
	Semi truck and trailer
	dump truck
	inland marine
	trailers



Date 09/02/2020

City of Brainerd, Minnesota

Timeline for
Granting of Business Subsidy and Land Sale with
Anderson Brothers Construction Company of Brainerd, LLC

Proposed Schedule of Events		
Date	Event	Responsible Party
Friday, September 4, 2020	Anderson Brothers Construction Company of Brainerd, LLC submits application for public financing	Developer
September 2020	Initial review of application for public financing and project components	City, Kennedy & Graven, Baker Tilly
Thursday, September 17	EDA reviews application and subsidy request to provide recommendation to City Council	City, Kennedy & Graven, Baker Tilly
Friday, September 18	Deadline for submission of business subsidy hearing notice	City, Kennedy & Graven, Baker Tilly
Monday, September 21	City Council reviews application and subsidy request, including EDA recommendation	City, Kennedy & Graven, Baker Tilly
Friday, September 25	Publication of business subsidy and land sale notice <i>(more than 10 and less than 30 days prior to public hearing)</i>	City, Kennedy & Graven, Baker Tilly
Thursday, October 8	City Council holds public hearing on proposed land sale and business subsidy request related to application for public financing	City, Kennedy & Graven, Baker Tilly

BRAINERD ECONOMIC DEVELOPMENT AUTHORITY

RESOLUTION NO. _____

RESOLUTION CALLING PUBLIC HEARINGS
REGARDING A PROPOSED MODIFICATION TO THE DEVELOPMENT PROGRAM
FOR DEVELOPMENT DISTRICT NO. 2, AND LAND CONVEYANCE AND
ASSOCIATED BUSINESS SUBSIDY TO ANDERSON BROTHERS
CONSTRUCTION COMPANY OF BRAINERD, LLC

WHEREAS, the City Council (the “Council”) of the City of Brainerd, Minnesota (the “City”) established Development District No. 2 (the “District”) for the development of its industrial park, pursuant to Minnesota Statutes, Sections 469.124 to 469.134, as amended, and subsequently transferred the administration of the District to the Authority; and

WHEREAS, the City and the Authority have received a request from Anderson Brothers Construction Company of Brainerd, LLC (the “Developer”) for financial assistance from the Authority in the form of a write-down of the cost of certain real property to be conveyed by the City to the Authority and reconveyed by the Authority to the Developer (the “Property”), in connection with Developer’s proposal to develop an office and maintenance facility in the City’s industrial park (the “Project”); and

WHEREAS, the Authority is proposing a modification of the Development District Program for the District in order to enlarge the geographic boundaries of the District to include the Property, which modification requires a public hearing; and

WHEREAS, the parties propose to enter into a Purchase and Development Contract (the “Contract”) for the sale by the Authority of the Property to the Developer at a price below fair market value, and the construction of the Project by the Developer; and

WHEREAS, the amount of the proposed assistance under the Contract would constitute a business subsidy under Minnesota Statutes, Sections 116J.993 to 116J.995 (the “Business Subsidy Act”); and

WHEREAS, pursuant to Minnesota Statutes, Sections 469.090 to 469.1081 (the “EDA Act”), the Authority must hold a public hearing prior to any sale of Authority property, and pursuant to the Business Subsidy Act, the Authority must hold a public hearing prior to the grant of any business subsidy exceeding \$150,000; and

WHEREAS, the Board of Commissioners of the Authority (the “Board”) has determined to hold the required public hearings and consider the enlargement of the District and the terms of the business subsidy and sale of real property requested by Developer, subject to approval of the transaction by the City Council of the City.

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of the Brainerd Economic Development Authority, that:

1. The Board directs staff and consultants to prepare (a) a modification to the Development Program for the District, enlarging the geographic boundaries of the District to include the Property; and (b) the Contract containing provisions for the conveyance to the Developer of the Property, including the terms of the proposed business subsidy and development of the Project, for consideration by the Board.

2. The Executive Director is authorized and directed to arrange for the publication of a notice of public hearing in the City's official newspaper, announcing public hearings before the Board on October 8, 2020 at approximately 7:30 a.m. at City Hall regarding the Development Program modification, the sale of the Property, and the business subsidy. The notice shall be published in the newspaper at least 10 days but not more than 30 days prior to the public hearings, and shall be in substantially the form attached as Exhibit A to this resolution.

3. The Executive Director is authorized and directed to take all other actions necessary to bring the Contract, including the terms of the business subsidy, before the Board at the time of the public hearings.

Approved by the Board of Commissioners of the Brainerd Economic Development Authority
this 17th day of September, 2020.

President

ATTEST:

Executive Director

EXHIBIT A

NOTICE OF PUBLIC HEARING

BRAINERD ECONOMIC DEVELOPMENT AUTHORITY

NOTICE OF PUBLIC HEARING

Notice is hereby given that the Board of Commissioners of the Brainerd Economic Development Authority (the “Authority”) will meet at approximately 7:30 a.m. on Thursday, October 8, 2020, at the City Council Chambers in City Hall, 501 Laurel Street, Brainerd, Minnesota, to conduct a public hearing regarding the following matters:

1. the proposed sale of certain property known as Phase IV of the Industrial Park and described as Lots 1, 7, and 8, Block 1; Lot 1, Block 2; Lot 1, Block 3; Lots 1-4, Block 4; and Lots 1-4, Block 5; all in Brainerd Industrial Park 1st Addition, Crow Wing County, Minnesota (the “Property”), currently owned by the City of Brainerd (the “City”), to the Authority for conveyance to Anderson Brothers Construction Company of Brainerd, LLC (the “Developer”). The Authority intends to convey the land to the Developer for \$1/acre in furtherance of the Authority’s goals for the economic development of the industrial park, resulting in a reduction of \$768,375 in the purchase price of the Property. A copy of all documents relating to the proposed sale of land will be on file and available for inspection at City Hall during regular business hours.

2. a proposed modification of the Development Program for the Authority’s Development District No. 2 for the purpose of enlarging the boundaries of the District to include the Property.

3. a proposed business subsidy to be granted to the Developer pursuant to Minnesota Statutes, Sections 116J.993 through 116J.995, as amended (the “Business Subsidy Act”). The proposed subsidy consists of the above-described write-down in the purchase price of the Property in the amount of \$768,375. Information about the proposed business subsidy, including a summary of the terms of the subsidy and a copy of the draft business subsidy agreement, is available for inspection at City Hall during regular business hours.

At the public hearing, the Board of Commissioners will meet to consider whether the sale is advisable. Any person wishing to express an opinion on the matters to be considered at the public hearing will be heard orally or in writing.

Any person with residence in the City, or the owner of taxable property in the City, may file a written complaint with the Authority if the Authority fails to comply with the Business Subsidy Act, and no action may be filed against the Authority for the failure to comply unless a written complaint is filed.

Dated: September __, 2020

/s/ Jennifer Bergman
Executive Director

BRAINERD ECONOMIC DEVELOPMENT AUTHORITY

NOTICE OF PUBLIC HEARING

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Any person with residence in the City, or the owner of taxable property in the City, may file a written complaint with the Authority if the Authority fails to comply with the Business Subsidy Act, and no action may be filed against the Authority for the failure to comply unless a written complaint is filed.

Dated: September 18, 2020

/s/ Jennifer Bergman
Executive Director

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

September 21, 2020

7:15 PM

City Hall Council Chambers

WebEx Teleconference Call-In Information

Call Toll-Free: 844-992-4726 Access Code: 146 892 6656

1. Event/Street Closure Application – Bikers for Kids – Kinship Partners Support Event
2. Event/Street Closure Application – Visit Brainerd Open House/25 Year Celebration
3. 2020-2021 Downtown Snow Removal Bids
4. Improvement 14-05 – Old Stonebridge Trail – Final Pay Estimate



Brainerd City Council Agenda Request

Requested Meeting Date: September 21, 2020

Title of Item: Street Closure Application - Bikers for Kids - Kinship Partners Support Event

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☒ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: City Engineer Sandy	Department: Engineering
Presenter (Name & Title): City Engineer Sandy	Estimated Time Needed: 5 Minutes
Summary of Issue: Attached to this request is an event/street closure application for the Bikers for Kids, Kinship Partners Support Event to be held on October 3, 2020 from 8:30 am - 12:00 pm on Front Street in front of the American Legion.	
Alternatives, Options, Effects on Others/Comments: This event is a fundraiser for Kinship Partners with a car show with the local Corvette Club and hot rod enthusiasts on the street along with a ride/bike show in the adjoining south side parking lot. Food and non-alcoholic beverages will be provided to participants. There will be some amplified sounds by use of megaphone, restroom facilities are being provided by the Legion in the building, and banners will be used in front of the Legion for the event. The applicant is requesting the closure of Front Street from 7th Street to 8th Street during the event.	
Recommended Action/Motion: Staff recommends approval of this application under the conditions that the applicant request traffic control for the event one week prior to the event and that banners and other signage are removed after event conclusion.	
Financial Impact: Is there a cost associated with this request: ☐ Yes ☒ No What is the total cost, with tax and shipping \$ _____ Is this budgeted? ☐ Yes ☐ No <u>Please Explain:</u>	



SPECIAL EVENT APPLICATION

Date of Application: 09-14-2020

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

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

Name of event: Bikers for Kids, Kinship Partners Support Event

Organizer Information

Organizer's Name: Blair Francis
Organizer's Address: 10176 Co Rd 23 Brnd MN 56401
Event Contact Person: Blair Francis
Event Contact Daytime Phone: 218-831-0521
Event Contact E-mail Address: humorinc59@gmail.com
Contact Name/Number Day of Event: one (1)
For Profit/Nonprofit Status (type): non profit

Applicant information (if different from the event organizer):

Applicant Name: _____
Applicant Address: _____
Applicant Phone: _____
Applicant E-mail Address: _____

Event Information

Event Details (list each date separately)

Event Date	Start Time	End Time	Event Location(s) – see locations listed below
10-03-2020	8:30	12:00	708 Front Street
			Street in front of American Legion

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

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

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

Description of Activities

Brief description of the activities planned during the event. If a parade/run/walk event, please describe the proposed route with the assembly and dispersal locations and attach a route map:

Fund raiser for Kinship Partners, with a car show with local Corvette Club and hot rod enthusiasts on the street

along with a Ride/ bike show in adjoining south side parking lot.

With food and nonalcoholic beverages provided to the participants and kinship children

Site Information

Electrical usage

☐

Yes

☒

No

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

Amplified Sound

☒

Yes

☐

No

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

Bull horn to give directions and control the area

Restrooms provided

☒

Yes

☐

No

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

Company contracted for restrooms: restroom facilities in the Legion

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

Signs, banners, and/or posters/flyers

☒

Yes

☐

No

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

Kinship Partners and Bikers for kids banners 4' x 6' one each

Trash Receptacle Disposal

☐

Yes

☒

No

Company contracted for trash receptacle disposal: _____

Additional Event Information

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

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

A \$100/day security deposit for publicly owned spaces ONLY is required (payable by check only). The security deposit will be refunded should the event site be left clean and void of trash and all event items are removed on the last day of the event. An event that does not occur will not have its security deposit refunded except for hazardous weather conditions, as determined by the City of Brainerd.

Street Closure Request Information

Describe the name and sections of the streets for which you are requesting temporary closure (e.g. South 7th Street between Maple Street and Front Street):

Front street from 8th to 7th streets

In front of American Legion

Date and time for beginning of street closures: 10-3-2020 8:30 am

Date and time for reopening of streets: 10-3-2020 12:00 am (noon)

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

We would need the north side of the street to park cars that are participating in the event

South side would be for overflow and foot traffic, other business are not open on weekends

While the City continues to treat downtown as a venue for events, event plans must be balanced with the interests and needs of property owners.

If a street closure occurs along residential streets, reasonable efforts must be made to alert all property owners along the street of the proposed closure. All street closures shall be approved by the City Council. Failure to notify property owners and tenants in street closure areas will result in revocation of this permit.

For information regarding a street closure, please contact the City Engineering office at 218-828-2307 or engineer@ci.brainerd.mn.us.

Hold Harmless Agreement and Insurance Information

The Applicant covenants to save, defend, hold harmless, and indemnify the City of Brainerd and all of its officers, departments, agencies, agents, and employees (collectively the "City") from and against any and all claims, losses, damages, injuries, fines, penalties, costs (including court costs and attorney's fees), charges, liability, or exposure, however caused, resulting from, arising out of, or in any way connected with the applicant's event herein described.

The City, at its discretion, may require the Applicant to obtain liability insurance for any event. If liability insurance is required, the following requirements apply:

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

Signature of Event Applicant

I attest that the above information is true and accurate, and I certify under penalties of perjury that I am authorized to execute contracts and other instruments and legally bind the Applicant.

