

CITY COUNCIL AGENDA

Brainerd, Minnesota

October 19, 2020

7:30 P.M.

This meeting will be completely virtual - no in-person meeting

WebEx Teleconference Meeting - Call In Information

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

Access Code: 146 367 0860

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 October 5, 2020

Documents:

[20201005_CC draft.pdf](#)

B. **Approval Of Licenses**

Contractor Licenses - 9

Documents:

[Contractor Licenses.pdf](#)

C. **Department Activity Reports**

1. Police Chief
2. Finance Director

Documents:

[Police Chief Report.pdf](#)

- D. Minnesota Lawful Gambling Application To Conduct Excluded Bingo - Submitted By Lakes Area Bowling Association, 1301 11th Ave NE, Brainerd. Bingo Events To Be Held At Jack's House, 300 Hwy 25 S., Brainerd November 17-21, 2020
- E. Updated Preparedness Plan To Include Symptoms Decision Tree - Approval Of

Documents:

COVID-19.pdf

6. Proposed Assessment Public Hearings

- A. Public Hearing And Resolution - Proposed Assessments - Downtown Special Services District And 2020 Nuisance Abatement

Documents:

PH and RES - DTSS DTSR Nuisance.pdf

- B. Public Hearing And Resolution - Proposed Assessments - Improvement 14-05 - Old Stonebridge Trail Final Lift

Documents:

PH and RES - IMP 14-05.pdf

- C. Public Hearing And Resolution - Proposed Assessments - Improvement 19-10 - NE Brainerd Resurfacing Project

Documents:

PH and RES - IMP 19-10.pdf

- D. Public Hearing And Resolution - Proposed Assessments - Improvements 13-21, 19-09, And 19-16 - NE Brainerd Reconstruction Project

Documents:

PH and RES - IMP 13-21 19-09 19-10.pdf

- E. Public Hearing And Resolution - Proposed Assessments - Improvements 16-09 And 19-07 - Buffalo Hills Lane And Mississippi Drive Reconstruction Project

Documents:

PH and RES - IMP 16-09 19-07.pdf

7. Presentations

A. BLAEDC Presentation - Tyler Glynn

8. Council Committee Reports

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

WebEx Teleconference Information

- Call Toll-Free: 844-992-4726
- Access Code: 146 247 2722

Documents:

20201019_PF.pdf

1. Approval Of Bills
2. Community Service Officer (CSO) Resignation And Request To Hire

Documents:

CSO Resign.pdf

3. Updated Drug And Alcohol Policy For Commercial Drivers (DOT Policy)

Documents:

DOT Policy.pdf

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

WebEx Teleconference Information

- Call Toll-Free: 844-992-4726
- Access Code: 146 160 3734

Documents:

20201019_SPW.pdf

1. Street Light Request - 2014 Crestview Lane

Documents:

Street Light Req.pdf

2. DNR Forestry Tree Grant Approval

Documents:

DNR Forestry Tree Grant.pdf

9. Unfinished Business

A. CARES Funding Discussion

Documents:

CARES Act Funds.pdf

B. 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)

Brainerd Housing & Redevelopment Authority (HRA) - 1 term (Expire 2020)

Other - Applicants Needed

Water Tower Committee

Parking Commission

10. New Business

A. New On-Sale Beer, Wine And Sunday Licenses - Submitted By Jason Goldie, Owner Of Big Jay's Pizza Arcade, 217 S. 7th St. #15, Brainerd - Contingent Upon Background Investigation And Fire Inspection

Documents:

New On-Sale Beer Wine Sunday.pdf

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

Documents:

PH SCDP Grant.pdf

C. First Reading - Proposed Ordinance 1512 - Ordinance Amending Section 600 Of The Brainerd City Code Pertaining To Public Health And Garbage Disposal

Documents:

First Reading ORD 1512.pdf

D. Consider Interim Public Works Department

Documents:

Interim PW Dept.pdf

11. **Public Forum**

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

12. **Staff Reports**

(Verbal: Any Updates since Packet)

13. **Mayor's Report**

14. **Council Member Reports**

15. **Adjourn**

Personnel & Finance Committee will meet at 7:00 PM

Via WebEx Teleconference

WebEx Teleconference Call In Info:

Call Toll-Free: 844-992-4726

Access Code: 146 247 2722

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

Via WebEx Teleconference

WebEx Teleconference Call In Info:

Call Toll-Free: 844-992-4726

Access Code: 146 160 3734

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

MISSION

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

**Brainerd, MN
October 5, 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.

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

MOVED AND SECONDED BY ALDERMEN BEVANS AND STUNEK, DULY CARRIED, TO AMEND THE AGENDA BY REMOVING ITEMS 9A: MODIFICATION AND TRANSFER OF DEVELOPMENT DISTRICT NO. 2 AND 9B: APPROVAL OF BUSINESS SUBSIDY FOR ANDERSON BROTHERS AND ADDING A PARKING COMMISSION APPLICANT, RYLIE WEBER.

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

A. Approval of the Minutes of the Regular Meeting held on September 21, 2020 - Approved

B. Approval of Licenses - Approved

Contractor Licenses - 1

C. Department Activity Reports - Approved

1. Fire Chief
2. Park Director

D. MN Fire Department Turnout Gear Washer/Dryer Award Program - Approved

E. Temporary Beer License Revised Date from August 22, 2020 (Canceled due to COVID) – Submitted by the Brainerd Aeries Eagles #287, 124 Front St., Brainerd for an Event to be Held October 24, 2020 at Memorial Park, 1700 Mill Ave., Brainerd - Approved

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

Water Tower Committee

The Chair recognized Dave Badeaux, Paul Skogen, Mary Koep and Jody Converse, who serve on the water tower committee. Mr. Badeaux gave a detailed history and background of the historic water tower, which dates back to 1920. He and Mr. Skogen reviewed the issues with the roof, the repairs needed and stated the engineering designs should be available in the spring 2021. They explained the fundraising efforts that have taken place resulting in \$29,000 being

raised so far. The Council was informed that the \$300,000 that was designated to tear down the water tower may not be enough to remove the tower. The Committee requests the Council grant them an extension past the October 24, 2020 deadline, due to difficulties in holding events this year due to COVID. The Committee is hoping to receive grant dollars to obtain an accurate estimate of fixing the water tower. The Council thanks the Committee for all their efforts.

MOVED AND SECONDED BY ALDERMEN BEVANS AND PRITSCHET, DULY CARRIED, TO EXTEND THE DEADLINE TO JUNE 1, 2021 FOR THE WATER TOWER COMMITTEE TO CONTINUE THE FUNDRAISING EFFORTS.

Council Member Lambert stated if any additional deterioration or safety hazards occur prior to June 2021, they are to be brought to Council to be addressed.

Council Committee Reports

Personnel and Finance Committee Report

Approval of Bills & Payments to Contractors - Approved

<u>Contractor</u>	<u>IMP#</u>	<u>Project</u>	<u>Amount Paid</u>	<u>Contract Amount</u>
Kraemer Excavating	16-09 and 19-07	Buffalo Hills & Mississippi Dr	\$1,722,099	\$1,654,486

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND STUNEK TO APPROVE THE PAYMENT OF BILLS AND PAYMENTS TO CONTRACTORS 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.

Shared Maintenance Services Agreement Amendment - Approved

Committee Chair Pritschet indicated the original agreement was budgeted at 2,080 hours but has been reduced to 1,500 based on previous usage.

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND T. ERICKSON, DULY CARRIED, TO AUTHORIZE SIGNATURES ON THE AGREEMENT AMENDMENT FOR THE 2021 SHARED MAINTENANCE SERVICES AGREEMENT.

2021 Toward Zero Deaths (TZD) Enforcement Grant Resolution – Adopted by Resolution No. 44:20

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND STUNEK TO APPROVE A RESOLUTION AUTHORIZING THE POLICE DEPARTMENT TO ENTER INTO A COOPERATIVE AGREEMENT WITH THE STATE OF MINNESOTA OFFICE OF TRAFFIC SAFETY FOR THE FY 2021 TOWARD ZERO DEATHS (TZD) TRAFFIC SAFETY ENFORCEMENT GRANT.

RESOLUTION NO. 44:20

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.

2021 Health Insurance Provider, Plans, & Broker – Recommendation from Employee Insurance Committee - Approved

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND T. ERICKSON, DULY CARRIED, TO ACCEPT THE 2021 RENEWAL QUOTE FROM SOURCEWELL (HEALTHPARTNERS) WITH A 3% DECREASE IN PREMIUM AND A 2ND YEAR RATE CAP OF 15% (OR 12% IF ONLY SMART PLANS ARE OFFERED.)

Council Member T. Erickson participated on the Employee Insurance Committee and gave a brief review of the decision-making process.

HR Director Schubert explained the benefits of staying with our current provider, Sourcewell (HealthPartners) for 2021 and many of the additional services included with the plan.

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND T. ERICKSON, DULY CARRIED, TO ELIMINATE THE \$1,000 DEDUCTIBLE HEALTH PLAN AND OFFER THREE SOURCEWELL SMART PLANS FOR 2021 WHICH ARE SMART PLAN #1 (\$1,400 DEDUCTIBLE), SMART PLAN #3 (\$2,800 DEDUCTIBLE), AND SMART PLAN #7 (\$7,000 DEDUCTIBLE). THIS ENSURES THE MAXIMUM 2022 RATE CAP OF 12%.

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND T. ERICKSON, DULY CARRIED, TO RETAIN NORTH RISK PARTNERS AS THE HEALTH INSURANCE BROKER FOR 2021 AT THE FINAL COST OF \$19,000 AFTER UTILITIZING THE 2020 RFP PROCESS COST OFFSET.

HR Director Schubert indicated we previously utilized Strong Insurance as a health insurance broker, but under a very limited scale of services. She stated during the RFP process, it was beneficial to have a fully engaged broker to oversee and negotiate on our behalf.

Safety & Public Works Committee Report

Event/Street Closure Application – St. Francis School Marathon - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND W. ERICKSON, DULY CARRIED, TO ACCEPT STAFF'S RECOMMENDATION AND APPROVE THE EVENT APPLICATION FOR THE ST. FRANCIS SCHOOL MARATHON ON OCTOBER 14, 2020 UNDER THE CONDITIONS THE APPLICANT REQUEST TRAFFIC CONTROL ONE WEEK PRIOR TO THE EVENT AND THAT ALL SIGNS AND BANNERS ARE REMOVED AFTER THE EVENT.

Improvement 20-02 – 2020 Crack Seal Project Final Pay Application - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT, DULY CARRIED, TO APPROVE THE FINAL PAYMENT TO LOT PROS INC FOR IMPROVEMENT 20-02 – 2020 CRACK SEAL PROJECT IN THE FINAL CONTRACT AMOUNT OF \$12,644.

Improvements 16-09 and 19-07 – Buffalo Hills Lane and Mississippi Drive Reconstruction Project Final Pay Application - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND W. ERICKSON, DULY CARRIED, TO APPROVE THE PAYMENT OF THE FINAL CONTRACT AMOUNT TO KRAEMER EXCAVATING FOR IMPROVEMENT 16-09 AND 19-07 IN THE AMOUNT OF \$1,722,099 SUBJECT TO APPROVAL OF PAYMENTS TO CONTRACTORS ON THE PERSONNEL AND FINANCE AGENDA.

Laurel Street Bridge Expansion Joint Gland Replacement - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT, DULY CARRIED, TO APPROVE THE QUOTE FROM PCI ROADS FOR THE EAST AND WEST END EXPANSION JOINT GLAND REPLACEMENT IN THE TOTAL COST OF \$18,460.

Street Light Request – 2014 Crestview Lane – Direction Given

MOVED AND SECONDED BY ALDERMEN BEVANS AND W. ERICKSON, DULY CARRIED, TO DIRECT STAFF TO REACH OUT TO THE PETITIONER TO GAUGE THE OTHER RESIDENTS' INTEREST TO THE STREET LIGHT BEING TURNED BACK ON AND RETURN TO THE COUNCIL.

Transit Telecommunications Site Use and Annual Lease Agreement - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT, DULY CARRIED, TO ACCEPT STAFF AND TAC MEMBER'S RECOMMENDATION AND APPROVE THE ATTACHED TELECOMMUNICATIONS SITE USE AND ANNUAL LEASE AGREEMENT WITH KEVEL CORPORATION AND AUTHORIZE PROPER SIGNATURES ON THE LEASE AGREEMENT UPON APPROVAL AND REVIEW BY THE CITY ATTORNEY.

Unfinished Business

Committee Recommendations – Recommended by Mayor Badeaux - Approved

MOVED AND SECONDED BY ALDERMEN PRITSCHET AND STUNEK, DULY CARRIED, TO APPOINT MR. KEVIN YEAGER AND MS. RYLIE WEBER TO THE PARKING COMMISSION.

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)

Brainerd Housing & Redevelopment Authority (HRA) – 1 term (Expire 2020)

Other

Water Tower Fundraising Committee

Parking Commission

New Business

Modification and Transfer of Development District No. 2 to the EDA - Postponed

Approval of Subsidy for Anderson Brothers Construction - Postponed

Planning Commission

Final Reading – Proposed Ordinance No. 1511 – Amending Section 515-62 of the City Code - Approved

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT, DULY CARRIED, TO HOLD AND DISPENSE WITH THE FINAL READING OF ORDINANCE NO. 1511 – AN ORDINANCE AMENDING SECTION 515-62 OF THE CITY CODE TO ALLOW COMMERCIAL GREENHOUSES AS AN INTERIM USE IN B-3 DISTRICTS.

MOVED AND SECONDED BY ALDERMEN BEVANS AND LAMBERT TO ADOPT ORDINANCE NO. 1511 – AN ORDINANCE AMENDING SECTION 515-62 OF THE CITY CODE TO ALLOW COMMERCIAL GREENHOUSES AS AN INTERIM USE IN B-3 DISTRICTS.

ORDINANCE NO. 1511

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 8:25 p.m.

No one came forward.

The Chair closed the public forum at 8:26 p.m.

Staff Reports

City Administrator Bergman explained the Charter Commission met last week with the newly appointed members. She said the first task is to update the Charter, and City Attorney Langel will be sending a red-lined version of the Charter showing recommended changes and updates to be discussed. She stated she had the opportunity to take a wastewater tour and recommends this to anyone as it was very informative. She indicated that the Crow Wing County Board will be meeting October 13th to discuss the CARES Act Funding. Several downtown business owners are discussing taking over the downtown Farmers Market for the 2021 season.

City Administrator Bergman requested that the October 19th City Council meeting is held 100% virtually via WebEx rather than in-person, due to the amount of public hearings scheduled for assessments.

City Engineer Sandy indicated the solid waste committee met recently and will be bringing recommendations from the committee and garbage haulers to the October 19th Council meeting.

Finance Director Hillman gave an update to the CARES funding expenditures to date. She announced the election law has changed for 2020 and absentee ballots that are

postmarked November 3rd or before will be counted when they arrive at the courthouse and added to the votes for totals up to seven (7) days. The results will not be final until the close of business day, November 10th, at which time the County will forward the information on to us. She stated the City will need to hold a special council meeting on November 12th or 13th to canvass the election results.

Mayor's Report

Mayor Badeaux stated the water tower fundraiser was a great success and the Committee is currently planning the next event for December 10th, 2020. He stated they are also in the process of forming the committee as a 501(C)3.

Council Member Reports

Council Member T. Erickson gave a brief update of the Northland Arboretum board meeting and the Haunted Trail event.

Council Member Lambert stated the rental maintenance committee meetings will resume this Wednesday, October 7th.

Council Member Bevans stated he participated in the water tower fundraiser at the Legion and enjoyed some great BBQ. He also attended the Visit Brainerd open house event last week and complimented Sage on Laurel for the excellent hors d'oeuvres that they served.

Council Member Johnson was also in attendance at the Visit Brainerd open house.

Council Member Pritschet gave the advice that it costs nothing to be kind.

Adjourn

The Council adjourned at 8:35 p.m.

Jennifer Bergman
City Administrator

Contractor List

10/14/2020

Contractor Name	Address	Local License #	Licensee Type
AMERICAN MECHANICAL CO INC PAUL SCHUMACHER	7120 71ST AVE (612) 750 0278	2020-0010	Plumbing Contractor
AQUARIUS HOME SERVICES JEFF DOUGHERTY	3180 COUNTY DRIVE (651) 777 0448	2020-0008	Plumbing Contractor
BROGARD PLUMBING, HEATING, & EXCAVATING INC. ROBERT JOHNSON	306 INDUSTRIAL DR (218) 583 2041	2020-0009	Plumbing Contractor
CARLSON & STEWART REFRIGERATION TIM HULS	189 IND. BLVD. (320) 253 5058	2020-0013	Mechanical
KTK CONSTRUCTION INC JEFF JOHNSON	1650 99TH LN NE (763) 843 8624	2020-0008	General Commerical
KUE CONTRACTORS, INC. Joseph Kuechle	130 S CENTRAL AVENUE PO BOX 408 (320) 764-2525	2020-0004	Residential Building
MICHELS POWER, INC EMILY WHYMS	817 MAIN ST (920) 583 3132	2020-0001	Utilities Construction
MICHELS UTILITY SERVICES, INC EMILY WHYMS	817 MAIN ST (920) 583 3132	2020-0010	Excavator
SIGNMINDS INC SHELLY REES	1400 QUINCY ST NE (612) 767 6340	2020-0002	Sign Erector

Totals: 9

Population: All Records

Licensee.DateRegistered Between 9/30/2020 12:00:00 AM AND 10/14/2020 12:00:00 AM

**BRAINERD POLICE DEPARTMENT
MEMORANDUM**

TO: Brainerd City Council
FROM: Police Chief Corky McQuiston
DATE: 10-14-20
RE: Monthly Report



Facility Improvement Update



The finishing touches are being completed on the interview room upgrade part of the Police Department Facility Improvements. Interview Room # 2 was one of the most important parts of the project.

This interview room was designed to utilize evidence-based practices for conducting trauma informed/trauma sensitive interviews of crime victims and witnesses.

The design and layout of this room is intentional from the color of paint, to the images on the walls, comfortable furniture and weighted blankets.

Lieutenant Mike Kulzer researched this project and was able to secure funding from the Project Beloved foundation which paid for the furniture, wall hangings and designed the layout of the room. The following link tells more about them:

<https://www.projectbeloved.org/the-beloved-story>

The project was founded in memory of Molly Jane Matheson who was raped and murdered on April 10th, 2017 in Fort Worth, Texas.





Police Department Interview Room #2—Trauma Informed Interview Setting

Posted inside the room is this commemorative dedicating it to the memory of Molly Jane Matheson and Megan Getrum who were both raped and murdered by the same Texas Man. He awaits trials on these cases in Texas after being charged with the murders and sexual assaults.

Project Beloved

Soft Interview Room #18



Molly Jane Matheson
May 18, 1994 - April 10, 2017

Project Beloved was founded to bring light, Molly Jane's light, to the darkness which followed after her rape and murder.

Project Beloved strives to educate, advocate, and collaborate to change the conversation about sexual assault and empower survivors to find their voices.



Megan Getrum
September 12, 1980 - April 15, 2017

Project Beloved honors the legacy of Megan Getrum and her spirit of adventure as revealed in the photographs on the walls.



September 2, 2020

lookal studio

Tracy Matheson

Tracy Matheson, President/Founder

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
August	1702	351 Hours	627 GB	369 MB	12.4 Minutes	55
September	1897	411 Hours	737 GB	388 MB	13.0 Minutes	63

Conduct on Premises Activity Report for September

ICR	Date Reported	Title	Address	Summary
20011030	09/11/20	Conduct on Premises	1114 Pine Street	Conduct on Premises
20011377	00/17/20	Conduct on Premises	912 Oak Street	Management Plan received Evictions during pandemic limited
20011740	09/24/20	Conduct on Premises	1224 SE 13 th Street	Conduct on Premises
20011880	09/24/20	Conduct on Premises	912 Oak Street	Management Plan received Evictions during pandemic limited

Monthly Police Activity

September	2020	2019
ICRs	1585	1737
Citations (Inc. Parking)	187	299
Part I and Part II Crimes Reported	**	289

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

** Note: Transitioning to NIBRS reporting

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

6	Dismissed
0	Business Validations
20	Paid in Full
1	Partial Payments Received
26	No Payment Received

Revenue Recapture Receipts:

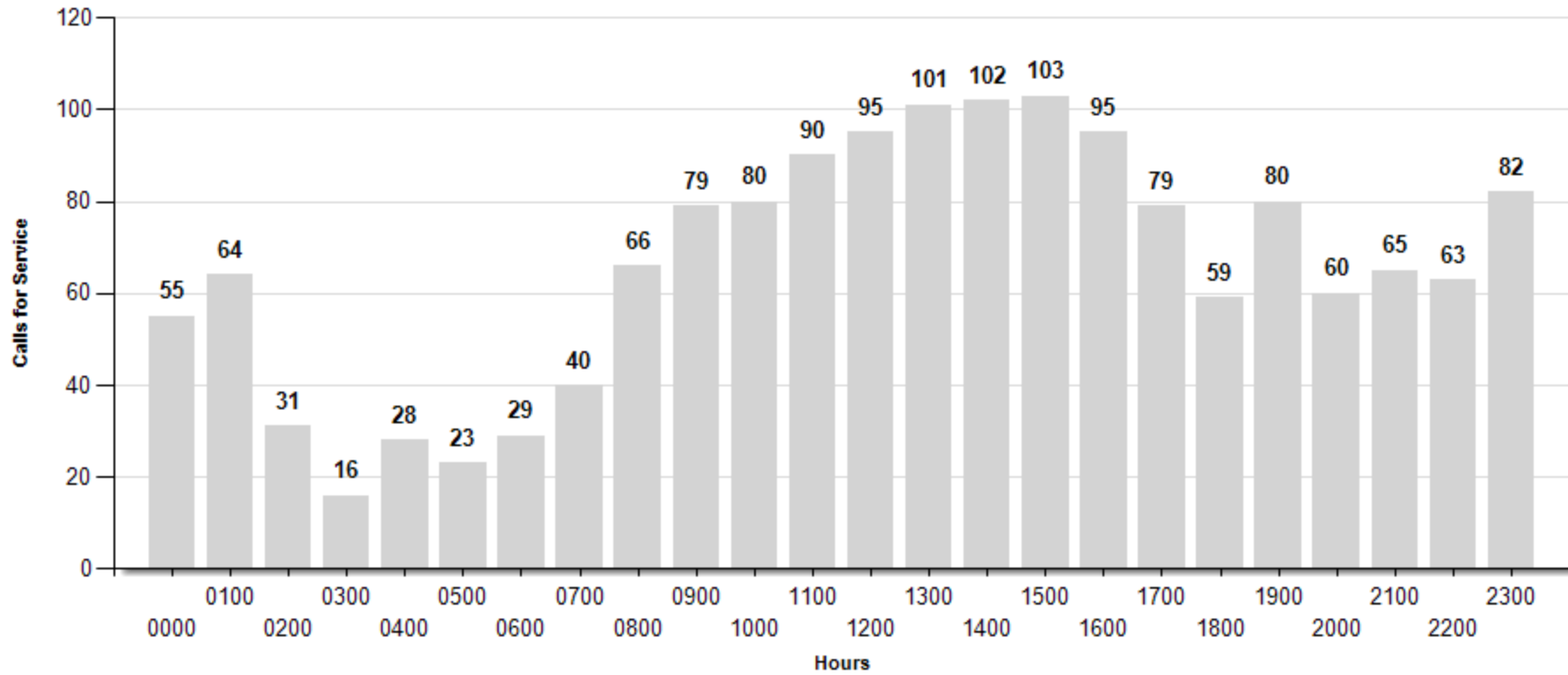
To Date: \$ 55,844.58
In 2020: \$ 8,004.50



Calls for Service Hourly

9/1/2020 to 9/30/2020

Total Calls: 1637





Brainerd City Council Agenda Request

Requested Meeting Date:

Title of Item:

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



COVID-19 Preparedness Plan for the City of Brainerd

The City of Brainerd is committed to providing a safe and healthy workplace for all our staff, citizens, and public visitors. To ensure that, we have developed the following Preparedness Plan in response to the COVID-19 pandemic. Our goal is to mitigate the potential for transmission of COVID-19 in our workplaces and community. This requires full cooperation among staff, supervisors, and Department Heads. Only through this cooperative effort can we establish and maintain the safety and health of our staff and public in our workplaces.

The COVID-19 Preparedness Plan is administered by City Administrator Jennifer Bergman, who maintains the overall authority and responsibility for the plan. However, Department Heads, Supervisors, and staff are equally responsible for implementing and complying with all aspects of this Preparedness Plan. The City of Brainerd managers and supervisors have our full support in enforcing the provisions of this plan.

Our COVID-19 Preparedness Plan follows the industry guidance developed by the state of Minnesota, available at the Stay Safe Minnesota website (<https://staysafe.mn.gov/>), which is based upon Centers for Disease Control and Prevention (CDC) and Minnesota Department of Health (MDH) guidelines for COVID-19, Minnesota Occupational Safety and Health Administration (MNOSHA) statutes, rules and standards, and Minnesota's relevant and current executive orders. It addresses:

- general employment measures;
- ensuring sick and/or exposed workers stay home and prompt identification and isolation of sick or exposed persons;
- worker hygiene and source controls, including face coverings;
- social distancing – workers must be at least six-feet apart;
- workplace cleaning and disinfection protocol;
- workplace building and ventilation protocol; and
- communications and training practices and protocol.

We have reviewed and incorporated the industry guidance applicable to our industry provided by the State of Minnesota for the development of this plan.

Other department specific guidance will be communicated by department supervisors.

General Employment Measures

All staff have been informed of and encouraged to self-monitor for signs and symptoms of COVID-19. The policies and procedures discussed in the following sections are being implemented to assess



COVID-19 Preparedness Plan for the City of Brainerd

workers' health status prior to entering the workplace and for workers to report when they are sick or experiencing symptoms. Sources for certain controls are included in this plan, which are current as of the date of this Plan. Staff should, however, consult any updates to such sources to determine actions they should take.

The City of Brainerd has leave policies that promote employees staying at home when they are sick, when household members are sick, or when required by a health care provider to isolate or quarantine themselves or a member of their household. Normal vacation, comp time and sick leave rules including the emergency leave provisions of the FFCRA will apply if an employee cannot work their scheduled work hours.

Accommodations for employees with underlying medical conditions or who have household members with underlying health conditions will be reviewed and considered.

Decision Tree Guidelines to Follow if Feeling Illⁱ

Many times, with the best of intentions, employees report to or stay at work even though they feel ill. Employees who report to work ill will be sent home in accordance with MDH and CDC guidelines. To help employees and management staff better understand COVID-19 symptoms and when an employee should stay home, the City of Brainerd will utilize the attached Decision Tree established by the MDH for Schools, Youth and Childcare Programs (see Page 10 of this Preparedness Plan). This Decision Tree is provided to help individuals better understand and guide the appropriate action to take when experiencing more and less common COVID-19 symptoms. If you are feeling ill with possible COVID-19 symptoms, please inform your supervisor or designee immediately. Together the employee, the supervisor and HR will review the Decision Tree to determine if the employee should remain/go to work or stay at home.

We may request appropriate information related to illnesses from any employee before reporting to work and documentation from an ill employee before such employee may return to work.

Stay Home if Positive COVID-19 Test or Decision Tree Symptoms Requiresⁱⁱ

If an employee has tested positive for COVID-19 or if an employee's symptoms require them to go or stay home per the Decision Tree on Page 10, you must inform your supervisor or designee immediately, leave immediately if you are at work, and do not return to work unless and until the guidelines below are met. Employees who are at or report to work under these circumstances will be sent home in accordance with these health guidelines. We may request appropriate information related to these items from any employee before reporting to work and documentation from an ill employee before such employee may return to work.



COVID-19 Preparedness Plan for the City of Brainerd

When employees are experiencing COVID-19 symptoms, it is critical that employees **check for, leave work, and/or do not report to work** if so determined by the attached Decision Tree. COVID-19 symptoms include:

- A new Fever (100.4 degrees Fahrenheit or higher);
- A new Cough
- Shortness of breath or difficulty breathing
- Chills
- Repeated shaking with chills
- Muscle pain
- Headache
- Sore throat
- New loss of taste or smell

Persons with COVID-19 who have symptoms and were directed to care for themselves at home may return to work under the following conditions:⁴

- At least 1 day (24 hours) have passed since resolution of fever without the use of fever-reducing medications **and**
- At least 10 days have passed since symptom onset⁵ **and**
- Other symptoms have improved.

Persons infected with SARS-CoV-2 who never develop COVID-19 symptoms may discontinue isolation and other precautions 10 days after the date of their first positive RT-PCR test for SARS-CoV-2 RNA. ⁶

If you develop any of the following **emergency warning signs**, as specified by the CDC, get **medical attention immediately**.ⁱⁱⁱ

- Trouble breathing
- Persistent pain or pressure in the chest
- New confusion or inability to arouse
- Bluish lips or face

If you are sick with COVID-19 or suspect you are infected with the virus that causes COVID-19, you should contact your health care provider immediately and take the necessary steps to help prevent the disease from spreading to people in your home, place of employment, and community, which includes staying at home.

If an employee tests positive for COVID-19, other workers will be informed of a possible exposure as directed by the MN Department of Health.



COVID-19 Preparedness Plan for the City of Brainerd

Stay Home if Exposed to COVID-19^{iv}

The following guidelines do not apply to our sworn law enforcement staff and certain critical infrastructure workers if so determined by their Department Head and the City Administrator that the employee should remain at work as a business necessity to continue operation. Those specific individuals will follow applicable CDC guidance relative to their position:

<https://www.cdc.gov/coronavirus/2019-ncov/community/critical-workers/implementing-safety-practices.html>

Close Contact

If a household member or guest, an intimate partner, or someone you are providing care for has COVID-19 symptoms, or if you have been in close contact (less than 6 feet) for a prolonged period of time with a person with COVID-19 symptoms, you should:

- Inform your supervisor or designee immediately
- Review the attached Decision Tree (See Page 10 of this Preparedness Plan)
 - If recommended by the Decision Tree, leave work immediately if you are at work
 - Stay home until 14 days after last exposure^v
- Maintain social distance (at least 6 feet) from others at all times
- Self-monitor for symptoms
 - Check temperature twice a day
 - Watch for fever, cough, or shortness of breath
- Avoid contact with [people at higher risk for severe illness](#) (unless they live in the same home and had same exposure)
- Follow [CDC guidance](#) if symptoms develop

Travel^{vi}

If you traveled to a country with widespread sustained (ongoing) transmission of COVID-19 as established by the CDC, or traveled on a cruise ship or river boat:

- Inform your supervisor or designee immediately
- Leave work immediately if you are at work
- Stay home until 14 days after your last exposure and maintain social distance (at least 6 feet) from others at all times
- Self-monitor for symptoms
 - Check temperature twice a day
 - Watch for fever, cough, or shortness of breath
- Avoid contact with [people at higher risk for severe illness](#) (unless they live in the same home and had same exposure)
- Follow [CDC guidance](#) if symptoms develop



COVID-19 Preparedness Plan for the City of Brainerd

If you traveled from any other country:^{vii}

- Inform your supervisor or designee for a determination of whether you should stay home, or leave work if you are at work
- Practice social distancing
 - Maintain a distance of at least 6 feet from others
 - Stay out of crowded places
- Be alert for symptoms
 - Watch for fever, cough, shortness of breath
 - Take temperature if symptoms develop
- Follow [CDC guidance](#) if symptoms develop

If you are planning on traveling:^{viii}

- Carefully consider whether travel is necessary
- Inform your supervisor or designee
- Check the [CDC's Traveler's Health Notices](#) for the latest guidance and recommendations for each country to which you will travel.
 - Self-monitor for symptoms before starting travel
 - Check temperature twice a day
 - Watch for fever, cough, or shortness of breath
- If you become sick after starting travel, promptly call a healthcare provider for advice as needed, and inform your supervisor or designee.
 - If outside the United States, a U.S. consular office can help locate healthcare services. However, U.S. embassies, consulates, and military facilities do not have the legal authority, capability, and resources to evacuate or give medicines, vaccines, or medical care to private U.S. citizens overseas.

Inability to be at Work

We provide paid sick time and other benefits to compensate eligible employees who are unable to work under certain circumstances. You should refer to applicable personnel policies, labor contracts, and notices related to such benefits.

The City of Brainerd may consider allowing certain employees in certain positions to work from home. For more information about such arrangements, please contact your supervisor and refer to applicable personnel policies and notices.



COVID-19 Preparedness Plan for the City of Brainerd

Reduce the Spread of COVID-19^{ix}

Basic Hygiene

Basic infection prevention measures are always being implemented at our workplaces. All staff are instructed to wash their hands for at least 20 seconds with soap and water frequently throughout the day, but especially at the beginning and end of their shift, prior to any mealtimes and after using the restroom. All customers and visitors to the workplace will be instructed to wash or sanitize their hands prior to or immediately upon entering the facility. Hand-sanitizer dispensers (that use sanitizers of greater than 60% alcohol) are at entrances and locations in the workplace so they can be used for hand hygiene in place of soap and water, as long as hands are not visibly soiled. Additional hand sanitizer will be located in the lobby and also distributed throughout city hall to employees. Additional supplies can be requested through your supervisor.

Cover your mouth and nose with a tissue when you cough or sneeze or use the inside of your elbow. Throw used tissues in the trash and immediately wash hands with soap and water for at least 20 seconds. If soap and water are not available, use hand sanitizer containing at least 60% alcohol.

Avoid touching your eyes, nose, and mouth with unwashed hands.

Clean and Disinfect

Clean and disinfect frequently touched objects and surfaces such as workstations, keyboards, telephones, handrails, and doorknobs. Dirty surfaces can be cleaned with soap and water prior to disinfection.

- Cleaning sprays and wipes will also be provided to clean and disinfect frequently touched objects and surfaces such as telephones and keyboards. You should clean these office surfaces daily.
- Regular cleaning practices are being implemented, including cleaning of high-touch areas, restrooms, break rooms, meeting rooms and entry ways by a contracted cleaning service provider.
- Employees are encouraged to clean personal work areas on a regular basis.
- Employees working with shared equipment (for example: common workstation, vehicles) should clean that equipment at the beginning and end of their shift.
- Field staff members will have hand sanitizer available in City vehicles if portable washing facilities are not readily available.

Social Distancing

- Maintain a distance of at least 6 feet from other employees, patrons, customers, etc.
- Only one person should be at the counters at a time.
- Social distancing marks have been established on the floor and distances should be maintained. Visitors will be asked to wait outside or in their vehicles if the spaces are currently occupied.



COVID-19 Preparedness Plan for the City of Brainerd

- Avoid using other employees' phones, desks, offices, or other work tools and equipment, when possible. If necessary, clean and disinfect them before and after use.
- Use telephone and video conferencing instead of face-to-face meetings as much as possible during this outbreak
- Avoid people who are sick with the above-symptoms or known to have traveled internationally or in a community in which COVID-19 is widespread.
- Public access to buildings will be restricted and monitored, and a drop box for documents or bill payments is provided.
- For our Dial-a-Ride public transportation system, clear curtains have been installed around our drivers and patrons will follow social distancing guidelines for seating.

