CITY COUNCIL AGENDA

City of Brainerd, Minnesota
City Hall, 501 Laurel Street, Council Chambers
Monday, May 2nd, 2022 @ 7:30pm

The public is invited to attend these meetings in person
Attend by phone **City Council**: 1-844-992-4726 Meeting Access Code: 2487 934 6991
Attend by phone: **Personnel and Finance Committee 7:00 PM:** 1-844-992-4726 Meeting Access Code: 2490 178 3767
Attend by phone **Safety and Public Works Committee 6:30 PM**: 1-844-992-4726 Meeting Access Code: 2499 314 2982

Meeting is also streamed live on YouTube: www.youtube.com/CityOfBrainerdMN

1. **Call To Order - 7:30pm**
2. **Roll Call**
   ____ T. Erickson____ M. O'Day ____ K. Stunek ____ G. Johnson

   ____ D. Pritschet ____ T. Stenglein ___ K. Bevans ____ 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 Bills**

      Documents:

      050222 COUNCIL INV REGISTER.pdf

   B. **Approval Of Minutes**

      Documents:

      2022-04-18 CC Draft.pdf

C. **Approval Of Licenses**

Contractor Licenses- 3

Documents:

20220502 Contractor Licenses.pdf

D. **Department Activity Reports**

Fire Chief

City Engineer/ Public Works Director

HR Director

City Administrator

Documents:

FD Report Apr.pdf
CC - City Eng Pub Works Report.pdf
HR Directors Report May 2022.pdf
CA Report Final.pdf

6. **Presentation**

Camp Ripley Annual Presentation

Presentation and Public Hearing- City of Brainerd Municipal Separate Storm Sewer System (MS4)

Documents:

2022 Community Brief.pdf
MA - PH MS4 Permit.pdf

7. **Community Member Of The Month**

Snow Shovel Brigade

Documents:

Community Member of the Month.pdf

8. **Council Committee Reports**

A. **Personnel And Finance Committee 7:00 PM**

WebEx Teleconference Call-In Information

Call Toll-Free: 1-844-992-4726 Access Code: 2490 187 3767

Documents:

5-2 PF Agenda.pdf

1. Ratify The Hiring Of 2022 Interns And Temporary/Seasonal Employees

   Documents:

   Ratify Hiring of 2022 Summer Temporary Employees 5_2_2022.pdf

2. Accept Resignation Of Community Service Officer

   Documents:

   CSO Janey Ziegler resignation and request to hire.pdf

3. Ratify The Hiring Of Community Service Officer Richard Berry

   Documents:

   CSO Richard Berry hiring.pdf

4. Accept Retirement Of Water Plant Operator Lynn Germann & Authorize Backfilling The Position

   Documents:

   PF- Retirement of Water Plant Operator.pdf

5. Consider Reinstatement Of Vacant Water Plant Relief Operator/Laborer Position

   Documents:

   Reinstatement Water Plant Relief Operator_Laborer Position.pdf

6. Approve Personal Leave Of Absence For BPU Accountant 1 Chelsey Fischer

   Documents:

   Approve Personal Leave of Absence for BPU Accountant 1 Chelsey Fischer.pdf

7. Update On City Engineer/Public Works Director Hiring Process

   Documents:

   Update on City Engineer_Public Works Director Hiring.pdf

8. Consider Proposal To Provide Professional Engineering Services From WSB

   Documents:

PF - WSB Proposal Agenda Item.pdf

9. Consideration Of School Resource Officer (SRO) Contract With School District 181

   Documents:

   PF - SRO Contract.pdf

10. Consideration Of Deferment Assessment For Pay Year 2022 & Discussion Of Policy

    Documents:

    PF - Deferment.pdf

11. Update On Request For Funds To Be Returned From Lakes Area Media Collaborative

    Documents:

    Update on LAMC.pdf

B. **Safety And Public Works Committee - 6:30 PM**

WebEx Teleconference Call-In Information

Call Toll-Free: 1-844-992-4726 Access Code: 2499 314 2982

Documents:

5-2 SPW Agenda.pdf

1. Approve Event/Street Closure Application - Memorial Day Parade And Ceremonies

   Documents:

   SPW - Memorial Day Event.pdf

2. Approve Event Application - Corpus Christi Procession

   Documents:

   SPW - Corpus Christi Procession Event.pdf

3. Approve Event/Street Closure Application - Brainerd Jaycees Street Fest

   Documents:

   SPW - Jaycees Street Fest Event.pdf

4. Approve Bids For Improvement 22-07 - East River Road Improvements

   Documents:

   SPW - East River Road Bids.pdf

5. Approve Bridge Inspection Proposal From Bolton And Menk

   Documents:

   SPW - Approve Bridge Inspection Proposal.pdf

6. Approve Contract Towing Bid From Collins Brothers Towing Of Brainerd

   Documents:

   SPW - Approve Contract Towing Bids.pdf

7. Update On State Park Road Account Grant Application

   Documents:

   SPW - SPRA Update.pdf

8. Direction On Active Code Enforcement Cases

   Documents:

   SPW - Direction on Active Code Enforcement Cases.pdf

9. Content Review Of Proposed Section 725 Of Brainerd City Code

   Documents:

   SPW - Section 725 Content Review.pdf

9. **Unfinished Business**

A. **Final Reading- Proposed Ordinance 1529- An Ordinance Amending Section 1200 Of The Brainerd City Code Pertaining To Intoxicating Liquor**

Hold & Dispense with the Final Reading

Public Hearing

Passage of Ordinance

Documents:

MA - PH_Final Reading Ord 1529.pdf

B. **Discuss Determination Of Funding For The Northland Arboretum**

Documents:

MA - Arb Funding Agenda Request.pdf

C. **Public Hearing And Resolution - Petition To Vacate Alley Submitted By My Neighbor To Love - Alley Blocks M And E, West Brainerd**

Documents:

MA - PH and Res - Alley Vacation.pdf

D. **Committee Recommendations - Recommended By Mayor Badeaux**
David Haines- Rental License Board of Appeals

E. **Call For Applicants - Informational**
(Application Information at *www.ci.brainerd.mn.us/boards/*)

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

Cable TV Advisory Committee – 2 terms (Expire 2022) 1 term (Expire 2024)

Charter Commission – 1 term (Expire 2022) 1 term (Expire 2025)

Rental Dwelling License Board of Appeals – 3 terms (Expire 2022)

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

Economic Development Authority (EDA) – 1 term (Expire 2022) 1 term (Expire 2026)

Council President Recommended: (terms to expire 12/31 of said year)

Planning Commission—1 term (Expire 2023)

Ad Hoc Committees – Applicants Needed

Water Tower Fundraising Committee – 1 position

10. **New Business**

A. **Consideration Of Conditional Use Permit For Auto Body Shop - 124 8th Ave NE**

Documents:

MA - Conditional Use Permit - 124 8th Ave NE.pdf

B. **Consideration Of Variance From Lot Split Standards - PID 41290732**

Documents:

MA - Variance - PID 41290732.pdf

C. **First Reading- Proposed Ordinance 1530- An Ordinance To Rezone 1005 S. 6th St**

Documents:

MA - First Reading - ORD 1530 - Rezoning.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**

Visit the City's Website at www.ci.brainerd.mn.us

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

INVOICE REGISTER REPORT FOR CITY OF BRAINERD
EXP CHECK RUN DATES 05/02/2022 - 05/02/2022
BOTH JOURNALIZED AND UNJOURNALIZED
BOTH OPEN AND PAID