Signature of Applicant

Blair Francis

Print Name

Contacts, Permits, and Fees Checklist

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

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

Permit, License, or Checklist	Yes	Pending	N/A	Contact (See contact information below)
Authorization to use a city park			X	Contact the Parks & Recreation Department for information/procedure.
Fire/EMS/Police support			x	Check yes to request emergency support. The appropriate level of fire, EMS, and police support will be determined based on crowd size and the type of event. Fees may be discussed with the sponsor.
Food and vendor licenses			x	All vendors must apply for a temporary license through the Commissioner of Revenue's Office. Food vendors are required to collect and report meals tax. Contact City Hall for information/procedure.
Health Department Permit			x	All food vendors must apply for a temporary food permit through the Minnesota Health Department (MDH).
Insurance Certificate				May be required before issuing a permit.
Sign/banner Permits				Contact the Planning Department for information/procedure.
Parade Permit			X	Issued by the Police Department after complete submission of application.
Alcohol Use Permit			x	Must be approved by City Council after submission of the event application. Contact City Hall for information/procedure.

Contact Information

Administration Department:	(218) 828-2307 admin@ci.brainerd.mn.us
Parks and Recreation Department:	(218) 828-2320 parks@ci.brainerd.mn.us
Engineering Department:	(218) 828-2307 engineer@ci.brainerd.mn.us
Planning Department:	(218) 828-2307 planning@ci.brainerd.mn.us
Police Department:	(218) 829-2805 police@ci.brainerd.mn.us
Fire Department:	(218) 828-2312 fire@ci.brainerd.mn.us
MN Commissioner of Revenue:	(651) 282-5225 www.revenue.state.mn.us
MN Department of Health	(320) 223-7300 www.health.state.mn.us
MNDOT Baxter Office	(218) 828-5700 www.dot.state.mn.us

For Official Use Only

Department Sign-offs Required

Department	Date/Initials	Comments
Brainerd Public Utilities	9/14	OK
City Administration	9/14	OK
Engineering Department	9/14	Any request for traffic control?
Fire Department	9/14	OK
Fire Support/EMS	9/14	OK
Parks Department	9/14	OK
Planning Department	9/14	OK
Police Department	9/14	OK, No comments

Event Application Approval

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

City Administrator

Date

Approval Conditions

Please submit traffic control request via telephone to Shawn Middaugh, Street Foreman @ 218-513-4412 1 week prior to event.

Certification of Street Closure Approval

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



Brainerd City Council Agenda Request

Requested Meeting Date: September 21, 2020

Title of Item: Event/Street Closure Application - Visit Brainerd Open House

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☒ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: City Engineer Sandy	Department: Engineering
Presenter (Name & Title): City Engineer Sandy	Estimated Time Needed: 5 Minutes
Summary of Issue: Attached to this request is an event/street closure application for the Visit Brainerd Open House to be held on 10/1/2020 from 4:30 PM - 6:30 PM on Laurel Street in front of the Visit Brainerd.	
Alternatives, Options, Effects on Others/Comments: This is a celebration of Visit Brainerd's 25 year anniversary. It will be a catered event with live background music. The applicant is requesting half of the street closed due to COVID-19 so they can spread out. Small high-top tables will be placed in the street. Light amplification of sound will be used and power will be run out of the Visit Brainerd space. Restrooms will not be provided and no signs/banners will be placed. All trash clean-up will be handled by Visit Brainerd staff. The applicant is requesting the closure of half of Laurel Street from S 7th Street to the alley between 4 PM and 7:30 PM. The applicant has stated they will notify adjacent owners of the closure.	
Recommended Action/Motion: Staff recommends approval of the attached event application under the conditions that the applicant request traffic control one week prior to the event.	
Financial Impact: Is there a cost associated with this request: ☐ Yes ☒ No What is the total cost, with tax and shipping \$ _____ Is this budgeted? ☐ Yes ☐ No <u>Please Explain:</u>	



SPECIAL EVENT APPLICATION

Date of Application: 8/27/20

Event applications that do not include a street closure must be submitted to the Parks & Recreation Department at 1619 Washington Street NE, Brainerd, MN 56401 or parks@ci.brainerd.mn.us at least 14 calendar days prior to the event. Applications that include a street closure must be submitted to the Engineering Department at 501 Laurel Street, Brainerd, MN 56401 or engineer@ci.brainerd.mn.us at least 30 calendar days prior to the event and will require City Council approval.

Type of event: ☐ Event – City Parking Lot
☒ Event with Street Closure

☐ Event – City Park
☐ Other _____

Name of event: Visit Brainerd Open House/25 Year Celebration

Organizer Information

Organizer's Name:

Visit Brainerd

Organizer's Address:

706 Laurel Street

Event Contact Person:

Mary Devine Johnson/Holly Holm

Event Contact Daytime Phone:

218-825-0410

Event Contact E-mail Address:

info@visitbrainerd.com

Contact Name/Number Day of Event:

218-825-0410

For Profit/Nonprofit Status (type):

501c6

Applicant information (if different from the event organizer):

Applicant Name:

Applicant Address:

Applicant Phone:

Applicant E-mail Address:

Event Information

Event Details (list each date separately)

Event Date	Start Time	End Time	Event Location(s) – see locations listed below
10/1/20	4:30 pm	6:30 pm	Visit Brainerd office and street outside of office.

☐ Recurring event (requires only one application submittal per year.) Indicate all event dates and times above.

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

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

Description of Activities

Brief description of the activities planned during the event. If a parade/run/walk event, please describe the proposed route with the assembly and dispersal locations and attach a route map:

This will be a catered event (light hor d'oeuvres) with live background music.

Due to Covid 19, we are asking to close the street to allow us to spread out;
giving us the opportunity to have a safe and well-attended event.

Small, high top tables will be placed in the street.

Site Information

Electrical usage

☐

Yes

☒

No

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

Power supply for a small amplification system will be run out of the Visit Brainerd store.

Amplified Sound

☒

Yes

☐

No

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

Live auoustic music will be played in the background. Small, portable sound system for a microphone will be rented from Bridge of Harmony.

Restrooms provided

☐

Yes

☒

No

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

Company contracted for restrooms: _____

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

Signs, banners, and/or posters/flyers

☐

Yes

☒

No

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

Trash Receptacle Disposal

☐

Yes

☒

No

Company contracted for trash receptacle disposal: Visit Brainerd staff will handle all trash clean up.

Additional Event Information

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

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

A \$100/day security deposit is required (payable by check only). The security deposit will be refunded should the event site be left clean and void of trash and all event items are removed on the last day of the event. An event that does not occur will not have its security deposit refunded except for hazardous weather conditions, as determined by the City of Brainerd.

Street Closure Request Information

Describe the name and sections of the streets for which you are requesting temporary closure
(e.g. South 7th Street between Maple Street and Front Street):

Laurel Street from South 7th Eastbound to the alley at
Knotty Pine/VIP Floral; half the road will be closed.

Date and time for beginning of street closures: 4 pm

Date and time for reopening of streets: 7:30 pm

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

This event takes place mostly after downtown stores
are closed. Business owners & residents in the
affected area will be notified of street closure.

While the City continues to treat downtown as a venue for events, event plans must be balanced with the interests and needs of property owners.

If a street closure occurs along residential streets, reasonable efforts must be made to alert all property owners along the street of the proposed closure. All street closures shall be approved by the City Council. Failure to notify property owners and tenants in street closure areas will result in revocation of this permit.

For information regarding a street closure, please contact the City Engineering office at 218-828-2307 or engineer@ci.brainerd.mn.us.

Hold Harmless Agreement and Insurance Information

The Applicant covenants to save, defend, hold harmless, and indemnify the City of Brainerd and all of its officers, departments, agencies, agents, and employees (collectively the "City") from and against any and all claims, losses, damages, injuries, fines, penalties, costs (including court costs and attorney's fees), charges, liability, or exposure, however caused, resulting from, arising out of, or in any way connected with the applicant's event herein described.

The City, at its discretion, may require the Applicant to obtain liability insurance for any event. If liability insurance is required, the following requirements apply:

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

Signature of Event Applicant

I attest that the above information is true and accurate, and I certify under penalties of perjury that I am authorized to execute contracts and other instruments and legally bind the Applicant.

 8/27/20

Signature of Applicant

Mary Devine Johnson

Print Name

Contacts, Permits, and Fees Checklist

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

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

Permit, License, or Checklist	Yes	Pending	N/A	Contact (See contact information below)
Authorization to use a city park			X	Contact the Parks & Recreation Department for information/procedure.
Fire/EMS/Police support			x	Check yes to request emergency support. The appropriate level of fire, EMS, and police support will be determined based on crowd size and the type of event. Fees may be discussed with the sponsor.
Food and vendor licenses		x		All vendors must apply for a temporary license through the Commissioner of Revenue's Office. Food vendors are required to collect and report meals tax. Contact City Hall for information/procedure.
Health Department Permit		x		All food vendors must apply for a temporary food permit through the Minnesota Health Department (MDH).
Insurance Certificate		x		May be required before issuing a permit.
Sign/banner Permits			X	Contact the Planning Department for information/procedure.
Parade Permit			X	Issued by the Police Department after complete submission of application.
Alcohol Use Permit		x		Must be approved by City Council after submission of the event application. Contact City Hall for information/procedure.

Contact Information

Administration Department:	(218) 828-2307 admin@ci.brainerd.mn.us
Parks and Recreation Department:	(218) 828-2320 parks@ci.brainerd.mn.us
Engineering Department:	(218) 828-2307 engineer@ci.brainerd.mn.us
Planning Department:	(218) 828-2307 planning@ci.brainerd.mn.us
Police Department:	(218) 829-2805 police@ci.brainerd.mn.us
Fire Department:	(218) 828-2312 fire@ci.brainerd.mn.us
MN Commissioner of Revenue:	(651) 282-5225 www.revenue.state.mn.us
MN Department of Health	(320) 223-7300 www.health.state.mn.us
MNDOT Baxter Office	(218) 828-5700 www.dot.state.mn.us

For Official Use Only

Department Sign-offs Required

Department	Date/Initials	Comments
Brainerd Public Utilities	<u>OK</u>	<u>None</u>
City Administration	<u>OK</u>	<u>None</u>
Engineering Department	<u>OK</u>	<u>Submit traffic control request</u>
Fire Department	<u>OK</u>	<u>None</u>
Fire Support/EMS	<u>OK</u>	<u>None</u>
Parks Department	<u>OK</u>	<u>None</u>
Planning Department	<u>OK</u>	<u>None</u>
Police Department	<u>OK</u>	<u>None</u>

per condition below.

Event Application Approval

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

City Administrator or Parks & Recreation Director

Date

Approval Conditions

Submit traffic control request to Shawn Middagh
one week prior to event @ 218-513-4412.

Certification of Street Closure Approval

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



Brainerd City Council Agenda Request

Requested Meeting Date: September 21, 2020

Title of Item: 2020-2021 Downtown Snow Removal Bids

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☒ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: City Engineer Sandy	Department: Engineering
Presenter (Name & Title): City Engineer Sandy	Estimated Time Needed: 5 Minutes
Summary of Issue: Bids were solicited for the 2020-2021 downtown snow removal and sent to 5 local qualified firms along with being published in the local Brainerd Dispatch.	
Alternatives, Options, Effects on Others/Comments: In total, one contractor responded being Tom's Backhoe Service. The last two quotes for this service along with the most current bid for the service can be seen attached to this request. Between 2018/2019 and 2019/2020, there was a 5% increase in the bids. Between 2019/2020 and 2020/2021 bids, there is a 2.5% increase in the bid amount. This is similar to requests for increases we have seen in previous years and is acceptable in staff's opinion.	
Recommended Action/Motion: Staff recommends accepting the bids for the 2020-2021 downtown snow removal and awarding the contract to Tom's Backhoe Service.	
Financial Impact: <i>Is there a cost associated with this request:</i> ☒ Yes ☐ No <i>What is the total cost, with tax and shipping</i> \$ <u>\$75,000</u> <i>Is this budgeted?</i> ☒ Yes ☐ No <u>Please Explain:</u> There is \$75,000 budgeted for 2020 and 2021 downtown snow removal services. This cost is assessed at about a 38.55% to private properties based on front footage, with the rest of the cost going to street/sewer (26.92%) and parking lot funds (34.53%) based on last years final distribution.	

NOTICE OF BID
BIDS CLOSE SEPTEMBER 11, 2020 @ 10:00 A.M.
BRAINERD, MINNESOTA

DOWNTOWN SNOW REMOVAL

Notice is hereby given that bids will be received, opened, and read aloud in the presence of the City Administrator and the City Engineer in the Council Chambers, City Hall, in the City of Brainerd, Minnesota, on Friday, September 11, 2020, at 10:00 A.M. for the 2020 - 2021 Downtown Snow Removal in accordance with the Plans and Specifications for the same which are on file in the office of the City Engineer of said City.