Face Coverings

Pursuant to Executive Order 20-81 all employees are required to wear a face covering while at work, including when out of doors when it is not possible to maintain social distancing, unless specifically exempted by the Order.¹⁴ The exemptions contained in the Order are narrow and relevantly include the following:

- Individuals with a medical condition, mental health condition, or disability that makes it unreasonable for the individual to maintain a face covering. This includes, but is not limited to, individuals who have a medical condition that compromises their ability to breathe, and individuals who are unconscious, incapacitated, or otherwise unable to remove a face covering without assistance. These individuals should consider using alternatives to face coverings, including clear face shields, and staying at home as much as possible.¹⁵
- Individuals at their workplace when wearing a face covering would create a job hazard for the individual or others, as determined by local, state or federal regulators or workplace safety and health standards and guidelines.¹⁶
- When testifying, speaking, or performing in an indoor business or public indoor space, in situations or settings such as theaters, news conferences, legal proceedings, governmental meetings subject to the Open Meeting Law (Minnesota Statutes 2019, Chapter 13D), presentations, or lectures, provided that social distancing is always maintained. Face shields should be considered as an alternative in these situations.¹⁷
- When eating or drinking in an indoor business or indoor public space, provided that at least 6 feet of physical distance is maintained between persons who are not members of the same party.¹⁸
- When asked to remove a face covering to verify an identity for lawful purposes.¹⁹
- While communicating with an individual who is deaf or hard of hearing or has a disability, medical condition, or mental health condition that makes communication with that individual while wearing a face covering difficult, provided that social distancing is maintained to the extent possible between persons who are not members of the same household.²⁰



COVID-19 Preparedness Plan for the City of Brainerd

- When an individual is alone, including when alone in an office, a room, a cubicle with walls that are higher than face level when social distancing is maintained, a vehicle, or the cab of heavy equipment or machinery, or an enclosed work area. In such situations, the individual should still carry a face covering to be prepared for person-to-person interactions and to be used when no longer alone.²¹
- When a public safety worker is actively engaged in a public safety role, including but not limited to law enforcement, firefighters, or emergency medical personnel, in situations where wearing a face covering would seriously interfere in the performance of their public safety responsibilities.²²

Employees should additionally:

NOT use a facemask meant for a healthcare worker.

Continue to keep at least 6 feet away from others.

Face coverings can include a paper or disposable face mask, a cloth face mask, a scarf, a bandanna, a neck gaiter, or a religious face covering.²³

Further guidance on facemasks is available from the CDC here: <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/diy-cloth-face-coverings.html>.

Meeting with Members of the Public

Employees are strongly encouraged to conduct all meetings with members of the public, consultants, and contractors by video conferencing. If an employee is unable to participate in a meeting by video conferencing, and must participate in person, the employee is required to follow the hygiene and social distancing guidelines recommended by the Minnesota Department of Health. Visitors must go through a screening process before they can enter City buildings. Staff will keep a visitor's log at each public service counter to assist with contact tracing if needed.

Workplace Building and Ventilation Protocol

Operation of the City of Brainerd buildings in which workplaces are located, include necessary sanitation, assessment, and maintenance of building systems, including water, plumbing, electrical, and heating, ventilation and air conditioning (HVAC) systems. The maximum amount of fresh air is being brought into the workplace, air recirculation is being limited, and ventilation systems are being properly used and maintained. Steps are also being taken to minimize air flow blowing across people.

Other Measures

Different areas of the organization will be taking specific measures to reduce the spread related to the above items. The City of Brainerd administration and supervisors will communicate to you such measures.



COVID-19 Preparedness Plan for the City of Brainerd

Employee Group-Specific Measures

More specific measures may be taken for specific employee groups based on their work, sites, and risk of exposure to illness. Meetings will be pre-planned, have pre-arranged seating, and limited in the number of people that can attend. Groups will be limited to 10 or fewer as often as possible. We will be continually monitoring how to handle related workplace issues and will update you accordingly. In addition, The City of Brainerd administration and supervisors will communicate to you any impacted operational issues related to your position.

Additional Information

Additional general guidance on COVID-19 is available here:

- CDC Fact Sheet: <https://www.cdc.gov/coronavirus/2019-ncov/downloads/2019-ncov-factsheet.pdf>
- MDH Guidance: <https://www.health.state.mn.us/diseases/coronavirus/index.html>

Communications and training

This Preparedness Plan will be communicated, and training will be provided to all staff. Managers and supervisors are to monitor how effective the program has been implemented.

This Preparedness Plan has been certified by The City of Brainerd management and was posted throughout the workplace, online, and on the network. It will be updated as necessary.

Nothing in this communication establishes any precedent or practice. The City of Brainerd may change or eliminate these items, or portions thereof, at any time and without notice.

This plan supplements existing employment policies, rules, procedures, and regulations. All current employment policies, rules, procedures, and regulations remain in full effect, except for instances where this plan directly contradicts another current policy, rule, procedure, or regulation in which case this plan supersedes existing policy, rule, procedure, or regulation. Therefore, employees are encouraged to review all other such policies, rules, procedures, and regulations in conjunction with this plan.

Please contact Brainerd City Administrator Jennifer Bergman at jbergman@ci.brainerd.mn.us, telephone at 218-828-2307, or in-person with any questions or concerns.

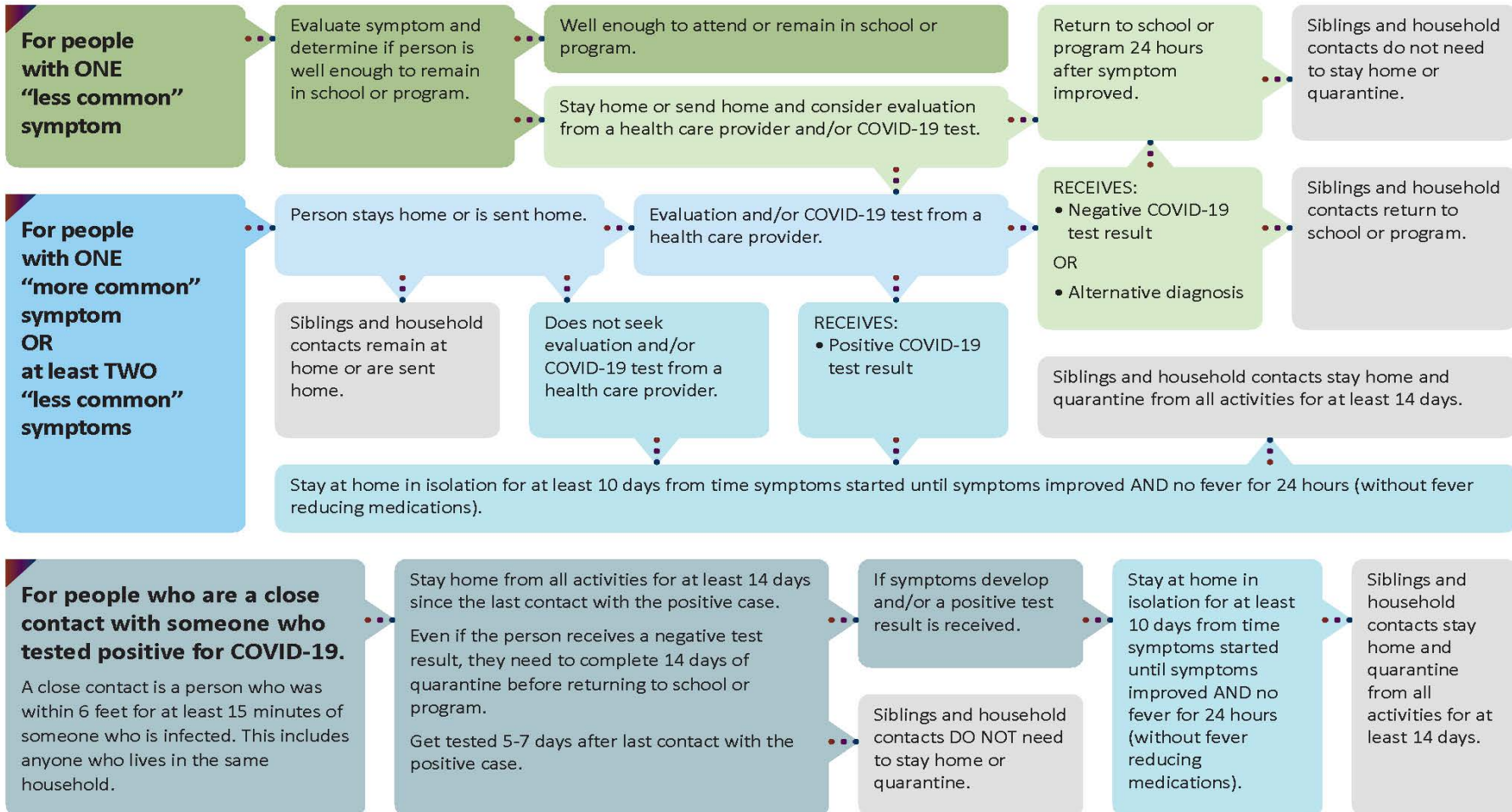
Thank you for your cooperation.

Certified by: _____
Jennifer Bergman, City Administrator

COVID-19 Decision Tree for People in Schools, Youth, and Child Care Programs

Follow the appropriate path if a child, student, or staff person is experiencing the following symptoms consistent with COVID-19:

- **More common:** fever greater than or equal to 100.4°F, new onset and/or worsening cough, difficulty breathing, new loss of taste or smell.
- **Less common:** sore throat, nausea, vomiting, diarrhea, chills, muscle pain, excessive fatigue, new onset of severe headache, new onset of nasal congestion or runny nose.





COVID-19 Preparedness Plan for the City of Brainerd

ⁱ CDC: Interim Guidance for Businesses and Employers Responding to Coronavirus Disease 2019 (COVID-19), May 2020, <https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html>.

ⁱⁱ CDC: Coronavirus Disease 2019: Symptoms of Coronavirus, <https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html>. CDC: Coronavirus Disease 2019: General Business Frequently Asked Questions, <https://www.cdc.gov/coronavirus/2019-ncov/community/general-business-faq.html>.

ⁱⁱⁱ CDC: Coronavirus Disease 2019: Symptoms, <https://www.cdc.gov/coronavirus/2019-ncov/symptoms-testing/symptoms.html>.

^{iv} CDC: Coronavirus Disease 2019: Public Health Guidance for Community-Related Exposures, <https://www.cdc.gov/coronavirus/2019-ncov/php/public-health-recommendations.html>.

^v The period of possible exposure runs from 48 hours prior to the time the sick person first developed COVID-19 symptoms until the sick person meets the criteria for discontinuing home isolation, which in some cases may be 72 hours after recovering from symptoms. <https://www.cdc.gov/coronavirus/2019-ncov/php/public-health-recommendations.html>. The criteria for discontinuing isolation can be found on pages 2 and 3 of this Plan, and are also available [here](#).

^{vi} CDC: Coronavirus Disease 2019: Returning from International Travel, <https://www.cdc.gov/coronavirus/2019-ncov/travelers/after-travel-precautions.html>.

^{vii} CDC: Interim Guidance for Businesses and Employers Responding to Coronavirus Disease 2019 (COVID-19), May 2020, <https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html>.

^{viii} *Id.*

^{ix} CDC: Coronavirus Disease 2019: How to Protect Yourself & Others, <https://www.cdc.gov/coronavirus/2019-ncov/prevent-getting-sick/prevention.html>. CDC: Interim Guidance for Businesses and Employers Responding to Coronavirus Disease 2019 (COVID-19), May 2020, <https://www.cdc.gov/coronavirus/2019-ncov/community/guidance-business-response.html>.

⁴ CDC: Coronavirus Disease 2019: Ending Home Isolation, <https://www.cdc.gov/coronavirus/2019-ncov/hcp/disposition-in-home-patients.html#st3>.

⁵ The CDC notes that “A limited number of persons with severe illness may produce replication-competent virus beyond 10 days, that may warrant extending duration of isolation for up to 20 days after symptom onset. Consider consultation with infection control experts. See Discontinuation of Transmission-Based Precautions and Disposition of Patients with COVID-19 in Healthcare Settings (Interim Guidance).” *Id.*

⁶ *Id.*

¹⁴ Executive Order 20-81, https://mn.gov/governor/assets/EO%2020-81%20Final%20Filed_tcm1055-441323.pdf, Paragraph 1.

¹⁵ *Id.* at Paragraph 8(a).

¹⁶ *Id.* at Paragraph 8(c).

¹⁷ *Id.* at Paragraph 10(c).

¹⁸ *Id.* at Paragraph 10(f).

¹⁹ *Id.* at Paragraph 10(g).

²⁰ *Id.* at Paragraph 10(h).



Brainerd City Council Agenda Request

Requested Meeting Date:

Title of Item:

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

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 22nd day of September 2020

Jennifer Bergman
City Administrator

Any individual needing special accommodations please call 828-2307.

Published October 2, 2020

CITY OF BRAINERD
ASSESSMENT ROLL FOR CERTIFICATION
2020 DOWNTOWN SNOW REMOVAL

THE CITY COUNCIL OF THE CITY OF BRAINERD DOH HEREBY ASSESS AND LEVY UPON AND AGAINST THE LOTS AND PARCELS OF LAND DESCRIBED BELOW, THE RESPECTIVE SUMS OF MONEY SET OPPOSITE EACH LOT OR PARCEL. THIS ASSESSMENT IS LEVIED TO DEFRAY THE EXPENSE OF DOWNTOWN SNOW REMOVAL.

PARCEL NO.	PROPERTY ADDRESS	OWNERS NAME	\$ AMOUNT
41251149		LIVELY AUTO BLDG REAL EST HOL	2,614.54
41241477		C & L MIDWEST LLC	871.51
41240547		MOORES PROPERTIES, INC.	1,626.82
41241448	205 S 6TH ST	MASONIC TEMPLE ASSN. OF BRAIN	581.01
41241473	205 S 7TH ST	DAVID F. PUERINGER INVESTMENT	1,190.14
41241474	209 S 7TH ST	DAVID F. PUERINGER INVESTMENT	581.01
41241454	214 S 7TH ST	DAVID F. PUERINGER INVESTMENT	290.50
41241472	215 S 7TH ST	DAVID F. PUERINGER	1,162.02
41241455	216 S 7TH ST	JON AND DEBRA LUHRS	290.50
41241456	222 S 7TH ST	RICK BJORK	581.01
41241269	301 S 7TH ST	DAVID F PUERINGER INVESTMENTS	1,814.72
41241268	305 S 7TH ST	RICHARD & DENISE RATHMAN	581.01
41241300	314 S 7TH ST	JUAN M AND JOANNA I BARBOZA	871.51
41241266	321 S 7TH ST	BREMER BANK OF BRAINERD	1,743.03
41241479	208 S 8TH ST	NLLJ JENSEN, LLC	871.51
41241449	606 FRONT ST	NORTHERN PINES MENTAL HEALTH	290.50
41241450	608 FRONT ST	TODD & LAURA BISTED	581.01
41241451	612 FRONT ST	612 STATION LLC	290.50
41241452	614 FRONT ST	DAVID F. PUERINGER INVESTMENT	871.51
41241475	704 FRONT ST	VANDEPUTTE INVESTMENT PROPERT	541.27
41241476	708 FRONT ST	AMERICAN LEGION POST #255	650.73
41241478	718 FRONT ST	C & L MIDWEST LLC	290.50
41241292	602 LAUREL ST	MAJIK PROPERTIES LLC	581.01
41241293	606 LAUREL ST	ASH PROPERTIES INC.	581.01
41241294	612 LAUREL ST	ASH PROPERTIES INC.	581.01
41241457	623 LAUREL ST	JJC PROPERTIES LLC	2,207.83
41241295	624 LAUREL ST	BRIAN L & RHONDA SMITH	2,021.91
41241470	707 LAUREL ST	ASH PROPERTIES INC.	2,207.83
41241270	710 LAUREL ST	NILA M PATRICK	683.61
41241271	714 LAUREL ST	BRAINERD LAKES PROPERTIES LLC	522.91
41241482	715 LAUREL ST	NJMS PHELPS BLOCK LLC	737.88
41241272	718 LAUREL ST	DAVID F PUERINGER	522.91
41241483	719 LAUREL ST	NJMS CHET'S LLC	307.93
41241484	721 LAUREL ST	DANNY E. KUHN	581.01
41241273	722 LAUREL ST	DAVID F PUERINGER INVESTMENTS	581.01
41241301	619 MAPLE ST	BATRA RENTALS LLC	581.01

DATED THIS 19TH DAY OF OCTOBER 2020

TOTAL: 31,885.70

ATTEST:

JENNIFER BERGMAN, CITY ADMINISTRATOR

GABE JOHNSON, PRESIDENT OF COUNCIL

INTEREST RATE 1.6%
YEARS CERTIFIED 1 YEAR

CITY OF BRAINERD
ASSESSMENT ROLL FOR CERTIFICATION
2020 DOWNTOWN SPECIAL SERVICES

THE CITY COUNCIL OF THE CITY OF BRAINERD DOTH HEREBY ASSESS AND LEVY UPON AND AGAINST THE LOTS AND PARCELS OF LAND DESCRIBED BELOW, THE RESPECTIVE SUMS OF MONEY SET OPPOSITE EACH LOT OR PARCEL. THIS ASSESSMENT IS LEVIED TO DEFRAY THE EXPENSE OF DOWNTOWN SPECIAL SERVICES.

PARCEL NO.	PROPERTY ADDRESS	OWNERS NAME	\$ AMOUNT
41251149		LIVELY AUTO BLDG REAL EST HOL	751.37
41241477		C & L MIDWEST LLC	250.46
41240547		MOORES PROPERTIES, INC.	467.52
41241448	205 S 6TH ST	MASONIC TEMPLE ASSN. OF BRAIN	166.97
41241473	205 S 7TH ST	DAVID F. PUERINGER INVESTMENT	342.02
41241474	209 S 7TH ST	DAVID F. PUERINGER INVESTMENT	166.97
41241454	214 S 7TH ST	DAVID F. PUERINGER INVESTMENT	83.49
41241472	215 S 7TH ST	DAVID F. PUERINGER	333.94
41241455	216 S 7TH ST	JON AND DEBRA LUHRS	83.49
41241456	222 S 7TH ST	RICK BJORK	166.97
41241269	301 S 7TH ST	DAVID F PUERINGER INVESTMENTS	521.51
41241268	305 S 7TH ST	RICHARD & DENISE RATHMAN	166.97
41241300	314 S 7TH ST	JUAN M AND JOANNA I BARBOZA	250.46
41241266	321 S 7TH ST	BREMER BANK OF BRAINERD	500.91
41241479	208 S 8TH ST	NLLJ JENSEN, LLC	250.46
41241449	606 FRONT ST	NORTHERN PINES MENTAL HEALTH	83.49
41241450	608 FRONT ST	TODD & LAURA BISTED	166.97
41241451	612 FRONT ST	612 STATION LLC	83.49
41241452	614 FRONT ST	DAVID F. PUERINGER INVESTMENT	250.46
41241475	704 FRONT ST	VANDEPUTTE INVESTMENT PROPERT	155.55
41241476	708 FRONT ST	AMERICAN LEGION POST #255	187.01
41241478	718 FRONT ST	C & L MIDWEST LLC	83.49
41241292	602 LAUREL ST	MAJIK PROPERTIES LLC	166.97
41241293	606 LAUREL ST	ASH PROPERTIES INC.	166.97
41241294	612 LAUREL ST	ASH PROPERTIES INC.	166.97
41241457	623 LAUREL ST	JJC PROPERTIES LLC	634.49
41241295	624 LAUREL ST	BRIAN L & RHONDA SMITH	581.06
41241470	707 LAUREL ST	ASH PROPERTIES INC.	634.49
41241270	710 LAUREL ST	NILA M PATRICK	196.46
41241271	714 LAUREL ST	BRAINERD LAKES PROPERTIES LLC	150.27
41241482	715 LAUREL ST	NJMS PHELPS BLOCK LLC	212.05
41241272	718 LAUREL ST	DAVID F PUERINGER	150.27
41241483	719 LAUREL ST	NJMS CHET'S LLC	88.49
41241484	721 LAUREL ST	DANNY E. KUHN	166.97
41241273	722 LAUREL ST	DAVID F PUERINGER INVESTMENTS	166.97
41241301	619 MAPLE ST	BATRA RENTALS LLC	166.97

DATED THIS 19TH DAY OF OCTOBER, 2020

TOTAL: 9,163.37

ATTEST:

JENNIFER BERGMAN, CITY ADMINISTRATOR

GABE JOHNSON, PRESIDENT OF COUNCIL

INTEREST RATE 1.6%
YEARS CERTIFIED 1 YEAR

CITY OF BRAINERD
ASSESSMENT ROLL FOR CERTIFICATION
2020 NUISANCE ASSESSMENT

THE CITY COUNCIL OF THE CITY OF BRAINERD DOTH HEREBY ASSESS AND LEVY UPON AND AGAINST THE LOTS AND PARCELS OF LAND DESCRIBED BELOW, THE RESPECTIVE SUMS OF MONEY SET OPPOSITE EACH LOT OR PARCEL. THIS ASSESSMENT IS LEVIED TO DEFRAY THE EXPENSE OF NUISANCE 101-20.

PARCEL NO.	PROPERTY ADDRESS	OWNERS NAME	\$ AMOUNT
41191661	602 NE 10TH AVE	SNOOK, HAROLD	125.00
41241516	219 N 10TH ST	GOTTWALT, MATT	125.00
41240648	816 N 10TH ST	US BANK TRUSTEE FRO TRUMAN	650.00
41190516	1319 NE 11TH AVE	SOMMERS. JESSICA	125.00
41250892	1219 S 11TH ST	VANHOLSBECK, MICHAEL	125.00
41190612	817 NE 12TH AVE	WENDEL PROPERTIES LLC	125.00
41190667	1024 NE 12TH AVE	ANDRESEN, LULA	750.00
41190751	1324 NE 14TH AVE	YOUNG, BILLY JACK	250.00
41191731	302 NE 1ST AVE	YOUNG, SHELLEY A	125.00
41191728	316 NE 1ST AVE	O'DAY, JAMES T	1,585.00
41191616	408 NE 2ND AVE	VEITH, STEVEN H	225.00
41191490	702 NE 2ND AVE	LEMOINE, JEREMY	1,250.00
41191604	408 NE 3RD AVE	RED FIVE RENTALS LLC	100.00
41191537	623 NE 3RD AVE	BOCK, THOMAS C.	125.00
41191506	624 4TH AVE	LAKEVIEW LOAN SERVICES	850.00
41191769	214 NE 4TH AVE	DOUCETTE, DORRIS	125.00
41241410	215 N 5TH ST	GROENWOLD, JOHN & AMANDA	200.00
41190895	916 NE 6TH AVE	MARTIN, ERIC J	500.00
41240565	1216 S 6TH ST	WALLIN, BRIAN K.	125.00
41040712	217 SW 6TH ST	MORRIS RAY & GLORIA HOPE GROS	250.00
41190885	924 NE 7TH AVE	GOTTWALT, MATTHEW & ERICA	875.00
41360919	1812 S 7TH ST	OGDEN, KATHY M	125.00
41191685	624 NE 8TH AVE	SAMUELSON, DONALD B	625.00
41190569	1504 NE 8TH AVE	SELLERS JACOB S & AMBER J	1,000.00
41241485	220 N 8TH ST	ZION EVANGELICAL	350.00
41241227	307 N 8TH ST	GORTON, JAY J	375.00
41241205	320 N 8TH ST	HUNTER, IVY RAE	250.00
41241204	324 N 8TH ST	RED FIVE RENTALS LLC	2,025.00
41240998	513 S 8TH ST	WELSAND, LOREN	850.00
41251068	911 S 8TH ST	HALL, JOSHUA	250.00
41360827	1424 S 8TH ST	LEWIS, KALEEN	500.00
41191704	721 NE 9TH AVE	DEROSIER II, MITCHELL E.	250.00
41191703	723 NE 9TH AVE	STRANGE, MICHAEL & LISA	125.00
41241509	218 N 9TH ST	LAWRENCE, WARREN J	250.00
41241208	319 N 9TH ST	WEISS, RICHARD A.	750.00
41241595	710 N 9TH ST	LOSOS, DARREN	250.00
41241169	421 S 9TH ST	STEVENS, ELIZABETH J.	125.00
41300925	722 BEECH ST	NELSON, ZACHARY B	625.00
41360810	821 BROOK ST	KOLLARS, MICHAEL	125.00
41360806	823 BROOK ST	MATICH, JAMES & JOHN	875.00
41191169	430 C STRE	GOTTWALT, MATTHEW & ERICA	125.00
41191165	414 NE C STRE	PAULSON, MATTHEW J & LISA A	250.00
41350562	2128 CRESTVIEW LN	ARENS, JOSEPH P	125.00
41191292	610 NE F ST	SMITH, MARK	125.00
41360945	1889 GRAYDON AVE	BOKRY, JOSEPH	125.00
41191383	720 H STRE	FORT, JAY A	0.00
41190643	1202 J STRE	LINDQUIST, TANNER M	125.00
T007015	2619 KERMIT LN	DBA MEADOWVIEW MANOR, LP HALV	500.00
41191502	LOT	GOODRICH, WALLACE D.	375.00
41300671	1314 MAPLE ST	MATTSON, WAYNE & ROSALIE	0.00
41300681	1208 MAPLE STRE	CK PROPERTIES OF BRAINERD LLC	250.00
41300633	1614 MAPLE STRE	WALTERS, MARK	125.00
41190886	921 MILL AVE	OLSEN, BRETT A & WANDA TERRY-	125.00
41191080	1205 MILL AVE	ROSS, LONNIE	125.00
41241036	616 NORWOOD ST	WETHERELL, RICHARD B.	1,000.00
41300678	1201 NORWOOD ST	WESTFALL, ROBERT & EATROS, DE	250.00
41300652	1409 NORWOOD ST	HICKS, BRADLEY	125.00
41180624	1309 O ST	LEE, ROBERT E	125.00
41250768	1108 OAK ST	TAX FORFIET	100.00
41300915	2514 OAK ST	GAVIN A PETERSON	125.00
41300588	1421 OAK STRE	KING, JENNIFER A.	125.00
41300814	1812 OAK STRE	GOTTWALT, MATTHEW & ERICA	375.00
41250784	1213 PINE ST	EXIMUS, ALICIA D.	125.00
41240764	823 QUINCE ST	BEMENT, ARLISS & HARRY	125.00
41250634	1112 QUINCE ST	LEE, LAWRENCE L & CHRISTINE	250.00
41241552	1001 TERRACE AVE	YOUNG, EDWARD & REBECCA	125.00
41191835	201 WASHINGTON ST	LUNCH BOX PROPERTIES	125.00
41361011	1006 WRIGHT ST	CHARAL PROPERTIES BRAINERD LL	0.00

DATED THIS 19TH DAY OF OCTOBER, 2020

TOTAL: 23,685.00

ATTEST:
JENNIFER BERGMAN, CITY ADMINISTRATOR

GABE JOHNSON, PRESIDENT OF COUNCIL

INTEREST RATE 1.6%
YEARS CERTIFIED 1 YEAR

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

RESOLUTION ADOPTING ASSESSMENT

WHEREAS, pursuant to proper notice duly given as required by law, the Council has met and heard and passed upon all objections to the proposed assessments for the improvements of the following described streets, alleys, and utilities 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

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

1. Such proposed assessment, a copy of which is on file in the offices of the City Administrator and City Engineer, is hereby accepted and shall constitute the special assessment against the lands named therein, and each tract of land therein included is hereby found to be benefited by the proposed improvement in the amount of the assessment levied against it.
2. Such assessment shall be payable in equal annual installments extending over a period of ten years, the first of the installments to be payable on or before the first Monday in January 2021 and shall bear interest at the rate of one and six-tenths (1.6%) percent per annum from the date of the adoption of this resolution. To the first installment shall be added interest on the entire assessment from the date of this resolution until December 31, 2020. To each subsequent installment, when due, shall be added interest for one year on all unpaid installments.
3. The owner of any property so assessed may, at any time prior to certification of the assessment to the Crow Wing 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 thirty (30) days from the adoption of this Resolution; and he or she may, at any time thereafter, pay to the City Administrator the entire amount of the assessment remaining unpaid with interest accrued to December 31, of the year in which such payment is made.
4. The City Administrator shall forthwith transmit a certified duplicate of this assessment to the Crow Wing County Auditor to be extended on the property tax list of the County. Such assessment shall be collected and paid over in the same manner as other municipal taxes.

Adopted this _____ day of _____, 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:

Title of Item:

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

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 22nd day of September 2020

Jennifer Bergman
City Administrator

Any individual needing special accommodations please call 828-2307.

Published September 30, 2020

CITY OF BRAINERD
ASSESSMENT ROLL FOR CERTIFICATION
401 14:05 OLD STONEBRIDGE CT

THE CITY COUNCIL OF THE CITY OF BRAINERD DOTH HEREBY ASSESS AND LEVY UPON AND AGAINST THE LOTS AND PARCELS OF LAND DESCRIBED BELOW, THE RESPECTIVE SUMS OF MONEY SET OPPOSITE EACH LOT OR PARCEL. THIS ASSESSMENT IS LEVIED TO DEFRAY THE EXPENSE OF CITY IMPROVEMENT 14:05 OLD STONEBRIDGE CT.

PARCEL NO.	PROPERTY ADDRESS	OWNERS NAME	\$ AMOUNT
41340525	15737 OLD STONEBRIDGE CT	R J PROPERTIES OF BRAINERD LL	1,188.12
41340527	15740 OLD STONEBRIDGE CT	R J PROPERTIES OF BRAINERD LL	1,188.12
41340528	15748 OLD STONEBRIDGE CT	R J PROPERTIES OF BRAINERD LL	1,188.12
41340524	15749 OLD STONEBRIDGE CT	R J PROPERTIES OF BRAINERD LL	1,188.12
41340517	15784 OLD STONEBRIDGE TRL	R J PROPERTIES OF BRAINERD LL	1,188.12
41340516	15785 OLD STONEBRIDGE TRL	R J PROPERTIES OF BRAINERD LL	1,188.12
41340515	15799 OLD STONEBRIDGE TRL	REESE, JARED R & ANGELA M	1,188.12
41340518	15800 OLD STONEBRIDGE TRL	R J PROPERTIES OF BRAINERD LL	1,188.12
41340514	15813 OLD STONEBRIDGE TRL	R J PROPERTIES OF BRAINERD LL	1,188.12
41340519	15816 OLD STONEBRIDGE TRL	R J PROPERTIES OF BRAINERD LL	1,188.12
41340520	15828 OLD STONEBRIDGE TRL	R J PROPERTIES OF BRAINERD LL	1,188.12
41340513	15829 OLD STONEBRIDGE TRL	WESTERBERG, PATRICIA O	1,188.12
41340521	15840 OLD STONEBRIDGE TRL	R J PROPERTIES OF BRAINERD LL	1,188.12
41340512	15847 OLD STONEBRIDGE TRL	RATHE, LAURA	1,188.12
41340522	15858 OLD STONEBRIDGE TRL	R J PROPERTIES OF BRAINERD LL	1,188.12
41340511	15861 OLD STONEBRIDGE TRL	GRUNENWALD, JEFFREY & SHARI N	1,188.12
41340510	15873 OLD STONEBRIDGE TRL	ANGLAND, MICHAEL J & JANELLE	1,188.12
41340523	15880 OLD STONEBRIDGE TRL	R J PROPERTIES OF BRAINERD LL	1,188.12
41340509	15887 OLD STONEBRIDGE TRL	R J PROPERTIES OF BRAINERD LL	1,188.12
41340508	15907 OLD STONEBRIDGE TRL	NICCU, DANIEL P & AUBREY	1,188.12
41340507	15925 OLD STONEBRIDGE TRL	R J PROPERTIES OF BRAINERD LL	1,188.12
41340506	15939 OLD STONEBRIDGE TRL	R J PROPERTIES OF BRAINERD LL	1,188.12
41340505	15953 OLD STONEBRIDGE TRL	R J PROPERTIES OF BRAINERD LL	1,188.12
41340504	15957 OLD STONEBRIDGE TRL	R J PROPERTIES OF BRAINERD LL	1,188.12
41340502	15963 OLD STONEBRIDGE TRL	R J PROPERTIES OF BRAINERD LL	1,188.12

DATED THIS 19TH DAY OF OCTOBER, 2020

TOTAL: 29,703.00

ATTEST: _____
JENNIFER BERGMAN, CITY ADMINISTRATOR

GABE JOHNSON, PRESIDENT OF COUNCIL

INTEREST RATE 1.6%
YEARS CERTIFIED 10 YEARS

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

RESOLUTION ADOPTING ASSESSMENT

WHEREAS, pursuant to proper notice duly given as required by law, the Council has met and heard and passed upon all objections to the proposed assessments for the improvements of the following described streets, alleys, and utilities in the City of Brainerd:

IMPROVEMENT 14-05

Street Surfacing – Final Lift

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

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

1. Such proposed assessment, a copy of which is on file in the offices of the City Administrator and City Engineer, is hereby accepted and shall constitute the special assessment against the lands named therein, and each tract of land therein included is hereby found to be benefited by the proposed improvement in the amount of the assessment levied against it.
2. Such assessment shall be payable in equal annual installments extending over a period of ten years, the first of the installments to be payable on or before the first Monday in January 2021 and shall bear interest at the rate of one and six-tenths (1.6%) percent per annum from the date of the adoption of this resolution. To the first installment shall be added interest on the entire assessment from the date of this resolution until December 31, 2020. To each subsequent installment, when due, shall be added interest for one year on all unpaid installments.
3. The owner of any property so assessed may, at any time prior to certification of the assessment to the Crow Wing 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 thirty (30) days from the adoption of this Resolution; and he or she may, at any time thereafter, pay to the City Administrator the entire amount of the assessment remaining unpaid with interest accrued to December 31, of the year in which such payment is made.
4. The City Administrator shall forthwith transmit a certified duplicate of this assessment to the Crow Wing County Auditor to be extended on the property tax list of the County. Such assessment shall be collected and paid over in the same manner as other municipal taxes.

Adopted this _____ day of _____, 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:

Title of Item:

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

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 22nd day of September 2020

Jennifer Bergman
City Administrator

Any individual needing special accommodations please call 828-2307.

Published September 30, 2020

CITY OF BRAINERD
ASSESSMENT ROLL FOR CERTIFICATION
307 19:10A NE BRAINERD

THE CITY COUNCIL OF THE CITY OF BRAINERD DOTH HEREBY ASSESS AND LEVY UPON AND AGAINST THE LOTS AND PARCELS OF LAND DESCRIBED BELOW, THE RESPECTIVE SUMS OF MONEY SET OPPOSITE EACH LOT OR PARCEL. THIS ASSESSMENT IS LEVIED TO DEFRAY THE EXPENSE OF CITY IMPROVEMENT 19:10A NE BRAINERD, 11TH AVE.

PARCEL NO.	PROPERTY ADDRESS	OWNERS NAME	\$ AMOUNT
41190604	-- --	TAX FORFEITED	2,802.00
41190609	806 NE 11TH AVE	CARTER, SETH W	5,267.76
41190608	810 NE 11TH AVE	CARLSON, ROBERT	2,802.00
41191151	811 NE 11TH AVE	PUERINGER, DAVID F PUERINGER	2,802.00
41191150	813 NE 11TH AVE	HOLTZ, BRADLEY E & PAMELA J	2,802.00
41190607	814 NE 11TH AVE	WINDORSKI, DYLAN R	2,802.00
41190606	818 NE 11TH AVE	BOYD, CLARENCE R & IRENE	2,802.00
41191149	823 NE 11TH AVE	PLANTENBERG, JOHN A & ANGELA	5,604.00
41190605	824 NE 11TH AVE	HERMAN, STEVEN D & ERIN J	2,802.00
41191090	901 NE 11TH AVE	MILLER, EMMETT D & LEOTA	5,604.00
41190649	908 NE 11TH AVE	SCHMIDT, STEVEN B & SHERYL M	3,446.46
41191089	909 NE 11TH AVE	LARSON, GERALD S & JENNIFER L	5,604.00
41190646	912 NE 11TH AVE	JOHNSON, JAMES L & JOAN V	3,362.40
41190645	916 NE 11TH AVE	ASPEN RIDGE CONSTRUCTION LLC	2,802.00
41190644	920 NE 11TH AVE	PETERSON, MICHAEL	2,802.00
41191088	921 NE 11TH AVE	BRAINERD HOUSING & REDEVELOPM	2,802.00
41191221	923 NE 11TH AVE	GUDERJOHN, ERICA E &	280.20
41191087	923 NE 11TH AVE	GUDERJOHN, ERICA E &	2,465.76
41191222	927 NE 11TH AVE	HOBSON, STEVEN T & LESLIE J	3,922.80
41191152	1021 NE H ST	BEMENT, HARRY & ARLISS	5,604.00
41190647	1201 NE I ST	OLSON, MARTIN III &	3,446.46
41190643	1202 NE J ST	LINDQUIST, TANNER M	2,802.00

DATED THIS 19TH DAY OF OCTOBER, 2020

TOTAL: 75,429.84

ATTEST: _____
JENNIFER BERGMAN, CITY ADMINISTRATOR

GABE JOHNSON, PRESIDENT OF COUNCIL

INTEREST RATE 1.6%
YEARS CERTIFIED 10 YEARS

CITY OF BRAINERD
ASSESSMENT ROLL FOR CERTIFICATION
307 19:10B NE BRAINERD

THE CITY COUNCIL OF THE CITY OF BRAINERD DOTH HEREBY ASSESS AND LEVY UPON AND AGAINST THE LOTS AND PARCELS OF LAND DESCRIBED BELOW, THE RESPECTIVE SUMS OF MONEY SET OPPOSITE EACH LOT OR PARCEL. THIS ASSESSMENT IS LEVIED TO DEFRAY THE EXPENSE OF CITY IMPROVEMENT 19:10B NE BRAINERD, J STREET.