Inv Num Inv Ref#	Vendor Description GL Distribution	Inv Date Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnlized Post Date
305232 71038	ACE HARDWARE LEAK DETECTOR/GLUE 101-2400-42210 OPERATING SUPPLIES	04/19/2022 pziemer	05/04/2022	35.96 35.96	35.96	Open	N 05/04/2022
305157 71050	ACE HARDWARE ARMORALL CLEANING WIPES 230-5200-42220 REPAIR & MAINT	04/15/2022 pziemer	05/04/2022	7.19 7.19	7.19	Open	N 05/04/2022
305207 71066	ACE HARDWARE BALL VALVE, PIPE JOINT COMPOUND 230-5200-42220 REPAIR & MAINT	04/19/2022 pziemer	05/04/2022	31.48 31.48	31.48	Open	N 05/04/2022
305382 71118	ACE HARDWARE JUMPING JACK STARTING ROPE 237-3190-42220 REPAIR & MAINT	04/26/2022 pziemer	05/04/2022	4.14 4.14	4.14	Open	N 05/04/2022
305392 71172	ACE HARDWARE BARREL BOLT, SCREWEYE 230-5200-42220 REPAIR & MAINT	04/26/2022 pziemer	05/04/2022	13.48 13.48	13.48	Open	N 05/04/2022
305395 71173	ACE HARDWARE FASTENERS 230-5200-42220 REPAIR & MAINT	04/26/2022 pziemer	05/04/2022	2.44 2.44	2.44	Open	N 05/04/2022
305417 71182	ACE HARDWARE KEY TAGS WITH RINGS 230-5200-42220 REPAIR & MAINT	04/27/2022 pziemer	05/04/2022	17.80 17.80	17.80	Open	N 05/04/2022
305455 71201	ACE HARDWARE VAC TRUCK SANITIZER PUMP RE-WORK 237-3190-42220 REPAIR & MAINT	04/28/2022 pziemer	05/04/2022	18.33 18.33	18.33	Open	N 05/04/2022
6574210986297 71037	ADVANCE AUTO PARTS STREET GARAGE AIR HOSE COUPLER FITTIN 235-3100-42220 REPAIR & MAINT	04/19/2022 pziemer	05/04/2022	59.94 59.94	59.94	Open	N 05/04/2022
6574210986301 71070	ADVANCE AUTO PARTS STREET GARAGE AIR HOSE 1/2 TO 3/8 ADA 235-3100-42220 REPAIR & MAINT	04/19/2022 pziemer	05/04/2022	27.16 27.16	27.16	Open	N 05/04/2022

Inv Num Inv Ref#	Vendor Description GL Distribution		Inv Date Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnlized Post Date
6574211186377								
71178	ADVANCE AUTO PARTS		04/21/2022	05/04/2022	7.68	7.68	Open	N
	OIL FILTER RESTOCK		pziemer					05/04/2022
	235-3100-42220	REPAIR & MAINT			7.68			
6574211786522								
71183	ADVANCE AUTO PARTS		04/27/2022	05/04/2022	59.83	59.83	Open	N
	TRAILER TRI-BALL HITCH		pziemer					05/04/2022
	235-3100-42220	REPAIR & MAINT			59.83			
253000127634								
71047	ARAMARK UNIFORM SERVICES		04/14/2022	05/04/2022	113.53	113.53	Open	N
	RUGS AND OVERALLS		pziemer					05/04/2022
	235-3100-43430	MISCELLANEOUS			113.53			
253000130302								
71106	ARAMARK UNIFORM SERVICES		04/22/2022	05/04/2022	81.70	81.70	Open	N
	RUGS AND OVERALLS		pziemer					05/04/2022
	235-3100-43430	MISCELLANEOUS			81.70			
61594								
71185	ASSOCIATION OF MN COUNTIES		04/22/2022	05/04/2022	75.00	75.00	Open	N
	ADV COM DEV DIRECTOR POSITION		pziemer					05/04/2022
	101-1400-43300	PROFESSIONAL SERVICES			75.00			
P50687761								
71043	BATTERIES PLUS		04/15/2022	05/04/2022	88.84	88.84	Open	N
	CR123 BATTERIES		pziemer					05/04/2022
	225-2120-42210	OPERATING SUPPLIES			88.84			
139169								
71075	BILL'S GUN SHOP & RANGE		04/20/2022	05/04/2022	109.35	109.35	Open	N
	GUN CLEANING SUPPLIES		pziemer					05/04/2022
	225-2120-42210	OPERATING SUPPLIES			109.35			
4/20/22								
71065	BRAINERD HISTORIC WATER TOWER PRESE		04/20/2022	05/04/2022	100.00	100.00	Open	N
	BRAD KLEIN WATER TOWER DONATION		pziemer					05/04/2022
	101-0000-20803	WATERTOWER DONATIONS-CC			100.00			
4/22/22								
71105	BRAINERD HISTORIC WATER TOWER PRESE		04/22/2022	05/04/2022	141.50	141.50	Open	N
	NOTCH 8 WATER TOWER DONATION		pziemer					05/04/2022
	101-0000-20803	WATERTOWER DONATIONS-CC			141.50			
MAR 22/LIB								
71081	BRAINERD PUBLIC UTILITIES		04/01/2022	05/04/2022	1,217.95	1,217.95	Open	N
	2/24/22-3/24/22 LIBRARY UTILITIES		pziemer					05/04/2022
	211-5500-43381	BPU UTILITIES			1,217.95			

Inv Num / Inv Ref#	Vendor / Description / GL Distribution		Inv Date / Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnlized / Post Date
MAR 22/PD								
71082	BRAINERD PUBLIC UTILITIES		04/01/2022	05/04/2022	4,174.53	4,174.53	Open	N
	2/24/22-3/24/22 POLICE DEPT UTILITIES		pziemer					05/04/2022
	225-2120-43381	BPU UTILITIES			4,174.53			
MAR 22/CITY								
71083	BRAINERD PUBLIC UTILITIES		04/01/2022	05/04/2022	1,457.23	1,457.23	Open	N
	2/24/22-3/24/22 CITY UTILITIES		pziemer					05/04/2022
	101-1940-43381	BPU UTILITIES			1,088.97			
	101-1940-43381	BPU UTILITIES			206.65			
	101-9200-43381	BPU UTILITIES			24.61			
	101-9200-43381	BPU UTILITIES			36.66			
	236-3180-43381	BPU UTILITIES			36.00			
	401-1003-43380	UTILITIES			64.34			
MAR 22/FD								
71084	BRAINERD PUBLIC UTILITIES		04/01/2022	05/04/2022	2,591.68	2,591.68	Open	N
	2/24/22-3/24/22 FIRE DEPT UTILITIES		pziemer					05/04/2022
	225-2220-43381	BPU UTILITIES			2,591.68			
MAR 22/PARKS								
71085	BRAINERD PUBLIC UTILITIES		04/01/2022	05/04/2022	3,154.76	3,154.76	Open	N
	2/24/22-3/24/22 PARKS UTILITIES		pziemer					05/04/2022
	230-5200-43381	BPU UTILITIES			3,154.76			
4/27/22								
71181	BRAINERD PUBLIC UTILITIES		04/27/2022	05/04/2022	1,325.92	1,325.92	Open	N
	APRIL 2022 COBRA REMITTANCE		pziemer					05/04/2022
	101-0000-22800	OTHER LIABILITIES			1,325.92			
10597								
71113	BRENT SOLAND		04/19/2022	05/04/2022	350.00	350.00	Open	N
	VEHICLE EXTRICATION TRAINING		pziemer					05/04/2022
	225-2220-43330	PROFESSIONAL DEVELOPMENT			350.00			
2000822								
71094	BRETT DEAN		04/22/2022	05/04/2022	200.00	200.00	Open	N
	REFUND TOURNAMENT ENTRY FEE		pziemer					05/04/2022
	230-5216-34716	TOURNAMENTS REVENUE			185.40			
	101-0000-20810	STATE TAX PAYABLE			12.74			
	101-0000-20811	COUNTY SALES TAX			0.93			
	101-0000-20812	CITY TAX PAYABLE			0.93			
639532								
71046	BROWN & BIGELOW		04/01/2022	05/04/2022	975.34	975.34	Open	N
	BUS TOKENS 1000/EA BLUE/RED		pziemer					05/04/2022
	203-9000-42210	OPERATING SUPPLIES			975.34			
2000827								
71099	BRYAN SYRSTAD		04/22/2022	05/04/2022	200.00	200.00	Open	N
	REFUND TOURNAMENT ENTRY FEE		pziemer					05/04/2022
	230-5216-34716	TOURNAMENTS REVENUE			185.40			