Copies of the Plans and Specifications may be obtained at the office of the City Engineer, City Hall, Brainerd, Minnesota.

All bids will be referred to the City Engineer for tabulation and then referred to the City Council for action at a Council meeting to be held on Monday, September 21, 2020.

The City of Brainerd reserves the right to reject any and all bids and to waive minor irregularities and informalities therein and further reserves the right to award the contract in the best interest if the City.

All proposals must be sealed and addressed to the City Administrator, Brainerd, Minnesota. Bids will be delivered to the City Administrator prior to the bid opening time. The envelope shall be plainly marked "Bid for Downtown Snow Removal, September 11, 2020, 10:00 A.M, Brainerd, Minnesota".

No bidder may withdraw his bid within 30 days after the actual date of the opening thereof.

Dated August 10, 2020

Jennifer Bergman
City Administrator

Publish August 21, 2020 and August 28, 2020.

CITY OF BRAINERD

2018 - 2019 DOWNTOWN SNOW REMOVAL

FORM OF PROPOSAL

DESCRIPTION	UNIT	UNIT PRICE
STREETS, ALLEYS, PARKING LOTS (4" BASE)	LUMP SUM	4,975.23
STREETS, ALLEYS, PARKING LOTS (EACH ADDITIONAL INCH)	INCH	1,395.49
SIDEWALKS (4" BASE)	LUMP SUM	1,152.79
SIDEWALKS (EACH ADDITIONAL INCH)	INCH	242.69

THIS PROPOSAL DATED THIS 15th DAY OF October, 2018.

SIGNED Kathy Thompson
TITLE CFO

Tom's Backhoe Service, Inc.
323 Woodland Hills LN
Brainerd, MN 56401

218-828-4232

CITY OF BRAINERD

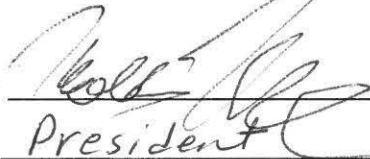
2019 - 2020 DOWNTOWN SNOW REMOVAL

FORM OF PROPOSAL

DESCRIPTION	UNIT	UNIT PRICE
STREETS, ALLEYS, PARKING LOTS (4" BASE)	LUMP SUM	5,224.00
STREETS, ALLEYS, PARKING LOTS (EACH ADDITIONAL INCH)	INCH	1,465.27
SIDEWALKS (4" BASE)	LUMP SUM	1,210.43
SIDEWALKS (EACH ADDITIONAL INCH)	INCH	254.83

THIS PROPOSAL DATED THIS 30th DAY OF September, 2019.

SIGNED



Thomas L. Thompson

TITLE

President

Tom's Backhoe Service, Inc.

323 Woodland Hills LN
Brainerd, MN 56401

CITY OF BRAINERD

2020 - 2021 DOWNTOWN SNOW REMOVAL

FORM OF PROPOSAL

DESCRIPTION	UNIT	UNIT PRICE
STREETS, ALLEYS, PARKING LOTS (4" BASE)	LUMP SUM	5354.60
STREETS, ALLEYS, PARKING LOTS (EACH ADDITIONAL INCH)	INCH	1,501.91
SIDEWALKS (4" BASE)	LUMP SUM	1,240.69
SIDEWALKS (EACH ADDITIONAL INCH)	INCH	261.20

THIS PROPOSAL DATED THIS 9th DAY OF September, 2020.

SIGNED

Kathy Thompson

TITLE

CFO

Tom's Backhoe Service, Inc.
323 Woodland Hills LN
Brainerd, MN 56401

218-828-4232



Brainerd City Council Agenda Request

Requested Meeting Date: September 21, 2020

Title of Item: Improvement 14-05 - Old Stonebridge Trail Final Lift - Final Pay Estimate

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☒ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: City Engineer Sandy	Department: Engineering
Presenter (Name & Title): City Engineer Sandy	Estimated Time Needed: 5 Minutes
Summary of Issue: Attached to this request is the final pay estimate for Improvement 14-05 - Old Stonebridge Trail Final Lift.	
Alternatives, Options, Effects on Others/Comments: The original project construction costs as bid and as seen attached were \$66,073. There was some grade correction work that staff estimated for when the first lift of asphalt was applied. The road was paved a little bit flat, so staff assumed some minor leveling course work would need to take place. The Contractor had a different plan for the street, which inevitably worked better for constructibility and decreased the cost of the project substantially. The final project cost per the invoice attached is \$48,583.80. You will recall, when the first lift was originally installed, the developer put a \$20,000 final lift escrow on the project so that when 70% of the homes were built, the City would have the money to install the final lift of asphalt. This was never completed, so this project came about through that process. The final cost of the project minus the \$20,000 escrow is \$28,583.80, in which that total plus a small amount of engineering are being 100 percent assessed on a per lot basis to the adjacent properties.	
Recommended Action/Motion: Staff recommends approval of the final payment to Knife River in the total amount of \$48,583.80, subject to approval of the bills and payments to contractors on the Personnel and Finance Agenda.	
Financial Impact: <i>Is there a cost associated with this request:</i> ☒ Yes ☐ No <i>What is the total cost, with tax and shipping</i> \$ <u>\$48,583.80</u> <i>Is this budgeted?</i> ☒ Yes ☐ No <i>Please Explain:</i> This was a part of the 5-year CIP and was added in 2019 as such. Total project cost minus the \$20,000 escrow is being assessed to adjacent properties on a per lot basis. Fund to be paid from Construction Fund 401.	



Knife River Corporation - North Central

Customer: 580553
 BRAINERD CITY OF
 501 LAUREL STREET
 BRAINERD MN 56401

Remit To:

Knife River Corporation - North Central
 PO Box 1333
 St. Cloud, MN 56302-1333

Contract Billing		
Contract No: 32202103	Project No. 32202103	Invoice No. 14003
Job Description BRAINERD-N OLD STONE BRDGE TRL		
Invoice Date 09/14/20	Appl No. 1	Adjust No. 1
Bill From:	Bill To: 09/14/20	Cust Ref No. 32202103

C/O	Bid Item	Description	Units	UM	Unit Price	Extension	Total Units To Date	Total Billing	Previous Units To Date	Previous Billing	Current Units	Current Billing
	10	Mobilization	1.00	LS	4,000.00	4,000.00	100.00 %	4,000.00	100.00 %	4,000.00	0.00 %	0.00
	100	Saw Bituminous Pavement (FD)	56.00	LF	6.50	364.00	56.00	364.00	0.00	0.00	56.00	364.00
	140	Street Sweeper w/ Pickup Broom	4.00	HR	140.00	560.00	0.00	0.00	0.00	0.00	0.00	0.00
	170	Mill Bitumious Surface (1.5")	92.00	SY	5.00	460.00	92.00	460.00	0.00	0.00	92.00	460.00
	210	SP 9.5 Wear Course Mix (2,B)	644.00	TN	60.00	38,640.00	661.58	39,694.80	661.58	39,694.80	0.00	0.00
	220	SP 9.5 Nonwear Course (2,B)	281.00	TN	64.00	17,984.00	0.00	0.00	0.00	0.00	0.00	0.00
	250	Adjust Gate Valve Box	1.00	EA	225.00	225.00	1.00	225.00	1.00	225.00	0.00	0.00
	320	Casting Iron Manhole Adj Rings	6.00	EA	500.00	3,000.00	6.00	3,000.00	6.00	3,000.00	0.00	0.00
	420	Traffic Control	0.14	LS	6,000.00	840.00	100.00 %	840.00	100.00 %	840.00	0.00 %	0.00
		Total ORIGINAL			\$	66,073.00	\$	48,583.80	\$	47,759.80	\$	824.00
		Subtotal Amount:			\$	66,073.00	\$	48,583.80	\$	47,759.80	\$	824.00
RETN		RETAINAGE						0.00		(2,387.99)		2,387.99
		Total Invoice Amount:					\$	48,583.80	\$	45,371.81	\$	3,211.99



Knife River Corporation - North Central

Customer: 580553
BRAINERD CITY OF
501 LAUREL STREET
BRAINERD MN 56401

Remit To:

Knife River Corporation - North Central
PO Box 1333
St. Cloud, MN 56302-1333

Contract Billing		
Contract No: 32202103	Project No. 32202103	Invoice No. 14003
Job Description BRAINERD-N OLD STONE BRDGE TRL		
Invoice Date 09/14/20	Appl No. 1	Adjust No. 1
Bill From:	Bill To: 09/14/20	Cust Ref No. 32202103

C/O	Bid Item	Description	Units	UM	Unit Price	Extension	Total Units To Date	Total Billing	Previous Units To Date	Previous Billing	Current Units	Current Billing
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Previous Invoices:	\$	45,371.81
Current Invoices:	\$	3,211.99
Total Amount Billed to Date:	\$	48,583.80
Total Payments Received to Date:	\$	0.00
Total Outstanding		\$ 48,583.80

Quote for Brainerd North Old Stone Bridge Trail

06/02/2020 2:42PM Page 1

KNIFE RIVER CORPORATION - NC

4787 Shadow Wood Drive NE
Sauk Rapids, MN 56379

Phone: 3202519472
Fax: 3202582940

Bond: Included
Sales Tax: Included
Bid Date:

Quote To: Paul Sandy
City of Brainerd
501 Laurel Street
Brainerd MN 56401

Phone: 218-454-3411
Fax:
Email: psandy@ci.brainerd.mn.us

Quote is valid for 15 days.

Item	Description	Quantity	Unit	Unit Price	Extension
10	Mobilization	1.000	LS	4,000.000	4,000.00
100	Sawing Bituminous Pavement (FD)	56.000	LF	6.500	364.00
140	Street Sweeper with Pickup Broom	4.000	HR	140.000	560.00
170	Mill Bitumious Surface (1.5")	92.000	SY	5.000	460.00
210	Type SP 9.5 Wearing Course Mix (2,B)	644.000	TN	60.000	38,640.00
220	Type SP 9.5 Nonwearing Course (2,B)	281.000	TN	64.000	17,984.00
250	Adjust Gate Valve Box	1.000	EA	225.000	225.00
320	Casting Iron Manhole Adjusting Rings	6.000	EA	500.000	3,000.00
420	Traffic Control	0.140	LS	6,000.000	840.00
Total Quote: \$					66,073.00

Inclusions/Exclusions:

NOTES:

1. All items tied, unless approved by Estimator.
2. Bond, if included, may be prorated to a maximum of 0.4%. We will provide our own bond for rates above this.
3. Quote is valid for 15 days.
4. Mix will be a SPNW/WEA240BR as discussed on site.

PAYMENT TERMS:

1. To accept this proposal, sign and return a copy to Knife River Corp.
2. A valid credit account with Knife River Corp. is required before work will be scheduled.
3. No retainage is provided for in this quotation or per owner as required in plans and spec's. Any deducts due to material deficiencies must be in writing and Knife River Corp. notified prior to the invoice being due.
4. All work becomes due and payable within 30 days of the invoice. Balances beyond 30 days are subject to finance charges in accordance with the credit agreement.

ACCEPTANCE:

All material is guaranteed to be as specified. All work will be completed in a workmanlike manner according to standard practices.

Your signature indicates you agree to the prices, specifications and conditions as stated. It gives us authorization to do the work specified and payment will be made as outlined above.

Signature: _____

Printed Name: _____

Title: _____

Firm: _____

Date: _____

Signature: 

Printed Name: Adam J. Surma

Title: Estimator/Project Manager

Firm: Knife River Corporation - North Central

Date: 6-2-20



Knife River Corporation – North Central

13504 Haven Road
Little Falls, MN 56345
320-632-5435
Fax 320-632-5436

PROPOSAL SUBMITTED TO <i>Paul Sandy City of Brainerd</i>		PHONE <i>218-513-0172</i>	DATE <i>6-2-20</i>
STREET <i>501 Laurel Street</i>		JOB NAME <i>Patch on wild street</i>	
CITY, STATE AND ZIP CODE <i>Brainerd MN 56401</i>		JOB LOCATION	
ARCHITECT <i>Adam Surma</i>	DATE OF PLANS <i>6-2-20</i>	JOB PHONE <i>psandy@ci.brainerd.mn.us</i>	

We hereby submit specifications and estimates for:

- edge mill to match into finished Roadway
- tack area
- Pave 1.5" compacted Bituminous mat 58WEA240BR
- Area Approx 29' wide by 121' long or 3,509 SF

\$
TOTAL: *6,900.00*

Mechanic's Lien's - Contractor's Notice

Any person or company supplying labor or materials for this improvement to your property may file a lien against your property if that person or company is not paid for the contributions.