PARCEL NO.	PROPERTY ADDRESS	OWNERS NAME	\$ AMOUNT
41191219	927 NE 10TH AVE	SABA, STEVE L	2,240.70
41191197	1003 NE 10TH AVE	ZEBROSKI, MATTHEW J & CHANEL	2,240.70
41190670	1002 NE 12TH AVE	KINNEY, LARRY L & DIANA	2,352.74
41190660	1003 NE 12TH AVE	TWOMBLEY, ADELINE	2,352.74
41190671	1001 NE 13TH AVE	LONG HAUL PARTNERS, LLC	2,240.70
41191216	928 NE 8TH AVE	HORTON, LOWELL C & RAELENN LA	2,240.70
41191214	1003 NE 8TH AVE	BRAINERD LAKES PREMIER DEV LL	1,920.60
41191198	1004 NE 8TH AVE	WHITE PINE INVESTMENTS, LLC	2,240.70
41191218	926 NE 9TH AVE	KELLER, JUDITH L	2,240.70
41191190	1002 NE 9TH AVE	GABEL, MARY J	2,240.70
41191207	1003 NE 9TH AVE	POTVIN, BRUCE V & GABRIELLE	2,240.70
41191217	925 NE J ST	SADLO, CODY L	2,240.70
41190659	1201 NE J ST	GOEDKER, DAVID G & SHERRI K	2,240.70
41190643	1202 NE J ST	LINDQUIST, TANNER M	2,240.70
41190654	1216 NE J ST	LEE, LAWRENCE L & CHRISTINE L	2,352.74
41190633	1310 NE J ST	ANDERSON, ROBERT J	2,352.74
41190642	1324 NE J ST	HEEMSTRA, BRENT M & ERIN M	2,240.70
41191215	920 MILL AVE	BIMBO BAKERIES USA INC	2,848.89
41191208	1002 MILL AVE	SAM, QUINTIN	1,936.61

DATED THIS 19TH DAY OF OCTOBER, 2020

TOTAL: 43,005.44

ATTEST: _____
JENNIFER BERGMAN, CITY ADMINISTRATOR

GABE JOHNSON, PRESIDENT OF COUNCIL

INTEREST RATE 1.6%
YEARS CERTIFIED 10 YEARS

CITY OF BRAINERD
ASSESSMENT ROLL FOR CERTIFICATION
307 19:10C NE BRAINERD

THE CITY COUNCIL OF THE CITY OF BRAINERD DOTH HEREBY ASSESS AND LEVY UPON AND AGAINST THE LOTS AND PARCELS OF LAND DESCRIBED BELOW, THE RESPECTIVE SUMS OF MONEY SET OPPOSITE EACH LOT OR PARCEL. THIS ASSESSMENT IS LEVIED TO DEFRAY THE EXPENSE OF CITY IMPROVEMENT 19:10C NE BRAINERD, P STREET & 10TH AVE.

PARCEL NO.	PROPERTY ADDRESS	OWNERS NAME	\$ AMOUNT
41180593	-- -	BEMENT, HARRY & ARLISS	1,808.00
41180574	-- - -	TAX FORFEITED	5,062.40
41180601	1605 NE 10TH AVE	GRIMM, JASON A	5,062.40
41180600	1607 NE 10TH AVE	MAROHN, JODI I	1,808.00
41180594	1608 NE 10TH AVE	BEMENT, HARRY & ARLISS	1,808.00
41180599	1611 NE 10TH AVE	MCMILLION, SANDRA LEAH	3,616.00
41180595	1612 NE 10TH AVE	HAIGHT, MICHAEL D & JESSICA E	1,808.00
41180596	1614 NE 10TH AVE	MILLOCH, RUTH	1,808.00
41180597	1624 NE 10TH AVE	PIETILA, TODD L	3,616.00
41180585	1522 NE 8TH AVE	KUHN, DALE P & DEBRA L	2,531.20
41180586	1523 NE 8TH AVE	SCHMITZ, RICKY J JR	2,531.20
41180578	1516 NE 9TH AVE	HINES, DERICK J	2,531.20
41180579	1523 NE 9TH AVE	BOLIN, MARY F	2,531.20
41180610	1601 NE 9TH AVE	BADGER, BOBBY GENE	2,531.20
41180602	1602 NE 9TH AVE	BONAR, THOMAS & EMILY	2,531.20
41180592	1518 MILL AVE	S & P QUISBERG LLC	2,531.20
41180620	1606 MILL AVE	TKT HOLDINGS LLC	2,531.20
41180619	823 NE P ST	HOEFFERLE, TERRI	2,531.20
41180611	903 NE P ST	LARSON, COLLEEN S	2,531.20
41180598	1024 NE Q ST	BOLLIG, LUCAS	3,616.00

DATED THIS 19TH DAY OF OCTOBER, 2020

TOTAL: 55,324.80

ATTEST: _____
JENNIFER BERGMAN, CITY ADMINISTRATOR

GABE JOHNSON, PRESIDENT OF COUNCIL

INTEREST RATE 1.6%
YEARS CERTIFIED 10 YEARS

10/12/2020
09:58 AM

Page: 1/1
DB: BRAINERD

CITY OF BRAINERD
ASSESSMENT ROLL FOR CERTIFICATION
307 19:10D NE BRAINERD

THE CITY COUNCIL OF THE CITY OF BRAINERD DOTH HEREBY ASSESS AND LEVY UPON AND AGAINST THE LOTS AND PARCELS OF LAND DESCRIBED BELOW, THE RESPECTIVE SUMS OF MONEY SET OPPOSITE EACH LOT OR PARCEL. THIS ASSESSMENT IS LEVIED TO DEFRAY THE EXPENSE OF CITY IMPROVEMENT 19:10D NE BRAINERD, L STREET.

PARCEL NO.	PROPERTY ADDRESS	OWNERS NAME	\$ AMOUNT
41191227	1113 NE 8TH AVE	LOEFFLER, FELICIA & VARICHAK,	2,224.40
41191456	1203 NE 8TH AVE	LEVENDOWSKI, DALE L	5,282.95
41191226	1120 MILL AVE	JANSSEN, DENNIS L & SANDY L	3,475.63
41191457	1202 MILL AVE	HANSON, CARLA J	2,641.48

DATED THIS 19TH DAY OF OCTOBER, 2020

TOTAL: 13,624.45

ATTEST: _____
JENNIFER BERGMAN, CITY ADMINISTRATOR

GABE JOHNSON, PRESIDENT OF COUNCIL

INTEREST RATE 1.6%
YEARS CERTIFIED 10 YEARS

CITY OF BRAINERD
ASSESSMENT ROLL FOR CERTIFICATION
307 19:10E NE BRAINERD

THE CITY COUNCIL OF THE CITY OF BRAINERD DOTH HEREBY ASSESS AND LEVY UPON AND AGAINST THE LOTS AND PARCELS OF LAND DESCRIBED BELOW, THE RESPECTIVE SUMS OF MONEY SET OPPOSITE EACH LOT OR PARCEL. THIS ASSESSMENT IS LEVIED TO DEFRAY THE EXPENSE OF CITY IMPROVEMENT 19:10E NE BRAINERD, O STREET & 10TH AVE.

PARCEL NO.	PROPERTY ADDRESS	OWNERS NAME	\$ AMOUNT
41180546	--	LUDWIG, DANIEL W & LINDA K	3,237.75
41190551	1407 NE 10TH AVE	PUERINGER, DAVID F	3,626.28
41190561	1408 NE 10TH AVE	HAYES, PAMELA A	2,158.50
41190550	1421 NE 10TH AVE	THOMAS, JOHN	5,827.95
41190781	1426 NE 11TH AVE	RANKIN, PAUL S	3,021.90
41190790	1425 NE 12TH AVE	LUND, DANIEL A	3,173.00
41190556	1424 NE 9TH AVE	LOBERG, DONNA J	3,021.90
41190566	1502 NE 9TH AVE	LORIMOR, DIANNA C	3,021.90
41190553	921 NE N ST	CHRISTENSEN, SHANE A	1,921.07
41190560	1005 NE N ST	PRAHM, ALICE T	3,237.75
41190549	916 O ST	DK INVESTMENTS LLC	3,021.90
41190565	1015 NE O ST	TAX FORFEITED	3,021.90
41190563	1101 NE O ST	MATTSON, WAYNE E & ROSALIE	3,237.75
41190564	1107 NE O ST	OTTERSON, ANTHONY R	3,237.75
41190562	1110 NE O ST	CHISHOLM, BRENNIA RAE	6,669.77
41190557	1116 NE O ST	DEBELTZ, BRIAN R & TARA L	4,014.81
41180547	1205 NE O ST	LUDWIG, DANIEL W & LINDA K	3,237.75
41180504	1211 NE O ST	BEMENT, HARRY & ARLISS	3,173.00
41180503	1221 NE O ST	BEMENT, HARRY & ARLISS	3,173.00
41180502	1231 NE O ST	BEMENT, HARRY & ARLISS	3,173.00

DATED THIS 19TH DAY OF OCTOBER, 2020

TOTAL: 68,208.60

ATTEST: _____
JENNIFER BERGMAN, CITY ADMINISTRATOR

GABE JOHNSON, PRESIDENT OF COUNCIL

INTEREST RATE 1.6%
YEARS CERTIFIED 10 YEARS

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

RESOLUTION ADOPTING ASSESSMENT

WHEREAS, pursuant to proper notice duly given as required by law, the Council has met and heard and passed upon all objections to the proposed assessments for the improvements of the following described streets, alleys, and utilities 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

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

1. Such proposed assessment, a copy of which is on file in the offices of the City Administrator and City Engineer, is hereby accepted and shall constitute the special assessment against the lands named therein, and each tract of land therein included is hereby found to be benefited by the proposed improvement in the amount of the assessment levied against it.
2. Such assessment shall be payable in equal annual installments extending over a period of ten years, the first of the installments to be payable on or before the first Monday in January 2021 and shall bear interest at the rate of one and six-tenths (1.6%) percent per annum from the date of the adoption of this resolution. To the first installment shall be added interest on the entire assessment from the date of this resolution until December 31, 2020. To each subsequent installment, when due, shall be added interest for one year on all unpaid installments.
3. The owner of any property so assessed may, at any time prior to certification of the assessment to the Crow Wing 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 thirty (30) days from the adoption of this Resolution; and he or she may, at any time thereafter, pay to the City Administrator the entire amount of the assessment remaining unpaid with interest accrued to December 31, of the year in which such payment is made.
4. The City Administrator shall forthwith transmit a certified duplicate of this assessment to the Crow Wing County Auditor to be extended on the property tax list of the County. Such assessment shall be collected and paid over in the same manner as other municipal taxes.

Adopted this ____ day of _____, 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:

Title of Item:

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

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 22nd day of September 2020

Jennifer Bergman
City Administrator

Any individual needing special accommodations please call 828-2307.

Published September 30, 2020

CITY OF BRAINERD
ASSESSMENT ROLL FOR CERTIFICATION
307 13:21 B STREET NE

THE CITY COUNCIL OF THE CITY OF BRAINERD DOTH HEREBY ASSESS AND LEVY UPON AND AGAINST THE LOTS AND PARCELS OF LAND DESCRIBED BELOW, THE RESPECTIVE SUMS OF MONEY SET OPPOSITE EACH LOT OR PARCEL. THIS ASSESSMENT IS LEVIED TO DEFRAY THE EXPENSE OF CITY IMPROVEMENT 13:21, B ST NE.

PARCEL NO.	PROPERTY ADDRESS	OWNERS NAME	\$ AMOUNT
41191815		MATTSON PROPERTIES LLC	5,287.80
41241670	121 NE 1ST AVE	SMART, SARAH M & MAATTALA, RI	5,476.65
41191816	122 NE 1ST AVE	ENGHOLM, ROGER	5,287.80
41241660	201 NE 1ST AVE	ANDERSON, LLOYD T	5,476.65
41191832	124 NE 2ND AVE	STANGLER PROPERTIES LLC	5,287.80
41191807	201 NE 2ND AVE	BETCHER, PAT	3,021.60
41191831	121 NE 3RD AVE	MEYER, JOSEPH	5,287.80
41191844	122 NE 3RD AVE	BEMENT, HARRY & ARLISS	5,287.80
41191795	201 NE 3RD AVE	BEMENT, HARRY & ARLISS	5,287.80
41191777	202 NE 3RD AVE	OSTER, MARINA	2,643.90
41191843	121 NE 4TH AVE	LEETCH, RAY V & BARBARA J	5,287.80
41191848	124 NE 4TH AVE	GALL, SHANE	3,777.00
41191159	123 NE 5TH AVE	MOEN, JEFF	3,172.68
41241669	4 NE B ST	WALTERS, MARK	5,476.65
41241650	5 NE B ST	LORIMOR, DIANNA C	3,399.30
41191805	111 NE B ST	AUSTIN, NANCY	5,287.80
41191806	113 NE B ST	LORIMOR, DIANNA C	2,266.20
41191794	201 NE B ST	BANKS, TRAVIS E & TRACY L	5,287.80
41191778	303 NE B ST	MILLOCH, RUTH	2,643.90
41191779	305 NE B ST	YOUNG, MARILYN T	5,287.80
41191780	309 NE B ST	KAMPEN, TROY J	2,643.90
41191781	313 NE B ST	KOEHLER FAMILY REV LIVING TRU	5,287.80
41191782	323 NE B ST	EBERLY, PEARL & PATRICIA DAVI	2,643.90
41191766	401 NE B ST	PCMCK LLC &	3,777.00
41191767	405 NE B ST	DOUCETTE, DORIS D	3,777.00
41191768	411 NE B ST	BOCK, RICHARD	3,777.00
41191851	412 NE B ST	CLUEVER, MICHAEL C & JODY A	3,777.00
41191164	413 NE B ST	KOWALCZYK, RONALD A & SUSAN J	3,777.00
41191155	414 NE B ST	ANDERSON, TERRY & TINA	3,777.00
41191163	417 NE B ST	WEYER, DANIEL L & TERRI	3,777.00
41191156	418 NE B ST	NELSON, DUSTIN W	3,777.00
41191162	421 NE B ST	FAIRBANKS, ZACHARY L & MCCAPE	3,777.00
41191157	422 NE B ST	ANDERSON, WENDELL & DENISE	3,777.00
41191161	425 NE B ST	BICKFORD, KAYLA	3,777.00
41191158	426 NE B ST	ANDERSON, WENDELL & DENISE	3,777.00
41191160	431 NE B ST	COOPER-SWENSON, KELLY J	3,172.68
41241649	202 GILLIS AVE	PUERINGER, DAVID F	3,777.00

DATED THIS 19TH DAY OF OCTOBER, 2020

TOTAL: 153,081.81

ATTEST: _____
JENNIFER BERGMAN, CITY ADMINISTRATOR

GABE JOHNSON, PRESIDENT OF COUNCIL

INTEREST RATE 1.6%
YEARS CERTIFIED 10 YEARS

CITY OF BRAINERD
ASSESSMENT ROLL FOR CERTIFICATION
307 19:09 5TH AVE RECONSTRUCTION

THE CITY COUNCIL OF THE CITY OF BRAINERD DOTH HEREBY ASSESS AND LEVY UPON AND AGAINST THE LOTS AND PARCELS OF LAND DESCRIBED BELOW, THE RESPECTIVE SUMS OF MONEY SET OPPOSITE EACH LOT OR PARCEL. THIS ASSESSMENT IS LEVIED TO DEFRAY THE EXPENSE OF CITY IMPROVEMENT 19:09, 5TH AVE RECONSTRUCTION.

PARCEL NO.	PROPERTY ADDRESS	OWNERS NAME	\$ AMOUNT
41190510	-- -	POLLOCK PROPERTIES LLC	2,128.76
41190509	-- -	KC HOLDINGS LLP	2,128.76
41190507	-- -	DEUTSCH 4 LLC	1,845.08
41191905	-- -	NELSON/KUEPERS, LLP	3,974.29
41191906	-- -	DEUTSCH 4 LLC	851.50
41191159	123 NE 5TH AVE	MOEN, JEFF	6,374.90
4119P000	320 NE 5TH AVE	B.W. LLC	5,555.27
41191256	513 B ST	GTL OF BRAINERD INC	12,749.80
41191160	431 NE B ST	COOPER-SWENSON, KELLY J	6,374.90
41191257	512 C ST	GTL OF BRAINERD INC	7,285.60
41191170	429 NE C ST	MARSH, LINDA	6,374.90
41191169	430 NE C ST	GOTTWALT, MATTHEW & ERICA	6,374.90
41191179	430 NE D ST	FRANZEN, MARCELLINE	6,374.90
41191153	421 NE WASHINGTON ST	TRIANGLE 66 OIL CO	9,562.35
41191255	505 NE WASHINGTON ST	COOK, GLEN	11,292.68

DATED THIS 19TH DAY OF OCTOBER, 2020

TOTAL: 89,248.60

ATTEST: _____
JENNIFER BERGMAN, CITY ADMINISTRATOR

GABE JOHNSON, PRESIDENT OF COUNCIL

INTEREST RATE 1.6%
YEARS CERTIFIED 10 YEARS

CITY OF BRAINERD
ASSESSMENT ROLL FOR CERTIFICATION
307 19:16 B,C, & D STREET RECONSTRUCTION

THE CITY COUNCIL OF THE CITY OF BRAINERD DOTH HEREBY ASSESS AND LEVY UPON AND AGAINST THE LOTS AND PARCELS OF LAND DESCRIBED BELOW, THE RESPECTIVE SUMS OF MONEY SET OPPOSITE EACH LOT OR PARCEL. THIS ASSESSMENT IS LEVIED TO DEFRAY THE EXPENSE OF CITY IMPROVEMENT 19:16, B,C,& D STREET RECONSTRUCTION.

PARCEL NO.	PROPERTY ADDRESS	OWNERS NAME	\$ AMOUNT
41190510	-- --	POLLOCK PROPERTIES LLC	5,811.68
41190509	-- --	KC HOLDINGS LLP	5,811.68
41190507	-- --	DEUTSCH 4 LLC	5,037.73
41191905	-- --	NELSON/KUEPERS, LLP	10,849.41
41191906	-- --	DEUTSCH 4 LLC	2,324.50
41191262	-- --	ASI-BRAINERD INC	4,387.50
4119P000	320 NE 5TH AVE	B.W. LLC	6,142.50
41191256	513 B ST	GTL OF BRAINERD INC	13,162.50
41191257	512 C ST	GTL OF BRAINERD INC	13,162.50
41191258	522 C ST	BRAINERD ICE BOX PROPERTIES L	4,387.50
41191263	505 NE D ST	ASI-BRAINERD INC	4,387.50
41191264	511 NE D ST	ASI-BRAINERD INC	4,387.50
41191265	517 NE D ST	PALMER, GERALD & VENETTIE	8,775.00
41191266	523 NE D ST	YOUNG, ANNA M	4,387.50
41191255	505 NE WASHINGTON ST	COOK, GLEN	12,285.00

DATED THIS 19TH DAY OF OCTOBER, 2020

TOTAL: 105,300.00

ATTEST: _____
JENNIFER BERGMAN, CITY ADMINISTRATOR

GABE JOHNSON, PRESIDENT OF COUNCIL

INTEREST RATE 1.6%
YEARS CERTIFIED 10 YEARS

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

RESOLUTION ADOPTING ASSESSMENT

WHEREAS, pursuant to proper notice duly given as required by law, the Council has met and heard and passed upon all objections to the proposed assessments for the improvements of the following described streets, alleys, and utilities 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

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

1. Such proposed assessment, a copy of which is on file in the offices of the City Administrator and City Engineer, is hereby accepted and shall constitute the special assessment against the lands named therein, and each tract of land therein included is hereby found to be benefited by the proposed improvement in the amount of the assessment levied against it.
2. Such assessment shall be payable in equal annual installments extending over a period of ten years, the first of the installments to be payable on or before the first Monday in January 2021 and shall bear interest at the rate of one and six-tenths (1.6%) percent per annum from the date of the adoption of this resolution. To the first installment shall be added interest on the entire assessment from the date of this resolution until December 31, 2020. To each subsequent installment, when due, shall be added interest for one year on all unpaid installments.
3. The owner of any property so assessed may, at any time prior to certification of the assessment to the Crow Wing 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 thirty (30) days from the adoption of this Resolution; and he or she may, at any time thereafter, pay to the City Administrator the entire amount of the assessment remaining unpaid with interest accrued to December 31, of the year in which such payment is made.
4. The City Administrator shall forthwith transmit a certified duplicate of this assessment to the Crow Wing County Auditor to be extended on the property tax list of the County. Such assessment shall be collected and paid over in the same manner as other municipal taxes.

Adopted this ____ day of _____, 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:

Title of Item:

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

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 22nd day of September 2020

Jennifer Bergman
City Administrator

Any individual needing special accommodations please call 828-2307.

Published September 30, 2020

CITY OF BRAINERD
ASSESSMENT ROLL FOR CERTIFICATION
401 19:07 & 16:09 BUFFALO HILLS

THE CITY COUNCIL OF THE CITY OF BRAINERD DOTH HEREBY ASSESS AND LEVY UPON AND AGAINST THE LOTS AND PARCELS OF LAND DESCRIBED BELOW, THE RESPECTIVE SUMS OF MONEY SET OPPOSITE EACH LOT OR PARCEL. THIS ASSESSMENT IS LEVIED TO DEFRAY THE EXPENSE OF CITY IMPROVEMENT 19:07 & 16:09 BUFFALO HILLS.

PARCEL NO.	PROPERTY ADDRESS	OWNERS NAME	\$ AMOUNT
41020553		MINNESOTA NORTHERLY LLC	425.00
41020554		CRESCENT HILLS ESTATES OF BRD	425.00
41020559		SODERLUND, MICHAEL D & ROBIN	425.00
41020560		ELLENBURG, NIKKI S TRUST	425.00
41020555		CRESCENT HILLS ESTATES OF BRD	425.00
41020556		CRESCENT HILLS ESTATES OF BRD	425.00
41020557		CRESCENT HILLS ESTATES OF BRD	425.00
41020561		ASHMORE, CHRISTOPHER W & RENE	425.00
41020558		CRESCENT HILLS ESTATES OF BRD	850.00
41020552		JEREMIASON, DAVID J & CORRIE	425.00
41350543		BERGER, TERRY W & KATHLEEN P	3,400.00
41020585		PRASKA, HENRY D & KARA T SCHA	2,100.00
41020586		PRASKA, HENRY D & KARA T SCHA	2,100.00
41020550		JEREMIASON, DAVID J & CORRIE	425.00
41350515		PRASKA, HENRY D & KARA T SCHA	1,700.00
41350506		CITY OF BRAINERD	0.00
41350522		PRASKA, HENRY D & KARA T SCHA	850.00
41350510		CITY OF BRAINERD	0.00
41350511		CITY OF BRAINERD	0.00
41350526		ISMIR, MARILYN K TRUST AGR	850.00
41350528		OLSTAD, SHANE M & EMILEE C	1,700.00
41350544		LUNDEEN, BENJAMIN J & MELISSA	850.00
41350545		SCHIRMER, CARL K JR & KAREN	850.00
41020664		LIVELY AUTO CO	2,100.00
41020667		LIVELY AUTO CO	2,100.00
41020666		LIVELY AUTO CO	2,100.00
41020665		LIVELY AUTO CO	2,100.00
41020668		LIVELY AUTO CO	2,100.00
41350534		SMITH, BAXTER A III TRUST AGR	1,700.00
41020671		CHRISTIAN, SHANNON D & AMIE M	2,058.00
41020677		VANZOMEREN, BARBARA R & JOHN	1,848.00
41020678		SMITH, LANCE W & KAREN	1,176.00
41020669		CHRISTIAN, SHANNON D & AMIE M	2,100.00
41020672		CHRISTIAN, SHANNON D & AMIE M	2,100.00
41020502		SHCHUPPEL, EDITH M TRUST AGR	850.00
41020503		ERICKSON, LOIS	850.00
41020506		CRESCENT HILLS ESTATES OF BRD	850.00
41020504		MILLER, ROGER B & VERNA M	1,700.00
41020523		OWENS, BARBARA E	850.00
41020513		CRESCENT HILLS ESTATES OF BRD	850.00
41020514		SOPER, HAROLD G TRUST &	1,700.00
41020518		CRESCENT HILLS ESTATES OF BRD	2,100.00
41020519		CRESCENT HILLS ESTATES OF BRD	2,100.00
41020522		TAUTGES FAMILY TRUST AGR 3-23	850.00
41020521		CRESCENT HILLS ESTATES OF BRD	850.00
41020598		WALTERS, GENE & MARY	425.00
41020597		HOLST, CHARLES A & ARLENE	850.00
41020596		SULLIVAN, LARISSA R	425.00
41020595		SULLIVAN, LARISSA R	425.00
41020594		DOYLE, GERALD J & KAREN J	425.00
41020590		EMPLEO, YINI & SHERRY DESHAZO	425.00
41350554		STEINHAUSER, SCOTT & JULIE	688.50
41350555		BRUSSEAU, MICHAEL A & KARI L	161.50
41350562		ARENS, JOSEPH P	425.00
41350570		WUSSOW, PATRICK D	212.50
41020535		PAYNE, ROSEANN	850.00
41020532		LITTLE, WAYNE G & JOAN D	850.00
41020543		JOHNSON, MITCHELL D & SEYDELL	850.00
41020622		CRESCENT HILLS ESTATES OF BRD	850.00
41020623		CRESCENT HILLS ESTATES OF BRD	850.00
41020624		CRESCENT HILLS ESTATES OF BRD	850.00
41020625		CRESCENT HILLS ESTATES OF BRD	850.00
41020715		HOWARD, JEFFREY L & LYNNE	106.25
41020661		CRESCENT HILLS ESTATES OF BRD	11,019.00
41020660		MINNESOTA NORTHERLY LLC	425.00
41020690		LIVELY AUTO CO	47,696.00
41350512	302 ASPEN CT	SCHULTZ, JAYSON D	2,567.00
41350518	303 ASPEN CT	BROUGH, BRADLEY J & JEAN M (1	1,700.00
41350517	313 ASPEN CT	HIGHUM, THOMAS M & DOROTHY M	1,700.00
41350513	318 ASPEN CT	SIMOTA, TIMOTHY C & JENNIFER	1,887.00
41350516	323 ASPEN CT	ANDERSON, DAVID R & ANNETTE M	1,700.00
41350514	332 ASPEN CT	RUTMAN, BRADY P & ASHLEY S	4,692.00
41020509	469 BLUE JAY CT	GORDON, GALE W & KARLYN J	1,700.00
41020510	473 BLUE JAY CT	LAMBERT, WILFRED & CATHERINE	1,700.00

PARCEL NO.	PROPERTY ADDRESS	OWNERS NAME	\$ AMOUNT
41020508	480 BLUE JAY CT	GREEN, BETTY E	1,700.00
41020511	481 BLUE JAY CT	WORDEN, FRANK E & CAROL A	1,700.00
41020507	484 BLUE JAY CT	NELSON FAMILY TRUST DATED 12-	1,700.00
41020512	485 BLUE JAY CT	BOUDIN, DAVID R & SHARON B	1,700.00
41020515	497 BLUE JAY CT	HELSETH, HELEN A	1,700.00
41020505	500 BLUE JAY CT	SCEARCY, LOWELL G TRUST AGR(1	1,700.00
41020516	501 BLUE JAY CT	LEMOND, JUDITH V	1,700.00
41020517	505 BLUE JAY CT	TANK, ELIZABETH A	1,700.00
41350523	402 BUFFALO HILLS LANE	PRASKA, HENRY D & KARA T SCHA	4,200.00
41350505	502 BUFFALO HILLS LANE	THESING, GERY P & LINDA	6,216.00
41350507	520 BUFFALO HILLS LANE	RILEY, MICHAEL J & DEBRA K	4,200.00
41020589	167 BUFFALO HILLS LN	KARST, CODY J & FOGARD, TORI	4,200.00
41020637	205 BUFFALO HILLS LN	OLSEN, WALFRED A IND TRUST 9-	1,700.00
41020636	209 BUFFALO HILLS LN	STRAKA, WALTER B	1,700.00
41020635	215 BUFFALO HILLS LN	EASTMAN, BRUCE C & DONNA A SA	1,700.00
41020634	219 BUFFALO HILLS LN	PATRICK, JANE	1,700.00
41350546	308 BUFFALO HILLS LN	ABRAHAMSON, FAYE A	4,200.00
41020654	321 BUFFALO HILLS LN	DITON, ALEXIS	1,806.00
41020626	521 BUFFALO HILLS LN	ANDERSON, BRETT & JULIE	4,200.00
41350508	524 BUFFALO HILLS LN	STORBAKKEN, ERIC R & TRUDI E	4,200.00
41020676	600 BUFFALO HILLS LN	VANZOMEREN, BARBARA R & JOHN	4,200.00
41020675	614 BUFFALO HILLS LN	BREEN, RICHARD H & KATHERINE	4,200.00
41020674	620 BUFFALO HILLS LN	OLMSTED, WILLIAM L &	4,200.00
41350547	113 CAROL LN	THOMPSON, BRUCE C & CYNTHIA	3,400.00
41350557	114 CAROL LN	KRUEGER, PATRICK M & HELEN J	3,400.00
41350548	123 CAROL LN	COOK, VINCE	1,700.00
41350556	124 CAROL LN	STEINHAUSER, SCOTT & JULIE	1,700.00
41350549	133 CAROL LN	MARSHALL, SARAH & MARC	1,700.00
41350550	143 CAROL LN	LUNDEEN, BENJAMIN J & MELISSA	1,700.00
41350553	144 CAROL LN	BRUSSEAU, MICHAEL A & KARI L	1,700.00
41350551	153 CAROL LN	CARLSON, JAMES M & ELSE M	1,700.00
41350552	154 CAROL LN	OWEN FAMILY REV LIVING TRUST	1,700.00
41350591	2001 CRESTVIEW LN	BOONE, MARK & MARY	1,572.50
41350576	2006 CRESTVIEW LN	CHARPENTIER, RAYMOND A	850.00
41350590	2009 CRESTVIEW LN	ERLANSON, BRITTA J	977.50
41350575	2010 CRESTVIEW LN	DUHN, DAVID A & LORA L	850.00
41350589	2013 CRESTVIEW LN	WARD, DENNIS R & BARBIE J	850.00
41350574	2014 CRESTVIEW LN	ROBERTS, GREGORY M & DIANE M	850.00
41350588	2017 CRESTVIEW LN	RUEN, KEVIN A	850.00
41350569	2018 CRESTVIEW LN	WUSSOW, PATRICK D	1,275.00
41350587	2021 CRESTVIEW LN	LAUGHLIN, REBECCA A	850.00
41350568	2022 CRESTVIEW LN	HIGGINS, SEAN T & SARAH E WIN	850.00
41350586	2025 CRESTVIEW LN	SWARTHOUT, ZACHARY & EMILY	850.00
41350567	2026 CRESTVIEW LN	BETKER, AMANDA	850.00
41350585	2029 CRESTVIEW LN	WICKLUND, BEVERLEY A REV TRUS	850.00
41350566	2030 CRESTVIEW LN	ORR, MATTHEW T	850.00
41350584	2103 CRESTVIEW LN	RASMUSSEN, DONALD A & CHRISTI	850.00
41350565	2104 CRESTVIEW LN	PELTOMA, RODNEY G & SUSAN	850.00
41350583	2109 CRESTVIEW LN	JENSEN, JENNIFER	850.00
41350564	2112 CRESTVIEW LN	PETRICH, NICOLE L	850.00
41350582	2117 CRESTVIEW LN	PRUSAK, THOMAS K & MARTHA	850.00
41350563	2120 CRESTVIEW LN	UNSER, BRADLEY J & JYNELL D	850.00
41350581	2123 CRESTVIEW LN	OSAFO, MAMFE & ANDREA	850.00
41350580	2131 CRESTVIEW LN	ADERMAN, THOMAS &	1,700.00
41350561	2134 CRESTVIEW LN	NELSON, DARREN & SWANSON, KAT	1,700.00
41020639	2302 CRESTVIEW LN	MOSES, BEVERLY DAWN	850.00
41020638	2304 CRESTVIEW LN	HOWE, ROBERT W	850.00
41020646	2402 CRESTVIEW LN	COLLINS, LYNDA	850.00
41020591	2403 CRESTVIEW LN	MCFARLAND, DONALD W & KATHY F	850.00
41020645	2404 CRESTVIEW LN	REICHMANN, THERESA	850.00
41020613	2416 CRESTVIEW LN	NELSON, BEVERLY G	850.00
41020612	2418 CRESTVIEW LN	HERTEL, GAYLE A	850.00
41020611	2420 CRESTVIEW LN	PECARICH, JOHN & PAULA	850.00
41020593	2423 CRESTVIEW LN	DOYLE, GERALD J & KAREN J	773.50
41020610	2424 CRESTVIEW LN	THEILEN, DUANE E	850.00
41020609	2502 CRESTVIEW LN	MOORES, JOEL A	850.00
41020608	2504 CRESTVIEW LN	HENKENSIEFKEN, RALPH & LORENE	850.00
41020607	2506 CRESTVIEW LN	LEVNO, DOROTHY J	850.00
41020606	2508 CRESTVIEW LN	YOUNT, KATHLEEN J	850.00
41020605	2512 CRESTVIEW LN	BBLRR LLC	850.00
41020604	2516 CRESTVIEW LN	STEFFEN, VERNON A & BEVERLY A	850.00
41020544	2518 CRESTVIEW LN	BENEDICT, JOHN C & MARGARET D	850.00
41020599	2539 CRESTVIEW LN	WALTERS, GENE & MARY	850.00
41020531	2602 CRESTVIEW LN	SCHIRMER, EMILY R	850.00
41020600	2603 CRESTVIEW LN	NGUYEN, CHUONG D &	850.00
41020530	2604 CRESTVIEW LN	FENN, KAREN	850.00
41020529	2606 CRESTVIEW LN	PETERSON, DONALD E & ALVINA	850.00
41020528	2608 CRESTVIEW LN	ROHLFING, ERIC R AND	850.00
41020592	2714 CRESTVIEW LN	FERRIAN, VERNON A & CAROLYN	926.50
41350579	2134 GRAYDON AVE	SCHAFFER, REBECCA A & PATRIC	1,700.00
41020673	714 MISSISSIPPI DR	RANSOM, WILLIAM S & CYNTHIA L	4,200.00
41020670	720 MISSISSIPPI DR	CHRISTIAN, SHANNON D & AMIE M	2,142.00