Inv Num Inv Ref#	Vendor Description GL Distribution		Inv Date Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnlized Post Date
	101-0000-20810	STATE TAX PAYABLE			12.74			
	101-0000-20811	COUNTY SALES TAX			0.93			
	101-0000-20812	CITY TAX PAYABLE			0.93			
139951								
71052	BS&A SOFTWARE		04/05/2022	05/04/2022	72.00	72.00	Open	N
	BS&A ONLINE PERMIT SERVICE FEE 1/12/2		pziemer					05/04/2022
	101-1800-43309	COMPUTER SUPPORT			72.00			
V885480								
71109	CDW GOVERNMENT, INC		04/13/2022	05/04/2022	24.18	24.18	Open	N
	BROTHER LABEL TAPE		pziemer					05/04/2022
	101-1800-42210	OPERATING SUPPLIES			24.18			
2000828								
71100	CHRIS TORKILDSON		04/22/2022	05/04/2022	200.00	200.00	Open	N
	REFUND TOURNAMENT ENTRY FEE		pziemer					05/04/2022
	230-5216-34716	TOURNAMENTS REVENUE			185.40			
	101-0000-20810	STATE TAX PAYABLE			12.74			
	101-0000-20811	COUNTY SALES TAX			0.93			
	101-0000-20812	CITY TAX PAYABLE			0.93			
2204091								
71076	CLEAN PLUS INC		04/19/2022	05/04/2022	412.71	412.71	Open	N
	NITRILE GLOVES		pziemer					05/04/2022
	225-2120-42209	SAFETY EQUIPMENT SUPPLIES			412.71			
6369								
71112	COILS FLAGS - FLAGPOLES		04/22/2022	05/04/2022	270.00	270.00	Open	N
	CITY HALL FLAGS		pziemer					05/04/2022
	101-1940-42220	REPAIR & MAINT			270.00			
2022 PROPERTY TAX								
71110	CWC LAND DEPARTMENT		04/25/2022	05/04/2022	175.00	175.00	Open	N
	CITY OF BRAINERD 2022 PROPERTY TAX		pziemer					05/04/2022
	225-2220-43430	MISCELLANEOUS			25.00			
	235-3100-43430	MISCELLANEOUS			25.00			
	230-5200-43430	MISCELLANEOUS			25.00			
	211-5500-43430	MISCELLANEOUS			25.00			
	225-2120-43430	MISCELLANEOUS			25.00			
	101-1940-43430	MISCELLANEOUS			25.00			
	225-2220-43430	MISCELLANEOUS			25.00			
4997/ANNEX								
71039	CWC TREASURER		04/18/2022	05/04/2022	763.04	763.04	Open	N
	1ST QTR 2022 ANNEX EXPENSES		pziemer					05/04/2022
	101-1940-42220	REPAIR & MAINT			763.04			
4997/PD								
71040	CWC TREASURER		04/18/2022	05/04/2022	699.40	699.40	Open	N
	1ST QTR 2022 POLICE DEPT EXPENSES		pziemer					05/04/2022
	225-2120-42220	REPAIR & MAINT			699.40			

Inv Num / Inv Ref#	Vendor / Description / GL Distribution		Inv Date / Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnlized / Post Date
4997/FD								
71041	CWC TREASURER		04/18/2022	05/04/2022	190.45	190.45	Open	N
	1ST QTR 2022 FIRE DEPT EXPENSES		pziemer					05/04/2022
	225-2220-42221	R&M BUILDING			190.45			
4997/CH								
71042	CWC TREASURER		04/18/2022	05/04/2022	1,833.93	1,833.93	Open	N
	1ST QTR 2022 CITY HALL EXPENSES		pziemer					05/04/2022
	101-1940-42220	REPAIR & MAINT			1,833.93			
4997/LIBRARY								
71056	CWC TREASURER		04/18/2022	05/04/2022	170.09	170.09	Open	N
	1ST QTR 2022 LIBRARY EXPENSES		pziemer					05/04/2022
	211-5500-42220	REPAIR & MAINT			170.09			
5008								
71131	CWC TREASURER		04/26/2022	05/04/2022	600.00	600.00	Open	N
	2022 ANNUAL TIF CERTIFICATIONS		pziemer					05/04/2022
	293-6512-43430	MISCELLANEOUS			100.00			
	292-6503-43430	MISCELLANEOUS			100.00			
	283-6506-43430	MISCELLANEOUS			100.00			
	277-6517-43430	MISCELLANEOUS			100.00			
	281-6514-43430	MISCELLANEOUS			100.00			
	274-6505-43430	MISCELLANEOUS			100.00			
2000826								
71098	DEREK OWEN		04/22/2022	05/04/2022	200.00	200.00	Open	N
	REFUND TOURNAMENT ENTRY FEE		pziemer					05/04/2022
	230-5216-34716	TOURNAMENTS REVENUE			185.40			
	101-0000-20810	STATE TAX PAYABLE			12.74			
	101-0000-20811	COUNTY SALES TAX			0.93			
	101-0000-20812	CITY TAX PAYABLE			0.93			
813161473								
71060	DIAMOND VOGEL PAINT		04/01/2022	05/04/2022	1,750.00	1,750.00	Open	N
	WHITE PAINT - STREETS		pziemer					05/04/2022
	235-3170-42210	OPERATING SUPPLIES			1,750.00			
813161478								
71061	DIAMOND VOGEL PAINT		04/01/2022	05/04/2022	3,359.80	3,359.80	Open	N
	BRAINERD BLUE PAINT - STREETS		pziemer					05/04/2022
	235-3170-42210	OPERATING SUPPLIES			3,359.80			
GNS607 - 2022								
71077	DVS		04/07/2022	05/04/2022	14.25	14.25	Open	N
	SQD 404 - REGISTRATION RENEWAL		pziemer					05/04/2022
	225-2120-42221	SQUAD CAR REPAIR SUPPLIES			14.25			
4/28/22								
71199	EMSLANDER, DALE		04/28/2022	05/04/2022	177.00	177.00	Open	N
	TEMP CONST. EASEMENT IMP 19-02		pziemer					05/04/2022
	401-1902-43430	MISCELLANEOUS			177.00			

Inv Num Inv Ref#	Vendor Description GL Distribution		Inv Date Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnlized Post Date
66619/CH								
71086	ENVIROTECH		04/22/2022	05/04/2022	1,826.77	1,826.77	Open	N
	MAY 2022 CITY HALL JANITORIAL		pziemer					05/04/2022
	101-1940-43300	PROFESSIONAL SERVICES			1,826.77			
66619/FD								
71087	ENVIROTECH		04/22/2022	05/04/2022	246.33	246.33	Open	N
	MAY 22 FIRE DEPT JANITORIAL		pziemer					05/04/2022
	225-2220-43300	PROFESSIONAL SERVICES			246.33			
66619/PD								
71088	ENVIROTECH		04/22/2022	05/04/2022	1,298.93	1,298.93	Open	N
	MAY 22 POLICE DEPT JANITORIAL		pziemer					05/04/2022
	225-2120-43300	PROFESSIONAL SERVICES			1,298.93			
66619/STRTS								
71089	ENVIROTECH		04/22/2022	05/04/2022	246.33	246.33	Open	N
	MAY 22 STREET DEPT JANITORIAL		pziemer					05/04/2022
	235-3100-43300	PROFESSIONAL SERVICES			246.33			
MNBAX252991								
71022	FASTENAL COMPANY		04/01/2022	05/04/2022	352.76	352.76	Open	N
	CIRCULAR SAW/TIES/CONES		pziemer					05/04/2022
	230-5200-42240	SMALL TOOLS			262.00			
	230-5200-42220	REPAIR & MAINT			90.76			
MNBAX253057								
71023	FASTENAL COMPANY		04/01/2022	05/04/2022	146.38	146.38	Open	N
	CABLE TIES/ANCHOR		pziemer					05/04/2022
	230-5200-42220	REPAIR & MAINT			146.38			
MNBAX253352								
71133	FASTENAL COMPANY		04/13/2022	05/04/2022	63.34	63.34	Open	N
	FASTENERS-ROTARY PARK OBSERVATION DE(		pziemer					05/04/2022
	230-5200-42220	REPAIR & MAINT			63.34			
MNBAX253645								
71196	FASTENAL COMPANY		04/26/2022	05/04/2022	95.88	95.88	Open	N
	DISINFECTING WIPES		pziemer					05/04/2022
	237-3190-42220	REPAIR & MAINT			95.88			
98151476								
71036	FLEETPRIDE		04/19/2022	05/04/2022	230.70	230.70	Open	N
	TRUCK 108 AUTOMATIC SLACK ADJUSTER -		pziemer					05/04/2022
	235-3100-42220	REPAIR & MAINT			230.70			
2000818								
71090	GARRETT ANDERSON		04/22/2022	05/04/2022	200.00	200.00	Open	N
	REFUND TOURNAMENT ENTRY FEE		pziemer					05/04/2022
	230-5216-34716	TOURNAMENTS REVENUE			185.40			
	101-0000-20810	STATE TAX PAYABLE			12.74			
	101-0000-20811	COUNTY SALES TAX			0.93			