Under Minnesota law, you have the right to pay persons who supplied labor or materials for this improvement directly and deduct this amount from our contract price, or withhold the amounts due them from us until 120 days after completion of the improvement unless we give you a lien waiver signed by persons who supplied any labor or materials for the improvement and who gave you timely notice.

We propose hereby to furnish material and labor, complete in accordance with above specifications, for the sum of:
dollars (\$ *6,900.00*).

Terms: Payment due upon completion. Finance charge after 30 days. 1½% per month, 18% annually.

All material is guaranteed to be as specified. All work to be completed in a workmanlike manner according to standard practices. Any alteration or deviation from above specifications involving extra costs will be executed only upon written orders, and will become an extra charge over and above the estimate. All agreements contingent upon strikes, accidents or delays beyond our control. Owner to carry fire, tornado, and other necessary insurance. Our workers are fully covered by Workmen's Compensation Insurance.

Authorized Signature *Adam Surma*

Note: This proposal may be withdrawn by us if not accepted within *15* days.

Acceptance of proposal – The above prices, specifications and conditions are satisfactory and are hereby accepted. You are authorized to do the work as specified. Payment will be made as outlined above.

Signature _____

Date of Acceptance: _____

Signature _____



Brainerd City Council Agenda Request

Requested Meeting Date: September 21, 2020

Title of Item: Final Reading - Proposed Ordinance No. 1510 - Amending the Rural Service District

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☒ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Community Development Director	Department: Community Development
Presenter (Name & Title): David Chanski, CDD	Estimated Time Needed: 5 minutes
Summary of Issue: Greg Jedlenski of 9089 Dal-Mar Drive is requesting that the property on which his home sits (PID 41330756) be added to the City's Rural Service District. This property is landlocked (see attached GIS map), and he uses the adjacent property that he owns (PID 41330716) to access his home. PID 41330716 is in the rural services district but PID 41330756 (his home) is not. He believes his home should be in the Rural Services District as he is not serviced by city sewer and water, and it is not available that far down Dal-Mar. The neighboring properties are within the Rural Services District. On August 17, the City Council directed staff to proceed with the process for adding Mr. Jedlenski's property to the Rural Service District. On September 8, the City Council conducted the public hearing and first reading of Proposed Ordinance No. 1510	
Alternatives, Options, Effects on Others/Comments: The Rural Service District was created in 1986 by Ordinance No. 844, which set, "the taxes for municipal purposes, exclusive of bonded indebtedness, shall not exceed 80% of full municipal taxes levied in the remainder of the City." Additionally, the ordinance stated, "Whenever any parcel of land in the rural service district received water and/or sewer services or is rezoned, said parcel of land shall be transferred from the rural service district to the urban service district and the levy shall then be on the same basis as the property taxes levied for the urban service district." In 1996, Ordinance No. 1020 amended the Rural Service District reduce the tax levy within the district to 52%. This was based on the recommendation from the EDA. From the minutes of EDA meetings in May 1996, it appears the basis of amending the rural service district tax rate was to encourage annexation. They believed that property owners in adjacent unorganized areas and townships would not annex if their taxes were going to be substantially higher even though they still do not have city sewer and water service. Other than sewer and water, which is not a levied expense, properties within the Rural Service District receive no fewer services than the rest of the community.	
Recommended Action/Motion: 1) Hold/dispense with the final reading of Proposed Ordinance No. 1510, an ordinance amending the Rural Service District. 2) Adopt Proposed Ordinance No. 1510, an ordinance amending the Rural Service District.	
Financial Impact: <i>Is there a cost associated with this request:</i> ☐ Yes ☐ No <i>What is the total cost, with tax and shipping</i> \$ _____ <i>Is this budgeted?</i> ☐ Yes ☐ No <i>Please Explain:</i>	

**ORDINANCE
NO. 1510**

AN ORDINANCE AMENDING ORDINANCE NO.1020, ORDINANCE NO.1033, ORDINANCE NO.1051, ORDINANCE NO.1068, ORDINANCE NO.1102, ORDINANCE NO.1120, ORDINANCE NO.1150, ORDINANCE NO.1196, ORDINANCE NO.1234, ORDINANCE NO.1262, ORDINANCE NO.1288, ORDINANCE NO. 1305, ORDINANCE NO.1323, AND ORDINANCE NO. 1337 DIVIDING THE CITY OF BRAINERD INTO AN URBAN SERVICE DISTRICT AND A RURAL SERVICE DISTRICT

THE CITY COUNCIL OF THE CITY OF BRAINERD DOES ORDAIN:

SECTION ONE: That Ordinance Nos. 1020, 1033, 1051, 1068, 1102, 1120, 1150, 1196, 1234, 1262, 1288, 1305, 1323, and 1337 are hereby amended by adding the following parcel of property to the Rural Service District:

41330756 (Legacy 08033270000009)

That part of the Southeast Quarter of the Northwest Quarter of Section 33, Township 134 North, Range 28 West, Crow Wing County, Minnesota, described as follows: Commencing at the northeast corner of said Southeast Quarter of the Northwest Quarter; thence South 00 degrees 16 minutes 05 seconds West, bearings are based on the NAD83/Crow Wing County coordinate system (NAD83/HCROW), along the east line of said Southeast Quarter of the Northwest Quarter, a distance of 263.18 feet; thence South 89 degrees 42 minutes 19 seconds West, a distance of 106.60 feet; thence North 41 degrees 30 minutes 38 seconds West, a distance of 228 feet, more or less, to the shoreline of an un-named Lake; thence northerly along said shoreline to the intersection with the north line of said Southeast Quarter of the Northwest Quarter; thence North 89 degrees 42 minutes 17 seconds East, a distance of 213 feet, more or less, to the point of beginning.

SECTION TWO: That all other parcels included in the abovementioned ordinances shall remain within the Rural Service District.

SECTION THREE: The benefit ratio required by Subd. 2 of Minnesota Statute 272.67 shall be established so that all lands in the Rural Service District shall be taxed for the general levy at Fifty-two (52%) of the rate levied in the Urban Service District. That is, the taxes for the municipal purposes, exclusive of bonded indebtedness, shall not exceed fifty-two (52%) percent of full municipal taxes levied in the remainder of the City. That the said benefit ratio shall not apply on municipal taxes levied for the payments of bonded indebtedness, judgments, and interest thereon.

SECTION FOUR: All other provisions of Ordinance Nos. 1020, 1033, 1051, 1068, 1102, 1120, 1150, 1196, 1234, 1262, 1288, 1305, 1323, and 1337 shall remain in full force and effect.

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

Adopted this _____ day of _____, 2020

GABE JOHNSON
President of the Council

Approved this _____ day of _____, 2020

DAVE BADEAUX
Mayor

ATTEST: _____
JENNIFER BERGMAN
City Administrator

Published: One Time – _____



City of Brainerd Commission/Committee/Board Application Form

Any questions contact City Hall at 218-828-2307

Commission/Committee/Board Applying for EDA Date: 9-3-20

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 Kirsch First Marie 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?

I am interested in economic development for Downtown Brainerd as a business owner and community member.

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

I own a small business, KNOTTY PIKE Bakery, in downtown and am also on the board of the Destination Downtown Coalition. I enjoy working with others to work towards a common goal and facilitate communication to help get things done.

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

* 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 don't foresee any conflicts; I will follow the stipulations in the policy.

Please list any additional comments:

I was recommended to apply by former member Wette Campbell. I served with her on the Destination Downtown Coalition Board and would very much like the opportunity to serve on EDA to help support a stronger and economically resilient downtown Brainerd.

Marie Kirsch
(Signature)

9-3-20
(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



Brainerd City Council Agenda Request

Requested Meeting Date: September 21, 2020

Title of Item: Adopt Resolution Accepting Babe the Blue Ox Statue

☐ 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: Jennifer Bergman	Department: Administration
Presenter (Name & Title): Jennifer Bergman	Estimated Time Needed: 5 minutes
Summary of Issue: The Destination Downtown Business Coalition (DDBC) has a statue of Babe the Blue Ox (see attached) and would like to place the statue in the right of way in downtown Brainerd. Attorney Langel has advised the City should not allow a private owner to place anything in the City's right of way; however, the City may accept a donation and place it in their own right of way. The Chamber, as the fiscal agent for the DDBC, is the owner of the statue.	
Alternatives, Options, Effects on Others/Comments: The DDBC's intent is to work with The Crossing Arts Alliance to do a call for artists to paint the Ox. The DDBC would then select the winning artist. The Ox statue would then be placed in downtown Brainerd. A request was made to have a council member serve on the judging committee.	
Recommended Action/Motion: Adopt the resolution accepting the Babe the Blue Ox statue from the Brainerd Lakes Area Chamber of Commerce.	
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>	



CO.

Beads

NIEMEYER'S
RUGGED RIVER RESORT
BRAINERD, MN

**RESOLUTION
NO. xx:20**

RESOLUTION ACCEPTING BABE THE BLUE OX STATUE

WHEREAS, the City of Brainerd is generally authorized to accept donations of real and personal property pursuant to Minnesota Statutes Sections 465.03 for the benefit of its citizens and is specifically authorized to accept gifts and bequests for the benefit of recreational service pursuant to Minnesota Statutes Section 471:17; and

WHEREAS, the Brainerd Lakes Area Chamber of Commerce, acting as the fiscal agent for the Destination Downtown Business Coalition (DDBC), have contributed a Babe the Blue Ox statue; and,

WHEREAS, the DDBC would like to call for artists to repaint the Ox and place it in the City's right of way in downtown Brainerd.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF BRAINERD, MINNESOTA that the Ox donation is hereby graciously accepted by the City of Brainerd and shall be used as requested by the DDBC.

BE IT FURTHER RESOLVED, that the City Council expresses its gratitude to the Chamber and DDBC for the donation of the gift.

Adopted this ____ day of _____, 2020

GABE JOHNSON
President of the Council

Approved this ____ day of _____, 2020

DAVE BADEAUX
Mayor

ATTEST: _____
JENNIFER BERGMAN
City Administrator



Brainerd City Council Agenda Request

Requested Meeting Date: September 21, 2020

Title of Item: Authorize CARES Act Funds Pooling Agreement

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☒ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Jennifer Bergman	Department: Administration
Presenter (Name & Title): Jennifer Bergman	Estimated Time Needed: 5 minutes
Summary of Issue: At the August 17th meeting, the City Council approved the expenditures for the City's COVID Relief Funds (CRF). The Council allocated \$300,000 for small business grants and \$100,000 for non-profit grants and made a motion to pool our funds with Crow Wing County. If the City pools funds with the County, our businesses and non-profits would have access to the \$3 million for small businesses and \$1 million for non-profits of the County Board's CRF allocation. Eligible small businesses and non-profits can receive up to \$10,000 for COVID related expenses. The County has contracted with BLAEDC for the small business grants and the United Way for the non-profit grants. As of September 16, BLAEDC has received 214 applications of which 77 are in Brainerd and the United Way has received 50 applications, with 30 of them in Brainerd.	
Alternatives, Options, Effects on Others/Comments: The County Board created sub-committees to review and approve the grant applications. The Council has requested to be informed on the date and time of the small business sub-committee meetings. The small business sub-committee will be meeting on Friday, September 25th from 1:00-3:00 p.m. in the CTC Room at the Chamber. The non-profit sub-committee will be meeting on Thursday, October 1st from 9:00 a.m. to 4:00 p.m. at Crow Wing County.	
Recommended Action/Motion: Approve the CARES Act Funds Pooling Agreement with Crow Wing County.	
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>	

CARES ACT FUNDS POOLING AGREEMENT

This Agreement is entered into by and between Crow Wing County (County) and _____ (Municipality) on this the ____ day of _____, 2020.

WHEREAS County and Municipality are recipients of funds through the Coronavirus Aid, Relief and Economic Security Act of 2020 (CARES Act); and

WHEREAS the purpose of the CARES Act funding is to reimburse County and Municipality for unplanned/un-budgeted expenses associated with the coronavirus, as well as providing funding/relief to sub-recipients for the same. This can include reimbursement for expenses incurred between March 1, 2020 and December 31, 2020; and

WHEREAS County has developed a plan for distribution to sub-recipients within Crow Wing County; and

WHEREAS County has proposed the pooling of all CARES Act funds received by recipients in Crow Wing County into a single pool and has offered to administer the distribution of those CARES Act funds so pooled on behalf of all participating recipients; and

WHEREAS Municipality is located in Crow Wing County and wishes to accept the County's offer.