PARCEL NO.	PROPERTY ADDRESS	OWNERS NAME	\$ AMOUNT
41350573	102 NORWAY CT	AGRE, JOHN D & ANDREA F	850.00
41350572	106 NORWAY CT	CORTINAS, ESTEVAN J & KAYLI M	850.00
41350571	107 NORWAY CT	POMMERENING, MICHAEL & AMANDA	850.00
41350577	153 PINEVIEW DR	TAX FORFEITED	850.00
41350538	212 RIDGE CT	DEHEN, JAMES J JR &	3,400.00
41350537	222 RIDGE CT	SCHIRMER, CARL K JR & KAREN	1,700.00
41350536	223 RIDGE CT	KNOWLEN, GLENDON D & CONNIE L	3,400.00
41350542	106 RIDGE DR	DEHNING, KURT & KELLY	1,700.00
41350541	110 RIDGE DR	EATON, BRYCE R & MARY JEAN	1,700.00
41350521	111 RIDGE DR	MIKKELSON, STEVEN & LYNN	1,700.00
41350540	114 RIDGE DR	EMBRETSON, LORRAINE E	1,700.00
41350520	115 RIDGE DR	KIMBALL, JOHN L & JANE L	1,700.00
41350539	118 RIDGE DR	PLOOF, CHAD L & KIMBERLY J	1,700.00
41350519	123 RIDGE DR	ERICKSON, NICHOLAS E & TRINA	1,700.00
41350535	202 RIDGE DR	DEBLOCK, RYAN J &	1,700.00
41350533	206 RIDGE DR	O'GRADY, KEVIN J & JILL R	1,700.00
41350532	208 RIDGE DR	KUEPERS, ALISSA M	1,700.00
41350531	210 RIDGE DR	ANDERSON, GARY M & MARY KAY	1,700.00
41350530	212 RIDGE DR	HAMRE, JOSHUA T & KARMEN A	1,700.00
41350529	216 RIDGE DR	OLSTAD, SHANE M & EMILEE C	850.00
41350527	218 RIDGE DR	JOHNSON, THADDEUS F & MARY	1,700.00
41350509	221 RIDGE DR	RITTER, CONSTANCE A & KENNETH	1,700.00
41350525	222 RIDGE DR	ISMIR, MARILYN K TRUST AGR	1,700.00
41350524	224 RIDGE DR	SMITH, LANCE W & KAREN	1,700.00
41020650	2303 RIDGE DR	METZGER, TERRY & JANET	850.00
41020588	2422 RIDGE DR	ASHMORE, CHRISTOPHER W & RENE	850.00
41020649	2423 RIDGE DR	GALLAGHER, CURTIS L & TRICIA	850.00
41020648	2501 RIDGE DR	LEACH, EMMA FAYE & DENNIS	850.00
41020647	2523 RIDGE DR	DILLEY, THOMAS N & LAURA L	850.00
41020526	2531 RIDGE DR	FORTUNE, WILLIAM F III & MARL	637.50
41020584	2308 S RIDGE DR	THESING, PETER W & LAVONNE	1,700.00
41020587	2402 S RIDGE DR	DESHAW, ADAM L & JESSICA A IS	850.00
41020551	2600 S RIDGE DR	JEREMIASON, DAVID J & CORRIE	850.00
41020539	2602 SOUTHVIEW CT	PERSON, TODD M & JENNIFER A	850.00
41020538	2604 SOUTHVIEW CT	RUSSELL FAMILY TRUST DATED 9-	850.00
41020537	2606 SOUTHVIEW CT	ALLEN, LINDA M	850.00
41020536	2608 SOUTHVIEW CT	DICKOVER, LINDA M BUCK	850.00
41020534	2612 SOUTHVIEW CT	ROSKOP, JOSEPH A TRUST AGR 1-	850.00
41020533	2614 SOUTHVIEW CT	LEIN, MARY JW	850.00
41020653	302 TANAGER CIR	HUBERT, SCOTT	969.00
41020651	323 TANAGER CIR	LANGE, GREGORY J & MARY	1,700.00
41020652	301 TANAGER CRT	BIORN, DAVID	850.00
41020655	322 TANAGER CRT	HAYES, RICHARD L & BETTY J	1,700.00
41020525	2300 WHIPPORWILL LN	ARSENAULT, PETER & MARY	1,700.00
41020524	2304 WHIPPORWILL LN	KUHN, ROGER A & MARY JO O	1,700.00
41020633	2404 WOODRIDGE LN	DOLS, LAWRENCE D & DONNA M	850.00
41020644	2405 WOODRIDGE LN	FORT, MAE A	850.00
41020632	2406 WOODRIDGE LN	DOBMEIER, MARY PATRICIA	850.00
41020643	2409 WOODRIDGE LN	WOLF, JOHN HOWARD & JOANNE RU	850.00
41020631	2412 WOODRIDGE LN	SHELL, RICHARD W	850.00
41020630	2414 WOODRIDGE LN	ENDERSBE, SHARON	850.00
41020642	2415 WOODRIDGE LN	SWANSON, JOHN C & JANE L	850.00
41020641	2419 WOODRIDGE LN	GRUBER, PAUL H & AUDRAE M TRU	850.00
41020629	2420 WOODRIDGE LN	STROMBACK REVOCABLE TRUST	850.00
41020628	2424 WOODRIDGE LN	SUTTON, JOSEPH W & BARBARA E	850.00
41020614	2501 WOODRIDGE LN	DEWES, MARGIE V	850.00
41020615	2503 WOODRIDGE LN	BUBALO, KEITH & LORI	850.00
41020616	2505 WOODRIDGE LN	PRALL, JANET B	850.00
41020583	2506 WOODRIDGE LN	AXVIG, KEITH ODIN & ANN MARIE	850.00
41020617	2507 WOODRIDGE LN	TERTIN, DEBRA	850.00
41020582	2508 WOODRIDGE LN	SCHMIDT/RAMSDALL TRUST	850.00
41020618	2509 WOODRIDGE LN	PIHLAJA, HOWARD E & GABRIELE	850.00
41020581	2510 WOODRIDGE LN	PETERSON, ARUTHUR D JR & SHER	850.00
41020619	2511 WOODRIDGE LN	ERICKSON, MARGO M	850.00
41020580	2512 WOODRIDGE LN	GAU, MARION S	850.00
41020620	2513 WOODRIDGE LN	JOHNSON, BERT F & IRENE C	850.00
41020579	2514 WOODRIDGE LN	KRATTENMAKER, ROBERT & BEVERL	850.00
41020621	2515 WOODRIDGE LN	JENSEN, DONNA J	850.00
41020578	2516 WOODRIDGE LN	RUSSELL, MARJORIE M	850.00
41020567	2517 WOODRIDGE LN	MILLER, JUDY A	850.00
41020577	2518 WOODRIDGE LN	MARCHEL, RENEE M	850.00
41020566	2519 WOODRIDGE LN	GOCKEN, RICHARD & LYNETTE	850.00
41020576	2520 WOODRIDGE LN	WITHAM, JOAN C	850.00
41020565	2521 WOODRIDGE LN	BELIVEAU, KATHRYN E & DALE L	850.00
41020575	2522 WOODRIDGE LN	FALCONER, JAMES A & MARY LEE	850.00
41020564	2523 WOODRIDGE LN	HARTING, ROBERT P & JUDITH M	850.00
41020574	2524 WOODRIDGE LN	DEROSIER, JOSEPH M & PHYLLIS	850.00
41020563	2525 WOODRIDGE LN	TOWNSEND, EMAJANE J	850.00
41020573	2526 WOODRIDGE LN	CHAPUT, TRAVIS	850.00
41020549	2527 WOODRIDGE LN	LARSON, BRUCE W & LYNN L	850.00
41020572	2528 WOODRIDGE LN	HERD, KENNETH G REVOCABLE TRU	850.00
41020548	2529 WOODRIDGE LN	MORYN, SHELLY I & BRENDA K WA	850.00

10/12/2020
09:30 AM

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DB: BRAINERD

PARCEL NO.	PROPERTY ADDRESS	OWNERS NAME	\$ AMOUNT
41020571	2530 WOODRIDGE LN	KNOLL, WILLIAM V 2019 REV TRU	850.00
41020547	2531 WOODRIDGE LN	MIMM, DELLA M	850.00
41020570	2532 WOODRIDGE LN	BOBICH, DONALD	850.00
41020546	2533 WOODRIDGE LN	KASPER, JOAN ROSELLA LIVING T	850.00
41020569	2534 WOODRIDGE LN	STANG, SHIRLEY S REVOCABLE TR	850.00
41020545	2535 WOODRIDGE LN	REZAC, BARBARA ANN REVOCABLE	850.00
41020541	2536 WOODRIDGE LN	SCHWANTZ, WESLEY R & JOYCE L	850.00
41020540	2538 WOODRIDGE LN	FUST, WALTER L & JOYCE A	850.00

DATED THIS 19TH DAY OF OCTOBER, 2020

TOTAL: 381,816.25

ATTEST: _____
JENNIFER BERGMAN, CITY ADMINISTRATOR

GABE JOHNSON, PRESIDENT OF COUNCIL

INTEREST RATE 1.6%
YEARS CERTIFIED 10 YEARS

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

RESOLUTION ADOPTING ASSESSMENT

WHEREAS, pursuant to proper notice duly given as required by law, the Council has met and heard and passed upon all objections to the proposed assessments for the improvements of the following described streets, alleys, and utilities 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

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

1. Such proposed assessment, a copy of which is on file in the offices of the City Administrator and City Engineer, is hereby accepted and shall constitute the special assessment against the lands named therein, and each tract of land therein included is hereby found to be benefited by the proposed improvement in the amount of the assessment levied against it.
2. Such assessment shall be payable in equal annual installments extending over a period of ten years, the first of the installments to be payable on or before the first Monday in January 2021 and shall bear interest at the rate of one and six-tenths (1.6%) percent per annum from the date of the adoption of this resolution. To the first installment shall be added interest on the entire assessment from the date of this resolution until December 31, 2020. To each subsequent installment, when due, shall be added interest for one year on all unpaid installments.
3. The owner of any property so assessed may, at any time prior to certification of the assessment to the Crow Wing 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 thirty (30) days from the adoption of this Resolution; and he or she may, at any time thereafter, pay to the City Administrator the entire amount of the assessment remaining unpaid with interest accrued to December 31, of the year in which such payment is made.
4. The City Administrator shall forthwith transmit a certified duplicate of this assessment to the Crow Wing County Auditor to be extended on the property tax list of the County. Such assessment shall be collected and paid over in the same manner as other municipal taxes.

Adopted this ____ day of _____, 2020

GABE JOHNSON
President of the Council

Approved this ____ day of _____, 2020

DAVE BADEAUX
Mayor

ATTEST: _____
JENNIFER BERGMAN
City Administrator

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

**October 19, 2020
7:00 PM**

**WebEx Teleconference Call-In Information
Call Toll-Free: 844-992-4726 Access Code: 146 247 2722**

1. Approval of Bills
2. Community Service Officer (CSO) Resignation and Request to Hire
3. Updated Drug and Alcohol Policy for Commercial Drivers (DOT Policy)



Brainerd City Council Agenda Request

Requested Meeting Date:

Title of Item:

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

As of October 8th, 2020, I am officially putting in my two weeks' notice to end my employment at Brainerd Police Department as a Community Service Officer. I would like to say thank you for the opportunity to serve the town of Brainerd, and all the experiences that will help me down the line in my Law Enforcement career.

Hannah Tolbert

A handwritten signature in black ink that reads "Hannah Tolbert". The signature is written in a cursive style, with the first name "Hannah" and the last name "Tolbert" clearly legible.



Brainerd City Council Agenda Request

Requested Meeting Date:

Title of Item:

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

CITY OF BRAINERD/BRAINERD PUBLIC UTILITIES DRUG AND ALCOHOL TESTING POLICY FOR COMMERCIAL DRIVERS (DOT POLICY)

PURPOSE AND OBJECTIVES

The City of Brainerd/Brainerd Public Utilities ("City") has a vital interest in maintaining safe, healthful, and efficient working conditions for employees, and recognizes that individuals who are impaired because of drugs and/or alcohol jeopardize the safety and health of other workers as well as themselves. The City is concerned about providing a safe workplace for its employees, and while the City does not intend to intrude into the private lives of its employees, it is the goal to provide a work environment conducive to maximum safety and optimum work standards. Alcohol and drug abuse can cause unsatisfactory job performance, increased tardiness and absenteeism, increased accidents and workers' compensation claims, higher insurance rates, and an increase in theft of city property. The use, possession, manufacture, sale, transportation, or other distribution of controlled substance or controlled substance paraphernalia and the unauthorized use, possession transportation, sale, or other distribution of alcohol is contrary to this policy and jeopardizes public safety.

In response to regulations issued by United States Department of Transportation ("DOT"), the City has adopted this Policy on Alcohol and Controlled Substances for employees who hold a commercial driver's license (CDL) to perform their duties. The City also has a separate Policy on Controlled Substance and Alcohol Testing for employees not covered by DOT and Federal Motor Carrier Safety Administration (FMCSA) regulations.

Given the significant dangers of alcohol and controlled substance use, each applicant and driver must abide by this policy as a term and condition of hiring and continued employment. Moreover, federal law requires the City to implement such a policy.

To ensure this policy is clearly communicated to all drivers and applicants, and in order to comply with applicable federal law, drivers and applicants are required to review this policy and sign the "Certificate of Receipt" portion.

Because changes in applicable law and the City's practices and procedures may occur from time to time, this policy may change in the future, and nothing in this policy is intended to be a contract, promise, or guarantee the City will follow any particular course of action, disciplinary, rehabilitative or otherwise, except as required by law. This policy does not in any way affect or change the status of any at-will employee.

Any revisions to the Federal Omnibus Transportation Employee Testing Act and Federal Motor Carrier Safety Administration (FMCSA) regulations will take precedent over this policy to the extent the policy has not incorporated those revisions.

PERSONS SUBJECT TO TESTING & TYPES OF TESTS

All employees are subject to testing who job duties include performing “safety-sensitive duties” on City vehicles that:

1. Have a gross combination weight rating or gross combination weight of 26,001 pounds or more, whichever is greater, inclusive of a towed unit(s) with a gross vehicle weight rating or gross vehicle weight of more than 10,000 pounds, whichever is greater; or
2. Have a gross vehicle weight rating or gross vehicle weight of 26,0001 or more pounds whichever is greater; or
3. Are designed to transport 16 or more passengers, including the driver; or
4. Are of any size and are used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act (49 U.S.C. 5103(b)) and which require the motor vehicle to be placarded under the Hazardous Materials Regulations (49 CFR part 172, subpart F).

The following functions are considered safety-sensitive:

- all time waiting to be dispatched to drive a commercial motor vehicle
- all time inspecting, servicing, or conditioning a commercial motor vehicle
- all time driving at the controls of the commercial motor vehicle
- all other time in or upon a commercial motor vehicle (except time spent resting in a sleeper berth)
- all time loading or unloading a commercial motor vehicle, attending the same, giving or receiving receipts for shipments being loaded or unloaded, or remaining in readiness to operate the vehicle
- all time repairing, obtaining assistance, or attending to a disabled commercial motor vehicle.

The City may test any applicant to whom a conditional offer of employment has been made and any driver for controlled substance and alcohol under any of the following circumstances:

Pre-Employment Testing. All applicants, including current employees seeking a transfer, applying for a position where duties include performing safety-sensitive duties described above, will be required to take a drug test prior to the first time a driver performs a safety-sensitive function for the City. A driver may not perform safety-sensitive functions unless the driver has received a controlled substance test result from the Medical Review Officer (“MRO”) indicating a verified negative test result. In addition to pre-employment controlled substance testing, applicants will be required to authorize in writing former employers to release alcohol test results of .04 or greater, positive controlled substance test results, refusals to test, other violations of drug and alcohol testing regulations, and completion of return to duty requirements within the preceding three years.

The City will contact the candidate’s DOT regulated previous and current employers within the last three years for drug and alcohol test results as referenced above and review the testing history if feasible before the employee first performs safety-sensitive

functions for the city. Beginning in 2020, an applicant must provide consent to the city, and successfully pass a full query of the Federal Motor Carrier Safety Administration's Clearinghouse. In addition, at least once a year, the City will conduct a limited query of the Clearinghouse for each currently employed CDL driver. If the limited query reveals that the Clearinghouse has information about resolved or unresolved drug and alcohol program violations by a candidate or current employee, he or she will be asked to provide electronic consent to a full query of the Clearinghouse (unless he or she has previously provided electronic consent). In the event a full query of the Clearinghouse reveals unresolved violation information for a candidate or current employee, the driver will not be permitted to perform safety-sensitive functions, including the operation of a Commercial Motor Vehicle and, in the case of a candidate, may have their conditional offer of employment rescinded or, in the case of a current employee, may be subject to discipline.

Post-Accident Testing. As soon as practicable following an accident involving a commercial motor vehicle operating on a public road, the City will test each surviving driver for controlled substances and alcohol when the following occurs:

- The accident involves a fatality or
- The driver receives a citation for a moving traffic violation from the accident and an injury is treated away from the accident scene or
- The driver receives a citation for a moving traffic violation from the accident and a vehicle is required to be towed from the accident scene.

The following chart summarizes when DOT post-accident testing needs to be conducted:

Type of accident involved	Citation issued to the DOT covered CDL driver?	Test must be performed by the City
i. Human fatality	YES	YES
	NO	YES
ii. Bodily injury with immediate medical treatment away from the scene	YES	YES
	NO	NO
iii. Disabling damage to any motor vehicle requiring tow away.	YES	YES
	NO	NO

A driver subject to post-accident testing must remain readily available or the driver will be deemed to have refused to submit to testing. This requirement to remain ready for testing does not preclude a driver from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary medical care.

Post – Accident Controlled Substance Testing

Drivers are required to submit a urine sample for post-accident controlled substance testing as soon as possible. If the driver is not tested within thirty-two (32) hours after the accident, the City will cease its attempts to test the driver and prepare and maintain on file a record stating why the test was not promptly administered.

Post- Accident Alcohol Testing

Drivers are required to submit to post-accident alcohol testing as soon as possible. After an accident, consuming alcohol is prohibited until the driver is tested. If the driver is not tested within two (2) hours after the accident, the City will prepare and maintain on file a record stating why the test was not administered within that time. If eight hours have elapsed since the accident and the driver has not submitted to an alcohol test, the City will cease its attempts to test the driver and prepare and maintain on file a record stating why the test was not administered.

The City may accept the results of a blood or breath test in place of an alcohol test and urine test for the use of controlled substances if:

- The tests are conducted by federal, state, or local officials having independent authority for the test, and
- The tests conform to applicable federal, state, or local testing requirements, and
- The test results can be obtained by the City.

Whenever such a test is conducted by a law enforcement officer, the driver must contact the City and immediately report the existence of the test, providing the name, badge number, and telephone number of the law enforcement officer who conducted the test.

Random Testing. Every driver will be subject to unannounced alcohol and controlled substance testing on a random selection basis. Drivers will be selected for testing by use of a scientifically valid method under which each driver has an equal chance of being selected each time selections are made. These random tests will be conducted throughout the calendar year. Each driver who is notified of selection for random testing must cease performing safety-sensitive functions and report to the designated test site immediately. It is mathematically possible drivers may be selected be picked and tested more than once, and others not at all.

If a driver is selected for a random test while he or she is absent, on leave or away from work, that driver may be required to undergo the test when he or she returns to work.

For 2020, federal law requires the City to test at a rate of at least fifty percent (50%) of its average number of drivers for controlled substance each year, and to test at a rate of at least ten percent (10%) of its average number of drivers for alcohol each year. These minimum testing rates are subject to change by the DOT.

Reasonable Suspicion Testing. When a supervisor has reasonable suspicion to believe a driver has engaged in conduct prohibited by federal law or this policy, the City will require the driver to submit to an alcohol and/or controlled substance test.

The City's determination that reasonable suspicion exists to require the driver to undergo an alcohol test will be based on "specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the driver." In the case of controlled substance, the observations may include indications of the chronic and withdrawal effects of a controlled substance.

The required observations for reasonable suspicion testing will be made by a supervisor or other person designated by the City who has received appropriate training in identification of actions, appearance and conduct of a driver which are indicative of the use of alcohol or controlled substance. These observations leading to an alcohol or controlled substance test, will be reflected in writing and signed by the supervisor who made the observations. The record will be retained by the City. The person who makes the determination that reasonable suspicion exists to conduct testing, will not be the person conducting the testing, which shall instead be conducted by another qualified person.

Alcohol testing is authorized only if the observations are made during, just before, or just after the driver has ceased performing such functions. If a reasonable suspicion alcohol test is not administered within two (2) hours following the determination of reasonable suspicion, the City will prepare and maintain on file a record stating the reasons the alcohol test was not promptly administered. If a reasonable suspicion alcohol test is not administered within eight (8) hours following the determination of reasonable suspicion, the City will prepare and maintain on file a record stating the reasons the alcohol test was not administered, and will cease attempts to conduct the alcohol test.

Notwithstanding the absence of a reasonable suspicion test, no driver may report for duty or remain on duty requiring the performance of safety-sensitive functions while the driver is under the influence of or impaired by alcohol, as shown by the behavioral, speech, and performance indicators of alcohol use, nor will the City permit the driver to perform or continue to perform safety-sensitive functions until (1) an alcohol test is administered and the driver's alcohol concentration is less than .02; or (2) twenty-four (24) hours have elapsed following the determination of reasonable suspicion.

Return-to-Duty Testing. The City reserves the right to impose discipline against drivers who violate applicable FMCSA or DOT rules or this policy, subject to applicable personnel policy and collective bargaining agreements. Except as otherwise required by law, the City is not obligated to reinstate or requalify such drivers for a first positive test result.

Should the City consider reinstatement of a DOT covered driver, the driver must undergo a Substance Abuse Professional ("SAP") evaluation and participate in any prescribed education/treatment, and successfully complete return-to-duty alcohol test with a result indicating an alcohol concentration of less than 0.02 and/or or a controlled substance test with a verified negative result, before the driver returns to duty requiring the performance of a safety-sensitive function. The SAP determines if the driver has completed the education/treatment as prescribed.

The employee is responsible for paying for all costs associated with the return-to-duty test. The controlled substance test will be conducted under direct observation.

Follow-Up Testing. The City reserves the right to impose discipline against drivers who violate applicable FMCSA or DOT rules or this policy, subject to applicable personnel policies and collective bargaining agreements. Except as otherwise required by law, the City is not obligated to reinstate or requalify such drivers.

Should the City reinstate a driver following a determination by a Substance Abuse Professional (SAP) that the driver is in need of assistance in resolving problems associated with alcohol use and/or use of controlled substance, the City will ensure that the driver is subject to unannounced follow-up alcohol and/or controlled substance testing. The number and frequency of such follow-up testing will be directed by the SAP and will consist of at least six (6) tests in the first twelve (12) months following the driver's return to duty. Follow-up testing will not exceed sixty (60) months from the date of the driver's return to duty. The SAP may terminate the requirement for follow-up testing at any time after the first six tests have been administered, if the SAP determines such test is no longer necessary. The employee is responsible for paying for all costs associated with follow-up tests.

Follow-up alcohol testing will be conducted only when the driver is performing safety-sensitive functions, or immediately prior to or after performing safety-sensitive functions.

Cost of Required Testing. The City will pay for the cost of pre-employment, post-accident, random, and reasonable suspicion controlled substance and alcohol testing requested or required of all job applicants and employees. The driver must pay for the cost of all requested confirmatory re-tests, return-to-duty, and follow-up testing.

PROHIBITED CONDUCT

The following conduct is explicitly prohibited by applicable DOT and FMCSA regulations and therefore constitutes violation of City policy.

Under the influence of alcohol when reporting for duty or while on duty. No driver may report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater. Drivers reporting for duty or remaining on duty to perform safety-sensitive functions while having an alcohol concentration of 0.02, but less than 0.04, will be removed from duty for 24 hours, escorted home and placed on vacation leave or another appropriate leave of absence for hours missed from work.

On-Duty Use of Alcohol. No driver may use alcohol while performing safety-sensitive functions.

Pre-Duty Use of Alcohol. No driver may perform safety-sensitive functions within four (4) hours after using alcohol. If an employee has had alcohol within four hours they are to notify their supervisors before performing any safety-sensitive functions.

Alcohol Use Following an Accident. No driver required to take a post-accident alcohol test may use alcohol for eight (8) hours following the accident, or until the driver undergoes a post-accident alcohol test, which ever occurs first.

Refusal to Submit to a Required Alcohol or Controlled Substance Test. No applicant or driver may refuse to submit to pre-employment, post-accident, random, reasonable suspicion or follow-up alcohol or controlled substance testing.

In the event an applicant or driver does in fact refuse to submit to required alcohol or controlled substance testing, no test will be conducted. Refusal by a driver to submit to controlled substance or alcohol testing will be considered a positive test result, will cause disqualification from performing safety-sensitive functions, and may appear on the driver's permanent record. Drivers who refuse to submit to testing will be subject to discipline, up to and including termination. In accordance with the Federal Motor Carrier Safety Administration's (FMCSA) Commercial Driver's License (CDL) Drug and Alcohol Clearinghouse reporting requirements, beginning January 6, 2020, the City will report a driver's refusal to submit to a DOT test for drug or alcohol use to the Clearinghouse within three business days. If an applicant refuses to submit to pre-employment controlled substance testing, any applicable conditional offer will be withdrawn.

For purposes of this section, a driver is considered to have refused to submit to an alcohol or controlled substance test when the driver:

- Fails to provide adequate breath for alcohol testing without a valid medical explanation after he or she has received notice of the requirement for breath testing.
- Fails to provide adequate urine for controlled substance testing without a genuine inability to provide a specimen (as determined by a medical evaluation), after he or she has received notice of the requirement for urine testing.
- Fails to report for testing within a reasonable period of time, as determined by the City.
- Fails to remain at a testing site until testing is complete.
- In the case of directly observed or monitored collection, fails to permit observation or monitoring.
- Fails or declines to take a second test as required by the City and/or collector.
- Fails to undergo a medical examination as directed by the City pursuant to federal law.
- Refuses to complete and sign the alcohol testing form, to provide a breath or saliva sample, to provide an adequate amount of breath, or otherwise cooperate in any way that prevents the completion of the testing process.
- Engages in conduct that clearly obstructs the test process.

Altering or attempting to alter a urine sample or breath test. A driver altering or attempting to alter a urine sample or controlled substance test, or substituting or attempting to substitute a urine sample, will be subject to providing a specimen under direct observation. Both specimens will be subject to laboratory testing. In such case, the employee may be subject to immediate termination of employment and any job offer made to an applicant will be immediately withdrawn.

Controlled Substance Use. No driver may report for duty or remain on duty requiring the performance of safety-sensitive functions when the driver uses any controlled substance, except when the use is pursuant to the instructions of a licensed medical practitioner who has advised the driver in writing the substance does not adversely affect the driver's ability to safely operate a commercial motor vehicle. Drivers must forward this information regarding therapeutic controlled substance use to the City immediately after receiving any such advice.

Having a medical marijuana card and/or a cannabis prescription from a physician does not allow anyone to use or possess that drug in the city's workplace. The federal government still classifies cannabis as an illegal drug. **There is no acceptable concentration of marijuana metabolites in the urine or blood of an employee who performs safety-sensitive duties for the City.** Employees are still subject to being tested under our policies, as well as for being disciplined, suspended or terminated after testing positive for cannabis while at work.

Controlled Substance Testing. No driver may report for duty, remain on-duty or perform a safety-sensitive function if the driver tests positive for controlled substance.

In addition to the conduct prohibited by applicable DOT and FMCSA regulations, the City also maintains other applicable policies regarding drug and alcohol that are applicable to all employees. For specifics regarding those requirements, refer to the City's policy for non-DOT related drug and alcohol policy.

COLLECTION AND TESTING PROCEDURES

Drivers are required to report immediately upon notification to the collection site. For random tests conducted off site, employees may use a City vehicle to drive to the collection site. Drivers will be expected to provide a photo ID card for identification to the collection staff. All drivers will be expected to cooperate with collection site personnel request to remove any unnecessary outer garments such as coats, sweaters or jackets and will be required to empty their pockets. Collection personnel will complete a Federal Custody and Control Form ("CCF") which drivers providing a sample will sign as well.

Alcohol Testing. Employees will be tested for alcohol just before, during, or immediately following performance of a safety-sensitive function. If a driver is also taking a DOT controlled substance test, generally speaking, the alcohol test is completed before the urine collection process begins. Screening tests for alcohol concentration will be performed utilizing a non-evidential screening device included by the National Highway Traffic Safety Administration on its conforming products list (e.g., a saliva screening device) or an evidential breath testing device ("EBT") operated by a trained breath alcohol technician ("BAT") at a collection site. An alcohol test usually takes approximately 15 minutes if the result is negative. If a driver's first attempt is positive (with an alcohol concentration of .02 or greater), the driver will be asked to wait at least 15 minutes and then be tested again. The driver may not eat, drink or place anything in his/her mouth (e.g., cigarette, chewing gum) during this time. All confirmation tests will be conducted in a location that affords privacy to the driver being

tested, unless unusual circumstances (e.g., when it is essential to conduct a test outdoors at the scene of an accident) make it impracticable to provide such privacy. Any results less than 0.02 alcohol concentration is considered a “negative” test result.

If the driver attempts and fails to provide an adequate amount of breath, he/she will be referred to a physician to determine if the driver’s inability to provide a specimen is genuine or constitutes a refusal to test. Alcohol test results are reported directly to the City by the collection site staff.

Controlled Substance Testing. The City will use a “split urine specimen” collection procedure for controlled substance testing. Collection of urine specimens for controlled substance testing will be conducted by an approved collector and will be conducted in a setting and manner to ensure the driver’s privacy.

Controlled substance testing generally takes about 15 minutes. At the collection site, the driver will be given a sealed container and must provide at least 45 ml of urine for testing. Once the sample is provided the collection personnel will check the temperature and color and look for signs of contamination. The urine is then split into two separate specimen containers (A, or “primary,” and B, or “split”) with identifying labels and security seals affixed to both. The collection facility will be responsible for maintaining a proper chain of custody for delivery of the sample to a DHHS-certified laboratory for analysis. The laboratory will retain a sufficient portion of any positive sample for testing and store that portion in a scientifically-acceptable manner for a minimum 365-day period.

If an employee fails to provide a sufficient amount of urine to permit a controlled substance test (45 milliliters of urine), the collector will discard the insufficient specimen, unless there is evidence of tampering with that specimen. The collector will urge the driver to drink up to 40 ounces of fluid, distributed reasonably over a period of up to three hours, or until the driver has provided a sufficient urine specimen, whichever occurs first. If the driver has not provided a sufficient specimen within three hours of the first unsuccessful attempt, the collector will cease efforts to attempt to obtain a specimen. The driver must then obtain, within five calendar days, an evaluation from a licensed physician, acceptable to the MRO, who has expertise in the medical issues raised by the employee’s failure to provide a sufficient specimen. If the licensed physician concludes the driver has a medical condition, or with a high degree of probability could have, precluded the driver from providing a sufficient amount of urine, the City will consider the test to have been canceled. If a licensed physician cannot make such a determination, the City will consider the driver to have engaged in a refusal to test, and will take appropriate disciplinary action under this policy.

The primary specimen is used for the first test. If the test is negative, it is reported to the MRO who then reports the result, following a review of the CCF Form for compliance, to the City. If the initial result is positive or non-negative, a “confirmatory retest” will be conducted on the primary specimen. If the confirmatory re-test is also positive, the result will be sent to the MRO. The MRO will contact the driver to verify the positive result. If the MRO is unable to reach the driver directly, the MRO must contact the City who will direct the driver to contact the MRO.

REVIEW OF TEST RESULTS

The MRO is a licensed physician with knowledge and clinical experience in substance abuse disorders, and is responsible for receiving and reviewing laboratory results of the controlled substances test as well as evaluating medical explanations for certain drug test results. Prior to making a final decision to verify a positive test result, the MRO will give the driver or the job applicant an opportunity to discuss the test result, typically through a phone call. The MRO, or a staff person under the MRO's supervision, will contact the individual directly, on a confidential basis, to determine whether the individual wishes to discuss the test result. If the employee or job applicant wishes to discuss the test result:

- The individual may be required to speak and/or meet with the MRO, who will review the individual's medical history, including any medical records provided.
- The individual will be afforded the opportunity to discuss the test results and to offer any additional or clarifying information which may explain the positive test result. If the employee or job applicant, believes a mistake was made at the collection site, at the labor, on a chain-of-custody form, or that the drug test results are caused by lawful substance use, the employee should tell the MRO.
- If there is some new information which may affect the original finding, the MRO may request the laboratory to perform additional testing on the original specimen in order to further clarify the results; and
- A final determination will be made by the MRO that the test is either positive or negative, and the individual will be so advised.

If the MRO upholds the positive, adulterated or substituted drug determination, that test result will be provided to the City. There is no opportunity to explain a positive alcohol test provided in the DOT regulations.

The driver can request the MRO to have the split specimen (the second "B" container) tested at the driver's expense. This includes all costs that may be associated with the re-test. There is no split specimen testing for an invalid result. The driver has 72 hours after they have been notified of the positive result to make this request. If the employee requests an analysis of the split specimen, the MRO will direct the laboratory to send the split specimen to another certified laboratory for analysis.

If an employee has not contacted the MRO within 72 hours, the employee may present information documenting that serious injury, illness, lack of actual notice of the verified test result, inability to contact the MRO, or other circumstances unavoidably prevented the employee from making timely contact. If the MRO concludes there is legitimate explanation for the employee's failure to contact within 72 hours, the MRO will direct the analysis of the split specimen.

If the results of the split specimen are negative, the City may pay for all costs associated with the rest and there will be no adverse action taken against the employee or job applicant.

NOTIFICATION OF TEST RESULTS

Employees. The City will notify a driver of the results of random, reasonable suspicion, and post-accident tests for controlled substance if the test results are verified positive, and will inform the driver which controlled substance or substances were verified as positive. Results of alcohol tests will be immediately available from the collection agent.

Right to Confirmatory Retest. Within seventy-two (72) hours after receiving notice of a positive controlled substance test result, an applicant or driver may request through the MRO a re-analysis (confirmatory retest) of the driver's split specimen. Action required by federal regulation as a result of a positive controlled substance test (e.g., removal from safety-sensitive functions) will not be stayed during retesting of the split specimen. If the result of the confirmatory retest fails to reconfirm the presence of the controlled substance(s) or controlled substance metabolite(s) found in the primary specimen, or if the split specimen is unavailable, inadequate for testing or untestable, the MRO will cancel the test.

Dilute Specimens

Dilute Negatives Creatinine concentration of specimen is equal to or greater than 2 mg/dL, but less than or equal to 5 mg/dL. If the City receives information that a driver has provided a dilute negative specimen, the City will direct a recollection, pursuant to the MRO's direction, under direct observation.

Creatinine concentration of specimen is greater than 5 mg/dL. If the MRO advises the City that the employee's dilute negative specimen contains a creatinine concentration greater than five mg/dL the City will direct the driver to take a second screening test, not under direct observation. The second screening test will be performed as soon as possible after the City receives word of the dilute negative specimen.

CONSEQUENCES FOR DRIVERS ENGAGING IN PROHIBITED CONDUCT

Job Applicants. Any applicable conditional offer of employment will be withdrawn from a job applicant or employee seeking a transfer who refuses to be tested or tests positive for controlled substance pursuant to this policy.

Employees. Drivers who are known to have engaged in prohibited behavior with regard to alcohol misuse or use of controlled substance, as defined earlier in this policy, are subject to the following consequences:

- Removal from Safety-Sensitive Functions
No driver may perform safety-sensitive functions, including driving a commercial motor vehicle, if the driver has engaged in conduct prohibited by federal law.