Inv Num Inv Ref#	Vendor Description GL Distribution		Inv Date Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnlized Post Date
	101-0000-20812	CITY TAX PAYABLE			0.93			
150011283-1								
71080	GRANITE ELECTRONICS		04/19/2022	05/04/2022	375.00	375.00	Open	N
	HEADSET		pziemer					05/04/2022
	237-3190-42220	REPAIR & MAINT			375.00			
4/21/22								
71102	HALVERSON, MIRANDA		04/21/2022	05/04/2022	21.68	21.68	Open	N
	MNJIS TWO DAY TRAINING - MEAL REIMB		pziemer					05/04/2022
	225-2120-43330	PROFESSIONAL DEVELOPMENT			21.68			
151796								
71033	HRGREEN		04/19/2022	05/04/2022	3,833.00	3,833.00	Open	N
	IMP 21-15 BUF.HILLS GULLY		pziemer					05/04/2022
	401-9030-43300-21:15	PROFESSIONAL SERVICES			3,833.00			
151795								
71034	HRGREEN		04/19/2022	05/04/2022	3,250.50	3,250.50	Open	N
	IMP 21-11 PROF SVCS - MN-MS4 PROGRAM		pziemer					05/04/2022
	401-9030-43300-21:11	PROFESSIONAL SERVICES			3,250.50			
094639								
71064	IOWA LEAGUE OF CITIES		04/20/2022	05/04/2022	140.00	140.00	Open	N
	ADV COM DEV DIRECTOR POSITION		pziemer					05/04/2022
	101-1400-43300	PROFESSIONAL SERVICES			140.00			
2000829								
71101	J & J DAGEN		04/22/2022	05/04/2022	200.00	200.00	Open	N
	REFUND TOURNAMENT ENTRY FEE		pziemer					05/04/2022
	230-5216-34716	TOURNAMENTS REVENUE			185.40			
	101-0000-20810	STATE TAX PAYABLE			12.74			
	101-0000-20811	COUNTY SALES TAX			0.93			
	101-0000-20812	CITY TAX PAYABLE			0.93			
2000823								
71095	JAKE FREEMAN		04/22/2022	05/04/2022	200.00	200.00	Open	N
	REFUND TOURNAMENT ENTRY FEE		pziemer					05/04/2022
	230-5216-34716	TOURNAMENTS REVENUE			185.40			
	101-0000-20810	STATE TAX PAYABLE			12.74			
	101-0000-20811	COUNTY SALES TAX			0.93			
	101-0000-20812	CITY TAX PAYABLE			0.93			
4/21/22								
71103	KORTE, ALEXANDER		04/21/2022	05/04/2022	23.00	23.00	Open	N
	MNJIS TWO-DAY TRAINING - MEAL REIMB		pziemer					05/04/2022
	225-2120-43330	PROFESSIONAL DEVELOPMENT			23.00			
20220426 #520								
71174	LAKES AREA MAT SERVICE INC		04/26/2022	05/04/2022	42.92	42.92	Open	N
	POLICE DEPT FLOOR MATS		pziemer					05/04/2022
	225-2120-43300	PROFESSIONAL SERVICES			42.92			

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20220412 #522								
71175	LAKES AREA MAT SERVICE INC		04/12/2022	05/04/2022	44.08	44.08	Open	N
	CITY HALL FLOOR MATS		pziemer					05/04/2022
	101-1940-43410	RENTAL EXPENSE			44.08			
20220426 #522								
71176	LAKES AREA MAT SERVICE INC		04/26/2022	05/04/2022	44.08	44.08	Open	N
	CITY HALL FLOOR MATS		pziemer					05/04/2022
	101-1940-43410	RENTAL EXPENSE			44.08			
20220412 #520								
71177	LAKES AREA MAT SERVICE INC		04/12/2022	05/04/2022	42.92	42.92	Open	N
	POLICE DEPT FLOOR MATS		pziemer					05/04/2022
	225-2120-43300	PROFESSIONAL SERVICES			42.92			
APRIL 2022								
71028	LAKES AREA WILDLIFE CONTROL		04/22/2022	05/04/2022	2,987.00	2,987.00	Open	N
	APR 22 ANIMAL CONTROL CONTRACT		pziemer					05/04/2022
	225-2700-43300	PROFESSIONAL SERVICES			2,987.00			
84324								
71071	LEAGUE OF WISCONSIN MUNICIPALITIES		04/21/2022	05/04/2022	150.00	150.00	Open	N
	ADV COM DEV DIRECTOR POSITION		pziemer					05/04/2022
	101-1400-43300	PROFESSIONAL SERVICES			150.00			
2000824								
71096	LUKE GENZ		04/22/2022	05/04/2022	200.00	200.00	Open	N
	REFUND TOURNAMENT ENTRY FEE		pziemer					05/04/2022
	230-5216-34716	TOURNAMENTS REVENUE			185.40			
	101-0000-20810	STATE TAX PAYABLE			12.74			
	101-0000-20811	COUNTY SALES TAX			0.93			
	101-0000-20812	CITY TAX PAYABLE			0.93			
367782								
71063	M&M EXPRESS SALES & SERVICE		04/18/2022	05/04/2022	749.00	749.00	Open	N
	PUSH LAWNMOWER		pziemer					05/04/2022
	400-9050-45530	CAPITAL - OTHER			749.00			
P41648								
71067	MACQUEEN EQUIPMENT INC		04/20/2022	05/04/2022	132.04	132.04	Open	N
	SWEEPER 118 DIRT DEFLECTOR		pziemer					05/04/2022
	235-3100-42220	REPAIR & MAINT			132.04			
INV9873316								
71111	MARCO		04/20/2022	05/04/2022	2,315.00	2,315.00	Open	N
	MICROSOFT365 3/16/22-4/15/22		pziemer					05/04/2022
	101-1800-43309	COMPUTER SUPPORT			2,315.00			
2000825								
71097	MARK KINGBIRD		04/22/2022	05/04/2022	200.00	200.00	Open	N
	REFUND TOURNAMENT ENTRY FEE		pziemer					05/04/2022
	230-5216-34716	TOURNAMENTS REVENUE			185.40			

Inv Num Inv Ref#	Vendor Description GL Distribution		Inv Date Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnlized Post Date
	101-0000-20810	STATE TAX PAYABLE			12.74			
	101-0000-20811	COUNTY SALES TAX			0.93			
	101-0000-20812	CITY TAX PAYABLE			0.93			
2000821								
71093	MATTHEW CLOUGH		04/22/2022	05/04/2022	200.00	200.00	Open	N
	REFUND TOURNAMENT ENTRY FEE		pziemer					05/04/2022
	230-5216-34716	TOURNAMENTS REVENUE			185.40			
	101-0000-20810	STATE TAX PAYABLE			12.74			
	101-0000-20811	COUNTY SALES TAX			0.93			
	101-0000-20812	CITY TAX PAYABLE			0.93			
73506								
71184	MENARDS		04/27/2022	05/04/2022	51.96	51.96	Open	N
	15" & 18" ADJUSTABLE WRENCH		pziemer					05/04/2022
	237-3190-42220	REPAIR & MAINT			51.96			
72498								
71057	MENARDS - BAXTER		04/08/2022	05/04/2022	56.53	56.53	Open	N
	HARDWARE AND MISC EASTER EGG HUNT EVI		pziemer					05/04/2022
	230-5211-42210	OPERATING SUPPLIES			56.53			
2000820								
71092	MICHAEL BRANDT		04/22/2022	05/04/2022	200.00	200.00	Open	N
	REFUND TOURNAMENT ENTRY FEE		pziemer					05/04/2022
	230-5216-34716	TOURNAMENTS REVENUE			185.40			
	101-0000-20810	STATE TAX PAYABLE			12.74			
	101-0000-20811	COUNTY SALES TAX			0.93			
	101-0000-20812	CITY TAX PAYABLE			0.93			
9108490								
71179	MIDWEST MACHINERY CO		04/26/2022	05/04/2022	692.97	692.97	Open	N
	QUICK CUT SAW CART		pziemer					05/04/2022
	237-3190-42220	REPAIR & MAINT			692.97			
7241								
71079	MINNESOTA SOFTBALL		04/21/2022	05/04/2022	1,100.00	1,100.00	Open	N
	ADULT SOFTBALL TEAM SANCTION FEES 44		pziemer					05/04/2022
	230-5215-42210	OPERATING SUPPLIES			1,100.00			
4/27/22								
71188	MN BUREAU OF CRIM APPREHENSION		04/27/2022	05/04/2022	30.00	30.00	Open	N
	BCA BACKGROUND CHECKS - PARKS		pziemer					05/04/2022
	230-5280-42210	OPERATING SUPPLIES			30.00			
59347								
71048	MN MUNICIPAL UTILITIES ASSN		04/13/2022	05/04/2022	37.50	37.50	Open	N
	AIRPORT PRE-EE TESTING		pziemer					05/04/2022
	260-9020-43430	MISCELLANEOUS			37.50			
29093								
71044	MOTORS-N-MORE		04/18/2022	05/04/2022	23.00	23.00	Open	N
	SQD 436 - OIL CHANGE		pziemer					05/04/2022