NOWHEREFORE it is hereby stipulated and agreed as follows:

- 1) That the above recitals are hereby incorporated into this agreement by reference.
- 2) Municipality agrees to
 - a. Authorize transfer of its portion of CARES Act funds allocated for economic support to the County's CARE Act pooling account for distribution within Municipality.
 - b. Upon transfer, provide direction to County on what portion/percentage of Municipality's funds are to be allocated to non-profit/small business sub-recipients within Municipality.
 - c. If no direction is provided under (b) above, then County is free to allocate in its own discretion.
 - d. To accept all sub-recipient allocation decisions of County, subject to the Municipality's direction provided above.
 - e. Work with County to recoup CARES Act funds distributed to sub-recipients should an allocation later be determined to be ineligible.
- 3) County agrees to
 - a. Accept CARES Act funds from Municipality and deposit them into County's CARES Act funds pooling account.
 - b. Allocate all CARES Act funds received from Municipality to sub-recipients within Municipality in accordance with the CARES Act requirements.

- c. Abide by Municipality's direction in 2(b).
 - d. County will exclusively use its own CARES Act funds to cover all administration costs for the administration of distribution of CARES Act funds to sub-recipients and for advertising (newspaper/radio/television/other) to promote CARES Act funding to eligible sub-recipients.
 - e. County will be solely responsible for the creation and retention of any and all documentation that may be necessary regarding the administration and auditing of the use of CARES Act funds on behalf of the Municipality in compliance with CARES Act requirements.
 - f. Provide Municipality with a final list of sub-recipients receiving allocations in Municipality (name and amount received).
 - g. Work with Municipality to recoup CARES Act funds distributed to sub-recipients should an allocation later be determined to be ineligible.
- 4) The authorized representative for County and Municipality are:

County	Municipality
Tim Houle, County Administrator	Jennifer Bergman, City Administrator

- 5) In the event the County's allocation of funds to sub-recipients is deemed ineligible or otherwise in violation of the CARES Act or related regulations, and said funds are not recovered from the sub-recipients despite the best efforts of the County and the Municipality, resulting in a reimbursement liability for the Municipality, the County shall reimburse the Municipality an amount to that reimbursement owed by the Municipality.
- 6) The provisions of this Agreement shall be deemed severable. If any part of this Agreement is rendered void, invalid, or unenforceable, such rendering shall not affect the validity and enforceability of the remainder unless the part or parts which are void, invalid or otherwise unenforceable shall substantially impair the value of the entire Agreement with respect to either party.
- 7) The County and Municipality hereby acknowledge that they have read this Agreement and affirmatively state and represent that they understand its contents. Further, that the above constitutes the entire agreement by and between the County and Municipality and is binding upon themselves, their heirs, assigns and successors in interest and any alterations, variations, modifications or waivers of the provisions of this Agreement shall only be valid when they have been reduced to writing and signed by the authorized representatives of the County and Municipality.

IN WITNESS WHEREOF: The parties hereto have executed this Agreement on the date(s) indicated below.

County

Municipality

8/20/20 DRAFT



Brainerd City Council Agenda Request

Requested Meeting Date: September 21, 2020

Title of Item: 2021 Preliminary Levy

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☒ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☒ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Connie Hillman	Department: Finance
Presenter (Name & Title): City Administrator/Finance Director	Estimated Time Needed: 10 Minutes
Summary of Issue: The 2021 preliminary levy for the City and the HRA needs to be set by September 30, 2020. The final levy adopted in December can be lower than, but not higher than the preliminary levy. The preliminary levy is used for all of the Truth in Taxations notices sent out in November. The date and time for the public meeting, in which the budget and levy are discussed and the public is allowed to speak also needs to be set by September 30, 2020. The date of the public meeting needs to be held between November 25 and December 28, 2020 after 6:00 p.m. and it can be done during a regular council meeting. Historically the City has held a special meeting on the 2nd Monday in December at 6:00 p.m. which this year that would be December 14, 2020.	
Alternatives, Options, Effects on Others/Comments: Please see the attached memos and draft resolution. The HRA levy amount that is on the resolution represents the maximum allowed by state statute, which is .0185% of the previous year's estimated market value, this is the request of the HRA. It is \$6,090 of additional funds.	
Recommended Action/Motion: 1. Adopt a resolution setting the preliminary levy for the City and HRA. 2. A motion to set the date and time for the budget public hearing.	
Financial Impact: Is there a cost associated with this request: ☐ Yes ☐ No What is the total cost, with tax and shipping \$ _____ Is this budgeted? ☐ Yes ☐ No <u>Please Explain:</u>	

MEMO



TO: Mayor & Council

FROM: City Administrator Jennifer Bergman
Finance Director Connie Hillman

DATE: September 17, 2020

RE: 2021 Budget and Levy

Attached you will find the overview of the 2021 budget and levy as discussed at the September 14, 2020 budget workshop. The overview shows, the Council could decrease the levy by approximately \$10,000 based on the current estimated revenues and expenditures, and the capital and debt planning as discussed at the workshop.

Levy Information

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

Levy Year Collected	Levy Amount	% Change
2010	\$4,112,308	2.8%
2011	\$4,055,836	-1.4%
2012	\$3,953,486	-2.5%
2013	\$3,953,486	0.0%
2014	\$4,453,486	12.6%
2015	\$4,898,835	10.0%
2016	\$5,264,922	7.5%
2017	\$5,373,778	2.1%
2018	\$5,561,860	3.5%
2019	\$5,895,572	6.0%
2020	\$6,072,439	3.0%

The increase has been a little less than 4.0% per year over the last ten years.

Tax Rate Information

The City's tax rate for 2019 is **79.332%**. The **very preliminary** estimated tax capacity information received from the County shows an increase in the tax capacity for the City of Brainerd to be 9%. The preliminary tax capacity is usually available in November. The

change in tax capacity not only depends on the estimated market value, but also how property is classified. The table below recaps the actual change in tax capacity over the last 6 years.

Pay Year	% Change in Tax Capacity
2020	4.4%
2019	2.1%
2018	0.5%
2017	2.7%
2016	2.3%
2015	-0.3%

The following tables present different scenarios using different assumptions to the change in tax capacity. The 3-4% increase in the levy is highlighted as that is what Council discussed for setting the preliminary levy at the workshop.

Assumed Increase in Tax Capacity		9.000%	
Estimated Tax Rate		Dollar Change	
1% Decrease in Levy	72.086%	(\$60,724)	
.5% Decrease in Levy	72.450%	(\$30,362)	
No increase in Levy	72.815%	\$0	
1% Increase in Levy	73.544%	\$60,724	
2% Increase in Levy	74.273%	\$121,449	
3% Increase in Levy	75.002%	\$182,173	
4% Increase in Levy	75.731%	\$242,898	
5% Increase in Levy	76.460%	\$303,622	
6% Increase in Levy	77.189%	\$364,346	

Please let us know if you have any questions.

Enclosures

/clh

2021 Levy Overview
Budget Workshop 9/14/2020

	Actual 2019	Adopted Budget 2020	Current Proposed Budget 2021	Difference in Budgets	% Difference
TOTAL OPERATING EXPENDITURES					
Personnel Services	6,734,102	7,086,778	7,255,549	168,771	2.38%
Supplies	486,396	473,000	509,050	36,050	7.62%
Services	2,471,928	2,536,425	2,542,478	6,053	0.24%
Transfers Out	410,170	348,843	447,371	98,528	28.24%
Total Expenditures	10,102,596	10,445,046	10,754,448	309,402	2.96%
TOTAL CAPITAL	1,267,687	1,155,927	1,255,927	100,000	8.65%
TOTAL DEBT LEVY	1,264,850	1,264,451	912,211	(352,240)	-27.86%
OTHER LEVIES					
Perm Improvement	349,350	368,564	409,790	41,226	11.19%
Hydrant	174,675	184,282	204,895	20,613	11.19%
Sr Center/Arb/Community Action	260,746	276,423	307,343	30,920	11.19%
Library	150,364	154,123	157,205	3,082	2.00%
EDA	124,351	127,817	133,789	5,972	4.67%
Airport	155,500	155,500	155,500	-	0.00%
Total Other Levies	1,214,986	1,266,709	1,368,522	101,813	8.04%
TOTAL ESTIMATED EXPENDITURES	13,850,119	14,132,133	14,291,109	158,976	1.12%
TOTAL REVENUE - NON PROPERTY TAX					
Other Taxes	(308,729)	(279,000)	(285,000)	6,000	-2.15%
Licenses & Permits	(732,706)	(552,390)	(437,845)	(114,545)	20.74%
Grants & Aids	(4,728,163)	(4,900,340)	(5,017,795)	117,455	-2.40%
Revenue from Other Gov'ts	(223,677)	(203,970)	(188,308)	(15,662)	7.68%
Charges for Services	(923,020)	(1,034,912)	(1,050,138)	15,226	-1.47%
Fines & Forfeitures	(138,484)	(138,000)	(127,000)	(11,000)	7.97%
Other Revenues	(1,306,634)	(1,018,082)	(1,015,599)	(2,483)	0.24%
Transfers In	(22,929)	(20,000)	(20,000)	-	0.00%
Total Revenues	(8,384,342)	(8,146,694)	(8,141,685)	(5,009)	0.06%
(USE)/ADDITION TO FUND BALANCE					
Election		(15,000)	15,000	(30,000)	
Levy Stabalizer		102,000	(102,000)	204,000	
Estimated Levy	5,465,777	6,072,439	6,062,424	(10,015)	-0.16%
Actual Levy / Proposed	5,895,572	6,072,439	6,062,424		
% Increase		3.00%	-0.16%		

- Estimated 2% increase for HP, 5% for 49ers and 6% for Teamsters Insurance
- 10% increase in Workers Comp & change in experience mod from .78 to 1.0
- 10% increase in 3/21-3/22 General Liability/Auto/Other insurances
- Added an additional temporary employee to engineering to assist with conducting street conditions



324 East River Road
Brainerd, MN 56401

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

September 9, 2020

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

RECEIVED

SEP 14 2020

**CITY OF BRAINERD
ADMINISTRATION**

Dear Honorable Mayor Badeaux and City Council Members:

The purpose of this letter is to request the 2021 Brainerd Housing and Redevelopment Authority (HRA) operating levy. The Brainerd HRA has three funds: General Fund, Public Housing, and Housing Choice Voucher. Our levy dollars go into the General Fund and support our rehab and redevelopment initiatives. Attached is a copy of the preliminary General Fund budget.

General Fund

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

Brainerd Oaks/Serene Pines/Dal Mar Estates

The Brainerd HRA, in cooperation with the Crow Wing County (CWC) HRA, successfully negotiated a Purchase and Redevelopment Agreement with a developer to purchase 113 lots in three tax forfeited subdivisions (Brainerd Oaks, Serene Pines and Dal Mar Estates). These subdivisions had been tax forfeited for several years. The County agreed to convey the land to the CWC HRA, the City of Brainerd agreed to waive the special assessments in lieu of the proceeds of the sale of the lots (minus the direct costs of the CWC HRA), and the CWC HRA agreed to hold the land while the lots are purchased by Level Contracting, LLC. The developer has agreed to purchase between 10–30 lots per year with at least two lots in Brainerd Oaks to every one in Serene Pines or Dal Mar Estates. The developer must keep \$1.5 million in construction going at all times. To date, the developer has purchased 47 lots in Brainerd Oaks (40 homes completed and sold and seven homes in construction) and 14 lots in Serene Pines (12 homes completed and sold), and one lot in Dal Mar Estates (one home in construction and presold to the end buyer).

Tax Forfeit Property Policy

As a result of the success of the Brainerd Oaks project, the Brainerd HRA created a Tax Forfeit Property Policy where we can purchase tax forfeited properties from the County for \$1.00. The Brainerd HRA Board recently amended their policy temporarily to offer tax forfeited properties to developers at a discounted rate of zero percent of assessed value plus costs. This is a result of the recently completed CWC HRA Workforce Housing



Study recommendation to support the sale of properties to developers to promote the construction of housing units. The Brainerd HRA continues to actively market this policy to developers to promote the return of tax forfeited lots to the tax roll. We hope to assist the City with this program in 2021.

Rehab Programs

The Brainerd HRA, on behalf of the City of Brainerd, applied for and received a \$638,338 Small Cities Development Program grant through the Department of Employment and Economic Development (DEED) for owner-occupied and renter-occupied rehab in Northeast Brainerd. In addition, we applied for one commercial property in downtown Brainerd which will rehab nine rental units and one commercial property. We currently have one owner-occupied in the work write-up process and two complete. We also have nine rental units that are in the bidding process for rehab (two triplexes, one duplex, and one single-family). Our hope is that not only will this improve the properties that receive the funds but also result in increasing values and neighborhood improvements.