No driver who is found to have an alcohol concentration of 0.02 or greater but less than 0.04 may perform or continue to perform safety-sensitive functions for the City, including driving a commercial motor vehicle, until the start of the driver's next regularly scheduled duty, but not less than twenty-four (24) hours following administration of the test.

If a driver tests positive under this policy, or is found to have an alcohol concentration of .02 or greater but less than .04, the driver will be removed from safety sensitive duties and escorted home; the driver should not drive home, but be escorted to his or her home. The driver will then be placed on vacation leave or another appropriate leave of absence for hours missed from work.

- Notification of Resources Available

The City will advise each driver who has engaged in conduct prohibited by federal law or who has a positive alcohol or controlled substance test of the resources available to the driver including but not limited to the City's Employee Assistance Program (EAP), in evaluating and resolving problems associated with the misuse of alcohol and use of a controlled substance, including the names, addresses, and telephone numbers of Substance Abuse Professionals and counseling and treatment programs. The City will provide this SAP listing in writing at no cost to the driver.

- Discipline

The City reserves the right to impose whatever discipline the City deems appropriate in its sole discretion, up to and including termination for a first occurrence, against drivers who violate applicable FMCSA or DOT rules or this policy, subject to applicable personnel policies and collective bargaining agreements. Except as otherwise required by law, the City is not obligated to reinstate or requalify such drivers following a first positive confirmed controlled substance or alcohol test result.

- Evaluation, and Return to Duty Testing

Should the City wish to consider reinstatement of a driver who engaged in conduct prohibited by federal law and/or who had a positive alcohol or controlled substance test, the driver must undergo a SAP evaluation, participate in any prescribed education/treatment, and successfully complete return-to-duty alcohol test with a result indicating an alcohol concentration of less than 0.02 and/or or a controlled substance test with a verified negative result, before the driver returns to duty requiring the performance of a safety-sensitive function. The SAP will determine what assistance, if any, the driver needs in resolving problems associated with alcohol misuse and controlled substance use and will ensure the driver properly follows any rehabilitation program and submits to unannounced follow-up alcohol and controlled substance testing.

- Follow-Up Testing
If the driver passes the return-to-duty test, he/she will be subject to unannounced follow-up alcohol and/or controlled substance testing. The number and frequency for such follow-up testing will be as directed by the SAP and will consist of at least six tests in the first twelve months. These tests will be conducted under direct observation.
- Refusal to test
All drivers and applicants have the right to refuse to take a required alcohol and/or controlled substance test. If an employee refuses to undergo testing, the employee will be considered to have tested positive and may be subject to disciplinary action, up to and including termination. Refer to Refusing to Test provided earlier in this policy.
- Responsibility for Cost of Evaluation and Rehabilitation
Drivers will be responsible for paying the cost of evaluation and rehabilitation (including services provided by a Substance Abuse Professional) recommended or required by the City or FMCSA or DOT rules, except to the extent that such expense is covered by an applicable employee benefit plan or imposed on the City pursuant to a collective bargaining agreement.
- Reporting to the FMCSA's CDL Drug and Alcohol Clearinghouse
In accordance with the Federal Motor Carrier Safety Administration's (FMCSA) Commercial Driver's License (CDL) Drug and Alcohol Clearinghouse reporting requirements beginning January 6, 2020, the City will report the following information to the Clearinghouse within three business days:
 - ✓ A DOT alcohol confirmation test result with an alcohol concentration of 0.04 or greater;
 - ✓ A negative DOT return-to-duty test result;
 - ✓ The driver's refusal to submit to a DOT test for drug or alcohol use;
 - ✓ Actual knowledge a driver has used alcohol or controlled substances, based on the employer's direct observation, information provided by the driver's previous employer(s), a traffic citation for driving a CMV while under the influence of alcohol or controlled substances, or an employee's admission of alcohol or controlled substance abuse except as provided in § 382.121 of:
 - On duty alcohol use pursuant to § 382.205;
 - Pre-duty alcohol use pursuant to § 382.207;
 - Alcohol use following an accident pursuant to § 382.209;
 - Controlled substance use pursuant to § 382.213;
 - ✓ Employers will also report negative return-to-duty (RTD) test results and the successful completion of a driver's follow-up testing plan as ordered by a SAP.

LOSS OF CDL LICENSE FOR TRAFFIC VIOLATIONS IN COMMERCIAL AND PERSONAL VEHICLES

Effective August 1, 2005, the FMCSA established strict rules impacting when CDL license holders can lose their CDL for certain traffic offenses in a commercial or personal vehicle. Employees are required to notify their supervisor immediately if the status of their CDL license changes in anyway.

MAINTENANCE AND DISCLOSURE OF RECORDS

Except as required or authorized by law, the City will not release driver's information that is contained in records required to be maintained by this policy or FMCSA and DOT regulations. Beginning in 2020, the city will be required to query and report to the agency's Commercial Driver's License (CDL) Drug and Alcohol Clearinghouse prior to hiring new drivers, will conduct annual checks of existing CDL-drivers, and will report certain violations of the DOT drug and alcohol testing program for holders of CDLs. In addition, a driver is entitled, upon written request, to obtain copies of any records pertaining to the driver's use of alcohol or a controlled substance, including any records pertaining to his or her alcohol or controlled substance tests.

POLICY CONTACT FOR ADDITIONAL INFORMATION

If you have any questions about this policy or the City's controlled substance and alcohol testing procedures, you may contact your immediate supervisor or Human Resources to obtain additional information.

DEFINITIONS

"Accident," means an occurrence involving a commercial motor vehicle operating on a public road which results in a fatality; bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or one or more motor vehicles incurring disabling damage as a result of the accident, requiring the vehicle to be transported away from the scene by a tow truck or other vehicle. The term "accident" does not include an occurrence involving only boarding and alighting from a stationary motor vehicle; an occurrence involving only the loading or unloading of cargo; or an occurrence in the course of the operation of a passenger car or a multipurpose passenger vehicle unless the vehicle is transporting passengers for hire or hazardous materials of a type and quantity that require the motor vehicle to be marked or placarded in accordance with 49 C.F.R. § 177.823; 49 C.F.R. § 382.303(a); 49 C.F.R. § 382.303(f).

"Alcohol Concentration (or Content)," means the alcohol on a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test. 49 C.F.R. § 382.107.

"Alcohol Use," means the consumption of any beverage, mixture, or preparation, including any medication, containing alcohol. 49 C.F.R. § 382.107.

“Applicant,” means a person applying to drive a commercial motor vehicle. 49 C.F.R. § 382.107.

“Breath Alcohol Technician” or “BAT,” means an individual who instructs and assists individuals in the alcohol testing process and operates an evidential breath testing device (EBT). 49 C.F.R. § 40.3.

“City,” means City of Brainerd/Brainerd Public Utilities.

“City Premises,” means all job sites, facilities, offices, buildings, structures, equipment, vehicles and parking areas, whether owned, leased, used or under the control of the City.

“Collection Site,” means a place designated by the City where drivers present themselves for the purpose of providing a specimen of their urine or breath to be analyzed for the presence of alcohol or controlled substances. 49 C.F.R. § 40.3.

“Commercial Motor Vehicle,” means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle (1) has a gross combination weight rating or gross combination weight of 26,001 or more pounds, whichever is greater, inclusive of a towed unit(s) with a gross vehicle weight rating or gross vehicle weight of more than 10,000 pounds, whichever is greater; or (2) has a gross vehicle weight rating or gross vehicle weight of 26,001 or more pounds, whichever is greater; or (3) is designed to transport sixteen (16) or more passengers, including the driver; or (4) is of any size and is used in the transportation of materials found to be in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act (49 U.S.C. 5103(b)) and which require the motor vehicle to be placarded under the Hazardous Materials Regulation. (49 C.F.R. part 172, subpart F) § 382.107. Fire trucks and other emergency fire equipment are not considered to be commercial vehicles under this policy.

“Confirmation (or Confirmatory) Test,” for alcohol testing means a second test, following a positive non-evidential (e.g., saliva) screening test or a breath alcohol screening test with the result of 0.02 or greater, that provides quantitative data of alcohol concentration. For controlled substance testing, “Confirmation (or Confirmatory) Test” means a second analytical procedure to identify the presence of a specific controlled substance or metabolite which is independent of the screen test and which uses a different technique and chemical principal from that of the screen test in order to ensure reliability and accuracy. 49 C.F.R. § 382.107.

“Controlled Substance,” means those substances identified in 49 C.F.R. § 40.21(a). Marijuana, amphetamines, opiates, (including heroin), phencyclidine (PCP), cocaine, and any of their metabolites are included within this definition. 49 C.F.R. § 382.107; 49 C.F.R. § 40.21(a).

“Department of Transportation” or “DOT,” means the United States Department of Transportation.

“DHHS,” means the Department of Health & Human Services or any designee of the Secretary, Department of Health & Human Services. 49 C.F.R. § 40.3.

“Disabling Damage,” means damage which precludes departure of a motor vehicle from the scene of the accident in its usual manner in daylight after simple repairs, including damage to motor vehicles that could have been driven, but would have been further damaged if so driven. Disabling damage does not include damage which can be remedied temporarily at the scene of the accident without special tools or parts, tire disablement without other damage even if no spare tire is available, headlight or tail light damage or damage to turn signals, horn or windshield wipers which make them inoperative. 49 C.F.R. § 382.107.

“Driver,” means any person who operates a commercial motor vehicle. This includes, but is not limited to full-time, regularly employed drivers; casual, intermittent or occasional drivers; leased drivers and independent owner-operator contractors who are either directly employed by or under lease to the City or who operate a commercial motor vehicle at the direction of or with the consent of the City. For purposes of pre-employment testing, the term driver includes a person applying to drive a commercial motor vehicle. 49 C.F.R. § 382.107.

“Drug,” has the same meaning as “controlled substance.”

“Employee seeking a transfer,” refers to an employee who is not subject to DOT regulations seeking a transfer to a position that will subject them to DOT regulations in the sought after position.

“Evidential Breath Testing Device” or “EBT,” means a device approved by the National Highway Traffic Safety Administration (“NHTSA”) for the evidential testing of breath and placed on NHTSA’s “Conforming Products List of Evidential Breath Measurement Devices.” 49 C.F.R. § 40.3.

“Federal Motor Carrier Safety Administration” or “FMCSA,” means the Federal Motor Carrier Safety Administration of the United States Department of Transportation.

“Medical Review Officer” or “MRO,” means a licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by a controlled substance testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual’s confirmed positive test result together with his or her medical history and any other relevant biomedical information. 49 C.F.R. § 40.3

“Performing (a Safety-Sensitive Function),” means any period in which a driver is actually performing, ready to perform, or immediately available to perform any safety-sensitive functions. 49 C.F.R. § 382.107.

“Positive Test Result,” means a finding of the presence of alcohol or controlled substance, or their metabolites, in the sample tested in levels at or above the threshold detection levels established by applicable law.

“Reasonable Suspicion,” means a belief a driver has engaged in conduct prohibited by the FMCSA controlled substance and alcohol testing regulations, except when related solely to the possession of alcohol, based on specific contemporaneous, articulable observations made by a supervisor or City official who has received appropriate training concerning the appearance, behavior, speech or body odors of the driver. The determination of reasonable suspicion will be made in writing on a Reasonable Suspicion Record Form during, just preceding, or just after the period of the work day that the driver is required to be in compliance with this policy. In the case of a controlled substance, the observations may include indications of the chronic and withdrawal effects of a controlled substance.

“Safety-Sensitive Function,” means all time from the time a driver begins to work or is required to be in readiness to work until the time he or she is relieved from work and all responsibility for performing work. Safety-sensitive functions include:

- All time at a city plant, terminal, facility, or other property, or on any public property,
- waiting to be dispatched, unless the driver has been relieved from duty by the employer;
- All time inspecting equipment as required by 49 C.F.R. § 392.7 and 392.8 or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time;
- All time spent at the driving controls of a commercial motor vehicle in operation;
- All time, other than driving time, in or upon any commercial motor vehicle except time spent resting in a sleeper berth (a berth conforming to the requirements of 49 C.F.R. § 393.76);
- All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded; and
- All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle. 49 C.F.R. § 382.107.

“Screening Test (also known as Initial Test),” in alcohol testing, mean an analytical procedure to determine whether a driver may have a prohibited concentration of alcohol in her or her system. Screening tests may be conducted by utilizing a non-evidential screening device included by the National Highway Traffic Administration on its conforming products list (e.g., a saliva screening device) or an evidential breath testing device (“EBT”) operated by a trained breath alcohol technician (“BAT”). In controlled substance testing, “Screening Test” means an immunoassay screen to eliminate “negative” urine specimens form further consideration. 49 C.F.R. § 382.107.

“Substance Abuse Professional” or “SAP,” means a licensed physician (medical doctor or doctor of osteopathy), licensed or certified psychologist, licensed or certified social worker, licensed or certified employee assistance professional, or licensed or certified addiction counselor (certified by the National Association of Alcoholism and Controlled Substance Abuse Counselors Certification Commission) with knowledge of an clinical experience in the diagnosis and treatment of alcohol and controlled substance-related disorders. 49 C.F.R. § 382.107.

Reviewed and adopted by the City Council
Date: XX/XX/2020

CERTIFICATE OF RECEIPT

I hereby acknowledge receipt of the City of Brainerd's Drug and Alcohol Testing and Drug Free Workplace Act Policy for Commercial Drivers (DOT) Policy.

Employee Signature

Date

Employee Printed Name

Department

CITY OF BRAINERD/BRAINERD PUBLIC UTILITIES DRUG AND ALCOHOL TESTING POLICY FOR COMMERCIAL DRIVERS (DOT POLICY)

PURPOSE AND OBJECTIVES

The City of Brainerd/Brainerd Public Utilities ("City") has a vital interest in maintaining safe, healthful, and efficient working conditions for employees, and recognizes that individuals who are impaired because of drugs and/or alcohol jeopardize the safety and health of other workers as well as themselves. The City is concerned about providing a safe workplace for its employees, and while the City does not intend to intrude into the private lives of its employees, it is the goal to provide a work environment conducive to maximum safety and optimum work standards. Alcohol and drug abuse can cause unsatisfactory job performance, increased tardiness and absenteeism, increased accidents and workers' compensation claims, higher insurance rates, and an increase in theft of city property. The use, possession, manufacture, sale, transportation, or other distribution of controlled substance or controlled substance paraphernalia and the unauthorized use, possession transportation, sale, or other distribution of alcohol is contrary to this policy and jeopardizes public safety.

In response to regulations issued by United States Department of Transportation ("DOT"), the City has adopted this Policy on Alcohol and Controlled Substances for employees who hold a commercial driver's license (CDL) to perform their duties. The City also has a separate Policy on Controlled Substance and Alcohol Testing for employees not covered by DOT and Federal Motor Carrier Safety Administration (FMCSA) regulations.

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Given the significant dangers of alcohol and controlled substance use, each applicant and driver must abide by this policy as a term and condition of hiring and continued employment. Moreover, federal law requires the City to implement such a policy.

To ensure this policy is clearly communicated to all drivers and applicants, and in order to comply with applicable federal law, drivers and applicants are required to review this policy and sign the "Certificate of Receipt" portion.

Because changes in applicable law and the City's practices and procedures may occur from time to time, this policy may change in the future, and nothing in this policy is intended to be a contract, promise, or guarantee the City will follow any particular course of action, disciplinary, rehabilitative or otherwise, except as required by law. This policy does not in any way affect or change the status of any at-will employee.

Any revisions to the Federal Omnibus Transportation Employee Testing Act and Federal Motor Carrier Safety Administration (FMCSA) regulations will take precedent over this policy to the extent the policy has not incorporated those revisions.

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PERSONS SUBJECT TO TESTING & TYPES OF TESTS

All employees are subject to testing who job duties include performing “safety-sensitive duties” on City vehicles that:

1. Have a gross combination weight rating or gross combination weight of 26,001 pounds or more, whichever is greater, inclusive of a towed unit(s) with a gross vehicle weight rating or gross vehicle weight of more than 10,000 pounds, whichever is greater; or
2. Have a gross vehicle weight rating or gross vehicle weight of 26,001 or more pounds whichever is greater; or
3. Are designed to transport 16 or more passengers, including the driver; or
4. Are of any size and are used in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act (49 U.S.C. 5103(b)) and which require the motor vehicle to be placarded under the Hazardous Materials Regulations (49 CFR part 172, subpart F).

The following functions are considered safety-sensitive:

- all time waiting to be dispatched to drive a commercial motor vehicle
- all time inspecting, servicing, or conditioning a commercial motor vehicle
- all time driving at the controls of the commercial motor vehicle
- all other time in or upon a commercial motor vehicle (except time spent resting in a sleeper berth)
- all time loading or unloading a commercial motor vehicle, attending the same, giving or receiving receipts for shipments being loaded or unloaded, or remaining in readiness to operate the vehicle
- all time repairing, obtaining assistance, or attending to a disabled commercial motor vehicle.

The City may test any applicant to whom a conditional offer of employment has been made and any driver for controlled substance and alcohol under any of the following circumstances:

Pre-Employment Testing. All applicants, including current employees seeking a transfer, applying for a position where duties include performing safety-sensitive duties described above, will be required to take a drug test prior to the first time a driver performs a safety-sensitive function for the City. A driver may not perform safety-sensitive functions unless the driver has received a controlled substance test result from the Medical Review Officer (“MRO”) indicating a verified negative test result. In addition to pre-employment controlled substance testing, applicants will be required to authorize in writing former employers to release alcohol test results of .04 or greater, positive controlled substance test results, refusals to test, other violations of drug and alcohol testing regulations, and completion of return to duty requirements within the preceding three years.

The City will contact the candidate’s DOT regulated previous and current employers within the last three years for drug and alcohol test results as referenced above, and review the testing history if feasible before the employee first performs safety-sensitive

functions for the city. Beginning in 2020, an applicant must provide consent to the city, and successfully pass a full query of the Federal Motor Carrier Safety Administration's Clearinghouse. In addition, at least once a year, the City will conduct a limited query of the Clearinghouse for each currently employed CDL driver. If the limited query reveals that the Clearinghouse has information about resolved or unresolved drug and alcohol program violations by a candidate or current employee, he or she will be asked to provide electronic consent to a full query of the Clearinghouse (unless he or she has previously provided electronic consent). In the event a full query of the Clearinghouse reveals unresolved violation information for a candidate or current employee, the driver will not be permitted to perform safety-sensitive functions, including the operation of a Commercial Motor Vehicle and, in the case of a candidate, may have their conditional offer of employment rescinded or, in the case of a current employee, may be subject to discipline.

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Post-Accident Testing. As soon as practicable following an accident involving a commercial motor vehicle operating on a public road, the City will test each surviving driver for controlled substances and alcohol when the following occurs:

- The accident involves a fatality or
- The driver receives a citation for a moving traffic violation from the accident and an injury is treated away from the accident scene or
- The driver receives a citation for a moving traffic violation from the accident and a vehicle is required to be towed from the accident scene.

The following chart summarizes when DOT post-accident testing needs to be conducted:

Type of accident involved	Citation issued to the DOT covered CDL driver?	Test must be performed by the City
i. Human fatality	YES	YES
	NO	YES
ii. Bodily injury with immediate medical treatment away from the scene	YES	YES
	NO	NO
iii. Disabling damage to any motor vehicle requiring tow away.	YES	YES
	NO	NO

A driver subject to post-accident testing must remain readily available or the driver will be deemed to have refused to submit to testing. This requirement to remain ready for testing does not preclude a driver from leaving the scene of an accident for the period necessary to obtain assistance in responding to the accident or to obtain necessary medical care.

Post – Accident Controlled Substance Testing

City of Brainerd/BPU DOT Drug & Alcohol Policy -2020

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Drivers are required to submit a urine sample for post-accident controlled substance testing as soon as possible. If the driver is not tested within thirty-two (32) hours after the accident, the City will cease its attempts to test the driver and prepare and maintain on file a record stating why the test was not promptly administered.

Post- Accident Alcohol Testing

Drivers are required to submit to post-accident alcohol testing as soon as possible. After an accident, consuming alcohol is prohibited until the driver is tested. If the driver is not tested within two (2) hours after the accident, the City will prepare and maintain on file a record stating why the test was not administered within that time. If eight hours have elapsed since the accident and the driver has not submitted to an alcohol test, the City will cease its attempts to test the driver and prepare and maintain on file a record stating why the test was not administered.

The City may accept the results of a blood or breath test in place of an alcohol test and urine test for the use of controlled substances if:

- The tests are conducted by federal, state, or local officials having independent authority for the test, and
- The tests conform to applicable federal, state, or local testing requirements, and
- The test results can be obtained by the City.

Whenever such a test is conducted by a law enforcement officer, the driver must contact the City and immediately report the existence of the test, providing the name, badge number, and telephone number of the law enforcement officer who conducted the test.

Random Testing. Every driver will be subject to unannounced alcohol and controlled substance testing on a random selection basis. Drivers will be selected for testing by use of a scientifically valid method under which each driver has an equal chance of being selected each time selections are made. These random tests will be conducted throughout the calendar year. Each driver who is notified of selection for random testing must cease performing safety-sensitive functions and report to the designated test site immediately. It is mathematically possible drivers may be selected be picked and tested more than once, and others not at all.

If a driver is selected for a random test while he or she is absent, on leave or away from work, that driver may be required to undergo the test when he or she returns to work.

For ~~2014~~2020, federal law requires the City to test at a rate of at least fifty percent (50%) of its average number of drivers for controlled substance each year, and to test at a rate of at least ten percent (10%) of its average number of drivers for alcohol each year. These minimum testing rates are subject to change by the DOT.

Reasonable Suspicion Testing. When a supervisor has reasonable suspicion to believe a driver has engaged in conduct prohibited by federal law or this policy, the City will require the driver to submit to an alcohol and/or controlled substance test.

The City's determination that reasonable suspicion exists to require the driver to undergo an alcohol test will be based on "specific, contemporaneous, articulable observations concerning the appearance, behavior, speech, or body odors of the driver." In the case of controlled substance, the observations may include indications of the chronic and withdrawal effects of a controlled substance.

The required observations for reasonable suspicion testing will be made by a supervisor or other person designated by the City who has received appropriate training in identification of actions, appearance and conduct of a driver which are indicative of the use of alcohol or controlled substance. These observations leading to an alcohol or controlled substance test, will be reflected in writing and signed by the supervisor who made the observations. The record will be retained by the City. The person who makes the determination that reasonable suspicion exists to conduct testing, will not be the person conducting the testing, which shall instead be conducted by another qualified person.

Alcohol testing is authorized only if the observations are made during, just before, or just after the driver has ceased performing such functions. If a reasonable suspicion alcohol test is not administered within two (2) hours following the determination of reasonable suspicion, the City will prepare and maintain on file a record stating the reasons the alcohol test was not promptly administered. If a reasonable suspicion alcohol test is not administered within eight (8) hours following the determination of reasonable suspicion, the City will prepare and maintain on file a record stating the reasons the alcohol test was not administered, and will cease attempts to conduct the alcohol test.

Notwithstanding the absence of a reasonable suspicion test, no driver may report for duty or remain on duty requiring the performance of safety-sensitive functions while the driver is under the influence of or impaired by alcohol, as shown by the behavioral, speech, and performance indicators of alcohol use, nor will the City permit the driver to perform or continue to perform safety-sensitive functions until (1) an alcohol test is administered and the driver's alcohol concentration is less than .02; or (2) twenty-four (24) hours have elapsed following the determination of reasonable suspicion.

Return-to-Duty Testing. The City reserves the right to impose discipline against drivers who violate applicable FMCSA or DOT rules or this policy, subject to applicable personnel policy and collective bargaining agreements. Except as otherwise required by law, the City is not obligated to reinstate or requalify such drivers for a first positive test result.

Should the City consider reinstatement of a DOT covered driver, the driver must undergo a Substance Abuse Professional ("SAP") evaluation and participate in any prescribed education/treatment, and successfully complete return-to-duty alcohol test with a result indicating an alcohol concentration of less than 0.02 and/or or a controlled substance test with a verified negative result, before the driver returns to duty requiring the performance of a safety-sensitive function. The SAP determines if the driver has completed the education/treatment as prescribed.

The employee is responsible for paying for all costs associated with the return-to-duty test. The controlled substance test will be conducted under direct observation.

Follow-Up Testing. The City reserves the right to impose discipline against drivers who violate applicable FMCSA or DOT rules or this policy, subject to applicable personnel policies and collective bargaining agreements. Except as otherwise required by law, the City is not obligated to reinstate or requalify such drivers.

Should the City reinstate a driver following a determination by a Substance Abuse Professional (SAP) that the driver is in need of assistance in resolving problems associated with alcohol use and/or use of controlled substance, the City will ensure that the driver is subject to unannounced follow-up alcohol and/or controlled substance testing. The number and frequency of such follow-up testing will be directed by the SAP and will consist of at least six (6) tests in the first twelve (12) months following the driver's return to duty. Follow-up testing will not exceed sixty (60) months from the date of the driver's return to duty. The SAP may terminate the requirement for follow-up testing at any time after the first six tests have been administered, if the SAP determines such test is no longer necessary. The employee is responsible for paying for all costs associated with follow-up tests.

Follow-up alcohol testing will be conducted only when the driver is performing safety-sensitive functions, or immediately prior to or after performing safety-sensitive functions.

Cost of Required Testing. The City will pay for the cost of pre-employment, post-accident, random, and reasonable suspicion controlled substance and alcohol testing requested or required of all job applicants and employees. The driver must pay for the cost of all requested confirmatory re-tests, return-to-duty, and follow-up testing.

~~REQUIRED PRIOR CONTROLLED SUBSTANCE AND ALCOHOL CHECKS FOR APPLICANTS~~

~~The City will conduct prior drug and alcohol checks of applicants for employment to drive a commercial motor vehicle. Applicants must execute a consent form authorizing the City to obtain the required information. The City will obtain (pursuant to the applicant's written consent) information on the applicant's alcohol test with a concentration result of 0.04 or greater, positive controlled substance test results, and refusals to be tested within the preceding three (3) years which are maintained by the applicant's previous employers. The City will obtain all information concerning the applicant which is maintained by the applicant's previous employers within the preceding three (3) years pursuant to DOT and FMCSA controlled substance and alcohol testing regulations. The City will review such records, if feasible, prior to the first time a driver performs safety-sensitive functions.~~

PROHIBITED CONDUCT

The following conduct is explicitly prohibited by applicable DOT and FMCSA regulations and therefore constitutes violation of City policy.

Under the influence of alcohol when reporting for duty or while on duty. No driver may report for duty or remain on duty requiring the performance of safety-sensitive functions while having an alcohol concentration of 0.04 or greater. Drivers reporting for duty or remaining on duty to perform safety-sensitive functions while having an alcohol concentration of 0.02, but less than 0.04, will be removed from duty for 24 hours, escorted home and placed on vacation leave or another appropriate leave of absence for hours missed from work.

On-Duty Use of Alcohol. No driver may use alcohol while performing safety-sensitive functions.

Pre-Duty Use of Alcohol. No driver may perform safety-sensitive functions within four (4) hours after using alcohol. If an employee has had alcohol within four hours they are to notify their supervisors before performing any safety-sensitive functions.

Alcohol Use Following an Accident. No driver required to take a post-accident alcohol test may use alcohol for eight (8) hours following the accident, or until the driver undergoes a post-accident alcohol test, which ever occurs first.

Refusal to Submit to a Required Alcohol or Controlled Substance Test. No applicant or driver may refuse to submit to pre-employment, post-accident, random, reasonable suspicion or follow-up alcohol or controlled substance testing.

In the event an applicant or driver does in fact refuse to submit to required alcohol or controlled substance testing, no test will be conducted. Refusal by a driver to submit to controlled substance or alcohol testing will be considered a positive test result, will cause disqualification from performing safety-sensitive functions, and may appear on the driver's permanent record. Drivers who refuse to submit to testing will be subject to discipline, up to and including termination. In accordance with the Federal Motor Carrier Safety Administration's (FMCSA) Commercial Driver's License (CDL) Drug and Alcohol Clearinghouse reporting requirements, beginning January 6, 2020, the City will report a driver's refusal to submit to a DOT test for drug or alcohol use to the Clearinghouse within three business days. If an applicant refuses to submit to pre-employment controlled substance testing, any applicable conditional offer will be withdrawn.

For purposes of this section, a driver is considered to have refused to submit to an alcohol or controlled substance test when the driver:

- Fails to provide adequate breath for alcohol testing without a valid medical explanation after he or she has received notice of the requirement for breath testing.
- Fails to provide adequate urine for controlled substance testing without a genuine inability to provide a specimen (as determined by a medical evaluation), after he or she has received notice of the requirement for urine testing.
- Fails to report for testing within a reasonable period of time, as determined by the City.

- Fails to remain at a testing site until testing is complete.
- In the case of directly observed or monitored collection, fails to permit observation or monitoring.
- Fails or declines to take a second test as required by the City and/or collector.
- Fails to undergo a medical examination as directed by the City pursuant to federal law.
- Refuses to complete and sign the alcohol testing form, to provide a breath or saliva sample, to provide an adequate amount of breath, or otherwise cooperate in any way that prevents the completion of the testing process.
- Engages in conduct that clearly obstructs the test process.

Altering or attempting to alter a urine sample or breath test. A driver altering or attempting to alter a urine sample or controlled substance test, or substituting or attempting to substitute a urine sample, will be subject to providing a specimen under direct observation. Both specimens will be subject to laboratory testing. In such case, the employee may be subject to immediate termination of employment and any job offer made to an applicant will be immediately withdrawn.

Controlled Substance Use. No driver may report for duty or remain on duty requiring the performance of safety-sensitive functions when the driver uses any controlled substance, except when the use is pursuant to the instructions of a licensed medical practitioner who has advised the driver in writing the substance does not adversely affect the driver's ability to safely operate a commercial motor vehicle. Drivers must forward this information regarding therapeutic controlled substance use to the City immediately after receiving any such advice.

Having a medical marijuana card and/or a cannabis prescription from a physician does not allow anyone to use or possess that drug in the city's workplace. The federal government still classifies cannabis as an illegal drug. **There is no acceptable concentration of marijuana metabolites in the urine or blood of an employee who performs safety-sensitive duties for the City.** Employees are still subject to being tested under our policies, as well as for being disciplined, suspended or terminated after testing positive for cannabis while at work.

Controlled Substance Testing. No driver may report for duty, remain on-duty or perform a safety-sensitive function if the driver tests positive for controlled substance.

In addition to the conduct prohibited by applicable DOT and FMCSA regulations, the City also maintains other applicable policies regarding drug and alcohol that are applicable to all employees. For specifics regarding those requirements, refer to the City's policy for non-DOT related drug and alcohol policy.

COLLECTION AND TESTING PROCEDURES

Drivers are required to report immediately upon notification to the collection site. For random tests conducted off site, employees may use a City vehicle to drive to the collection site. Drivers will be expected to provide a photo ID card for identification to

the collection staff. All drivers will be expected to cooperate with collection site personnel request to remove any unnecessary outer garments such as coats, sweaters or jackets and will be required to empty their pockets. Collection personnel will complete a Federal Custody and Control Form ("CCF") which drivers providing a sample will sign as well.

Alcohol Testing. Employees will be tested for alcohol just before, during, or immediately following performance of a safety-sensitive function. If a driver is also taking a DOT controlled substance test, generally speaking, the alcohol test is completed before the urine collection process begins. Screening tests for alcohol concentration will be performed utilizing a non-evidential screening device included by the National Highway Traffic Safety Administration on its conforming products list (e.g., a saliva screening device) or an evidential breath testing device ("EBT") operated by a trained breath alcohol technician ("BAT") at a collection site. An alcohol test usually takes approximately 15 minutes if the result is negative. If a driver's first attempt is positive (with an alcohol concentration of .02 or greater), the driver will be asked to wait at least 15 minutes and then be tested again. The driver may not eat, drink or place anything in his/her mouth (e.g., cigarette, chewing gum) during this time. All confirmation tests will be conducted in a location that affords privacy to the driver being tested, unless unusual circumstances (e.g., when it is essential to conduct a test outdoors at the scene of an accident) make it impracticable to provide such privacy. Any results less than 0.02 alcohol concentration is considered a "negative" test result.

If the driver attempts and fails to provide an adequate amount of breath, he/she will be referred to a physician to determine if the driver's inability to provide a specimen is genuine or constitutes a refusal to test. Alcohol test results are reported directly to the City by the collection site staff.

Controlled Substance Testing. The City will use a "split urine specimen" collection procedure for controlled substance testing. Collection of urine specimens for controlled substance testing will be conducted by an approved collector and will be conducted in a setting and manner to ensure the driver's privacy.

Controlled substance testing generally takes about 15 minutes. At the collection site, the driver will be given a sealed container and must provide at least 45 ml of urine for testing. Once the sample is provided the collection personnel will check the temperature and color and look for signs of contamination. The urine is then split into two separate specimen containers (A, or "primary," and B, or "split") with identifying labels and security seals affixed to both. The collection facility will be responsible for maintaining a proper chain of custody for delivery of the sample to a DHHS-certified laboratory for analysis. The laboratory will retain a sufficient portion of any positive sample for testing and store that portion in a scientifically-acceptable manner for a minimum 365-day period.

If an employee fails to provide a sufficient amount of urine to permit a controlled substance test (45 milliliters of urine), the collector will discard the insufficient specimen, unless there is evidence of tampering with that specimen. The collector will urge the driver to drink up to 40 ounces of fluid, distributed reasonably over a period of up to

three hours, or until the driver has provided a sufficient urine specimen, whichever occurs first. If the driver has not provided a sufficient specimen within three hours of the first unsuccessful attempt, the collector will cease efforts to attempt to obtain a specimen. The driver must then obtain, within five calendar days, an evaluation from a licensed physician, acceptable to the MRO, who has expertise in the medical issues raised by the employee's failure to provide a sufficient specimen. If the licensed physician concludes the driver has a medical condition, or with a high degree of probability could have, precluded the driver from providing a sufficient amount of urine, the City will consider the test to have been canceled. If a licensed physician cannot make such a determination, the City will consider the driver to have engaged in a refusal to test, and will take appropriate disciplinary action under this policy.

The primary specimen is used for the first test. If the test is negative, it is reported to the MRO who then reports the result, following a review of the CCF Form for compliance, to the City. If the initial result is positive or non-negative, a "confirmatory retest" will be conducted on the primary specimen. If the confirmatory re-test is also positive, the result will be sent to the MRO. The MRO will contact the driver to verify the positive result. If the MRO is unable to reach the driver directly, the MRO must contact the City who will direct the driver to contact the MRO.

REVIEW OF TEST RESULTS

The MRO is a licensed physician with knowledge and clinical experience in substance abuse disorders, and is responsible for receiving and reviewing laboratory results of the controlled substances test as well as evaluating medical explanations for certain drug test results. Prior to making a final decision to verify a positive test result, the MRO will give the driver or the job applicant an opportunity to discuss the test result, typically through a phone call. The MRO, or a staff person under the MRO's supervision, will contact the individual directly, on a confidential basis, to determine whether the individual wishes to discuss the test result. If the employee or job applicant wishes to discuss the test result:

- The individual may be required to speak and/or meet with the MRO, who will review the individual's medical history, including any medical records provided.
- The individual will be afforded the opportunity to discuss the test results and to offer any additional or clarifying information which may explain the positive test result. If the employee or job applicant, believes a mistake was made at the collection site, at the labor, on a chain-of-custody form, or that the drug test results are caused by lawful substance use, the employee should tell the MRO.
- If there is some new information which may affect the original finding, the MRO may request the laboratory to perform additional testing on the original specimen in order to further clarify the results; and
- A final determination will be made by the MRO that the test is either positive or negative, and the individual will be so advised.

If the MRO upholds the positive, adulterated or substituted drug determination, that test result will be provided to the City. -There is no opportunity to explain a positive alcohol test provided in the DOT regulations.