Inv Num Inv Ref#	Vendor Description GL Distribution	Inv Date Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnlized Post Date
	225-2120-42221	SQUAD CAR REPAIR SUPPLIES		23.00			
28820							
71073	MOTORS-N-MORE	04/01/2022	05/04/2022	254.00	254.00	Open	N
	SQD 433 DRIVER'S DOOR REPAIR - MISSI	pziemer					05/04/2022
	225-2120-42221	SQUAD CAR REPAIR SUPPLIES		254.00			
363260							
71059	MUSCO SPORTS LIGHTING	04/14/2022	05/04/2022	20,636.00	20,636.00	Open	N
	MMP HOCKEY SMALL RINK LIGHTING	pziemer					05/04/2022
	400-9050-45510	CAPITAL - LAND		20,636.00			
501538							
71180	NAPA AUTO PARTS	04/26/2022	05/04/2022	119.99	119.99	Open	N
	TAP AND DIE SET	pziemer					05/04/2022
	235-3100-42240	SMALL TOOLS		119.99			
878307289/2022							
71058	NATIONWIDE	04/12/2022	05/04/2022	200.00	200.00	Open	N
	2022 RENEWAL ROW RESTORATION BOND	pziemer					05/04/2022
	235-3100-43430	MISCELLANEOUS		200.00			
1111209-0							
71200	OFFICE SHOP	04/27/2022	05/04/2022	118.31	118.31	Open	N
	FILE BOXES, ENVELOPES, TAPE DISPENSE	pziemer					05/04/2022
	101-1940-42200	OFFICE SUPPLIES		118.31			
1647-114730							
71117	O'REILLY AUTOMOTIVE STORES INC.	04/25/2022	05/04/2022	80.37	80.37	Open	N
	SHOP SUPPLIES - GREASE - SHOP TOWELS	pziemer					05/04/2022
	230-5200-42220	REPAIR & MAINT		80.37			
2000819							
71091	PAUL AUGUSTINACK	04/22/2022	05/04/2022	200.00	200.00	Open	N
	REFUND TOURNAMENT ENTRY FEE	pziemer					05/04/2022
	230-5216-34716	TOURNAMENTS REVENUE		185.40			
	101-0000-20810	STATE TAX PAYABLE		12.74			
	101-0000-20811	COUNTY SALES TAX		0.93			
	101-0000-20812	CITY TAX PAYABLE		0.93			
4/20/22							
71197	PERSONIUS, JAY	04/20/2022	05/04/2022	340.83	340.83	Open	N
	GRANT WRITING - REIMBURSEMENTS	pziemer					05/04/2022
	225-2120-43330	PROFESSIONAL DEVELOPMENT		340.83			
81551							
71025	PIKE PLUMBING AND HEATING	04/13/2022	05/04/2022	1,272.00	1,272.00	Open	N
	RETRO WIRING NEW SYSTEM	pziemer					05/04/2022
	400-2001-45530	PYMTS TO CONTRACTORS		1,272.00			
81565							
71026	PIKE PLUMBING AND HEATING	04/13/2022	05/04/2022	4,080.00	4,080.00	Open	N
	INSTALL NEW CO AND NO2 DETECTOR	pziemer					05/04/2022

Inv Num / Inv Ref#	Vendor / Description / GL Distribution	Inv Date / Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnlized / Post Date
	400-2001-45530	PYMTS TO CONTRACTORS		4,080.00			
MARCH 2022							
71198	RATWIK, ROSZAK AND MALONEY	04/01/2022	05/04/2022	7,133.77	7,133.77	Open	N
	MAR 22 RETAINER/SPECIAL SERVICES	pziemer					05/04/2022
	101-1610-43301	CITY ATTORNEY		4,527.56			
	101-0000-14100	DUE FROM COMPONENT UNIT		217.00			
	101-1610-43301	CITY ATTORNEY		1,371.75			
	401-9030-43300-21:10	PROFESSIONAL SERVICES		170.50			
	401-1901-43300	PROFESSIONAL SERVICES		558.00			
	401-1902-43300	PROFESSIONAL SERVICES		108.50			
	401-1609-43300	PROFESSIONAL SERVICES		2.21			
	101-0000-14100	DUE FROM COMPONENT UNIT		155.00			
	101-0000-14100	DUE FROM COMPONENT UNIT		23.25			
43							
71055	SADUSKY RENOVATIONS	04/18/2022	05/04/2022	8,781.15	8,781.15	Open	N
	4/1/22-4/13/22 INSPECTION SERVICES	pziemer					05/04/2022
	101-2400-43300	PROFESSIONAL SERVICES		8,781.15			
4/19/22							
71072	SCHUBERT, KRIS	04/19/2022	05/04/2022	74.19	74.19	Open	N
	LMCIT LOSS CONTROL WORKSHOP - REIMBU	pziemer					05/04/2022
	101-1400-43330	PROFESSIONAL DEVELOPMENT		74.19			
068941							
71186	SCOTT MERRIMAN INCORPORATED	04/01/2022	05/04/2022	1,688.00	1,688.00	Open	N
	PARKING TICKETS	pziemer					05/04/2022
	225-2120-42210	OPERATING SUPPLIES		1,688.00			
APRIL 2022							
71027	SEVERSON PORTER LAW	04/18/2022	05/04/2022	16,517.09	16,517.09	Open	N
	APR 22 PROSECUTION AGREEMENT	pziemer					05/04/2022
	225-2127-43310	MISDEMEANOR PROSECUTOR		16,517.09			
424105							
71031	SHORT ELLIOTT HENDRICKSON	04/15/2022	05/04/2022	11,738.24	11,738.24	Open	N
	IMP 19-02 PROF SVCS THRU 3/31/22	pziemer					05/04/2022
	401-1902-43300	PROFESSIONAL SERVICES		11,738.24			
424126							
71032	SHORT ELLIOTT HENDRICKSON	04/15/2022	05/04/2022	940.83	940.83	Open	N
	IMP 19-02 PROF SVCS THRU 3/31/22	pziemer					05/04/2022
	401-1902-43300	PROFESSIONAL SERVICES		940.83			
423739							
71068	SHORT ELLIOTT HENDRICKSON	04/13/2022	05/04/2022	13,487.54	13,487.54	Open	N
	IMP 20-07 PROF SVCS BRDMN I&I SEWER S	pziemer					05/04/2022
	401-9030-43300-20:07	PROFESSIONAL SERVICES		13,487.54			
6784							
71107	SOUTH DAKOTA MUNICIPAL LEAGUE	04/25/2022	05/04/2022	50.00	50.00	Open	N
	ADV. COM DEV DIRECTOR	pziemer					05/04/2022

Inv Num Inv Ref#	Vendor Description GL Distribution	Inv Date Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnlized Post Date
	101-1400-43300	PROFESSIONAL SERVICES		50.00			
54624 71132	ST. LOUIS MRO INC. PRE-EMPLOYMENT - H. WILLIAMS 225-2120-43300	04/01/2022 pziemer PROFESSIONAL SERVICES	05/04/2022	24.50 24.50	24.50	Open	N 05/04/2022
3504977117 71024	STAPLES ADVANTAGE WHITE OUT 225-2220-42200	04/09/2022 pziemer OFFICE SUPPLIES	05/04/2022	2.06 2.06	2.06	Open	N 05/04/2022
3505478330 71114	STAPLES ADVANTAGE BULLETIN BOARD - LOBBY 225-2120-42200	04/16/2022 pziemer OFFICE SUPPLIES	05/04/2022	75.41 75.41	75.41	Open	N 05/04/2022
I1562604 71045	STREICHERS PROF EQUIP 718 UNIFORM PANTS 225-2120-41113	04/13/2022 pziemer UNIFORM ALLOWANCE	05/04/2022	149.97 149.97	149.97	Open	N 05/04/2022
I1563546 71104	STREICHERS PROF EQUIP 726HW - INITIAL ISSUE 225-2120-41113	04/19/2022 pziemer UNIFORM ALLOWANCE	05/04/2022	65.98 65.98	65.98	Open	N 05/04/2022
I1563755 71115	STREICHERS PROF EQUIP 715 - TRT HELMET 225-2131-42210	04/20/2022 pziemer OPERATING SUPPLIES	05/04/2022	573.00 573.00	573.00	Open	N 05/04/2022
I1564443 71187	STREICHERS PROF EQUIP 772RB - CSO UNIFORM SHIRT 225-2121-41113	04/22/2022 pziemer UNIFORM ALLOWANCE	05/04/2022	38.98 38.98	38.98	Open	N 05/04/2022
2158 71108	TIM THOMPSON PLUMBING LLC BUFFALO HILLS PARK - NEW WATER HEATE 230-5200-42220	04/21/2022 pziemer REPAIR & MAINT	05/04/2022	1,290.00 1,290.00	1,290.00	Open	N 05/04/2022
5401 71030	TRANSIT ADVERTISING SERVICES Q1 PULSEPOINT ADVERTISING 225-2220-43350	04/14/2022 pziemer PRINTING/LEGAL PUBLICATION	05/04/2022	150.00 150.00	150.00	Open	N 05/04/2022
20220137 71035	TWM ARCHITECTURE KIWANIS PARK IMPROVEMENTS	04/18/2022 pziemer	05/04/2022	3,102.50	3,102.50	Open	N 05/04/2022