Federal Funds: Public Housing and Housing Choice Voucher

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

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

Although the levy funds are less than five percent of our overall budget, these funds are critical. They allow us to continue to provide affordable housing for approximately 900 Brainerd residents and assist in the rehab and redevelopment needs in the City of Brainerd. The Brainerd HRA is requesting the City Council approve the full HRA levy, which is .0185% of the estimated market value, which will be approximately \$136,520 for 2021.

Thank you for your continued support of the Brainerd HRA and considering our request for the 2021 levy.

Sincerely,



Eric Charpentier
Executive Director

General Fund Comparative Budget

Brainerd Housing Authority
324 E River Rd
Brainerd, MN 56401

Fiscal Year 12/31/2021

Account Title	2020 Budget	2021 Budget	Difference
Revenues:			
City Tax Levy	130,430	136,520	6,090
Investment Interest	2,650	1,500	(1,150)
Management Fees	289,000	289,000	0
TIF Revenue	43,660	43,930	270
Operating Transfer	7,050	6,000	(1,050)
SCDP Admin Fee	55,840	35,000	(20,840)
Other Income	136,000	138,900	2,900
Total Revenues	664,630	650,850	(13,780)

Expenditures:

Administrative			
Salaries	290,160	292,380	2,220
Employee Benefits	140,820	130,800	(10,020)
Travel	2,000	1,600	(400)
Staff Training	10,000	9,000	(1,000)
Audit Cost	6,700	6,900	200
Legal	6,500	6,900	400
Other Administrative Costs	9,090	8,780	(310)
Contract Costs	120,810	109,500	(11,310)
Total Administrative	586,080	565,860	(20,220)

General Expenditures

TIF Expense	230	230	0
Insurance	4,995	5,820	825
Debt Service	52,530	53,440	910
Other Programs	51,500	25,500	(26,000)
Total General Expenditures	109,255	84,990	(24,265)
Total Expenditures	695,335	650,850	(44,485)
Designated Fund Balance	36,500	0	(36,500)
Cash Flow from Operations	5,795	0	(5,795)

RESOLUTION
NO. XX:20

WHEREAS, the Brainerd City Council is required to set a Preliminary Levy by September 30, 2020; and

WHEREAS, the Brainerd City Council held a Budget Workshop on September 14, 2020; and

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

NOW, THEREFORE BE IT RESOLVED by the City of Brainerd, County of Crow Wing, State of Minnesota that the following sums are the preliminary levy for the taxes payable in the year 2021:

\$_____ plus \$136,520 for the HRA.

Adopted this ____ day of September, 2020

GABE JOHNSON
President of the Council

Approved this _____ day of September, 2020

DAVE BADEAUX
Mayor

ATTEST: _____
JENNIFER BERGMAN
City Administrator



Brainerd City Council Agenda Request

Requested Meeting Date: September 21, 2020

Title of Item: Res - Declare Assessments, Prepare Roll, and Set PH - DTSS and Nuisance

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☒ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☒ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: City Engineer Sandy	Department: Engineering
Presenter (Name & Title): City Engineer Sandy	Estimated Time Needed: 5 Minutes
Summary of Issue: In order to conduct a Public Hearing to consider the proposed assessments for the 2019-2020 downtown special services district, downtown snow removal, and 2020 nuisance abatement, the Council will need to continue the 429 process which includes setting a public hearing, and declare the assessments along with preparation of the assessment role.	
Alternatives, Options, Effects on Others/Comments: Attached to this request is the proposed resolution that sets the public hearing, declares the assessment amount for the two Improvements listed, and orders preparation of the assessment role. Also attached is the proposed notice of hearing on the assessments.	
Recommended Action/Motion: Staff would recommend adopting the attached resolution in which declares costs to be assessed, orders preparation of the proposed assessment, and orders a public hearing to be held on October 19, 2020 at 7:30 P.M. to consider testimony for or against the proposed assessments.	
Financial Impact: <i>Is there a cost associated with this request:</i> ☐ Yes ☒ No <i>What is the total cost, with tax and shipping</i> \$ _____ <i>Is this budgeted?</i> ☐ Yes ☐ No <i>Please Explain:</i>	

NOTICE OF HEARING ON PROPOSED ASSESSMENT

TO WHOM IT MAY CONCERN:

Notice is hereby given that the City Council of Brainerd, Minnesota will meet virtually via Webex teleconference, conference dial in phone number 1-844-992-4726: meeting access code 146 367 0860 at 7:30 p.m. on October 19, 2020, to pass upon the proposed assessment for the following improvements:

DOWNTOWN SPECIAL SERVICES DISTRICT

Snow Removal, Irrigation Maintenance, Landscaping, Garbage Collection

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

NUISANCE ABATEMENT

Nuisance Abatement and Administrative Citations

Miscellaneous properties around the City

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

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

The total cost of Downtown Special Services District is \$93,748.11 of which \$41,049.07 is proposed to be assessed.

The total cost of Nuisance Abatement is \$23,710 of which \$23,710 is proposed to be assessed.

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

The amount to be specifically assessed against your particular lot, piece or parcel of land is shown on the attached enclosure. You may at any time prior to certification of the assessment to the County Auditor pay the entire assessment on such property with interest accrued to the date of payment to the City Administrator. No interest shall be charged if the entire assessment is paid within 30 days from the adoption of this assessment. You may at any time thereafter pay to the County Auditor the entire amount of the assessment remaining unpaid with interest accrued to December 31 of the year in which the payment is made. If you decide not to pre-pay the assessment before the date given above, the rate of interest that will apply one and six-tenths percent (1.6%) per year. The right to partially prepay the assessment pursuant to Section 315 of the Brainerd City Code is available. Further, pursuant to Ordinance 974 deferred assessments may be granted by the City Council where a financial hardship exists and pursuant to Resolution No. 4988, and any amendments thereto, the City Council may defer

a special assessment for needy persons. If you feel that you might qualify for such deferments, please discuss this with the City Administrator at your earliest convenience.

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

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

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

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

Dated this 21 day of September 2020

Jennifer Bergman
City Administrator

Any individual needing special accommodations please call 828-2307.

Published October 2, 2020

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

**RESOLUTION DECLARING COSTS TO BE ASSESSED
ORDERING PREPARATION OF PROPOSED ASSESSMENT,
AND ORDERING A PUBLIC HEARING ON PROPOSED ASSESSMENT**

WHEREAS, the costs have been determined for Downtown Special Services District and Nuisance Abatement involving the following described areas in the City of Brainerd:

DOWNTOWN SPECIAL SERVICES DISTRICT

Snow Removal, Irrigation Maintenance, Landscaping, Garbage Collection

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

NUISANCE ABATEMENT

Nuisance Abatement and Administrative Citations
Misc properties around the City

WHEREAS, the estimated total costs for said improvements are Downtown Special Services District - \$93,748.11 and Nuisance Abatement - \$23,710.00 respectively, and

WHEREAS, the City Council has ordered preparation of the proposed assessment, and

WHEREAS, the City Council hereby sets the Public Hearing for Monday, October 19, 2020 at 7:30 p.m.,

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

1. The portion of the cost of such improvement to be paid by the City is hereby declared to be Downtown Special Services District \$52,699.04 and Nuisance Abatement - \$0.00 respectively, and the portion of the cost to be assessed against benefited property owners is declared to be Downtown Special Services District \$41,049.07 and Nuisance Abatement - \$23,710.00 respectively.

2. Assessments shall be payable in annual installments extending over a period of one year, to be paid on or before the first Monday in January, 2021, and shall bear interest at the rate of one and six-tenths percent (1.6%) per annum from the date of the adoption of the assessment resolution.

3. The owner of any property so assessed may, at any time prior to certification of the assessment to the County Auditor, pay the whole of the assessment on such property with interest accrued to the date of payment to the City Administrator, except that no interest shall be charged if the entire assessment is paid within 30 days from the adoption of the assessment.

The owner of any property so assessed may at any time thereafter pay to the Crow Wing County Auditor the entire amount of the assessment remaining unpaid with interest accrued to December 31 of the year in which such payment is made.

4. Pursuant to Ordinance No. 974 deferred assessments may be granted by the City Council where a financial hardship exists and pursuant to Resolution No. 4988 and any amendments thereto, the City Council may defer a special assessment for needy persons.

5. Pursuant to proper notice duly given as required by law, the hearing will be held on the 19th of October, 2020, virtually by Webex, conference dial in phone number 1-844-992-4726: meeting access code 146 367 0860 at 7:30 p.m. concerning such proposed assessments and at such time and place all persons owning property affected by such improvements were given an opportunity to be heard with reference to such assessments.

Adopted this ____ day of _____, 2020

GABE JOHNSON
President of the Council

Approved this ____ day of _____, 2020

DAVE BADEAUX
Mayor

ATTEST: _____
JENNIFER BERGMAN
City Administrator



Brainerd City Council Agenda Request

Requested Meeting Date: September 21, 2020

Title of Item: Res - Declaring Assessments and Calling PH - Imp 14-05 - Old Stonebridge

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☒ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☒ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: City Engineer Sandy	Department: Engineering
Presenter (Name & Title): City Engineer Sandy	Estimated Time Needed: 5 Minutes
Summary of Issue: Pursuant Minnesota Statute 429 and to continue with assessment proceedings, the City Council must declare costs to be assessed, order the preparation of the proposed assessment, and call a public hearing on the proposed assessment.	
Alternatives, Options, Effects on Others/Comments: Improvement 14-05 is for the final lift of asphalt on Old Stonebridge Trail off of Riverside Drive. You will recall, there was some previous discussion on what was already paid for this final lift work when the street was originally constructed and how much should get assessed to the neighboring properties for the work. Staff researched this project, and found that the original developer placed a \$20,000 wear course escrow. This was done to pay for the final lift of pavement after 70% of the homes were developed in the development. This never occurred, and thus, the final list was never installed. Original project cost was \$66,073. As per the final pay estimate on the SPW agenda, final project costs with engineering is \$49,704. With the \$20,000 escrow already received, the assessed amount to adjacent properties is \$29,704.	
Recommended Action/Motion: Staff recommends adopting the attached resolution in which declares the cost to be assessed, orders the preparation of the proposed assessment, and sets a public hearing on the proposed assessment virtually for October 19, 2020 at 7:30 PM. Call in number is included on the notice and will be mailed to each affected property owner with their notice of assessment.	
Financial Impact: <i>Is there a cost associated with this request:</i> ☐ Yes ☒ No <i>What is the total cost, with tax and shipping</i> \$ _____ <i>Is this budgeted?</i> ☐ Yes ☐ No <i>Please Explain:</i>	

NOTICE OF HEARING ON PROPOSED ASSESSMENT

TO WHOM IT MAY CONCERN:

Notice is hereby given that the City Council of Brainerd, Minnesota will meet virtually via Webex teleconference, conference dial in phone number 1-844-992-4726: meeting access code 146 367 0860 at 7:30 p.m. on October 19, 2020, to pass upon the proposed assessment for the following improvements:

IMPROVEMENT 14-05

Street Surfacing – Final Lift

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

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

The total cost for the improvements is estimated \$49,704 of which \$29,704 is proposed to be assessed.

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

The amount to be specifically assessed against your particular lot, piece or parcel of land is shown on the attached enclosure. You may at any time prior to certification of the assessment to the County Auditor pay the entire assessment on such property with interest accrued to the date of payment to the City Administrator. No interest shall be charged if the entire assessment is paid within 30 days from the adoption of this assessment. You may at any time thereafter pay to the County Auditor the entire amount of the assessment remaining unpaid with interest accrued to December 31 of the year in which the payment is made. Such payment must be made before November 15 or interest will be charged through December 31 of the succeeding year. If you decide not to pre-pay the assessment before the date given above, the rate of interest that will apply is one and six-tenths percent (1.6%) per year. The right to partially prepay the assessment pursuant to Section 315 of the Brainerd City Code is available. Further, pursuant to Ordinance 974 deferred assessments may be granted by the City Council where a financial hardship exists and pursuant to Resolution No. 4988, and any amendments thereto, the City Council may defer a special assessment for needy persons. If you feel that you might qualify for such deferments, please discuss this with the City Administrator at your earliest convenience.

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

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

1. The City will present its case first by calling witnesses who may testify by narrative or by examination and by the introduction of exhibits. After each witness has testified,

the contesting party will be allowed to ask questions. This procedure will be repeated with each witness until neither side has further questions.

2. After the City has presented all its evidence, the objector may call witnesses or present such testimony as the objector desires. The same procedure for the questioning of the City's witnesses will be followed with the objector's witnesses.
3. The objector may be represented by counsel.
4. Minnesota Rules of Evidence will not be strictly applied; however they may be considered and argued to the Council as to the weight of the items of evidence or testimony presented to the Council.
5. The entire hearing will be tape-recorded.
6. At the close of the presentation of evidence, the objector and the City may make final presentations to the council based on the evidence and the law. No new evidence may be presented at this point.
7. The Council may adopt the proposed assessment at the hearing.