The driver can request the MRO to have the split specimen (the second "B" container) tested at the driver's expense. This includes all costs that may be associated with the re-test. There is no split specimen testing for an invalid result. The driver has 72 hours after they have been notified of the positive result to make this request. If the employee requests an analysis of the split specimen, the MRO will direct the laboratory to send the split specimen to another certified laboratory for analysis.

If an employee has not contacted the MRO within 72 hours, the employee may present information documenting that serious injury, illness, lack of actual notice of the verified test result, inability to contact the MRO, or other circumstances unavoidably prevented the employee from making timely contact. If the MRO concludes there is legitimate explanation for the employee's failure to contact within 72 hours, the MRO will direct the analysis of the split specimen.

If the results of the split specimen are negative, the City may pay for all costs associated with the rest and there will be no adverse action taken against the employee or job applicant.

NOTIFICATION OF TEST RESULTS

Employees. The City will notify a driver of the results of random, reasonable suspicion, and post-accident tests for controlled substance if the test results are verified positive, and will inform the driver which controlled substance or substances were verified as positive. Results of alcohol tests will be immediately available from the collection agent.

Right to Confirmatory Retest. Within seventy-two (72) hours after receiving notice of a positive controlled substance test result, an applicant or driver may request through the MRO a re-analysis (confirmatory retest) of the driver's split specimen. Action required by federal regulation as a result of a positive controlled substance test (e.g., removal from safety-sensitive functions) will not be stayed during retesting of the split specimen. If the result of the confirmatory retest fails to reconfirm the presence of the controlled substance(s) or controlled substance metabolite(s) found in the primary specimen, or if the split specimen is unavailable, inadequate for testing or untestable, the MRO will cancel the test.

Dilute Specimens

▲ Dilute Negatives

▲ Creatinine concentration of specimen is equal to or greater than 2 mg/dL, but less than or equal to 5 mg/dL

▲ If the City receives information that a driver has provided a dilute negative specimen, the City will direct a recollection, pursuant to the MRO's direction, under direct observation.

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▲—Creatinine concentration of specimen is greater than 5 mg/dL.

If the MRO advises the City that the employee's dilute negative specimen contains a creatinine concentration greater than five mg/dL the City will direct the driver to take a second screening test, not under direct observation. The second screening test will be performed as soon as possible after the City receives word of the dilute negative specimen.

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CONSEQUENCES FOR DRIVERS ENGAGING IN PROHIBITED CONDUCT

Job Applicants. Any applicable conditional offer of employment will be withdrawn from a job applicant or employee seeking a transfer who refuses to be tested or tests positive for controlled substance pursuant to this policy.

Employees. Drivers who are known to have engaged in prohibited behavior with regard to alcohol misuse or use of controlled substance, as defined earlier in this policy, are subject to the following consequences:

- Removal from Safety-Sensitive Functions
No driver may perform safety-sensitive functions, including driving a commercial motor vehicle, if the driver has engaged in conduct prohibited by federal law.

No driver who is found to have an alcohol concentration of 0.02 or greater but less than 0.04 may perform or continue to perform safety-sensitive functions for the City, including driving a commercial motor vehicle, until the start of the driver's next regularly scheduled duty, but not less than twenty-four (24) hours following administration of the test.

If a driver tests positive under this policy, or is found to have an alcohol concentration of .02 or greater but less than .04, the driver will be removed from safety sensitive duties and escorted home; the driver should not drive home, but be escorted to his or her home. The driver will then be placed on vacation leave or another appropriate leave of absence for hours missed from work.
- Notification of Resources Available
The City will advise each driver who has engaged in conduct prohibited by federal law or who has a positive alcohol or controlled substance test of the resources available to the driver including but not limited to the City's Employee Assistance Program (EAP), in evaluating and resolving problems associated with the misuse of alcohol and use of a controlled substance, including the names, addresses, and telephone numbers of Substance Abuse Professionals and counseling and treatment programs. The City will provide this SAP listing in writing at no cost to the driver.
- Discipline

The City reserves the right to impose whatever discipline the City deems appropriate in its sole discretion, up to and including termination for a first occurrence, against drivers who violate applicable FMCSA or DOT rules or this policy, subject to applicable personnel policies and collective bargaining agreements. Except as otherwise required by law, the City is not obligated to reinstate or requalify such drivers following a first positive confirmed controlled substance or alcohol test result.

- Evaluation, and Return to Duty Testing
Should the City wish to consider reinstatement of a driver who engaged in conduct prohibited by federal law and/or who had a positive alcohol or controlled substance test, the driver must undergo a SAP evaluation, participate in any prescribed education/treatment, and successfully complete return-to-duty alcohol test with a result indicating an alcohol concentration of less than 0.02 and/or a controlled substance test with a verified negative result, before the driver returns to duty requiring the performance of a safety-sensitive function. The SAP will determine what assistance, if any, the driver needs in resolving problems associated with alcohol misuse and controlled substance use and will ensure the driver properly follows any rehabilitation program and submits to unannounced follow-up alcohol and controlled substance testing.
- Follow-Up Testing
If the driver passes the return-to-duty test, he/she will be subject to unannounced follow-up alcohol and/or controlled substance testing. The number and frequency for such follow-up testing will be as directed by the SAP and will consist of at least six tests in the first twelve months. These tests will be conducted under direct observation.
- Refusal to test
All drivers and applicants have the right to refuse to take a required alcohol and/or controlled substance test. If an employee refuses to undergo testing, the employee will be considered to have tested positive and may be subject to disciplinary action, up to and including termination. Refer to Refusing to Test provided earlier in this policy.
- Responsibility for Cost of Evaluation and Rehabilitation
Drivers will be responsible for paying the cost of evaluation and rehabilitation (including services provided by a Substance Abuse Professional) recommended or required by the City or FMCSA or DOT rules, except to the extent that such expense is covered by an applicable employee benefit plan or imposed on the City pursuant to a collective bargaining agreement.
- Reporting to the FMCSA's CDL Drug and Alcohol Clearinghouse
In accordance with the Federal Motor Carrier Safety Administration's (FMCSA) Commercial Driver's License (CDL) Drug and Alcohol Clearinghouse reporting requirements beginning January 6, 2020, the City

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will report the following information to the Clearinghouse within three business days:

- ✓ A DOT alcohol confirmation test result with an alcohol concentration of 0.04 or greater;
- ✓ A negative DOT return-to-duty test result;
- ✓ The driver's refusal to submit to a DOT test for drug or alcohol use;
- ✓ Actual knowledge a driver has used alcohol or controlled substances, based on the employer's direct observation, information provided by the driver's previous employer(s), a traffic citation for driving a CMV while under the influence of alcohol or controlled substances, or an employee's admission of alcohol or controlled substance abuse except as provided in § 382.121 of:
 - On duty alcohol use pursuant to § 382.205;
 - Pre-duty alcohol use pursuant to § 382.207;
 - Alcohol use following an accident pursuant to § 382.209;
 - Controlled substance use pursuant to § 382.213;
- ✓ Employers will also report negative return-to-duty (RTD) test results and the successful completion of a driver's follow-up testing plan as ordered by a SAP.

LOSS OF CDL LICENSE FOR TRAFFIC VIOLATIONS IN COMMERCIAL AND PERSONAL VEHICLES

Effective August 1, 2005, the FMCSA established strict rules impacting when CDL license holders can lose their CDL for certain traffic offenses in a commercial or personal vehicle. Employees are required to notify their supervisor immediately if the status of their CDL license changes in anyway.

MAINTENANCE AND DISCLOSURE OF RECORDS

Except as required or authorized by law, the City will not release driver's information that is contained in records required to be maintained by this policy or FMCSA and DOT regulations. Beginning in 2020, the city will be required to query and report to the agency's Commercial Driver's License (CDL) Drug and Alcohol Clearinghouse prior to hiring new drivers, will conduct annual checks of existing CDL-drivers, and will report certain violations of the DOT drug and alcohol testing program for holders of CDLs. In addition, a driver is entitled, upon written request, to obtain copies of any records pertaining to the driver's use of alcohol or a controlled substance, including any records pertaining to his or her alcohol or controlled substance tests.

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POLICY CONTACT FOR ADDITIONAL INFORMATION

If you have any questions about this policy or the City's controlled substance and alcohol testing procedures, you may contact your immediate supervisor or Human Resources to obtain additional information.

DEFINITIONS

"Accident," means an occurrence involving a commercial motor vehicle operating on a public road which results in a fatality; bodily injury to any person who, as a result of the injury, immediately receives medical treatment away from the scene of the accident; or one or more motor vehicles incurring disabling damage as a result of the accident, requiring the vehicle to be transported away from the scene by a tow truck or other vehicle. The term "accident" does not include an occurrence involving only boarding and alighting from a stationary motor vehicle; an occurrence involving only the loading or unloading of cargo; or an occurrence in the course of the operation of a passenger car or a multipurpose passenger vehicle unless the vehicle is transporting passengers for hire or hazardous materials of a type and quantity that require the motor vehicle to be marked or placarded in accordance with 49 C.F.R. § 177.823; 49 C.F.R. § 382.303(a); 49 C.F.R. § 382.303(f).

"Alcohol Concentration (or Content)," means the alcohol on a volume of breath expressed in terms of grams of alcohol per 210 liters of breath as indicated by an evidential breath test. 49 C.F.R. § 382.107.

"Alcohol Use," means the consumption of any beverage, mixture, or preparation, including any medication, containing alcohol. 49 C.F.R. § 382.107.

"Applicant," means a person applying to drive a commercial motor vehicle. 49 C.F.R. § 382.107.

"Breath Alcohol Technician" or "BAT," means an individual who instructs and assists individuals in the alcohol testing process and operates an evidential breath testing device (EBT). 49 C.F.R. § 40.3.

"City," means City of Brainerd/Brainerd Public Utilities.

"City Premises," means all job sites, facilities, offices, buildings, structures, equipment, vehicles and parking areas, whether owned, leased, used or under the control of the City.

"Collection Site," means a place designated by the City where drivers present themselves for the purpose of providing a specimen of their urine or breath to be analyzed for the presence of alcohol or controlled substances. 49 C.F.R. § 40.3.

"Commercial Motor Vehicle," means a motor vehicle or combination of motor vehicles used in commerce to transport passengers or property if the motor vehicle (1) has a gross combination weight rating or gross combination weight of 26,001 or more pounds, whoever is greater, inclusive of a towed unit(s) with a gross vehicle weight rating or gross vehicle weight of more than 10,000 pounds, whichever is greater; or (2) has a

gross vehicle weight rating or gross vehicle weight of 26,001 or more pounds, whichever is greater; or (3) is designed to transport sixteen (16) or more passengers, including the driver; or (4) is of any size and is used in the transportation of materials found to be in the transportation of materials found to be hazardous for the purposes of the Hazardous Materials Transportation Act (49 U.S.C. 5103(b)) and which require the motor vehicle to be placarded under the Hazardous Materials Regulation. (49 C.F.R. part 172, subpart F) § 382.107. Fire trucks and other emergency fire equipment are not considered to be commercial vehicles under this policy.

“Confirmation (or Confirmatory) Test,” for alcohol testing means a second test, ~~following a positive non-evidential test,~~ following a positive non-evidential (e.g., saliva) screening test or a breath alcohol screening test with the result of 0.02 or greater, that provides quantitative data of alcohol concentration. For controlled substance testing, “Confirmation (or Confirmatory) Test” means a second analytical procedure to identify the presence of a specific controlled substance or metabolite which is independent of the screen test and which uses a different technique and chemical principal from that of the screen test in order to ensure reliability and accuracy. 49 C.F.R. § 382.107.

“Controlled Substance,” means those substances identified in 49 C.F.R. § 40.21(a). Marijuana, amphetamines, opiates, (including heroin), phencyclidine (PCP), cocaine, and any of their metabolites are included within this definition. 49 (C.F.R. § 382.107; 49 C.F.R. § 40.21(a).

“Department of Transportation” or “DOT,” means the United States Department of Transportation.

“DHHS,” means the Department of Health & Human Services or any designee of the Secretary, Department of Health & Human Services. 49 C.F.R. § 40.3.

“Disabling Damage,” means damage which precludes departure of a motor vehicle from the scene of the accident in its usual manner in daylight after simple repairs, including damage to motor vehicles that could have been driven, but would have been further damaged if so driven. Disabling damage does not include damage which can be remedied temporarily at the scene of the accident without special tools or parts, tire disablement without other damage even if no spare tire is available, headlight or tail light damage or damage to turn signals, horn or windshield wipers which make them inoperative. 49 C.F.R. § 382.107.

“Driver,” means any person who operates a commercial motor vehicle. This includes, but is not limited to full-time, regularly employed drivers; casual, intermittent or occasional drivers; leased drivers and independent owner-operator contractors who are either directly employed by or under lease to the City or who operate a commercial motor vehicle at the direction of or with the consent of the City. For purposes of pre-employment testing, the term driver includes a person applying to drive a commercial motor vehicle. 49 C.F.R. § 382.107.

“Drug,” has the same meaning as “controlled substance.”

“Employee seeking a transfer,” refers to an employee who is not subject to DOT regulations seeking a transfer to a position that will subject them to DOT regulations in the sought after position.

“Evidential Breath Testing Device” or “EBT,” means a device approved by the National Highway Traffic Safety Administration (“NHTSA”) for the evidential testing of breath and placed on NHTSA’s “Conforming Products List of Evidential Breath Measurement Devices.” 49 C.F.R. § 40.3.

“Federal Motor Carrier Safety Administration” or “FMCSA,” means the Federal Motor Carrier Safety Administration of the United States Department of Transportation.

“Medical Review Officer” or “MRO,” means a licensed physician (medical doctor or doctor of osteopathy) responsible for receiving laboratory results generated by a controlled substance testing program who has knowledge of substance abuse disorders and has appropriate medical training to interpret and evaluate an individual’s confirmed positive test result together with his or her medical history and any other relevant biomedical information. 49 C.F.R. § 40.3

“Performing (a Safety-Sensitive Function),” means any period in which a driver is actually performing, ready to perform, or immediately available to perform any safety-sensitive functions. 49 C.F.R. § 382.107.

“Positive Test Result,” means a finding of the presence of alcohol or controlled substance, or their metabolites, in the sample tested in levels at or above the threshold detection levels established by applicable law.

“Reasonable Suspicion,” means a belief a driver has engaged in conduct prohibited by the FMCSA controlled substance and alcohol testing regulations, except when related solely to the possession of alcohol, based on specific contemporaneous, articulable observations made by a supervisor or City official who has received appropriate training concerning the appearance, behavior, speech or body odors of the driver. —The determination of reasonable suspicion will be made in writing on a Reasonable Suspicion Record Form during, just preceding, or just after the period of the work day that the driver is required to be in compliance with this policy. In the case of a controlled substance, the observations may include indications of the chronic and withdrawal effects of a controlled substance.

“Safety-Sensitive Function,” means all time from the time a driver begins to work or is required to be in readiness to work until the time he or she is relieved from work and all responsibility for performing work. Safety-sensitive functions include:

- All time at a city plant, terminal, facility, or other property, or on any public property,
- waiting to be dispatched, unless the driver has been relieved from duty by the employer;
- All time inspecting equipment as required by 49 C.F.R. § 392.7 and 392.8 or otherwise inspecting, servicing, or conditioning any commercial motor vehicle at any time;

- All time spent at the driving controls of a commercial motor vehicle in operation;
- All time, other than driving time, in or upon any commercial motor vehicle except time spent resting in a sleeper berth (a berth conforming to the requirements of 49 C.F.R. § 393.76);
- All time loading or unloading a vehicle, supervising, or assisting in the loading or unloading, attending a vehicle being loaded or unloaded, remaining in readiness to operate the vehicle, or in giving or receiving receipts for shipments loaded or unloaded; and
- All time repairing, obtaining assistance, or remaining in attendance upon a disabled vehicle. 49 C.F.R. § 382.107.

“Screening Test (also known as Initial Test),” in alcohol testing, mean an analytical procedure to determine whether a driver may have a prohibited concentration of alcohol in her or her system. Screening tests may be conducted by utilizing a non-evidential screening device included by the National Highway Traffic Administration on its conforming products list (e.g., a saliva screening device) or an evidential breath testing device (“EBT”) operated by a trained breath alcohol technician (“BAT”). In controlled substance testing, “Screening Test” means an immunoassay screen to eliminate “negative” urine specimens form further consideration. 49 C.F.R. § 382.107.

“Substance Abuse Professional” or “SAP,” means a licensed physician (medical doctor or doctor of osteopathy), licensed or certified psychologist, licensed or certified social worker, licensed or certified employee assistance professional, or licensed or certified addiction counselor (certified by the National Association of Alcoholism and Controlled Substance Abuse Counselors Certification Commission) with knowledge of an clinical experience in the diagnosis and treatment of alcohol and controlled substance-related disorders. 49 C.F.R. § 382.107.

Reviewed and adopted by the City Council

Date: ~~11/02/2015~~ XX/XX/2020

CERTIFICATE OF RECEIPT

I hereby acknowledge receipt of the City of Brainerd's Drug and Alcohol Testing and Drug Free Workplace Act Policy for Commercial Drivers (DOT) Policy.

Employee Signature

Date

Employee Printed Name

Department

**CITY OF BRAINERD / BRAINERD PUBLIC UTILITIES
EMPLOYEE AND APPLICANT**
NOTIFICATION AND DRUG SCREENING CONSENT FORM**

I acknowledge that I have received and understand the City of Brainerd/Brainerd Public Utilities' (City's) Controlled Substance and Alcohol Testing for Commercial Drivers (DOT) Policy.

I agree to comply with the City's policy on controlled substance and/or alcohol and understand failure to comply is grounds for disciplinary action, up to and including termination. As an applicant, I understand my conditional job offer will be withdrawn if I refuse to test or test positive for a controlled substance.

I hereby consent to undergo controlled substance and/or alcohol testing pursuant to said policy, and I authorize collection of a urine and/or breath sample from me for these purposes.

I understand that the procedure employed in this process will insure the integrity of the sample and is designed to comply with medical and legal requirements.

I consent to the release of the controlled substance and/or alcohol test results in accordance with the City's Controlled Substance and Alcohol Testing (DOT) Policy to the selected Medical Review Officer (MRO), and within the City/BPU on a need-to-know basis, and to additional parties in accordance with written authorization or as otherwise required by applicable or state law.

I further understand that the results of this testing may affect my employment status, as described in the policy as well as federal law updates, as applicable.

In the event of a post-accident test, the drug and/or alcohol test result(s) may also be provided to the workers' compensation insurance carrier.

I understand that if I am an applicant, the City/BPU will conduct a "full query" of the Federal Motor Carrier Safety Administration's Clearinghouse to determine whether a record exists for me. In addition, I understand that if I become or am an employee, the City/BPU will, at least once a year, conduct a limited query of the Clearinghouse to determine whether a record exists for me. Therefore, I hereby consent to the City/BPU conducting limited queries of the FMCSA Commercial Driver's License Drug and Alcohol Clearinghouse (Clearinghouse) to determine whether drug or alcohol violation information about me exists in the Clearinghouse for purposes of my candidacy and throughout the duration of my employment, as applicable.

I also understand that if the limited query conducted by the City/BPU indicates that drug or alcohol violation information about me exists in the Clearinghouse, FMCSA will not disclose that information to the City/BPU without first obtaining additional specific consent from me. I further understand that if I refuse to provide consent for the City/BPU to conduct a limited query of the Clearinghouse, the City/BPU must prohibit me from performing safety-sensitive functions, including driving a commercial motor vehicle, as required by FMCSA's drug and alcohol program regulations.

*** As an applicant I understand I will need to register with the FMCSA Clearinghouse to complete the registration process before I can respond to employer consent requests or access my driver record in the FMCSA Commercial Driver's License Drug and Alcohol Clearinghouse. Visit <https://clearinghouse.fmcsa.dot.gov/register> and click Go to login.gov.*

Signature of Applicant/Employee

Signature of Witness

Date

Drug Screening Refusal of Consent

I hereby refuse to submit to the drug and alcohol testing process.

I have seen a copy of the City's Controlled Substance and Alcohol Testing for Commercial Drivers (DOT) Policy and understand that, if I am an applicant, my refusal to submit to testing will subject me to withdrawal of the City/BPU's conditional offer of employment, and if I am an employee, my refusal to submit to testing will subject me to disciplinary proceedings including, but not limited to, employment discharge.

Signature of Applicant/Employee

Signature of Witness

Date

If employee refuses to sign, indicate "Refused to sign".

DATA PRIVACY NOTICE

The information collected pursuant to this policy is used to determine your eligibility for employment and the performance of certain safety sensitive functions. You are not required to provide information and submit to the tests, but your failure to do so will result in the City/BPU withdrawing a conditional job offer or you may be disciplined (up to and including discharge) from employment, whichever may apply. The results of the tests performed will be private data and will not be released to other employers, governmental agencies, or persons without the written consent of the employee tested, except as otherwise provided by regulation and law pursuant to a court order. Only those individuals with a necessity to perform their functions under this policy will have access to the test results.

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

**October 19, 2020
7:15 PM**

**WebEx Teleconference Call-In Information
Call Toll-Free: 844-992-4726 Access Code: 146 160 3734**

1. DNR Forestry Tree Grant Approval
2. Street Light Request – 2014 Crestview Lane



Brainerd City Council Agenda Request

Requested Meeting Date:

Title of Item:

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

Brainerd Public Utilities

Request for Street Lighting Form

Date requested: 9/23/2020
Requested By: Greg Roberts
Address: 2014 Crestview Lane 218-879-6034

Location of street lights: by my driveway on Crestview
at my address

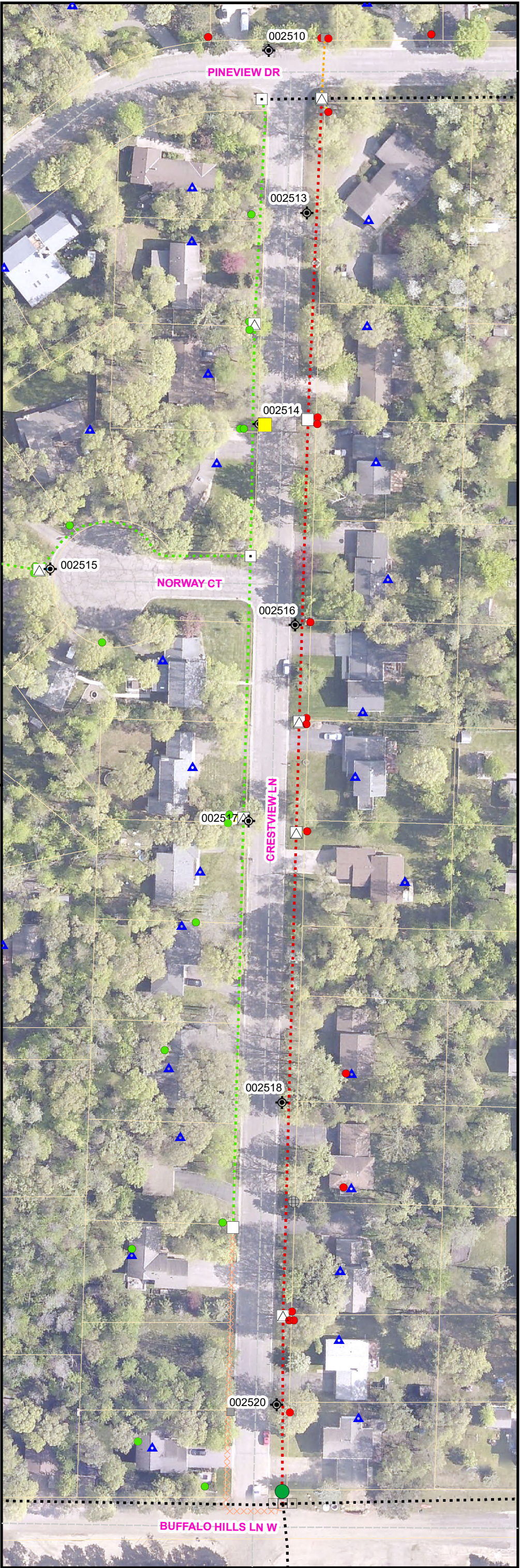
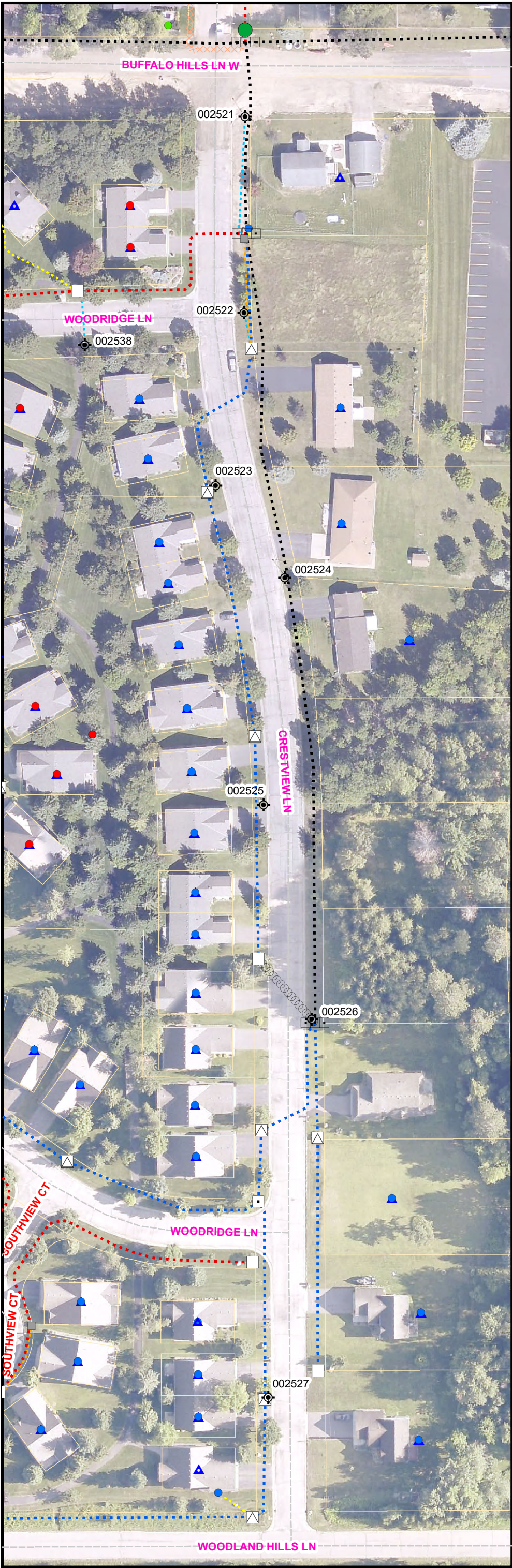
Attached street light plan or sketch Street light now off, requesting turned on
have had police activity last couple weekends.

City of Brainerd
Approved /Date: _____

Brainerd Public Utilities
Approved /Date: _____

City Engineer

Superintendent



**BRainerd PUBLIC UTILITIES
ELECTRIC MAP**



This map is intended for reference purposes only and is not a legally recorded map nor survey. Brainerd Public Utilities shall not be liable for any damages or claims that arise due to accuracy, availability, use, or misuse of the information herein pursuant to MN Statutes 466.03 Subd 21.

Date: 9/23/2020

October 7, 2020

Brainerd City Council
Brainerd City Hall
501 Laurel Street
Brainerd, Minnesota 56401

RE: Street Light at 2014 Crestview Lane

Dear City Council Members;

We are writing to request that the street light at 2014 Crestview Lane be turned on. We realize it's been off for quite a few years but it's the only light on Crestview that isn't on. Our neighborhood has changed quite a bit since the light was turned off. Recently there have been police presence late at night on Crestview which is worrisome for many of us. It's extremely dark without the light and we'd feel more at ease being able to see our properties when it's dark. We are all in support of this request.

Please consider our request to have the street light on Crestview Lane turned back on.

Sincerely,

Greg Roberts

Diane Roberts

2014 Crestview Lane

Wendy Ward

Barbie Ward

2013 Crestview Lane

[Signature]

[Signature]

2010 Crestview Lane

Tim High

Tim High, Kathy High

2009 Crestview Lane

Keron Ruen

2017 Crestview Lane



Brainerd City Council Agenda Request

Requested Meeting Date:

Title of Item:

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

Exhibit A: Grant Project Deliverables
FFY20 Core FH&R Appropriation
Model Communities Targeted to Slow the Spread of EAB
City of Brainerd Deliverables

Grant sum total: \$36,000.00

Grant Contract Deliverables

- *Community must have adopted or will adopt an EAB management plan through this grant process*
- *Each ash tree removed must be replaced with a newly planted tree*

Work with DNR to fully execute the work plan by providing:

1. City staff or contractor (selected through a bid process; refer to grant contract agreement for bid requirements) to perform public tree inventory and emerald ash borer (EAB) management plan. If city staff time is used, this will count as in-kind match.
2. Reasonable effort to work with DNR to prioritize areas of highest management need, whether it is ash, oak, or elm trees (or other species)
3. Timely submission by the deadlines listed:
Submit invoices and proof of payment for grant-funded purchases; Submit cash-match proof of payment and in-kind match justifications; Submit Status Update Reports; Submit maps and/or shapefiles and photos.
 - a. April 1, 2021
 - b. October 1, 2021
 - c. April 1, 2022
 - d. Final Report due September 30, 2022

Work with DNR to fully execute the work plan below:

1. Public Tree Inventory
2. EAB Management Plan
3. Management Activities: following completion of inventory and management plan, community will know where priorities lie for strategic management of the public tree resource. Funding remainder will then be used to slow the spread of EAB and other exotic tree pests and diseases in areas of the highest need, whether through removal of unhealthy trees and replacement with a more diverse mixture of species, treatment of valuable and healthy ash with non-neonicotinoid injectable pesticide emamectin benzoate, or tree planting for building canopy diversity and resilience.
 - a. This portion of the work plan must be amended with chosen activities following completion of management plan prior to grantee beginning any management activities. Any management activities completed before an amendment is in place will not be eligible for reimbursement.

4. Tree Planting and Maintenance

- a. Grant funds will not fund the purchase of trees that are over-represented in your community. Any genera that comprise 10% or more of the community forest make-up will not be funded. Numbers derived from the Minnesota Department of Natural Resources 2010 Rapid Assessment will be used as guidance before an updated inventory is provided. For Brainerd this means grant funds cannot be spent on purchasing:
 - i. *Picea* (spruce): 18.0%
 - ii. *Acer* (maple): 15.7%
 - iii. *Fraxinus* (ash): 11.4%
- b. Grant funds will not fund the purchase of trees listed on the Minnesota Noxious Weed List, or the DNR's Invasive Terrestrial Plants List, including Amur cork tree, Amur maple, autumn olive, black locust, buckthorn, Norway maple, Russian olive, Siberian elm, and tree of heaven.
- c. All trees planted with grant funds are expected to be maintained based on the City of Brainerd's Three Year Maintenance Plan. A maintenance plan template will be provided by DNR, and the Three Year Maintenance Plan must be submitted, and approved by DNR staff, before any planting activities begin. Trees that do not survive will need to be replaced prior to grant close-out utilizing the warranty the city has with the nursery that stock was purchased from, or at the expense of the City of Brainerd.
- d. Ensure newly planted trees are regularly watered, according to the schedule set in the Three Year Maintenance Plan, by city staff or contractors, or work to develop sustainable outreach to citizens so that they can engage in watering practices.

Requesting Reimbursement

Accomplishment reports and maps of completed work will be submitted with all requests for reimbursement.

- Partial payment form along with invoices and proof of payment for grant-funded purchases, Cash Match form along with proof of payment, and In-Kind Match form
- Partial payments may be submitted as needed and must include all up-to-date required documents and accomplishment reports
- Accomplishment reports will include grant contract deliverables and their impacts
- Photo documentation of the project's progress at appropriate phases, and illustrations, diagrams, charts, graphs, and maps to show results
- Maps will:
 - Identify the location and Diameter at Breast Height (DBH) of trees that have been removed
 - Identify the location of stumps that have been ground
 - Identify the location and Diameter at Breast Height (DBH) of trees that have been treated
 - Identify the location and species of trees that have been planted
- All trees removed, treated, and planted will be mapped and submitted as shapefiles, with the planted trees identified by species, to obtain grant fund reimbursement. If your community

does not have access to shapefile-generating software, please notify your DNR Urban and Community Forestry Team Member, and they will work to assist you.

Following the submission of invoices and accomplishment reports, a compliance check will be conducted by Minnesota Department of Natural Resources staff. Staff will do a site evaluation ensuring that tree species submitted on maps are correctly identified and planted in accordance with the standards set in the Minnesota Department of Natural Resources Pocket Guide to Planting Trees.

Staff will also ensure that the project adheres to the 20-10-5 guideline which means that following planting, a community has no more than 20% of their trees within a single family, no more than 10% of their trees within a single genus, and no more than 5% of their trees within a single species. Staff will confirm that planted tree stock is 1-2" caliper bareroot or a container class size #20 or smaller.

Acknowledgement

1. The Forest Service needs to be acknowledged in publications, audiovisuals, and electronic media developed as a result of this award.
2. In order to use the Forest Service insignia on any published media, such as a Web page, printed publication, or audiovisual production, permission must be granted by the Forest Service's Office of Communications. A written request can be submitted Emma Schultz who will pass it along to the appropriate authorities.

Exhibit B: Project Budget
FFY20 Core FH&R Appropriation
Model Communities Targeted to Slow the Spread of EAB
City of Brainerd

Item	Federal Grant Funds	In-kind or Cash Match	Total
Personnel and Owned Equipment			
Eligible Expenses	\$36,000.00		
Totals	\$36,000.00		\$36,000.00

**STATE OF MINNESOTA
GRANT AGREEMENT
Federal Sub-Award Agreement**

This grant agreement is between the State of Minnesota, acting through its Commissioner of Natural Resources, Division of Forestry, 500 Lafayette Road, St. Paul, MN 55155 ("State") and City of Brainerd, DUNS #196046221, 501 Laurel St., Brainerd, MN 56401 ("Grantee").

Recitals

1. Under Urban and Community Forestry, USDA Forest Service, CFDA #10.675, Federal Award ID #20-DG-11094200-154, the State received a federal award of \$451,809.00 on July 28, 2020 for Urban & Community Forestry and Forest Resilience Emerald Ash Borer. This project is not a research and development project.
2. Under Urban & Community Forestry and Forest Resilience Emerald Ash Borer and Minnesota Statutes sections 84.026 and 84.085, the State sub-awards \$36,000.00 to the Grantee DUNS #196046221 for the purpose of conducting the program entitled Model Communities Targeted to Slow the Spread of EAB.
3. The Grantee represents that it is duly qualified and agrees to perform all services described in this grant agreement to the satisfaction of the State.

Grant Agreement

1. Term of Grant Agreement

- 1.1. **Effective date:** October 12, 2020.

This agreement becomes effective on October 12, 2020 or the date the State obtains all required signatures under Minnesota Statutes 16B.98, subdivision 5, whichever is later. No reimbursements will be made until or upon the date that the final required signature is obtained by the State, pursuant to [Minnesota Statutes Section 16B.98, subdivision 5](#). Per [Minnesota Statutes Section 16B.98, subdivision 7](#), no payments will be made to the Grantee until this grant agreement is fully executed.

- 1.2. **Expiration date:** September 30, 2022

This agreement expires on September 30, 2022, or the date all obligations are satisfactorily completed, whichever occurs first.

- 1.3. **Survival of Terms:** The following clauses survive the expiration or cancellation of this grant agreement: 9 Liability; 10 Audits; 11 Government Data Practices and Intellectual Property; 13 Endorsement; 14 Governing Law, Jurisdiction, and Venue; 16 Data Disclosure; 19 Monitoring; and 25 Additional Program Requirements.