Inv Num Inv Ref#	Vendor Description GL Distribution		Inv Date Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnlized Post Date
985913								
71078	UPPER LAKES FOODS INC		04/22/2022	05/04/2022	1,308.53	1,308.53	Open	N
	CONCESSIONS - CHEESE, FOIL, GLOVES, I		pziemer					05/04/2022
	230-5204-42210	OPERATING SUPPLIES			1,308.53			
2826061								
71116	VIKING COCA COLA BOTTLING CO		04/20/2022	05/04/2022	672.25	672.25	Open	N
	MMP - CONCESSIONS - BEVERAGES		pziemer					05/04/2022
	230-5204-42210	OPERATING SUPPLIES			672.25			
124480								
71062	WATSON COMPANY		04/19/2022	05/04/2022	1,604.78	1,604.78	Open	N
	CONCESSIONS - CANDY, FROZEN PRETZELS,		pziemer					05/04/2022
	230-5204-42210	OPERATING SUPPLIES			1,604.78			
12040								
71051	WINNERS TROPHY		04/14/2022	05/04/2022	127.50	127.50	Open	N
	PERMANENT PLATES FOR DROPBOX		pziemer					05/04/2022
	101-1940-42220	REPAIR & MAINT			127.50			
R-019813-000-2								
71053	WSB & ASSOCIATES		04/14/2022	05/04/2022	3,013.00	3,013.00	Open	N
	MARCH 2022 EAST RIVER ROAD		pziemer					05/04/2022
	401-9030-43300-22:07	PROFESSIONAL SERVICES			3,013.00			
R-018999-000-7								
71054	WSB & ASSOCIATES		04/14/2022	05/04/2022	83,173.50	83,173.50	Open	N
	MARCH 2022 TRAILHEAD		pziemer					05/04/2022
	401-9030-43300-21:16	PROFESSIONAL SERVICES			83,173.50			
IN000502632								
71029	ZIEGLER, INC		04/19/2022	05/04/2022	3.40	3.40	Open	N
	SKID STEER LOCK NUT		pziemer					05/04/2022
	235-3100-42220	REPAIR & MAINT			3.40			
IN000499304								
71049	ZIEGLER, INC		04/15/2022	05/04/2022	83.39	83.39	Open	N
	SKID STEER CAB AIR FILTER		pziemer					05/04/2022
	235-3100-42220	REPAIR & MAINT			83.39			
CM000061798								
71069	ZIEGLER, INC		04/21/2022	05/04/2022	(42.65)	(42.65)	Open	N
	SKID STEER FILTER RETURN		pziemer					05/04/2022
	235-3100-42220	REPAIR & MAINT			(42.65)			
PCard: 2257 U.S. BANK Card Holder: CITY HALL								
4/3/22								
71122	AMAZON		04/03/2022	05/04/2022	190.29	190.29	Open	N
	AWS MARCH 2022		pziemer					05/04/2022
	101-1800-43309	COMPUTER SUPPORT			190.29			

Inv Num Inv Ref#	Vendor Description GL Distribution	Inv Date Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnlized Post Date
PCard: 2257 U.S. BANK Card Holder: CITY HALL							
3/22/2							
71128	AMAZON	04/01/2022	05/04/2022	40.35	40.35	Open	N
	QTY 5 - WASH HANDS SIGNS - PARKS CON	pziemer					05/04/2022
	230-5204-42210 OPERATING SUPPLIES			40.35			
4/22/22							
71129	AMAZON	04/22/2022	05/04/2022	49.04	49.04	Open	N
	QTY 3 BRASS HEXAGON NIPPLE FITTING	pziemer					05/04/2022
	230-5200-42220 REPAIR & MAINT			49.04			
4/11/22							
71125	APWA-MN CHAPTER	04/11/2022	05/04/2022	(616.85)	(616.85)	Open	N
	REFUND - P.SANDY REG. APWA MN 22 SPR	pziemer					05/04/2022
	101-1700-43330 PROFESSIONAL DEVELOPMENT			(616.85)			
3/28/22							
71126	APWA-MN CHAPTER	04/01/2022	05/04/2022	616.85	616.85	Open	N
	APWA MN 22 SPRING CONF. REG - P. SAN	pziemer					05/04/2022
	101-1700-43330 PROFESSIONAL DEVELOPMENT			616.85			
4/20/22							
71121	AVTECH SOFTWARE INC	04/20/2022	05/04/2022	99.95	99.95	Open	N
	ROOM ALERT UPGRADE	pziemer					05/04/2022
	101-1800-43309 COMPUTER SUPPORT			99.95			
4/18/22							
71127	JIMMY JOHN'S #989	04/18/2022	05/04/2022	503.73	503.73	Open	N
	LNL - APRIL 2022	pziemer					05/04/2022
	278-6515-43430 MISCELLANEOUS			503.73			
3/28/22							
71124	LEAGUE OF MN CITIES	04/01/2022	05/04/2022	425.00	425.00	Open	N
	2022 MCMA CONFERENCE REG - J. BERGMA	pziemer					05/04/2022
	101-1400-43330 PROFESSIONAL DEVELOPMENT			425.00			
3/28/22							
71123	TEAMVIEWER GMBH	04/01/2022	05/04/2022	1,528.00	1,528.00	Open	N
	TEAMVIEWER SUBSCRIPTION	pziemer					05/04/2022
	101-1800-43309 COMPUTER SUPPORT			1,528.00			
4/18/22							
71119	ZOOM VIDEO COMMUNICATIONS	04/18/2022	05/04/2022	29.98	29.98	Open	N
	ZOOM 4/18/22-5/17/22	pziemer					05/04/2022
	101-1800-43309 COMPUTER SUPPORT			29.98			
Total PCard: 2257 U.S. BANK Card Holder: CITY HALL				2,866.34	2,866.34		

Inv Num Inv Ref#	Vendor Description GL Distribution	Inv Date Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnlized Post Date
PCard: 2257 U.S. BANK Card Holder: FIRE							
4/7/22							
71194	MN DEPT LABOR & INDUSTRY	04/07/2022	05/04/2022	10.00	10.00	Open	N
	MN DEPT OF LABOR	pziemer					05/04/2022
	225-2220-42210 OPERATING SUPPLIES			10.00			
Total PCard: 2257 U.S. BANK Card Holder: FIRE				10.00	10.00		

Inv Num Inv Ref#	Vendor Description GL Distribution		Inv Date Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnlized Post Date
PCard: 2257 U.S. BANK Card Holder: LIBRARY								
3/28/22								
71189	DEMCO INC		04/01/2022	05/04/2022	207.42	207.42	Open	N
	BOOK TAPE/ SUPPLIES		pziemer					05/04/2022
	211-5503-43430	MISC - USE OF HOLDEN TRUST			207.42			
4/4/22								
71190	MAILCHIMP		04/04/2022	05/04/2022	34.00	34.00	Open	N
	MAILCHIMP MAIL SERVICE		pziemer					05/04/2022
	211-5503-43430	MISC - USE OF HOLDEN TRUST			34.00			
3/28/22								
71192	MINNESOTA LIBRARY ASSOCIATION		04/01/2022	05/04/2022	85.00	85.00	Open	N
	MEMBERSHIP - A. POMMERENING		pziemer					05/04/2022
	211-5503-43430	MISC - USE OF HOLDEN TRUST			85.00			
4/13/22								
71191	OVERNIGHT PRINTS		04/13/2022	05/04/2022	(275.57)	(275.57)	Open	N
	CREDIT FOR UNDELIVERED PRINT SERVICES		pziemer					05/04/2022
	211-5503-43430	MISC - USE OF HOLDEN TRUST			(275.57)			
4/12/22								
71193	PLUNKETT'S PEST CONTROL		04/12/2022	05/04/2022	65.00	65.00	Open	N
	LIBRARY PEST CONTROL		pziemer					05/04/2022
	211-5500-42220	REPAIR & MAINT			65.00			
Total PCard: 2257 U.S. BANK Card Holder: LIBRARY					115.85	115.85		