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

Dated this __ day of _____, 2020

Jennifer Bergman
City Administrator

Any individual needing special accommodations please call 828-2307.

Published October 2, 2020

RESOLUTION
NO. _____

**RESOLUTION DECLARING COSTS TO BE ASSESSED,
ORDERING PREPARATION OF PROPOSED ASSESSMENT,
AND ORDERING A PUBLIC HEARING ON PROPOSED ASSESSMENT**

WHEREAS, the costs have been determined for Improvement 14-05 involving improvement of the following described street in the City of Brainerd:

IMPROVEMENT 14-05

Street Surfacing – Final Lift

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

WHEREAS, the estimated total construction costs for said improvements is \$49,704.

WHEREAS, the City Council has ordered preparation of the proposed assessment, and

WHEREAS, the City Council hereby sets the Public Hearing for Monday, October 19, 2020 at 7:30 p.m.,

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

1. The portion of the cost of such improvement to be paid by the City is hereby declared to be \$20,000 and the portion of the cost to be assessed against benefited property owners is declared to be \$29,704.

2. Assessments shall be payable in annual installments extending over a period of ten years, the first of the installments to be paid on or before the first Monday in January, 2021, and shall bear interest at the rate of one and six-tenths percent (1.6%) per annum from the date of the adoption of the assessment resolution.

3. The owner of any property so assessed may, at any time prior to certification of the assessment to the County Auditor, pay the whole of the assessment on such property with interest accrued to the date of payment to the City Administrator, except that no interest shall be charged if the entire assessment is paid within 30 days from the adoption of the assessment. The owner of any property so assessed may at any time thereafter pay to the Crow Wing County Auditor the entire amount of the assessment remaining unpaid with interest accrued to December 31 of the year in which such payment is made. Such payment must be made before November 15 or interest will be charged through December 31 of the succeeding year.

4. Pursuant to Ordinance No. 974 deferred assessments may be granted by the City Council where a financial hardship exists and pursuant to Resolution No. 4988 and any amendments thereto, the City Council may defer a special assessment for needy persons.

5. Pursuant to proper notice duly given as required by law, the hearing will be held on the 19th day of October, 2020, virtually by Webex, conference dial in phone number 1-844-992-4726: meeting access code 146 367 0860 at 7:30 p.m. concerning such proposed assessments and at such time and place all persons owning property affected by such improvements were given an opportunity to be heard with reference to such assessments.

Adopted this ____ day of _____, 2020

GABE JOHNSON
President of the Council

Approved this ____ day of _____, 2020

DAVE BADEAUX
Mayor

ATTEST: _____
JENNIFER BERGMAN
City Administrator



Brainerd City Council Agenda Request

Requested Meeting Date: September 21, 2020

Title of Item: Res - Decl. Assess. and Calling PH-Imp 19-10 - NE Brainerd Resurfacing

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☒ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☒ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: City Engineer Sandy	Department: Engineering
Presenter (Name & Title): City Engineer Sandy	Estimated Time Needed: 5 Minutes
Summary of Issue: Pursuant Minnesota Statute 429 and to continue with assessment proceedings, the City Council must declare costs to be assessed, order the preparation of the proposed assessment, and call a public hearing on the proposed assessment.	
Alternatives, Options, Effects on Others/Comments: Improvement 19-10 was for the resurfacing of numerous streets in NE Brainerd in the 2020 construction season including J Street, 11th Avenue NE, 10th Avenue NE, L Street, O Street, and P Street. Total project costs with engineering and construction included is estimated to be \$1,228,021 with a total assessed amount of \$255,594. This assessment is per the City assessment policy and will be on a front footage basis, with a calculated rate per project.	
Recommended Action/Motion: Staff recommends adopting the attached resolution in which declares the cost to be assessed, orders the preparation of the proposed assessment, and sets a public hearing on the proposed assessment virtually for October 19, 2020 at 7:30 PM. Call in number is included on the notice and will be mailed to each affected property owner with their notice of assessment.	
Financial Impact: <i>Is there a cost associated with this request:</i> ☐ Yes ☒ No <i>What is the total cost, with tax and shipping</i> \$ _____ <i>Is this budgeted?</i> ☐ Yes ☐ No <i>Please Explain:</i>	

NOTICE OF HEARING ON PROPOSED ASSESSMENT

TO WHOM IT MAY CONCERN:

Notice is hereby given that the City Council of Brainerd, Minnesota will meet virtually via Webex teleconference, conference dial in phone number 1-844-992-4726: meeting access code 146 367 0860 at 7:30 p.m. on October 19, 2020, to pass upon the proposed assessment for the following improvements:

IMPROVEMENT 19-10

Street Resurfacing – NE Brainerd Resurfacing Project – Grading, Aggregate Base, Bituminous, Watermain, Concrete Curb and Gutter, Sidewalk and ADA Improvements

11th Avenue NE – H Street to J Street

J Street – Mill Avenue to 13th Avenue NE

L Street – Mill Avenue to 8th Avenue NE

O Street – 9th Avenue NE to 12th Avenue NE

10th Avenue NE – N Street to O Street and P Street to Q Street

P Street – Mill Avenue to 10th Avenue NE

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

The total cost for the improvements is estimated \$1,228,021 of which \$255,594 is proposed to be assessed.

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

The amount to be specifically assessed against your particular lot, piece or parcel of land is shown on the attached enclosure. You may at any time prior to certification of the assessment to the County Auditor pay the entire assessment on such property with interest accrued to the date of payment to the City Administrator. No interest shall be charged if the entire assessment is paid within 30 days from the adoption of this assessment. You may at any time thereafter pay to the County Auditor the entire amount of the assessment remaining unpaid with interest accrued to December 31 of the year in which the payment is made. Such payment must be made before November 15 or interest will be charged through December 31 of the succeeding year. If you decide not to pre-pay the assessment before the date given above, the rate of interest that will apply is one and six-tenths percent (1.6%) per year. The right to partially prepay the assessment pursuant to Section 315 of the Brainerd City Code is available. Further, pursuant to Ordinance 974 deferred assessments may be granted by the City Council where a financial hardship exists and pursuant to Resolution No. 4988, and any amendments thereto, the City Council may defer a special assessment for needy persons. If you feel that you might qualify for such deferments, please discuss this with the City Administrator at your earliest convenience.

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

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

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

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

Dated this __ day of _____, 2020

Jennifer Bergman
City Administrator

Any individual needing special accommodations please call 828-2307.

Published October 2, 2020

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

**RESOLUTION DECLARING COSTS TO BE ASSESSED,
ORDERING PREPARATION OF PROPOSED ASSESSMENT,
AND ORDERING A PUBLIC HEARING ON PROPOSED ASSESSMENT**

WHEREAS, the costs have been determined for Improvement 19-10 involving improvement of the following described street in the City of Brainerd:

IMPROVEMENT 19-10

Street Resurfacing – NE Brainerd Resurfacing Project – Grading, Aggregate Base, Bituminous, Watermain, Concrete Curb and Gutter, Sidewalk and ADA Improvements

11th Avenue NE – H Street to J Street
J Street – Mill Avenue to 13th Avenue NE
L Street – Mill Avenue to 8th Avenue NE
O Street – 9th Avenue NE to 12th Avenue NE
10th Avenue NE – N Street to O Street and P Street to Q Street
P Street – Mill Avenue to 10th Avenue NE

WHEREAS, the estimated total construction costs for said improvements is \$1,228,021.

WHEREAS, the City Council has ordered preparation of the proposed assessment, and

WHEREAS, the City Council hereby sets the Public Hearing for Monday, October 19, 2020 at 7:30 p.m.,

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

1. The portion of the cost of such improvement to be paid by the City is hereby declared to be \$972,427 and the portion of the cost to be assessed against benefited property owners is declared to be \$255,594.

2. Assessments shall be payable in annual installments extending over a period of ten years, the first of the installments to be paid on or before the first Monday in January, 2021, and shall bear interest at the rate of one and six-tenths percent (1.6%) per annum from the date of the adoption of the assessment resolution.

3. The owner of any property so assessed may, at any time prior to certification of the assessment to the County Auditor, pay the whole of the assessment on such property with interest accrued to the date of payment to the City Administrator, except that no interest shall be charged if the entire assessment is paid within 30 days from the adoption of the assessment. The owner of any property so assessed may at any time thereafter pay to the Crow Wing County Auditor the entire amount of the assessment remaining unpaid with interest accrued to December 31 of the year in which such payment is made. Such payment must be made before November 15 or interest will be charged through December 31 of the succeeding year.

4. Pursuant to Ordinance No. 974 deferred assessments may be granted by the City Council where a financial hardship exists and pursuant to Resolution No. 4988 and any amendments thereto, the City Council may defer a special assessment for needy persons.

5. Pursuant to proper notice duly given as required by law, the hearing will be held on the 19th day of October, 2020, virtually by Webex, conference dial in phone number 1-844-992-

4726: meeting access code 146 367 0860 at 7:30 p.m. concerning such proposed assessments and at such time and place all persons owning property affected by such improvements were given an opportunity to be heard with reference to such assessments.

Adopted this ____ day of _____, 2020

GABE JOHNSON
President of the Council

Approved this ____ day of _____, 2020

DAVE BADEAUX
Mayor

ATTEST: _____
JENNIFER BERGMAN
City Administrator



Brainerd City Council Agenda Request

Requested Meeting Date: September 21, 2020

Title of Item: Res - Decl. Assess. and Calling PH-Imp 13-21,19-09,19-16 - NE Recon.

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☒ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☒ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: City Engineer Sandy	Department: Engineering
Presenter (Name & Title): City Engineer Sandy	Estimated Time Needed: 5 Minutes
Summary of Issue: Pursuant Minnesota Statute 429 and to continue with assessment proceedings, the City Council must declare costs to be assessed, order the preparation of the proposed assessment, and call a public hearing on the proposed assessment.	
Alternatives, Options, Effects on Others/Comments: Improvements 13-21, 19-09, 19-16 were for the reconstruction of B Street, 5th Avenue NE, and the mall streets consisting of B, C, and D Streets in NE Brainerd in the 2020 construction season. There were also two sidewalk projects tied to this project (Imps 19-20 and 19-21) that are not assessed for. Total project costs with engineering and construction included is estimated to be \$1,877,358 with a total assessed amount of \$347,631. This assessment is per the City assessment policy and will be on a front footage basis, with a calculated rate per project.	
Recommended Action/Motion: Staff recommends adopting the attached resolution in which declares the cost to be assessed, orders the preparation of the proposed assessment, and sets a public hearing on the proposed assessment virtually for October 19, 2020 at 7:30 PM. Call in number is included on the notice and will be mailed to each affected property owner with their notice of assessment.	
Financial Impact: <i>Is there a cost associated with this request:</i> ☐ Yes ☒ No <i>What is the total cost, with tax and shipping</i> \$ _____ <i>Is this budgeted?</i> ☐ Yes ☐ No <i>Please Explain:</i>	

NOTICE OF HEARING ON PROPOSED ASSESSMENT

TO WHOM IT MAY CONCERN:

Notice is hereby given that the City Council of Brainerd, Minnesota will meet virtually via Webex teleconference, conference dial in phone number 1-844-992-4726: meeting access code 146 367 0860 at 7:30 p.m. on October 19, 2020, to pass upon the proposed assessment for the following improvements:

IMPROVEMENT 13-21

Street Reconstruction

B Street from Gillis Avenue to 5th Avenue NE

IMPROVEMENT 19-09

Street Reconstruction

5th Avenue NE from Washington Street (TH 210) to D Street

IMPROVEMENT 19-16

Street Reconstruction

B Street from 5th Avenue NE to Dead End at East Brainerd Mall property

C Street from 5th Avenue NE to Dead End at East Brainerd Mall property

D Street from 5th Avenue NE to Dead End at East Brainerd Mall property

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

The total cost for the improvements is estimated \$1,877,358 of which \$347,631 is proposed to be assessed.

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

The amount to be specifically assessed against your particular lot, piece or parcel of land is shown on the attached enclosure. You may at any time prior to certification of the assessment to the County Auditor pay the entire assessment on such property with interest accrued to the date of payment to the City Administrator. No interest shall be charged if the entire assessment is paid within 30 days from the adoption of this assessment. You may at any time thereafter pay to the County Auditor the entire amount of the assessment remaining unpaid with interest accrued to December 31 of the year in which the payment is made. Such payment must be made before November 15 or interest will be charged through December 31 of the succeeding year. If you decide not to pre-pay the assessment before the date given above, the rate of interest that will apply is one and six-tenths percent (1.6%) per year. The right to partially prepay the assessment pursuant to Section 315 of the Brainerd City Code is available. Further, pursuant to Ordinance 974 deferred assessments may be granted by the City Council where a financial hardship exists and pursuant to Resolution No. 4988, and any amendments thereto, the City Council may defer a special assessment for needy persons. If you feel that you might qualify for such deferments, please discuss this with the City Administrator at your earliest convenience.