- 1.4. **Incur Expenses:** This agreement becomes effective on October 12, 2020 or the date the State obtains all required signatures under Minnesota Statutes 16B.98, subdivision 5, whichever is later. **The Grantee must not begin work under this sub-grant agreement until this agreement is fully executed and the Grantee has been notified by the State's Authorized Representative to begin the work.**

2. Grantee's Duties

The Grantee, who is not a state employee, will:

See Exhibit A, which is incorporated and made a part of this agreement.

See Federal Award letter, which is incorporated and made a part of this agreement.

The Grantee will comply with required grants management policies and procedures set forth through [Minnesota Statutes Section 16B.97](#), subdivision 4 (a) (1).

The Grantee agrees to complete the program in accordance with the approved budget to the extent practicable and within the program period specified in the grant agreement. Any material change in the grant agreement shall require an amendment by the State (see Section 7.2).

The Grantee shall be responsible for the administration, supervision, management, record keeping and program oversight required for the work performed under this agreement.

The Grantee is responsible for maintaining a written conflict of interest policy. Throughout the term of this agreement, the Grantee shall monitor and report any actual, potential, or perceived conflicts of interest to the State's

Authorized Representative.

3. Time

The Grantee must comply with all the time requirements described in this grant agreement.

4. Consideration and Payment

4.1. *Consideration.*

Consideration for all services performed by Grantee pursuant to this grant agreement shall be paid by the State as follows:

4.1.1. *Compensation.*

Compensation in an amount not to exceed \$36,000.00, based on the following computation: See Exhibit B: Project Budget.

4.1.2. *Invoices.*

The State shall disburse funds to the Grantee pursuant to this agreement on a **reimbursement basis**. The State will promptly pay the Grantee after the Grantee presents an itemized invoice for the services actually performed and the State's Authorized Representative accepts the invoiced services. Invoices must be submitted timely and according to the following schedule:

1. April 1, 2021
2. October 1, 2021
3. April 1, 2022
4. September 30, 2022

THE TOTAL STATE OBLIGATION FOR ALL COMPENSATION AND REIMBURSEMENTS TO GRANTEE SHALL NOT EXCEED: Thirty-six thousand dollars (\$36,000.00).

Funds made available pursuant to this Agreement shall be used only for expenses incurred in performing and accomplishing the purposes and activities specified herein. Notwithstanding all other provisions of this Agreement, it is understood that any reduction or termination of funds allocated to the State may result in a like reduction to the Grantee.

4.2. *Payment.*

The State shall disburse funds to the Grantee pursuant to this agreement **on a reimbursement basis**. The Grantee shall submit payment requests with required expenditure documentation. If necessary, two additional reimbursements each year may be negotiated between the State and Grantee on a case-by-case basis. In order to make additional reimbursements, the Grantee must prepare and submit a written justification to the State for approval that details the specific need to utilize additional reimbursements. A copy of the signed justification must be maintained in the grant file.

4.2.1. *Federal funds.* Payments under this grant agreement will be made from federal funds obtained by the State through Urban and Community Forestry CFDA number 10.675 of the Cooperative Forestry Assistance Act of 1978. The Grantee is responsible for compliance with all federal requirements imposed on these funds and accepts full financial responsibility for any requirements imposed by the Grantee's failure to comply with federal requirements.

5. Conditions of Payment

All services provided by the Grantee under this grant agreement must be performed to the State's satisfaction, as determined at the sole discretion of the State's Authorized Representative and in accordance with all applicable federal, state, and local laws, ordinances, rules, and regulations. The Grantee will not receive payment for work found by the State to be unsatisfactory or performed in violation of federal, state, or local law.

6. Authorized Representative

The State's Authorized Representative is Emma Schultz, Community Forest Project Specialist, 500 Lafayette Rd., St. Paul, MN 55155, emma.schultz@state.mn.us, (651) 259-5274, or his/her successor, and has the responsibility to monitor the Grantee's performance and the authority to accept the services provided under this grant agreement. If the services are satisfactory, the State's Authorized Representative or his/her designee will certify acceptance on each invoice submitted for payment.

The Grantee Authorized Representative is Tony Sailer, Parks and Recreation Director, 501 Laurel St., Brainerd, MN

56401, tsailer@ci.brainerd.mn.us, (218) 828-2320, or his/her successor. If the Grantee's Authorized Representative changes at any time during this grant agreement, the Grantee must immediately notify the State.

7. Assignment, Amendments, Waiver, and Grant Agreement Complete

- 7.1. **Assignment.** The Grantee may neither assign nor transfer any rights or obligations under this grant agreement without the prior consent of the State and a fully executed Assignment Agreement, executed and approved by the same parties who executed and approved this grant agreement, or their successors in office.
- 7.2. **Amendments.** Any amendment to this grant agreement must be in writing and will not be effective until it has been executed and approved by the same parties who executed and approved the original grant agreement, or their successors in office.
- 7.3. **Waiver.** If the State fails to enforce any provision of this grant agreement, that failure does not waive the provision or its right to enforce it.
- 7.4. **Grant Agreement Complete.** This grant agreement contains all negotiations and agreements between the State and the Grantee. No other understanding regarding this grant agreement, whether written or oral, may be used to bind either party.

8. Subcontractors, Contracting, and Bidding Requirements

- 8.1 The Grantee agrees that if it subcontracts any portion of this project to another entity, the agreement with the subcontractor will contain all provisions of the agreement with the State. The Grantee also agrees to comply with [Title 2 Code of Federal Regulations \(CFR\) 200.317](#) and [200.322](#) (if applicable-both apply to state entities only) as well as 2 CFR 200.318-321, and 2 CFR 200.323-326.
- 8.2 Per [Minnesota Statute 471.345](#), grantees that are municipalities as defined in Subd. 1 must follow that Uniform Municipal Contracting Law if contraction funds from this grant contract agreement for any supplies, materials, equipment, or the rental thereof, or the construction, alteration, repair, or maintenance of real or personal property.

If the amount of the contract is estimated to exceed \$100,000, a formal notice and bidding process must be conducted in which sealed bids shall be solicited by public notice. Municipalities may, as a best value alternative, award a contract for construction, alteration, repair, or maintenance work to the vendor or contractor offering the best value under a request for proposals as described in [Minnesota Statute 16C.28](#), Subd. 1, paragraph a, clause 2.

- 8.2.1 If the amount of the contract is estimated to exceed \$25,000, but not \$100,000, the contract may be made either upon sealed bids or by direct negotiation, by obtaining two or more quotations for the purchase or sale when possible, and without advertising for bids or otherwise complying with the requirements of competitive bidding. All quotations obtained shall be kept on file for a period of at least one year after receipt thereof. Municipalities may, as a best value alternative, award a contract for construction, alteration, repair, or maintenance work to the vendor or contractor offering the best value under a request for proposals as described in [Minnesota Statute 16C.28](#), Subd. 1, paragraph a, clause 2, and paragraph c.
- 8.2.2 If the amount of the contract is estimated to be \$3,000-25,000 (\$2,000 for acquisitions of construction that are subject to the [Davis-Bacon Act](#) and \$2,500 for the acquisition of services subject to the [Service Contract Act](#)) the contract may be made either upon quotation or in the open market, in the discretion of the governing body. If the contract is made upon quotation it shall be based, so far as practicable, on at least two quotations which shall be kept on file for a period of at least one year after their receipt. Alternatively, municipalities may award a contract for construction, alteration, repair, or maintenance work to the vendor or contractor offering the best value under a request for proposals as described in [Minnesota Statute 16C.28](#), Subd. 1, paragraph a, clause 2.
- 8.2.3 Any services and/or materials that are expected to cost less than \$3,000 (see 8.2.2 for thresholds regarding the Davis-Bacon and Service Contract Act) do not require the solicitation of competitive quotations in accordance with [2 CFR 200.320\(b\)](#). The Grantee must make an effort to equitably distribute these purchases.
- 8.2.4 Support documentation of the bidding process utilized to contract services must be included in the grantee's financial records, including support documentation justifying a single/sole source bid, if applicable
- 8.2.5 For projects that include construction work of \$25,000 or more, prevailing wage rules apply per [Minnesota Statute 177.41](#) through [177.44](#) consequently, the bid request must state the project is subject

to prevailing wage. These rules require that the wages of laborers and workers should be comparable to wages paid for similar work in the community as a whole. A prevailing wage form should accompany these bid submittals.

8.3 Nongovernmental organizations must follow the below requirements.

8.3.1 Any services and/or materials that are expected to cost \$20,000 or more must undergo a formal notice and bidding process.

8.3.2 Any services and/or materials that are expected to cost between \$10,000 and \$19,999 must be scoped out in writing and offered to a minimum of three (3) bidders.

8.3.3 Any services and/or materials that are expected to cost between \$3,000 and \$9,999 (\$2,000 for acquisitions of construction that are subject to the [Davis-Bacon Act](#) and \$2,500 for the acquisition of services subject to the [Service Contract Act](#)) must be competitively based on a minimum of three (3) verbal quotes.

8.3.4 Any services and/or materials that are expected to cost less than \$3,000 (see 8.3.3 for thresholds regarding the Davis-Bacon and Service Contract Act) do not require the solicitation of competitive quotations in accordance with [2 CFR 200.320\(b\)](#).

8.3.5 Support documentation of the bidding process utilized to contract services must be included in the grantee's financial records, including support documentation justifying a single/sole source bid, if applicable.

8.3.6 For projects that include construction work of \$25,000 or more, prevailing wage rules apply per [Minnesota Statute 177.41](#) through [177.44](#) consequently, the bid request must state the project is subject to prevailing wage. These rules require that the wages of laborers and workers should be comparable to wages paid for similar work in the community as a whole. A prevailing wage form should accompany these bid submittals.

9. Liability

The Grantee must indemnify, save, and hold the State, its agents, and employees harmless from any claims or causes of action, including attorney's fees incurred by the State, arising from the performance of this grant agreement by the Grantee or the Grantee agents or employees. This clause will not be construed to bar any legal remedies the Grantee may have for the State's failure to fulfill its obligations under this grant agreement.

10. Audits (State and Single)

Under [Minn. Stat. §16B.98, subd. 8](#) and [2 CFR 200.331](#), the Grantee books, records, documents, and accounting procedures and practices relevant to this grant agreement are subject to examination by the State and/or the State Auditor or Legislative Auditor, as appropriate, for a minimum of six years from the end of this grant agreement.

All state and local governments, colleges and universities, and non-profit organizations that expend \$750,000 or more of Federal awards in a fiscal year must have a single audit according to the OMB Uniform Guidance: Cost Principles, Audit, and Administrative Awards Requirements for Federal Awards. This is \$750,000 total Federal awards received from all sources. If an audit is completed, forward a copy of the report to both the State's Authorized Representative and the State Auditor.

11. Government Data Practices and Intellectual Property

11.1 **Government Data Practices.** The Grantee and State must comply with the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13, as it applies to all data provided by the State under this grant agreement, and as it applies to all data created, collected, received, stored, used, maintained, or disseminated by the Grantee under this grant agreement. The civil remedies of Minn. Stat. § 13.08 apply to the release of the data referred to in this clause by either the Grantee or the State.

If the Grantee receives a request to release the data referred to in this clause, the Grantee must immediately notify the State. The State will give the Grantee instructions concerning the release of the data to the requesting party before the data is released.

11.2 **Intellectual Property Rights (if applicable).**

11.2.1. **Intellectual Property Rights.** The State owns any intellectual property developed with these funds. The federal awarding agency may receive royalty-free, non-exclusive and an irrevocable right to reproduce, publish, or otherwise use the work for Federal purposes, and to authorize others to do so as noted in [2 CFR 200.315](#).

11.2.2 **Obligations.**

- (A) *Notification.* Whenever any invention, improvement, or discovery (whether or not patentable) is made or conceived for the first time or actually or constructively reduced to practice by the Grantee, including its employees and subcontractors, in the performance of this contract, the Grantee will immediately give the State's Authorized Representative written notice thereof, and must promptly furnish the Authorized Representative with complete information and/or disclosure thereon.
- (B) *Representation.* The Grantee must perform all acts, and take all steps necessary to ensure that all intellectual property rights in the Works and Documents are the sole property of the State, and that neither Grantee nor its employees, agents, or subcontractors retain any interest in and to the Works and Documents. The Grantee represents and warrants that the Works and Documents do not and will not infringe upon any intellectual property rights of other persons or entities. Notwithstanding Clause 9, the Grantee will indemnify; defend, to the extent permitted by the Attorney General; and hold harmless the State, at the Grantee's expense, from any action or claim brought against the State to the extent that it is based on a claim that all or part of the Works or Documents infringe upon the intellectual property rights of others. The Grantee will be responsible for payment of any and all such claims, demands, obligations, liabilities, costs, and damages, including but not limited to, attorney fees. If such a claim or action arises, or in the Grantee's or the State's opinion is likely to arise, the Grantee must, at the State's discretion, either procure for the State the right or license to use the intellectual property rights at issue or replace or modify the allegedly infringing Works or Documents as necessary and appropriate to obviate the infringement claim. This remedy of the State will be in addition to and not exclusive of other remedies provided by law.

12. Workers' Compensation

The Grantee certifies that it is in compliance with Minn. Stat. § 176.181, subd. 2, pertaining to workers' compensation insurance coverage. The Grantee's employees and agents will not be considered State employees. Any claims that may arise under the Minnesota Workers' Compensation Act on behalf of these employees and any claims made by any third party as a consequence of any act or omission on the part of these employees are in no way the State's obligation or responsibility.

13. Endorsement

The Grantee must not claim that the State endorses its products or services and the Grantee must adhere to the terms of 2 CFR 200.315.

14. Governing Law, Jurisdiction, and Venue

Minnesota law, without regard to its choice-of-law provisions, governs this grant agreement. Venue for all legal proceedings out of this grant agreement, or its breach, must be in the appropriate state or federal court with competent jurisdiction in Ramsey County, Minnesota.

15. Termination

The State may cancel this grant agreement at any time, with or without cause, upon 30 days written notice to the Grantee. Upon termination, the Grantee will be entitled to payment, determined on a pro rata basis, for services satisfactorily performed.

16. Data Disclosure

Under Minn. Stat. § 270C.65, Subd. 3, and other applicable law, the Grantee consents to disclosure of its social security number, federal employer tax identification number, and/or Minnesota tax identification number, already provided to the State, to federal and state tax agencies and state personnel involved in the payment of state obligations. These identification numbers may be used in the enforcement of federal and state tax laws which could result in action requiring the Grantee to file state tax returns and pay delinquent state tax liabilities, if any.

17. American Disabilities Act

The Grantee is subject to complying with the Americans with Disabilities Act (ADA) of 1990 (42 U.S.C. 12101 et seq.) and all applicable regulations and guidelines.

18. Reporting Requirements

The Grantee is bound to financial and performance reporting requirements as noted in the federal award letter.

19. Monitoring

The State shall be allowed at any time to conduct periodic site visits and inspections to ensure work progress in accordance with this grant agreement, including a final inspection upon program completion. At least one monitoring visit per grant period on all state grants of over \$50,000 will be conducted and at least annual monitoring visits on grants of over \$250,000.

Following closure of the program, the State's authorized representatives shall be allowed to conduct post-completion inspections of the site to ensure that the site is being properly operated and maintained and that no conversion of use has occurred.

20. Invasive Species Prevention

The DNR requires active steps to prevent or limit the introduction, establishment, and spread of invasive species during contracted work. The contractor shall prevent invasive species from entering into or spreading within a project site by cleaning equipment prior to arriving at the project site.

If the equipment, vehicles, gear, or clothing arrives at the project site with soil, aggregate material, mulch, vegetation (including seeds) or animals, it shall be cleaned by contractor furnished tool or equipment (brush/broom, compressed air or pressure washer) at the staging area. The contractor shall dispose of material cleaned from equipment and clothing at a location determined by the DNR Contract Administrator. If the material cannot be disposed of onsite, secure material prior to transport (sealed container, covered truck, or wrap with tarp) and legally dispose of offsite.

The contractor shall ensure that all equipment and clothing used for work in infested waters has been adequately decontaminated for invasive species (ex. zebra mussels) prior to being used in non-infested waters. All equipment and clothing including but not limited to waders, tracked vehicles, barges, boats, turbidity curtain, sheet pile, and pumps that comes in contact with any infested waters must be thoroughly decontaminated.

21. Pollinator Best Management Practices

Habitat restorations and enhancements conducted on DNR lands and prairie restorations on state lands or on any lands using state funds are subject to pollinator best management practices and habitat restoration guidelines pursuant to [Minnesota Statutes, section 84.973](#). Practices and guidelines ensure an appropriate diversity of native species to provide habitat for pollinators through the growing season. Current specific practices and guidelines to be followed for contract and grant work can be found here: [Link to December 2014 version](#).

22. Certification Regarding Debarment, Suspension, Ineligibility and Voluntary Exclusion - Lower Tier Covered Transactions

22.1 The prospective lower tier participant certifies, by submission of this agreement, that neither it nor its principals is presently debarred, suspended, proposed for debarment, declared ineligible, or voluntarily excluded from participation in this transaction by any Federal department or agency.

22.2 Where the prospective lower tier participant is unable to certify to any of the statements in this certification, such prospective participant shall attach an explanation to this agreement.

23. Byrd Anti-Lobbying Amendment Certification and Disclosure: (If applicable)

23.1 The Grantee certifies that it will not and has not used Federal appropriated funds to pay any person or organization for influencing or attempting to influence an officer or employee of any agency, a member of Congress, officer or employee of Congress, or an employee of a member of Congress in connection with obtaining any Federal contract, grant or any other award covered by 31 U.S.C. 1352.

- 23.2 The Grantee shall comply with Interim Final Rule, New Restrictions on Lobbying, found in Federal Register Vol. 55, No. 38, February 26, 1990, and any permanent rules that are adopted in place of the Interim Final Rule. The Interim Final Rule requires the Grantee to certify as to their lobbying activity. Further definition of lobbying can be found in [2 CFR 200.450](#).
- 23.3 If the Grantee engages in lobbying activities with non-Federal funds that takes place in connection with obtaining any Federal award, they will promptly inform the Authorized Representative, and complete any certifications the authorized representative requires.

24. Whistleblower Protection Rights

41 USC § 4712, Enhancement of Recipient and Subrecipient Employee Whistleblower Protection

- (a) This award and employees working on this financial assistance agreement will be subject to the whistleblower rights and remedies in the pilot program on Award Recipient employee whistleblower protections established at 41 USC § 4712 by section 828 of the National Defense Authorization Act for Fiscal Year 2013 (Pub.L. 112-239).
- (b) Recipients, their subrecipients, and their contractors awarded contracts over the simplified acquisition threshold related to this award, shall inform their employees in writing, in the predominant language of the workforce, of the employee whistleblower rights and protections under 41 USC § 4712.
- (c) The recipient shall insert this clause, including this paragraph (c), in all subawards and in contracts over the simplified acquisition threshold related to this award.

25. Additional Program Requirements

The grantee must comply with the terms and conditions for closeout of the sub-award.

Attachments:

- A. Exhibit A
- B. Exhibit B
- C. Conflict of Interest Disclosure
- D. Federal Award Letter
- E. Complying with Civil Rights Requirements

1. STATE ENCUMBRANCE VERIFICATION

Individual certifies that funds have been encumbered as required by Minn. Statutes 16A.15 and 16B.98.

Signed: Jen Franklin Digitally signed by Jen Franklin | Grants & Contracts Specialist
Date: 2020.10.06 13:15:26 -05'00'

Date: October 6, 2020

SWIFT Contract / PO No. 184299 / 3-179561

2. GRANTEE

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

By: Patrick Dorn

Title: Patrick Dorn President

Date: 10/12/2020

3. STATE AGENCY

By: _____
(with delegated authority)

Title: Deputy Director

Date: _____

By: _____

Title: _____

Date: _____

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1. Public Tree Inventory
2. EAB Management Plan
3. Management Activities: following completion of inventory and management plan, community will know where priorities lie for strategic management of the public tree resource. Funding remainder will then be used to slow the spread of EAB and other exotic tree pests and diseases in areas of the highest need, whether through removal of unhealthy trees and replacement with a more diverse mixture of species, treatment of valuable and healthy ash with non-neonicotinoid injectable pesticide emamectin benzoate, or tree planting for building canopy diversity and resilience.
 - a. This portion of the work plan must be amended with chosen activities following completion of management plan prior to grantee beginning any management activities. Any management activities completed before an amendment is in place will not be eligible for reimbursement.
4. Tree Planting and Maintenance
 - a. Grant funds will not fund the purchase of trees that are over-represented in your community. Any genera that comprise 10% or more of the community forest make-up will not be funded. Numbers derived from the Minnesota Department of Natural Resources 2010 Rapid Assessment will be used as guidance before an updated inventory is provided. For Brainerd this means grant funds cannot be spent on purchasing:
 - i. *Picea* (spruce): 18.0%
 - ii. *Acer* (maple): 15.7%
 - iii. *Fraxinus* (ash): 11.4%
 - b. Grant funds will not fund the purchase of trees listed on the Minnesota Noxious Weed List, or the DNR's Invasive Terrestrial Plants List, including Amur cork tree, Amur maple, autumn olive, black locust, buckthorn, Norway maple, Russian olive, Siberian elm, and tree of heaven.

- c. All trees planted with grant funds are expected to be maintained based on the City of Brainerd's Three Year Maintenance Plan. A maintenance plan template will be provided by DNR, and the Three Year Maintenance Plan must be submitted, and approved by DNR staff, before any planting activities begin. Trees that do not survive will need to be replaced prior to grant close-out utilizing the warranty the city has with the nursery that stock was purchased from, or at the expense of the City of Brainerd.
- d. Ensure newly planted trees are regularly watered, according to the schedule set in the Three Year Maintenance Plan, by city staff or contractors, or work to develop sustainable outreach to citizens so that they can engage in watering practices.

Requesting Reimbursement

Accomplishment reports and maps of completed work will be submitted with all requests for reimbursement.

- Partial payment form along with invoices and proof of payment for grant-funded purchases, Cash Match form along with proof of payment, and In-Kind Match form
- Partial payments may be submitted as needed and must include all up-to-date required documents and accomplishment reports
- Accomplishment reports will include grant contract deliverables and their impacts
- Photo documentation of the project's progress at appropriate phases, and illustrations, diagrams, charts, graphs, and maps to show results
- Maps will:
 - Identify the location and Diameter at Breast Height (DBH) of trees that have been removed
 - Identify the location of stumps that have been ground
 - Identify the location and Diameter at Breast Height (DBH) of trees that have been treated
 - Identify the location and species of trees that have been planted
- All trees removed, treated, and planted will be mapped and submitted as shapefiles, with the planted trees identified by species, to obtain grant fund reimbursement. If your community does not have access to shapefile-generating software, please notify your DNR Urban and Community Forestry Team Member, and they will work to assist you.

Following the submission of invoices and accomplishment reports, a compliance check will be conducted by Minnesota Department of Natural Resources staff. Staff will do a site evaluation ensuring that tree species submitted on maps are correctly identified and planted in accordance with the standards set in the Minnesota Department of Natural Resources [Pocket Guide to Planting Trees](#).

Staff will also ensure that the project adheres to the 20-10-5 guideline which means that following planting, a community has no more than 20% of their trees within a single family, no more than 10% of their trees within a single genus, and no more than 5% of their trees within a single species. Staff will confirm that planted tree stock is 1-2" caliper bareroot or a container class size #20 or smaller.

Acknowledgement

1. The Forest Service needs to be acknowledged in publications, audiovisuals, and electronic media developed as a result of this award.
2. In order to use the Forest Service insignia on any published media, such as a Web page, printed publication, or audiovisual production, permission must be granted by the Forest Service's Office of Communications. A written request can be submitted Emma Schultz who will pass it along to the appropriate authorities.

Exhibit B: Project Budget
 FFY20 Core FH&R Appropriation
 Model Communities Targeted to Slow the Spread of EAB
 City of Brainerd

Item	Federal Grant Funds	In-kind or Cash Match	Total
Personnel and Owned Equipment			
Eligible Expenses	\$36,000.00		
Totals	\$36,000.00		\$36,000.00

Minnesota Department of Natural Resources

Conflict of Interest Disclosure

Conflict of Interest:

A conflict of interest (actual, potential, or perceived) occurs when a person has actual or apparent duty or loyalty to more than one organization and the competing duties or loyalties may result in actions which are adverse to one or both parties. A conflict of interest exists even if no unethical, improper, or illegal act results from it.

Actual Conflict of Interest:

An actual conflict of interest occurs when a decision or action would compromise a duty to a party without taking immediate appropriate action to eliminate the conflict. Examples include, but are not limited to:

- One party uses his or her position to obtain special advantage, benefit, or access to the other party's time, services, facilities, equipment, supplies, badge, uniform, prestige, or influence.
- One party receives or accepts money (or anything else of value) from another party or has equity or a financial interest in or partial or whole ownership of the other party's organization.
- One party is an employee, board member or family member of the other party.

Potential Conflict of Interest:

A potential conflict of interest may exist if one party has a relationship, affiliation, or other interest that could create an inappropriate influence if the person is called on to make a decision or recommendation that would affect one or more of those relationships, affiliations, or interests. For example, when one party serves in a volunteer capacity for another party, it has the potential to, but does not necessarily, create a conflict of interest, depending on the nature of the relationship between the two parties. A disclosed potential conflict of interest warrants additional discussion in order to identify the nature of the relationship, affiliation, or other interest and take action to mitigate any potential conflicts.

Perceived Conflict of Interest:

A perceived conflict of interest is any situation in which a reasonable third party would conclude that conflicting duties or loyalties exist. A disclosed perceived conflict of interest warrants additional discussion in order to identify the nature of the relationship, affiliation, or other interest and take action to mitigate any potential conflicts.

Organizational Conflict of Interest:

A conflict of interest can also occur with an organization that is a grant applicant or grantee of a state agency.

Organizational conflicts of interest occur when:

- A grantee is unable or potentially unable to render impartial assistance or advice to the State due to competing duties or loyalties
- A grantee's objectivity in carrying out the grant is or might be otherwise impaired due to competing duties or loyalties
- A grantee or potential grantee has an unfair competitive advantage through being furnished unauthorized proprietary information or source selection information that is not available to all competitors.

This section to be completed by Grantee's Authorized Representative (AR):

I certify that we will maintain an adequate Conflict of Interest Policy and throughout the term of our agreement, and we will monitor and report any actual, potential, or perceived conflicts of interest to the State's Authorized Representative.

I also certify that I have read and understand the description of conflict of interest above and as of this date (check one of the two boxes below):



I do not have any conflicts of interest relating to this project.



I have an actual, potential, perceived, or organizational (*circle*) conflict of interest. The nature of the conflict is as follows:

If at any time during the grant project I discover a conflict of interest, I will disclose that conflict immediately to the State's Authorized Representative.

Grantee AR's Printed Name: Kara Schaefer

Date: 10/12/2020

Grantee AR's Signature: 

Organization Name: City of Braintree

Project Name: EAB Management Plan

Legal Citation: ML_____, Chapter _____, Article ___, Section ___, Subdivision _____

State AR's Printed Name: _____ Date: _____

State AR's Signature: _____

**FEDERAL FINANCIAL ASSISTANCE
AWARD OF DOMESTIC GRANT 20-DG-11094200-154
Between The
NATURAL RESOURCES, MINNESOTA DEPARTMENT OF
And The
USDA, FOREST SERVICE
EASTERN REGION STATE AND PRIVATE FORESTRY**

Project Title: URBAN & COMMUNITY FORESTRY AND FOREST RESILIENCE
EMERALD ASH BORER

Upon execution of this document, an award to NATURAL RESOURCES, MINNESOTA DEPARTMENT OF, hereinafter referred to as "MNDNR," in the amount of **\$451,809.00**, is made under the authority of P.L. 95-313 Cooperative Forestry Assistance Act of 1978. The Catalog of Federal Domestic Assistance (CFDA) number and name are 10.675 Urban and Community Forest Program. MNDNR accepts this award for the purpose described in the application narrative. Your application for Federal financial assistance, dated May 20, 2020, and the attached Forest Service provisions, 'Forest Service Award Provisions,' are incorporated into this letter and made a part of this award.

This authority requires a match of 50%, which your organization has agreed to meet, as shown in the attached application, financial plan and narrative.

This is an award of Federal financial assistance. Prime and sub-recipients to this award are subject to the OMB guidance in subparts A through F of 2 CFR Part 200 as adopted and supplemented by the USDA in 2 CFR Part 400. Adoption by USDA of the OMB guidance in 2 CFR 400 gives regulatory effect to the OMB guidance in 2 CFR 200 where full text may be found.

Electronic copies of the CFRs can be obtained at the following internet site: www.ecfr.gov. If you are unable to retrieve these regulations electronically, please contact your Grants and Agreements Office at SM.FS.R9SPFgrants@usda.gov.

The following administrative provisions apply to this award:

- A. **LEGAL AUTHORITY.** MNDNR shall have the legal authority to enter into this award, and the institutional, managerial, and financial capability to ensure proper planning, management, and completion of the project, which includes funds sufficient to pay the non-Federal share of project costs, when applicable.



- B. PRINCIPAL CONTACTS. Individuals listed below are authorized to act in their respective areas for matters related to this award.

Principal Cooperator Contacts:

Cooperator Program Contact	Cooperator Administrative Contact
Valerie McClannahan, Urban and Community Forestry Coordinator 500 Lafayette Rd., Box 44 St. Paul, MN 55155 Phone: 651-259-5283 Fax: 651-296-5954 E-Mail Address: valerie.mcclannahan@state.mn.us	Jody Wagner, Fire & Federal Funds Specialist 500 Lafayette Rd., Box 44 St. Paul, MN 55155 Phone: 651-259-5257 Fax: 651-296-5954 E-Mail Address: jody.wagner@state.mn.us

Principal Forest Service Contacts:

Forest Service Program Manager Contact	Forest Service Administrative Contact
Name: Jill Johnson Address: 1992 Folwell Ave. City, State, Zip: Saint Paul, MN 55108 Telephone: 651-649-5253 Email: jill.johnson@usda.gov	Name: John LaBounty Address: 626 East Wisconsin Ave. City, State, Zip: Milwaukee, WI 53202 Telephone: 414-297-3645 Email: john.labounty@usda.gov

- C. SYSTEM FOR AWARD MANAGEMENT REGISTRATION REQUIREMENT (SAM). MNDNR shall maintain current information in the System for Award Management (SAM) until receipt of final payment. This requires review and update to the information at least annually after the initial registration, and more frequently if required by changes in information or award term(s). Additional information about registration procedures may be found at the SAM Internet site at www.sam.gov.
- D. REIMBURSABLE PAYMENTS – FINANCIAL ASSISTANCE. Reimbursable payments are approved under this award. Only costs for those project activities approved in (1) the initial award, or (2) modifications thereto, are allowable. Requests for payment must be submitted on Standard Form 270 (SF-270), Request for Advance or Reimbursement, and must be submitted no more than monthly. In order to approve a Request for Advance Payment or Reimbursement, the Forest Service shall review such requests to ensure advances or payments for reimbursement are in compliance and otherwise consistent with OMB, USDA, and Forest Service regulations.

The Program Manager reserves the right to request additional information prior to approving a payment. To expedite payment, please attach a list of expenses that match the approved project budget when submitting each FS-270.

The invoice must be sent by one of three methods:

EMAIL (preferred): asc_ga@fs.fed.us

FAX: 877-687-4894

POSTAL: Albuquerque Service Center
Payments – Grants & Agreements
101B Sun Ave NE
Albuquerque, NM 87109

- E. INDIRECT COST RATES. The approved indirect cost rate at the time of execution is **21.29%** as shown in the NICRA provided by the Cooperator. As new NICRAs are agreed to between MNDNR and their cognizant audit agency, the revised provisional or final rate(s) are automatically incorporated into this award, as appropriate, and must specify (1) the agreed upon rates, (2) the bases to which the rates apply, (3) the fiscal year for which the rates apply, and (4) the items treated as direct costs. The award obligation will not increase as a result of indirect cost rate increases. Updates to NICRAs will not affect the total funds available for this award unless documented in a formally executed modification. If the NICRA is for a provisional rate, MNDNR shall be reimbursed at the established provisional rate(s), subject to appropriate adjustment when the final rate(s) for the fiscal year are established.
- F. PRIOR WRITTEN APPROVAL. MNDNR shall obtain prior written approval pursuant to conditions set forth in 2 CFR 200.407.
- G. MODIFICATIONS. Modifications within the scope of this award must be made by mutual consent of the parties, by the issuance of a written modification signed and dated by all properly authorized signatory officials, prior to any changes being performed. Requests for modification should be made, in writing, at least 90 days prior to implementation of the requested change. The Forest Service is not obligated to fund any changes not properly approved in advance.
- H. PERIOD OF PERFORMANCE. This agreement is executed as of the date of the Forest Service the Regional Forester and their acting signature. The start date of this award is July 1, 2020. Pre-award costs are authorized pursuant to 2 CFR 200.458. The end date, or expiration date is **September 30, 2023**. This instrument may be extended by a properly executed modification. *See Modification Provision above.*

- I. AUTHORIZED REPRESENTATIVES. By signature below, each party certifies that the individuals listed in this document as representatives of the individual parties are authorized to act in their respective areas for matters related to this award. In witness whereof the parties hereto have executed this award.

Forrest Boe Digitally signed by Forrest Boe
Date: 2020.07.21 11:18:32
-05'00'

Date

Natural Resources, Minnesota Department of

STEVEN MILLER Digitally signed by
STEVEN MILLER
Date: 2020.07.28
12:26:27 -05'00'

7/28/20

Date

ROBERT LUECKEL
Acting Regional Forester
Eastern Region, State and Private Forestry

The authority and the format of this award have been reviewed and approved for signature.

JOHN LABOUNTY Digitally signed by
JOHN LABOUNTY
Date: 2020.07.17
07:44:29 -05'00'

7/17/20

Date

JOHN LABOUNTY
Forest Service Grants Management Specialist

To file a complaint alleging discrimination, complete the USDA Program Discrimination Complaint Form, AD-3027, found online at http://www.ascr.usda.gov/complaint_filing_cust.html, or at any USDA office or write a letter addressed to USDA and provided in the letter all of the information requested in the form. To request a copy of the complaint form, call (866) 632-9992. Submit your completed form or letter to USDA by: (1) mail: U.S. Department of Agriculture, Office of the Assistant Secretary for Civil Rights, 1400 Independence Avenue, SW, Washington, D.C. 20250-9410; (2) fax: (202) 690-7442; or (3) email: program.intake@usda.gov.

This institution is an equal opportunity provider."

If the publications or materials are too small to permit the use of the full statement, at a minimum include the following statement, in print size no smaller than the text: "This institution is an equal opportunity provider."

What does the Forest Service do to ensure compliance with nondiscrimination responsibilities?

The Forest Service will conduct reviews of your programs and activities on a periodic basis to ensure that they comply with Civil Rights laws. The USDA will receive, investigate, and adjudicate claims alleging violation of Civil Rights laws by recipients of USDA assistance.

What Federal Civil Rights laws must you follow to ensure compliance?

U.S. Code	Statute	Prohibits Discrimination on the Basis of:
(42 U.S.C. 2000d-2000c)	Title VI of the Civil Rights Act of 1964	Race, Color, or National Origin (including LEP)
(20 U.S.C. 1681-1686)	Title IX of the Education Amendments of 1972	Sex (in educational programs and activities)
(42 U.S.C. 6101 et seq)	Age Discrimination Act of 1975, as amended	Age
(29 U.S.C. 794)	Section 504 of the Rehabilitation Act of 1973, as amended	Disability

For More Information

The Forest Service is your partner in providing equal opportunity to the public. For more information, please contact your local Forest Service office.