Inv Num / Inv Ref#	Vendor / Description / GL Distribution		Inv Date / Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnlized / Post Date
PCard: 2257 U.S. BANK Card Holder: POLICE								
4/6/22								
71149	AMAZON		04/06/2022	05/04/2022	38.46	38.46	Open	N
	UNIFORM - PIN BACKS / CHARGER CABLES		pziemer					05/04/2022
	225-2120-41113	UNIFORM ALLOWANCE			5.49			
	225-2120-42210	OPERATING SUPPLIES			32.97			
4/12/22								
71156	AMAZON		04/12/2022	05/04/2022	24.98	24.98	Open	N
	ID BADGE HOLDERS		pziemer					05/04/2022
	225-2120-42200	OFFICE SUPPLIES			24.98			
4/15/22								
71164	AMAZON		04/15/2022	05/04/2022	33.96	33.96	Open	N
	EVIDENCE STORAGE SUPPLIES		pziemer					05/04/2022
	225-2120-42210	OPERATING SUPPLIES			33.96			
3/28/22								
71135	BCA - MNJIS SECTION		04/01/2022	05/04/2022	25.00	25.00	Open	N
	M. HALVERSON - TAC WORKSHOP		pziemer					05/04/2022
	225-2120-43330	PROFESSIONAL DEVELOPMENT			25.00			
3/28/22 - 2								
71136	BCA - MNJIS SECTION		04/01/2022	05/04/2022	50.00	50.00	Open	N
	JENSEN - MNJIS 2-DAY BASIC		pziemer					05/04/2022
	225-2120-43330	PROFESSIONAL DEVELOPMENT			50.00			
3/28/22 - 3								
71137	BCA - MNJIS SECTION		04/01/2022	05/04/2022	50.00	50.00	Open	N
	MARQUART - MNJIS 2-DAY BASIC		pziemer					05/04/2022
	225-2120-43330	PROFESSIONAL DEVELOPMENT			50.00			
3/28/22 - 4								
71138	BCA - MNJIS SECTION		04/01/2022	05/04/2022	25.00	25.00	Open	N
	MCCULLOUGH - TAC WORKSHOP		pziemer					05/04/2022
	225-2120-43330	PROFESSIONAL DEVELOPMENT			25.00			
4/13/22								
71158	CENTRAL LAKES COLLEGE - PRINTSHOP		04/13/2022	05/04/2022	582.00	582.00	Open	N
	POLICE DEPT BACKDROP & TABLE COVER		pziemer					05/04/2022
	225-2120-42210	OPERATING SUPPLIES			582.00			
TRX 3 - PD								
71141	CUB FOODS - BRAINERD		04/01/2022	05/04/2022	50.04	50.04	Open	N
	SUPPLIES - HOSTING INTERNAL AFFAIRS T		pziemer					05/04/2022
	225-2120-43330	PROFESSIONAL DEVELOPMENT			50.04			
4/22/22								
71171	EASY RIDERS BICYCLE & SPORTSHOP		04/22/2022	05/04/2022	2,359.35	2,359.35	Open	N
	BIKE PATROL BIKES AND EQUIPMENT		pziemer					05/04/2022
	225-2125-43430	MISC - BIKE PATROL			2,359.35			

PCard: 2257 U.S. BANK Card Holder: POLICE

Inv Num / Inv Ref#	Vendor / Description / GL Distribution	Inv Date / Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnlized / Post Date
4/3/22							
71145	FACEBOOK	04/03/2022	05/04/2022	10.00	10.00	Open	N
	POLICE OFFICER EMPLOYMENT AD - FACEBC	pziemer					05/04/2022
	225-2120-43350 PRINTING/LEGAL PUBLICATION			10.00			
4/4/22							
71146	FACEBOOK	04/04/2022	05/04/2022	10.00	10.00	Open	N
	POLICE OFFICER EMPLOYMENT AD - FACEBC	pziemer					05/04/2022
	225-2120-43350 PRINTING/LEGAL PUBLICATION			10.00			
4/6/22							
71150	FACEBOOK	04/06/2022	05/04/2022	10.00	10.00	Open	N
	POLICE OFFICER EMPLOYMENT AD ON FACEI	pziemer					05/04/2022
	225-2120-43350 PRINTING/LEGAL PUBLICATION			10.00			
4/8/22							
71151	FACEBOOK	04/08/2022	05/04/2022	15.00	15.00	Open	N
	POLICE OFFICER EMPLOYMENT AD ON FACEI	pziemer					05/04/2022
	225-2120-43350 PRINTING/LEGAL PUBLICATION			15.00			
4/10/22							
71155	FACEBOOK	04/10/2022	05/04/2022	15.00	15.00	Open	N
	POLICE OFFICER EMPLOYMENT AD - FACEBC	pziemer					05/04/2022
	225-2120-43350 PRINTING/LEGAL PUBLICATION			15.00			
4/13/22							
71159	FACEBOOK	04/13/2022	05/04/2022	25.00	25.00	Open	N
	POLICE OFFICER EMPLOYMENT AD - FACEBC	pziemer					05/04/2022
	225-2120-43350 PRINTING/LEGAL PUBLICATION			25.00			
4/21/22							
71169	FBI/LEEDA	04/21/2022	05/04/2022	695.00	695.00	Open	N
	702 - SUPERVISOR LEADERSHIP TRAINING	pziemer					05/04/2022
	225-2120-43330 PROFESSIONAL DEVELOPMENT			695.00			
4/18/22							
71165	GALLS LLC	04/18/2022	05/04/2022	174.94	174.94	Open	N
	716 - UNIFORM BOOTS	pziemer					05/04/2022
	225-2120-41113 UNIFORM ALLOWANCE			174.94			
3/31/22							
71143	KOHL'S	04/01/2022	05/04/2022	129.04	129.04	Open	N
	721 - INVESTIGATOR UNIFORMWEAR	pziemer					05/04/2022
	225-2120-41113 UNIFORM ALLOWANCE			129.04			
4/22/22							
71170	L.E.A. DATA TECHNOLOGIES	04/22/2022	05/04/2022	105.00	105.00	Open	N
	LEA DATABASE UPGRADE	pziemer					05/04/2022
	225-2120-43309 COMPUTER TECHNICAL SUPPORT			105.00			

PCard: 2257 U.S. BANK Card Holder: POLICE

Inv Num / Inv Ref#	Vendor / Description / GL Distribution		Inv Date / Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnlized / Post Date
3/30/22								
71142	NATIONAL REGISTRY OF EMERGENCY MEDI		04/01/2022	05/04/2022	25.00	25.00	Open	N
	715 - EMT RECERTIFICATION TRAINING		pziemer					05/04/2022
	225-2120-43330	PROFESSIONAL DEVELOPMENT			25.00			
3/25/22								
71134	SIRCHIE FINGER PRINT LABORATORIES,		04/01/2022	05/04/2022	351.01	351.01	Open	N
	EVIDENCE SUPPLIES		pziemer					05/04/2022
	225-2120-42210	OPERATING SUPPLIES			351.01			
4/1/22								
71148	TRANSUNION RISK		04/01/2022	05/04/2022	75.00	75.00	Open	N
	INVESTIGATIONS AND PARKING TKT COLLE		pziemer					05/04/2022
	225-2120-42210	OPERATING SUPPLIES			75.00			
3/28/22								
71139	USPS		04/01/2022	05/04/2022	13.60	13.60	Open	N
	POSTAGE		pziemer					05/04/2022
	225-2120-43322	POSTAGE			13.60			
3/29/22								
71140	USPS		04/01/2022	05/04/2022	5.80	5.80	Open	N
	POSTAGE		pziemer					05/04/2022
	225-2120-43322	POSTAGE			5.80			
3/31/22								
71144	USPS		04/01/2022	05/04/2022	4.50	4.50	Open	N
	POSTAGE		pziemer					05/04/2022
	225-2120-43322	POSTAGE			4.50			
4/4/22								
71147	USPS		04/04/2022	05/04/2022	4.50	4.50	Open	N
	POSTAGE		pziemer					05/04/2022
	225-2120-43322	POSTAGE			4.50			
4/8/22								
71152	USPS		04/08/2022	05/04/2022	1.36	1.36	Open	N
	POSTAGE		pziemer					05/04/2022
	225-2120-43322	POSTAGE			1.36			
4/8/22 - 2								
71153	USPS		04/08/2022	05/04/2022	7.46	7.46	Open	N
	POSTAGE		pziemer					05/04/2022
	225-2120-43322	POSTAGE			7.46			
4/8/22 - 3								
71154	USPS		04/08/2022	05/04/2022	10.90	10.90	Open	N
	POSTAGE		pziemer					05/04/2022
	225-2120-43322	POSTAGE			10.90			