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

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

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

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

Dated this ___ day of _____, 2020

Jennifer Bergman
City Administrator

Any individual needing special accommodations please call 828-2307.

Published October 2, 2020

RESOLUTION
NO. _____

**RESOLUTION DECLARING COSTS TO BE ASSESSED,
ORDERING PREPARATION OF PROPOSED ASSESSMENT,
AND ORDERING A PUBLIC HEARING ON PROPOSED ASSESSMENT**

WHEREAS, the costs have been determined for Improvements 13-21, 19-09, and 19-16 involving improvement of the following described street in the City of Brainerd:

IMPROVEMENT 13-21

Street Reconstruction

B Street from Gillis Avenue to 5th Avenue NE

IMPROVEMENT 19-09

Street Reconstruction

5th Avenue NE from Washington Street (TH 210) to D Street

IMPROVEMENT 19-16

Street Reconstruction

B Street from 5th Avenue NE to Dead End at East Brainerd Mall property

C Street from 5th Avenue NE to Dead End at East Brainerd Mall property

D Street from 5th Avenue NE to Dead End at East Brainerd Mall property

WHEREAS, the estimated total construction costs for said improvements is \$1,877,358.

WHEREAS, the City Council has ordered preparation of the proposed assessment, and

WHEREAS, the City Council hereby sets the Public Hearing for Monday, October 19, 2020 at 7:30 p.m.,

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

1. The portion of the cost of such improvement to be paid by the City is hereby declared to be \$1,529,727 and the portion of the cost to be assessed against benefited property owners is declared to \$347,631.

2. Assessments shall be payable in annual installments extending over a period of ten years, the first of the installments to be paid on or before the first Monday in January, 2021, and shall bear interest at the rate of one and six-tenths percent (1.6%) per annum from the date of the adoption of the assessment resolution.

3. The owner of any property so assessed may, at any time prior to certification of the assessment to the County Auditor, pay the whole of the assessment on such property with interest accrued to the date of payment to the City Administrator, except that no interest shall be charged if the entire assessment is paid within 30 days from the adoption of the assessment. The owner of any property so assessed may at any time thereafter pay to the Crow Wing County Auditor the entire amount of the assessment remaining unpaid with interest accrued to December 31 of the year in which such payment is made. Such payment must be made before November 15 or interest will be charged through December 31 of the succeeding year.

4. Pursuant to Ordinance No. 974 deferred assessments may be granted by the City Council where a financial hardship exists and pursuant to Resolution No. 4988 and any amendments thereto, the City Council may defer a special assessment for needy persons.

5. Pursuant to proper notice duly given as required by law, the hearing will be held on the 19th day of October, 2020, virtually by Webex, conference dial in phone number 1-844-992-4726: meeting access code 146 367 0860 at 7:30 p.m. concerning such proposed assessments and at such time and place all persons owning property affected by such improvements were given an opportunity to be heard with reference to such assessments.

Adopted this ____ day of _____, 2020

GABE JOHNSON
President of the Council

Approved this ____ day of _____, 2020

DAVE BADEAUX
Mayor

ATTEST: _____
JENNIFER BERGMAN
City Administrator



Brainerd City Council Agenda Request

Requested Meeting Date: September 21, 2020

Title of Item: Res - Decl. Assess. and Calling PH-Imp 16-09 and 19-07-BHL and Mississippi. Dr.

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☒ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☒ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: City Engineer Sandy	Department: Engineering
Presenter (Name & Title): City Engineer Sandy	Estimated Time Needed: 5 Minutes
Summary of Issue: Pursuant Minnesota Statute 429 and to continue with assessment proceedings, the City Council must declare costs to be assessed, order the preparation of the proposed assessment, and call a public hearing on the proposed assessment.	
Alternatives, Options, Effects on Others/Comments: Improvement 16-09 and 19-07 is for the reconstruction of Buffalo Hills Lane and Mississippi Drive in South Brainerd. Most of this work was completed in 2019 with clean-up work and grass establishment in 2020. Total project costs with construction and engineering is estimated to be \$1,854,910 with a total estimated assessed amount of \$381,817. You will recall that this is a per lot assessment, with per lot assessments and deductions/additions based on location of the property in relation to the project.	
Recommended Action/Motion: Staff recommends adopting the attached resolution in which declares the cost to be assessed, orders the preparation of the proposed assessment, and sets a public hearing on the proposed assessment virtually for October 19, 2020 at 7:30 PM. Call in number is included on the notice and will be mailed to each affected property owner with their notice of assessment.	
Financial Impact: Is there a cost associated with this request: ☐ Yes ☒ No What is the total cost, with tax and shipping \$ _____ Is this budgeted? ☐ Yes ☐ No <u>Please Explain:</u>	

NOTICE OF HEARING ON PROPOSED ASSESSMENT

TO WHOM IT MAY CONCERN:

Notice is hereby given that the City Council of Brainerd, Minnesota will meet virtually via Webex teleconference, conference dial in phone number 1-844-992-4726: meeting access code 146 367 0860 at 7:30 p.m. on October 19, 2020, to pass upon the proposed assessment for the following improvements:

IMPROVEMENT 16-09

Street Reconstruction – Grading, Aggregate Base, Storm Sewer, Concrete Curb and Gutter, Bituminous Trail and ADA Improvements

Buffalo Hills Lane from Greenwood Street to Mississippi Drive

IMPROVEMENT 19-07

Street Reconstruction – Grading, Aggregate Base, Storm Sewer, Concrete Curb and Gutter, Bituminous Trail and ADA Improvements

Mississippi Drive from Buffalo Hills Lane to Dead End

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

The total cost for the improvements is estimated \$1,854,910 of which \$381,817 is proposed to be assessed.

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

The amount to be specifically assessed against your particular lot, piece or parcel of land is shown on the attached enclosure. You may at any time prior to certification of the assessment to the County Auditor pay the entire assessment on such property with interest accrued to the date of payment to the City Administrator. No interest shall be charged if the entire assessment is paid within 30 days from the adoption of this assessment. You may at any time thereafter pay to the County Auditor the entire amount of the assessment remaining unpaid with interest accrued to December 31 of the year in which the payment is made. Such payment must be made before November 15 or interest will be charged through December 31 of the succeeding year. If you decide not to pre-pay the assessment before the date given above, the rate of interest that will apply is one and six-tenths percent (1.6%) per year. The right to partially prepay the assessment pursuant to Section 315 of the Brainerd City Code is available. Further, pursuant to Ordinance 974 deferred assessments may be granted by the City Council where a financial hardship exists and pursuant to Resolution No. 4988, and any amendments thereto, the City Council may defer a special assessment for needy persons. If you feel that you might qualify for such deferments, please discuss this with the City Administrator at your earliest convenience.

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

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

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

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

Dated this ___ day of _____, 2020

Jennifer Bergman
City Administrator

Any individual needing special accommodations please call 828-2307.

Published October 2, 2020

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

**RESOLUTION DECLARING COSTS TO BE ASSESSED,
ORDERING PREPARATION OF PROPOSED ASSESSMENT,
AND ORDERING A PUBLIC HEARING ON PROPOSED ASSESSMENT**

WHEREAS, the costs have been determined for Improvements 16-09 and 19-07 involving improvement of the following described street in the City of Brainerd:

IMPROVEMENT 16-09

Street Reconstruction – Grading, Aggregate Base, Storm Sewer, Concrete Curb and Gutter, Bituminous Trail and ADA Improvements

Buffalo Hills Lane from Greenwood Street to Mississippi Drive

IMPROVEMENT 19-07

Street Reconstruction – Grading, Aggregate Base, Storm Sewer, Concrete Curb and Gutter, Bituminous Trail and ADA Improvements

Mississippi Drive from Buffalo Hills Lane to Dead End

WHEREAS, the estimated total construction costs for said improvements is \$1,854,910.

WHEREAS, the City Council has ordered preparation of the proposed assessment, and

WHEREAS, the City Council hereby sets the Public Hearing for Monday, October 19, 2020 at 7:30 p.m.,

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

1. The portion of the cost of such improvement to be paid by the City is hereby declared to be \$1,473,093 and the portion of the cost to be assessed against benefited property owners is declared to be \$381,817.

2. Assessments shall be payable in annual installments extending over a period of ten years, the first of the installments to be paid on or before the first Monday in January, 2021, and shall bear interest at the rate of one and six-tenths percent (1.6%) per annum from the date of the adoption of the assessment resolution.

3. The owner of any property so assessed may, at any time prior to certification of the assessment to the County Auditor, pay the whole of the assessment on such property with interest accrued to the date of payment to the City Administrator, except that no interest shall be charged if the entire assessment is paid within 30 days from the adoption of the assessment. The owner of any property so assessed may at any time thereafter pay to the Crow Wing County Auditor the entire amount of the assessment remaining unpaid with interest accrued to December 31 of the year in which such payment is made. Such payment must be made before November 15 or interest will be charged through December 31 of the succeeding year.

4. Pursuant to Ordinance No. 974 deferred assessments may be granted by the City Council where a financial hardship exists and pursuant to Resolution No. 4988 and any amendments thereto, the City Council may defer a special assessment for needy persons.

5. Pursuant to proper notice duly given as required by law, the hearing will be held on the 19th day of October, 2020, virtually by Webex, conference dial in phone number 1-844-992-4726: meeting access code 146 367 0860 at 7:30 p.m. concerning such proposed assessments and at such time and place all persons owning property affected by such improvements were given an opportunity to be heard with reference to such assessments.

Adopted this ____ day of _____, 2020

GABE JOHNSON
President of the Council

Approved this ____ day of _____, 2020

DAVE BADEAUX
Mayor

ATTEST: _____
JENNIFER BERGMAN
City Administrator



Brainerd City Council Agenda Request

Requested Meeting Date: September 21, 2020

Title of Item: First Reading - Proposed Ordinance No. 1511 - Amending Section 515-62 of the Zoning Code

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☒ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☒ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Community Development Director	Department: Community Development
Presenter (Name & Title): David Chanski, CDD	Estimated Time Needed: 5 minutes
Summary of Issue: Steven Zelinske of 15965 County Road 25, Brainerd, MN 56401, and owner of Yesterday's Gone Bar and Grill has submitted a request for a text amendment to Section 515-62 of the Code of Ordinances to allow greenhouses as a use in the B-3 (Central Business) District. This request was first considered by the Planning Commission during their regular meeting on August 19, 2020 at which time the Commission directed staff to research and draft a proposed amendment to Section 515-62 to allow for commercial greenhouses supporting another business as an interim use.	
Alternatives, Options, Effects on Others/Comments: During their regular meeting on September 16, 2020, the Planning Commission conducted a public hearing and considered the proposed ordinance language drafted by staff. Upon consideration and completion of the public hearing (during which no testimonies were given), the Planning Commission voted unanimously to recommend approval of Proposed Ordinance No. 1511 to the City Council.	
Recommended Action/Motion: Motion to hold/dispense with the first reading of Proposed Ordinance No. 1511, an ordinance amending Section 515-62 of the City Code.	
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. 1511**

**AN ORDINANCE AMENDING BRAINERD ZONING ORDINANCE
SECTION 515-62: B-3, CENTRAL BUSINESS DISTRICT**

THE CITY COUNCIL OF THE CITY OF BRAINERD DOES ORDAIN:

SECTION ONE: That Section 515-62-5. –Shall be amended by adding the following:

A. Commercial greenhouses supporting the operations of a restaurant or floral shop provided that:

- 1. Structure framing shall be treated wood, aluminum, or steel and shall be covered by materials as regulated by Section 17 of this ordinance.**
- 2. Structure shall not exceed fifteen (15) feet in height.**
- 3. Structure may be located on a separate lot from the restaurant or floral shop it supports provided that:**
 - a. The lot is within one-hundred fifty (150) feet of the business.**
 - b. The structure shall meet the non-residential setback requirements of the B-2 District as regulated by Section 61 of this ordinance.**
- 4. No outdoor storage.**
- 5. Indoor storage shall be limited material incidental to the operation of a greenhouse.**
- 6. Should the restaurant or floral shop it supports cease operations, the greenhouse must be removed within 60 days.**
- 7. Sales shall only occur at the principal place of business that is supported by the greenhouse.**

SECTION TWO: All other provisions of Sections 515-62 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 – _____