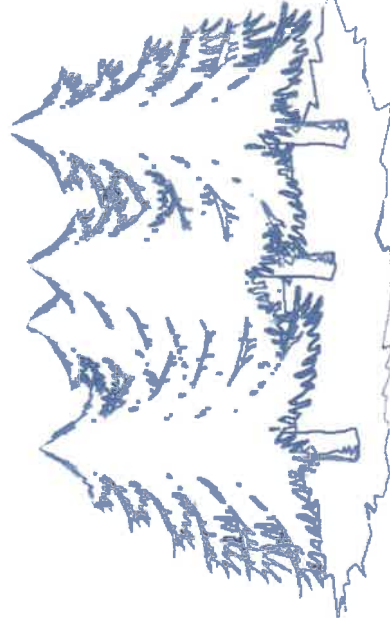


United States Department of Agriculture

Grants and Agreements

Complying With Civil Rights Requirements

Your Responsibilities as a Partner With the Forest Service



“Simple justice requires that public funds, to which all taxpayers of all races contribute, not be spent in any fashion which encourages, entrenches, subsidizes, or results in racial discrimination.”

— President John F. Kennedy, in his 1963 message calling for the enactment of Title VI of the Civil Rights Act

USDA is an equal opportunity provider, employer, and lender.



Forest Service

FS-850

October 2016

Who is required to comply with Federal Civil Rights laws?

If you receive Federal funds or assistance, such as a grant or agreement, from the U.S. Department of Agriculture(USDA), Forest Service, by law you must provide equal opportunity for all people to participate in the programs and activities you offer. For example, you should not deny or exclude anyone from programs, services, aids, or benefits. Also, you must not retaliate in any manner against a person who files a complaint or opposes any unlawful or discriminatory practice. The back of this brochure shows Federal Civil Rights laws that apply.

This brochure provides a basic overview of your responsibilities for ensuring nondiscrimination in the delivery of your programs and activities to the public on bases covered by Federal law. These bases include race, color, national origin, sex (in educational programs or activities), age, and disability.

What are some types of Federal funding and assistance?

- Federal monies given by grants, subgrants, cooperative agreements, challenge cost-share agreements, cost-reimbursable agreements, or loans
- Training presented by a Federal agency
- Loan / temporary assignment of Federal personnel (e.g., a Forest Service employee instructing a course at a local university)
- Loan or use of Federal property at below market value

Are you a recipient of Federal funding and assistance?

You are a recipient if, through a partnership with the Forest Service, you receive Federal funding or assistance (either directly or through another recipient) to conduct a program you offer to the public.

Recipients include:

- Any individual receiving Federal funding or assistance
- A State or local government

- American Indian or Alaska Native individual, tribe, corporation, or organization
- Any public or private agency, institution, or organization (e.g., university, college, or nonprofit)

What are your responsibilities for complying with Federal Civil Rights laws?

As a partner with the Forest Service, your responsibilities for complying with Federal Civil Rights laws include, but are not limited to:

- Signing a nondiscrimination assurance clause certifying that you will comply with Civil Rights laws (SF-424B or SF-424D). If you have subrecipients, obtain a signed assurance from them. An example of a subrecipient is a local community organization receiving a subgrant from a State forestry agency.
- Displaying the "And Justice for All" U.S. Department of Agriculture poster (AD-475A) in your public reception areas or other areas visible to the public. Contact your local Forest Service office to obtain copies.
- Including in any of your publications and outreach materials related to a grant or agreement project, a statement of affiliation with the Forest Service, e.g., "This publication made possible through a grant from the USDA Forest Service." OR "This research was conducted in cooperation with the USDA Forest Service." OR "This research was funded by a grant from the USDA Forest Service."
- Providing program information in alternative formats for people with disabilities and in alternative languages for people with Limited English Proficiency (LEP), as appropriate to your customer base.
- Developing a language access plan to translate or interpret vital documents free of charge to your customers when needed or requested by local members of the public with LEP. Visit <http://www.lep.gov/lepbrochure.pdf>.
- Identifying a person to be responsible for ensuring your program is in compliance with Civil Rights requirements.

- Reviewing all your policies, procedures, and practices to ensure they do not limit participation on the basis of race, color, national origin, age, disability, or sex (in educational programs and activities).
- Evaluating the accessibility of your programs and facilities. If they are not now accessible, develop a transition plan for making them accessible and then carry out the plan as appropriate.
- Ensuring that your staff understands their Civil Rights responsibilities, including their role in the USDA complaint process.
- Providing outreach to a wide variety of communities to ensure diversity if you advertise or market your program.
- Providing the Forest Service with demographic information on program participation based on race, national origin, sex, age, and disability, where applicable.
- Including the following statement about nondiscrimination and how to file a complaint in your publications and outreach materials:

"In accordance with Federal law and U.S.

Department of Agriculture (USDA) civil rights regulations and policies, this institution is prohibited from discriminating on the basis of race, color, national origin, sex, age, disability, and reprisal or retaliation for prior civil rights activity. (Not all prohibited bases apply to all programs.)

Persons with disabilities who require alternative means of communication for program

information (e.g., Braille, large print, audiotape, American Sign Language, etc.) should contact the responsible State or local Agency that administers the program or USDA's TARGET Center at (202) 720-2600 (voice and TTY) or contact USDA through the Federal Relay Service at (800) 877-8339. Additionally, program information is also available in languages other than English.



Brainerd City Council Agenda Request

Requested Meeting Date:

Title of Item:

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

MEMO



TO: Mayor & Council

FROM: City Administrator Bergman
Finance Director Hillman

DATE: October 15, 2020

RE: CARES Relief Funding (CRF)

The City of Brainerd received \$1,034,572 of the \$841 million the State received in federal COVID-19 relief funds. These are federal dollars and are subject to a single audit and have to be used in accordance with federal guidelines.

In order for the expenditures to be eligible to be reimbursed using Coronavirus/CARES Relief Funds (CRF); 3 distinct elements need to be considered and present:

- The expenditure is to be necessary and due to COVID-19. A municipality should document this fact.
- Unaccounted. The expenditure wasn't part of the 2020 adopted budget. Another way to look at this is that the cost cannot lawfully be funded; OR it is substantially different than what the line budgeted line item was to be used for. Funds cannot be used to replace lost revenue.
- Incurred during the covered period of 3/1/2020-11/15/2020.

The attached spreadsheet shows buckets and line items that were approved by Council to use CRF at the August 17, 2020 Council meeting. Additional columns have been added as to the actual amount paid through the October 5, 2020 Council meeting, taking the budget less the amount paid, and what were are anticipating to be paid out from 10/6-11/15/2020. We are anticipating paying out roughly XXXX excluding the amount designated for grants. There is still a lot of work that needs to get done and supplies to be received.

The funds need to **be paid out** by 11/15/2020. There are 2 exceptions: 1) payroll that was incurred before 11/15/2020 but paid out after (on the next payroll); and 2) a delay in the supply chain. This will be documented by the anticipated delivery date when the order was placed.

This item is on the agenda for a couple of reasons:

- Update the Council on how and where the funds have been spent.

- Discussion of the budgeted funds for the marketing campaign.

In June the Council approved using \$25,000 of the City Economic Initiative funding to do a marketing campaign. The intention was to reimburse the fund with CRF dollars when/if available. This item was in bucket #1 but was still an estimate at the August 17, 2020 Council meeting. It was the only line item that wasn't spent yet.

The City ended up using \$11,000 of the \$25,000 budget. The City then partnered with Visit Brainerd to continue the marketing campaign. It would be Staff's recommendation to transfer the remaining \$14,000 to bucket #2 and allow Visit Brainerd to have a larger marketing campaign budget.

As noted in the beginning of the memo, for expenditures to be eligible to be reimbursed with CRF, the expenditure needed to be incurred during the covered period of 3/1/2020-11/15/2020. When meeting with Visit Brainerd, we learned that the deadline for certain ads, for example, an ad in the Lakes Country Journal (LCJ) needs to be paid for by the end of October, but the ad will not appear in the LCJ until the January/February issue.

Also, Staff feels that marketing of the small businesses is especially important through the holiday season. Therefore, Visit Brainerd is going to be purchasing ads prior to 11/15 that will run through December. This is a little bit of a grey area. However, from our experience with the first round of funding for the marketing campaign, these things take time.

- For Council to consider additional expenditures from the August 17, 2020 document.

Staff is concerned:

- Contractors will not be able to complete the work by 11/15/2020. In working with the LMC, they did not feel that a contractor not being able to complete the work would not qualify as a delay in the supply chain exception.
- Having to repay funds after the single audit is complete in June. Like everything with COVID-19, things are always changing. Staff has tried very hard to make sure everything is correct, there is always that chance.

An option to address the concerns would be to reconsider reimbursement of wages. If you recall an option for use of the CRF dollars was for administrative leave for Patrol Officers, Parks, Streets and Records Management staff. This totaled \$189,773. The breakdown, justification and CRF guidance is attached.

The City would be reimbursed for the expenditures, and per our fund balance policy, the funds would be transferred to the capital fund.

Since the additional guidance shows that reimbursement of the wages for administrative leave is an allowable expenditure for reimbursement of CRF dollars, staff would recommend taking this option to ensure that we keep the CARES dollars within the City.

Another option to ensure that all of the CFR funding is used would be to add the purchase of new radios for police, and transit with an overall rough cost of \$196,000. The justification to utilize CARES funds would be to upgrade the compatibility and interoperability during the pandemic with partner agencies locally and throughout the state. The radios would meet the state and federal requirement for encryption capabilities. Transit plays a vital role in maintaining transportation for the workforce, to be able to communicate with other entities in the region and statewide if mass transit assistance is needed, and the potential to provide mass transit assistance if/when a vaccine becomes available and mass dispensing clinics are conducted.

Please let us know if you have any questions.

/clh

CARES Relief Funding
AMOUNT AVAILABLE

1,034,572.00

Version #3 After 8/17/2020 Council Meeting

BUCKET #1 - COVID-19

EXPENDITURES TO DATE	DATE PAID	AMOUNT	DOCUMENTATION/JUSTIFICATION	Spent 3/1-8/17/2020	Estimated to be Paid 10/6-11/15/2020	Difference
Small Business Relief Grants	6/5/2020	113,500.00	These were small business relief grants administered by the EDA. Businesses had to show a need and could receive up to a \$3,000 grant to be used for COVID related items.	113,500.00	N/A	-
COVID -19 Leave	Various	3,604.63	One employee to date has qualified for COVID leave to be paid out at 2/3 of the employee's hourly rate as well as the sick leave used to make up the difference of 1/3.	3,604.63	N/A	-
Marketing Campaign		25,000.00	Launched the You Betcha We're Open campaign for Brainerd businesses due to COVID. Ads were purchased in Lakes Country Journal and began a campaign series on social media stating our businesses were reopened, to shop safe and in conjunction with the Lakes Country Cares which is "a COVID-19 safety campagin designated to build trust amount residents, visitors, and local businesses. It's our community promise to take care of each other by adopting easy and effecitve practices to prevent the spread of the virus. Working together, we will lead the way as life resumes in Minnesota. We are safer together." These expenses were not budgeted in 2020	11,000.00	N/A	14,000.00
School Resource Officer Wage and Benefits	3/21/2020-5/23/2020	20,756.50	The police department priorities changed due to the pandemic. To make officers available to respond to the public emergency needs, other police functions such as the School Resource Officer (SRO) duties were discontinued. The cost of the reassigned officer not accounted for in the most recent budget because it was for a substantially different use from the expected use of these funds. Because the reassigned officer cost was determined necessary by the city administration, in response to the pandemic, and for a use substantially different from the expected use of these funds, it is a reimbursable cost under CRF.	20,756.50	N/A	-

CARES Relief Funding
BUCKET #1 (continued)- COVID-19

EXPENDITURES TO DATE	DATE PAID	AMOUNT	DOCUMENTATION/JUSTIFICATION			
Street Foreman Overtime	4/12/2020-7/18/2020	4,105.50	When the street maintenance returned to work, the maintenance personal started and continue to work staggered shifts due to COVID. This is an effort to social distance and to stop the spread of COIVD. The street foreman had to work overtime to be present for the cross over of the shifts.	4,105.50	N/A	-
Cleaning/Sanitation Supplies	3/1/2020-7/23/2020	2,035.95	Cleaning supplies are specifically allowed for CRF use to help stop the spread of COVID-19. The quantity and what was purchased is different than what was budgeted in 2020.	2,035.95	N/A	-
Personal Protection Equipment (PPE)	3/1/2020-7/23/2020	2,667.53	PPE is specifically allowed for CRF use to help stop the spread of COVID-19. The quantity and what was purchased is different than what was budgeted in 2020	2,667.53	N/A	-
Work from Home	3/1/2020-7/23/2020	4,001.80	Expenditures for Staff to be able to work from home are specifically allowed for CRF use. Expenditures incurred to comply with the work from home order were not budgeted in 2020.	4,001.80	N/A	-
Miscellaneous Item (Supplies for decon trailer, attorney fees, etc.)	3/1/2020-7/23/2020	4,980.23	These items were not budgeted in 2020 and were per the State to get the trailer ready for use and fees incurred for preparation of the work from home order, preparedness plan, and COVID-19 questions.	4,980.23	N/A	-
BPU	4/13/2020-8/7/2020	3,584.68	Early morning cleaning labor to date.	3,584.68	N/A	-
BPU	4/30/2020-7/30/2020	4,413.86	Various Cleaning supplies, including masks and barriers.	4,413.86	N/A	-
TOTAL BUCKET #1		188,650.68		174,650.68	-	14,000.00

CARES Relief Funding

BUCKET #2 - COVID-19

EXPENDITURES BETWEEN 8/17/2020 AND
11/15/2020

	ESTIMATED AMOUNT	DOCUMENTATION/JUSTIFICATION	Spent 8/19- 10/5/2020	Estimated to be Paid 10/6- 11/15/2020	Difference
BPU - Access Control system and IP camera	89,531.39	The new access system would allow BPU to remotely control access to the Service Center, Water Plant, and Wastewater Treatment Plant, and to help stop the spread of COVID. Our interaction with customers and vendors is in the process of changing and this new security and control system would allow this change to occur.	85,826.12	25,425.43	(21,720.16)
Laptops - BPU	14,509.08	To be able to work remotely	14,509.08	-	-
Cleaning/Sanitation/PPE	2,314.66	Early morning cleaning labor through Oct. 31st.	2,821.45	-	(506.79)
Permeant Access System - City Hall	7,600.00	We have been using the Ring system and we are running into glitches. System not always working, short timeframe to communicate with individuals entering City Hall etc. This will allow for a permanent solution and help stop the spread of COVID.	-	7,135.00	465.00
Fire Department Door Access Control	20,000.00	To control access to building to prevent the spread of COVID-19	-	27,187.00	(7,187.00)
Street Department Door Access Control	To be Determined	To control access to building to prevent the spread of COVID-19		-	-
Chamber Video/Streaming Enhancements	20,000.00	So that we can remote in and televise Council meetings due to COVID for the ability to have Council meetings done remotely, to allow for social distancing of council meetings, and to help stop the spread of COVID.	12,005.42	20,000.00	(12,005.42)
Monitors	8,000.00	To be able to work remotely	7,875.60	-	124.40
Laptops	26,000.00	To be able to work remotely	30,730.18	6,064.79	(10,794.97)
Desktops	3,600.00	To be able to work remotely	3,479.34	-	120.66
Webcams	1,400.00	To be able to work remotely	885.70	-	514.30
Dual Factor Authentication for all	4,000.00	Ability for all City staff to work remotely during the pandemic during the covered period of the CRF.	-	4,936.10	(936.10)

CARES Relief Funding

BUCKET #2 - COVID-19

EXPENDITURES BETWEEN 8/17/2020 AND
11/15/2020

	ESTIMATED AMOUNT	DOCUMENTATION/JUSTIFICATION	Spent 8/19- 10/5/2020	Estimated to be Paid 10/6- 11/15/2020	Difference
Migrating Office 365 to Cloud	30,000.00	To better secure the network to able to work remotely due to COVID. This was not in the budget for 2020. This would be the initial migration cost and an allocation of the maintenance costs during the covered period.	-	8,000.00	22,000.00
Cubicles	50,000.00	Per Executive Order 20-81- face coverings can be temporary removed - When alone, such as when working in an office or a cubicle with walls higher than face level when social distancing is maintained, in an enclosed indoor area, in a vehicle, or in the cab of heavy equipment or machinery. In such situations, persons should still carry face coverings to be prepared to wear when no longer alone. Our current cubicles do not meet this requirement and therefore without a temporary fix, employees would be required to wear masks all day. Fire Chief has some concerns about the makeshift higher cubicle walls. New cubicles for City Hall are not in the 5 year capital plan.	-	47,103.58	2,896.42
Additional Marketing Campaign	25,000.00	Continuation of the You Betcha We're Open campaign for Brainerd businesses due to COVID. Ads were purchased in Lakes Country Journal and began a campaign series on social media stating our businesses were reopened, to shop safe and in conjunction with the Lakes Country Cares which is "a COVID-19 safety campaign designated to build trust amount residents, visitors, and local businesses. It's our community promise to take care of each other by adopting easy and effective practices to prevent the spread of the virus. Working together, we will lead the way as life resumes in Minnesota. We are safer together." These expenses were not budgeted in 2020	1,618.13	37,381.87	(14,000.00)
Additional Cleaning/Sanitation Supplies	8,000.00	Cleaning supplies are specifically allowed for CRF use to help stop the spread of COVID-19. The quantity and what was purchased is different than what was budgeted in 2020.	307.97	-	7,692.03
Additional Personal Protection Equipment (PPE)	20,000.00	PPE is specifically allowed for CRF use to help stop the spread of COVID-19. The quantity and what was purchased is different than what was budgeted in 2020	6,161.30	-	13,838.70

CARES Relief Funding
BUCKET #2 (Continued)- COVID-19
EXPENDITURES BETWEEN NOW AND
11/15/2020

		ESTIMATED AMOUNT	DOCUMENTATION/JUSTIFICATION			
Estimated Continued Street Foreman OT	7/19/2020- 11/15/2020	6,520.50	When the street maintenance returned to work, the street foreman had to work overtime to be present for the cross over of the shifts. The maintenance personal were working staggered shifts due to COVID.	2,052.75	4,000.00	467.75
Emergency Operations Center Enhancements		5,000.00	The work at the EOC is to increase the efficiency of communication and information sharing. We are going to be networking the TVs together and updating the sound system to improve the sharing of information. We are looking at a Digital Dashboard system to provide current and up to date information to all using the EOC and the station. During COVID-19, information is every changing and it is important to provide the most current and up to date information fast. The county's EOC has been operational, in some capacity, since the start of the pandemic. If things get worst here, we would activate our EOC to make sure we are staying ahead of operations, logistics, and resource needs. These enhancements were not included in the 2020 Budget.	13,213.81	5,663.07	(13,876.88)
Parks/City Facilities Restrooms Upgrades to Touchless Facets, Soap Dispensers, Towels		To be Determined	To help prevent the spread of COVID-19. Item was not budgeted in 2020 or in the foreseeable future capital plans.			-
Jabber Phone System Upgrades		10,000.00	To be able to use work phones remotely while working from home during the pandemic. If staff had to work remotely they had to use their cell phones/or personal phones to call. This would be the initial migration cost and an allocation of the maintenance costs during the covered period. This items was not int he budget for 2020	-	-	10,000.00
Contingency		94,445.69	Additional COVID leave for employees, corrections to estimates, additional WebEx subscriptions due to be used during the covered period only, etc.	1,396.71	47,570.00	45,478.98
TOTAL BUCKET #2		445,921.32		182,883.56	240,466.84	22,570.92

CARES Relief Funding

BUCKET #3 - Business and Non-Profit Grants for COVID-19 Related Expenditures

400,000.00	-	400,000.00	-
TOTAL SPENT	1,034,572.00	357,534.24	640,466.84
			36,570.92

CARES Relief Funding Administrative Leave - Cost and Documentation

Version #2 8/17/2020

	DATE PAID	AMOUNT	DOCUMENTATION/JUSTIFICATION
Precautionary Administrative Leave for Patrol Officers	4/3/2020 - 6/25/2020	40,039.60	The City implemented a precautionary administrative leave policy starting April 3rd to about June 25th. This only affected patrol staff in which employees received 10 hours of pay without being at work to help ensure staff stayed healthy due to COVID. The Council budgeted for 2,080 working hours - this would include time on duty, sick, vacation, and holidays. This cost was substantially different than what was originally intended when the budget was adopted. The City did not budget for administrative leave for a pandemic.
Parks Maintenance Staff	3/29/2020-4/11/2020	18,711.92	When the Stay-at-Home order was put into place, the City did not have precautions in place to allow our maintenance staff to be able to work. For two weeks, they received pay. The Council budgeted for 2,080 working hours per employee - this would include time to perform work doing park projects, vacation, sick and holiday leave. This cost was substantially different than what was originally intended when the budget was adopted. Since they were at home, their duties substantially changed due to COVID for those 2 weeks and the City lost time relating to the maintenance operations of the City due to COVID.
Street Maintenance Staff	3/29/2020-4/11/2020	23,187.44	When the Stay-at-Home order was put into place, the City did not have precautions in place to allow our maintenance staff to be able to work. For two weeks, they received pay. The Council budgeted for 2,080 working hours per employee - this would include time to perform doing street projects, vacation, sick and holiday leave. This cost was substantially different than what was originally intended when the budget was adopted. Since they were at home, their duties substantially changed due to COVID for those 2 weeks and the City lost time relating to the maintenance operations of the City due to COVID.

CARES Relief Funding Administrative Leave - Cost and Documentation

Version #2 8/17/2020

	DATE PAID	AMOUNT	DOCUMENTATION/JUSTIFICATION
Records Management Staff	3/30/2020- 5/15/2020	19,880.00	When the Stay-at-Home order was put into place, the City did not have the ability to allow our police records management staff to work remotely (not enough devices and security issues with the programs used). For several weeks, Staff alternated days of work. Since they were at home and unable to work, their duties substantially changed due to COVID. The Council budgeted for 2,080 working hours - this would include time on duty, vacation sick and holiday pay. This cost was substantially different than what was originally intended when the budget was adopted. This cost represents time that Staff was paid for the hours they were not at work.
BPU - Precautionary Administrative Leave for 2 weeks for 28 employees	3/29/2020- 4/11/2020	87,953.90	BPU implemented a precautionary administrative leave policy starting March 30 through May 8th. This only affected electric, water, and administrative staff in which employees received regular hours of standby pay without being at work to help ensure staff stayed healthy due to COVID. Wages were budgeted but standby pay for these employees were not included in the 2020 budget. This cost was substantially different than what was originally intended when the budget was adopted.
TOTAL		189,772.86	

**Coronavirus Relief Fund
Frequently Asked Questions
Updated as of September 2, 2020¹**

The following answers to frequently asked questions supplement Treasury’s Coronavirus Relief Fund (“Fund”) Guidance for State, Territorial, Local, and Tribal Governments, dated April 22, 2020, (“Guidance”).² Amounts paid from the Fund are subject to the restrictions outlined in the Guidance and set forth in section 601(d) of the Social Security Act, as added by section 5001 of the Coronavirus Aid, Relief, and Economic Security Act (“CARES Act”).

A. Eligible Expenditures

1. *Are governments required to submit proposed expenditures to Treasury for approval?*

No. Governments are responsible for making determinations as to what expenditures are necessary due to the public health emergency with respect to COVID-19 and do not need to submit any proposed expenditures to Treasury.

2. *The Guidance says that funding can be used to meet payroll expenses for public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency. How does a government determine whether payroll expenses for a given employee satisfy the “substantially dedicated” condition?*

The Fund is designed to provide ready funding to address unforeseen financial needs and risks created by the COVID-19 public health emergency. For this reason, and as a matter of administrative convenience in light of the emergency nature of this program, a State, territorial, local, or Tribal government may presume that payroll costs for public health and public safety employees are payments for services substantially dedicated to mitigating or responding to the COVID-19 public health emergency, unless the chief executive (or equivalent) of the relevant government determines that specific circumstances indicate otherwise.

3. *The Guidance says that a cost was not accounted for in the most recently approved budget if the cost is for a substantially different use from any expected use of funds in such a line item, allotment, or allocation. What would qualify as a “substantially different use” for purposes of the Fund eligibility?*

Costs incurred for a “substantially different use” include, but are not necessarily limited to, costs of personnel and services that were budgeted for in the most recently approved budget but which, due entirely to the COVID-19 public health emergency, have been diverted to substantially different functions. This would include, for example, the costs of redeploying corrections facility staff to enable compliance with COVID-19 public health precautions through work such as enhanced sanitation or enforcing social distancing measures; the costs of redeploying police to support management and enforcement of stay-at-home orders; or the costs of diverting educational support staff or faculty to develop online learning capabilities, such as through providing information technology support that is not part of the staff or faculty’s ordinary responsibilities.

¹ On August 10, 2020, these Frequently Asked Questions were revised to add Questions A.49–52. On September 2, 2020, Questions A.53–56 were added, and Questions A.34 and A.38 were revised.

² The Guidance is available at <https://home.treasury.gov/system/files/136/Coronavirus-Relief-Fund-Guidance-for-State-Territorial-Local-and-Tribal-Governments.pdf>.

Yes, non-profits may be used to distribute assistance. Regardless of how the assistance is structured, the financial assistance provided would have to be related to COVID-19.

45. *May recipients use Fund payments to remarket the recipient's convention facilities and tourism industry?*

Yes, if the costs of such remarketing satisfy the requirements of the CARES Act. Expenses incurred to publicize the resumption of activities and steps taken to ensure a safe experience may be needed due to the public health emergency. Expenses related to developing a long-term plan to reposition a recipient's convention and tourism industry and infrastructure would not be incurred due to the public health emergency and therefore may not be covered using payments from the Fund.

46. *May a State provide assistance to farmers and meat processors to expand capacity, such to cover overtime for USDA meat inspectors?*

If a State determines that expanding meat processing capacity, including by paying overtime to USDA meat inspectors, is a necessary expense incurred due to the public health emergency, such as if increased capacity is necessary to allow farmers and processors to donate meat to food banks, then such expenses are eligible expenses, provided that the expenses satisfy the other requirements set forth in section 601(d) of the Social Security Act outlined in the Guidance.

47. *The guidance provides that funding may be used to meet payroll expenses for public safety, public health, health care, human services, and similar employees whose services are substantially dedicated to mitigating or responding to the COVID-19 public health emergency. May Fund payments be used to cover such an employee's entire payroll cost or just the portion of time spent on mitigating or responding to the COVID-19 public health emergency?*

As a matter of administrative convenience, the entire payroll cost of an employee whose time is substantially dedicated to mitigating or responding to the COVID-19 public health emergency is eligible, provided that such payroll costs are incurred by December 30, 2020. An employer may also track time spent by employees related to COVID-19 and apply Fund payments on that basis but would need to do so consistently within the relevant agency or department.

48. *May Fund payments be used to cover increased administrative leave costs of public employees who could not telework in the event of a stay at home order or a case of COVID-19 in the workplace?*

The statute requires that payments be used only to cover costs that were not accounted for in the budget most recently approved as of March 27, 2020. As stated in the Guidance, a cost meets this requirement if either (a) the cost cannot lawfully be funded using a line item, allotment, or allocation within that budget or (b) the cost is for a substantially different use from any expected use of funds in such a line item, allotment, or allocation. If the cost of an employee was allocated to administrative leave to a greater extent than was expected, the cost of such administrative leave may be covered using payments from the Fund.



Your LMC Resource

Daniel Lightfoot

IGR Representative

(651) 281-1295 or (800) 925-1122

dlightfoot@lmc.org

Ann Lindstrom

IGR Representative

(651) 281-1261 or (800) 925-1122

alindstrom@lmc.org

Updated Guidance Clarifies Documentation Requirements for Coronavirus Relief Funds

September 28, 2020

Clarifying guidance appears to roll back burdensome reporting requirements for cities using Coronavirus Relief Funds for public health and public safety payroll costs.

The U.S. Treasury's Office of Inspector General (OIG) released clarifying guidance on Sept. 21 regarding documentation required for using federal Coronavirus Relief Funds (CRF) to cover payroll costs for public health and safety employees.

Contradictions in guidance

Since the state of Minnesota authorized cities of all sizes to receive a portion of Minnesota's share of the CRF, the League and its member cities have relied on the U.S. Treasury's FAQs document for guidance on reporting and eligible uses of the funds. However, on Aug. 28, the Treasury OIG released its own FAQ document that appeared to directly contradict the initial guidance released by Treasury.

The Treasury FAQs released on Aug. 10 clearly say that states and local governments may presume that the entire payroll cost for public health and public safety employees whose time is dedicated to responding to the pandemic are eligible expenditures. However, the FAQs issued on Aug. 28 by the Treasury OIG directly contradict the initial guidance that Minnesota cities have relied on regarding this matter.

Treasury OIG FAQs state that "documents and financial records, as defined in the Treasury OIG memorandum *Coronavirus Relief Fund Recipient Reporting and Record Retention Requirements*, must be maintained to support the use of CRF payments for when the presumption is made that payroll costs are substantially dedicated to mitigating or responding to the COVID-19 emergency. Documents should include those sufficient to support decisions made with respect to its use of CRF payments."

League and others requested clarification

The League communicated directly to all members of the Minnesota congressional delegation to ask Congress to require that the Treasury OIG clarify the contradiction.

As a result of advocacy efforts by the [National League of Cities](https://www.nlc.org/article/nlc-response-to-treasury-backpedaling-congressionally-approved-fiscal-support-for-local) (<https://www.nlc.org/article/nlc-response-to-treasury-backpedaling-congressionally-approved-fiscal-support-for-local>), local government associations, and state municipal leagues including the League of Minnesota Cities, the Treasury OIG released clarifying guidance on Sept. 21. In its clarifying guidance, the Treasury OIG seemed to backtrack on its overly burdensome reporting requirements and included language that falls in line with the initial guidance allowing localities to rely on the presumption to support budgeting, payroll, and employment decisions.

—See questions 63, 69, 70, and 71 of the Treasury OIG’s clarifying guidance (pdf) (<https://www.treasury.gov/about/organizational-structure/ig/Audit%20Reports%20and%20Testimonies/OIG-CA-20-028.pdf>).

The League continues to monitor the frequently changing guidance from Treasury and is in close communication with the Minnesota congressional delegation to ensure that CRF resources remain as flexible as possible when expended within the confines of the parameters set by the CARES Act.

Read more news articles (<https://www.lmc.org/news-publications/news/latest-news/>).



Brainerd City Council Agenda Request

Requested Meeting Date:

Title of Item:

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



Brainerd City Council Agenda Request

Requested Meeting Date:

Title of Item:

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

NOTICE OF HEARING

Notice is hereby given that on Monday, November 2, 2020 at 7:30 p.m. the City of Brainerd, will hold a Public Hearing to discuss the implementation and progress of the grant of the \$638,338 Small Cities Development Program grant (CDAP-17-0019-O-FY18) that for rental and commercial rehabilitation primarily in the designated Northeast Brainerd area.

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

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

Dated this _____ of _____, 2020

Jennifer Bergman
City Administrator

Publication Date: _____



Brainerd City Council Agenda Request

Requested Meeting Date:

Title of Item:

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

**ORDINANCE
NO. 1512**

**AN ORDINANCE AMENDING SECTION 600 OF THE
BRAINERD CITY CODE PERTAINING TO PUBLIC HEALTH AND GARBAGE DISPOSAL**

THE CITY COUNCIL OF THE CITY OF BRAINERD DOES ORDAIN:

SECTION ONE: That Section 600.05 be amended by deleting the first paragraph of the Section in its entirety and substituting in lieu thereof the following:

600.05 Garbage Containers. Every owner of any dwelling, house and boarding house, and every owner or occupant of any restaurant or any place of business, having garbage to dispose of shall provide one or more fly tight containers sufficient to receive all garbage which may accumulate between the times of collection. All garbage and rubbish accumulating between the times of collection shall be placed in the containers. Collection days are to be determined by the Hauler; however, garbage and refuse containers shall be placed out for collection no earlier than 6:00 P.M. the day before collection and removed by the end of the day of collection. Garbage and refuse containers shall be placed for collection at one place at ground level on the property and accessible to the alley from which collection is made. Street collection shall be allowed if the City and Hauler mutually agree and determine that alley access is not adequate, available, or suited for garbage collection. The City and all licensed Haulers shall meet annually to discuss solid waste collection in the City of Brainerd and any issues that may arise as such throughout the calendar year. The Haulers shall provide the City, for the purposes of enforcement, garbage and refuse pickup days (including holiday pickup policies) for each customer within the City limits of Brainerd along with an up to date list of mutually agreed street collection customers.

SECTION TWO: That Section 600.07 Subd. 2 be amended by deleting the first paragraph of the Section in its entirety and substituting in lieu thereof the following:

Subd. 2. Application; Fees; Procedure. Any person desiring to license a vehicle or vehicles with which to collect garbage shall make application for the same to the city clerk treasurer upon a form prescribed by the Council. The application shall set forth the name and address of the applicant and a list of the equipment which is proposed to be used in such collection. Before, a license is issued, the applicant shall, if the application is approved by the council, deposit with the City Clerk-Treasurer a surety bond in the penal sum of \$1,000 conditioned that the license will faithfully and continuously provide garbage collection service specified in the application as modified by the council and under the conditions imposed by the ordinances of the City and the lawful orders, rules and regulations of the board of health. If the surety bond is approved by the Council, the Clerk-Treasurer shall issue and deliver the license. A license fee for each vehicle in the amount fixed by Chapter X of this Code to be licensed shall accompany the application. No license for any vehicle shall be issued to other than the registered owner thereof. No license issued hereunder shall be for a longer period than one year. All licenses expire annually on December 31st. Licenses within the limits of the City of Brainerd shall be limited to 4 licenses as of January 1, 2021. License preference will be given to those Haulers that were licensed in the year prior with the City of Brainerd. If an application is not submitted for licensure by a Hauler from the previous calendar year, that license to operate refuse and garbage collection in the City of Brainerd will become available to the next eligible applicant.

SECTION THREE: That Section 600.11 be amended by deleting the first paragraph of the Section in its entirety and substituting in lieu thereof the following:

600.11 Collection Schedule. Each licensed collector shall make available collections of garbage on the following basis:

- a) Daily from hotels, restaurants, boarding houses, and other commercial establishments.
- b) Once weekly from residential dwellings. This, however, does not preclude more frequent collections of garbage if desired by the customer or required by the volume of garbage.

SECTION FOUR: That Section 600.17 be amended by deleting the first paragraph of the Section in its entirety and substituting in lieu thereof the following:

600.17 Recycling. All garbage haulers licensed to do business in the City shall offer collection of recyclables to all residential dwelling units including single family, duplexes, multi-family, apartment complexes and mobile homes. All recyclables shall be placed for collection in containers provided by the Hauler and approved by the City for each residential account. A residential dwelling unit shall be defined as a single-family home, duplex, multi-family, apartment complex or mobile home. Said containers shall be located at one place at ground level on the property on the dates agreed to between the customer and Hauler and shall be accessible to the alley from which collection is made. Street collection shall be allowed if the City and Hauler mutually agree and determine that alley access is not adequate, available, or suited for garbage collection. The City and all licensed Haulers shall meet annually to discuss solid waste collection in the City of Brainerd and any issues that may arise as such throughout the calendar year. Recyclables shall include the following: paper, corrugated cardboard, food boxes, glass, plastic containers, aluminum cans, metal cans and other materials defined by agreement between the Hauler and City. Collection of recyclables shall be made at least every other week. The Hauler shall be responsible for picking up and disposing of recyclable materials at an approved Recycling Center. The appropriation of SCORE funding, if any, paid to licensed garbage haulers shall be based their percent of total recycling tonnage for the City of Brainerd as reported by Crow Wing County. An individual residential dwelling unit shall be defined as each residential living unit in a single-family home, duplex, multi-family, apartment complex or mobile home.

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:

Title of Item:

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

City of Brainerd, Minnesota - Organization Chart (PORTION OF)
October 2020