Inv Num Inv Ref#	Vendor Description GL Distribution		Inv Date Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnlized Post Date
PCard: 2257 U.S. BANK Card Holder: POLICE								
4/12/22								
71157	USPS		04/12/2022	05/04/2022	14.70	14.70	Open	N
	POSTAGE		pziemer					05/04/2022
	225-2120-43322	POSTAGE			14.70			
4/14/22								
71160	USPS		04/14/2022	05/04/2022	4.50	4.50	Open	N
	POSTAGE		pziemer					05/04/2022
	225-2120-43322	POSTAGE			4.50			
4/14/22 - 2								
71161	USPS		04/14/2022	05/04/2022	4.50	4.50	Open	N
	POSTAGE		pziemer					05/04/2022
	225-2120-43322	POSTAGE			4.50			
4/18/22								
71166	USPS		04/18/2022	05/04/2022	5.10	5.10	Open	N
	POSTAGE		pziemer					05/04/2022
	225-2120-43322	POSTAGE			5.10			
4/19/22								
71167	USPS		04/19/2022	05/04/2022	116.00	116.00	Open	N
	POSTAGE STAMPS		pziemer					05/04/2022
	225-2120-43322	POSTAGE			116.00			
4/20/22								
71168	USPS		04/20/2022	05/04/2022	1.36	1.36	Open	N
	POSTAGE		pziemer					05/04/2022
	225-2120-43322	POSTAGE			1.36			
4/14/22								
71162	WALGREEN CO		04/14/2022	05/04/2022	11.84	11.84	Open	N
	GUN CLEANING SUPPLIES		pziemer					05/04/2022
	225-2120-42210	OPERATING SUPPLIES			11.84			
4/14/22 - 2								
71163	WALGREEN CO		04/14/2022	05/04/2022	(0.86)	(0.86)	Open	N
	CREDIT FOR SALES TAX - GUN CLEANING S		pziemer					05/04/2022
	225-2120-42210	OPERATING SUPPLIES			(0.86)			
Total PCard: 2257 U.S. BANK Card Holder: POLICE					5,084.04	5,084.04		

Inv Num / Inv Ref#	Vendor / Description / GL Distribution		Inv Date / Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnlized / Post Date
PCard: 2257 U.S. BANK Card Holder: STREETS								
4/13/22								
71130	FLEET FARM		04/13/2022	05/04/2022	76.67	76.67	Open	N
	KEROSENE FUEL - STREET DEPT		pziemer					05/04/2022
	235-3100-42212	MOTOR FUELS			76.67			
3/29/22								
71120	THE UPS STORE		04/01/2022	05/04/2022	62.10	62.10	Open	N
	SHIPPING FOR METAL DETECTOR TRADE IN		pziemer					05/04/2022
	235-3100-43322	POSTAGE			62.10			
Total PCard: 2257 U.S. BANK Card Holder: STREETS					138.77	138.77		

# of Invoices:	174	# Due: 174	Totals:	241,883.55	241,883.55
# of Credit Memos:	4	# Due: 4	Totals:	(935.93)	(935.93)
Net of Invoices and Credit Memos:				240,947.62	240,947.62

--- TOTALS BY GL DISTRIBUTION ---

101-0000-14100	DUE FROM COMPONENT UNIT	395.25
101-0000-20803	WATERTOWER DONATIONS-CC	241.50
101-0000-20810	STATE TAX PAYABLE	152.88
101-0000-20811	COUNTY SALES TAX	11.16
101-0000-20812	CITY TAX PAYABLE	11.16
101-0000-22800	OTHER LIABILITIES	1,325.92
101-1400-43300	PROFESSIONAL SERVICES	415.00
101-1400-43330	PROFESSIONAL DEVELOPMENT	499.19
101-1610-43301	CITY ATTORNEY	5,899.31
101-1800-42210	OPERATING SUPPLIES	24.18
101-1800-43309	COMPUTER SUPPORT	4,235.22
101-1940-42200	OFFICE SUPPLIES	118.31
101-1940-42220	REPAIR & MAINT	2,994.47
101-1940-43300	PROFESSIONAL SERVICES	1,826.77
101-1940-43381	BPU UTILITIES	1,295.62
101-1940-43410	RENTAL EXPENSE	88.16
101-1940-43430	MISCELLANEOUS	25.00
101-2400-42210	OPERATING SUPPLIES	35.96
101-2400-43300	PROFESSIONAL SERVICES	8,781.15
101-9200-43381	BPU UTILITIES	61.27
203-9000-42210	OPERATING SUPPLIES	975.34
211-5500-42220	REPAIR & MAINT	235.09
211-5500-43381	BPU UTILITIES	1,217.95
211-5500-43430	MISCELLANEOUS	25.00
211-5503-43430	MISC - USE OF HOLDEN TRUST	50.85
225-2120-41113	UNIFORM ALLOWANCE	525.42
225-2120-42200	OFFICE SUPPLIES	100.39
225-2120-42209	SAFETY EQUIPMENT SUPPLIES	412.71
225-2120-42210	OPERATING SUPPLIES	2,972.11
225-2120-42220	REPAIR & MAINT	699.40
225-2120-42221	SQUAD CAR REPAIR SUPPLIES	291.25
225-2120-43300	PROFESSIONAL SERVICES	1,409.27
225-2120-43309	COMPUTER TECHNICAL SUPPORT	105.00

Inv Num / Inv Ref#	Vendor / Description / GL Distribution	Inv Date / Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnlized / Post Date
225-2120-43322	POSTAGE			194.28			
225-2120-43330	PROFESSIONAL DEVELOPMENT			1,305.55			
225-2120-43350	PRINTING/LEGAL PUBLICATION			85.00			
225-2120-43381	BPU UTILITIES			4,174.53			
225-2120-43430	MISCELLANEOUS			25.00			
225-2121-41113	UNIFORM ALLOWANCE			38.98			
225-2125-43430	MISC - BIKE PATROL			2,359.35			
225-2127-43310	MISDEMEANOR PROSECUTOR			16,517.09			
225-2131-42210	OPERATING SUPPLIES			573.00			
225-2220-42200	OFFICE SUPPLIES			2.06			
225-2220-42210	OPERATING SUPPLIES			10.00			
225-2220-42221	R&M BUILDING			190.45			
225-2220-43300	PROFESSIONAL SERVICES			246.33			
225-2220-43330	PROFESSIONAL DEVELOPMENT			350.00			
225-2220-43350	PRINTING/LEGAL PUBLICATION			150.00			
225-2220-43381	BPU UTILITIES			2,591.68			
225-2220-43430	MISCELLANEOUS			50.00			
225-2700-43300	PROFESSIONAL SERVICES			2,987.00			
230-5200-42220	REPAIR & MAINT			1,792.28			
230-5200-42240	SMALL TOOLS			262.00			
230-5200-43381	BPU UTILITIES			3,154.76			
230-5200-43430	MISCELLANEOUS			25.00			
230-5204-42210	OPERATING SUPPLIES			3,625.91			
230-5211-42210	OPERATING SUPPLIES			56.53			
230-5215-42210	OPERATING SUPPLIES			1,100.00			
230-5216-34716	TOURNAMENTS REVENUE			2,224.80			
230-5280-42210	OPERATING SUPPLIES			30.00			
235-3100-42212	MOTOR FUELS			76.67			
235-3100-42220	REPAIR & MAINT			561.49			
235-3100-42240	SMALL TOOLS			119.99			
235-3100-43300	PROFESSIONAL SERVICES			246.33			
235-3100-43322	POSTAGE			62.10			
235-3100-43430	MISCELLANEOUS			420.23			
235-3170-42210	OPERATING SUPPLIES			5,109.80			
236-3180-43381	BPU UTILITIES			36.00			
237-3190-42220	REPAIR & MAINT			1,238.28			
260-9020-43430	MISCELLANEOUS			37.50			
274-6505-43430	MISCELLANEOUS			100.00			
277-6517-43430	MISCELLANEOUS			100.00			
278-6515-43430	MISCELLANEOUS			503.73			
281-6514-43430	MISCELLANEOUS			100.00			
283-6506-43430	MISCELLANEOUS			100.00			
292-6503-43430	MISCELLANEOUS			100.00			
293-6512-43430	MISCELLANEOUS			100.00			
400-2001-45530	PYMTS TO CONTRACTORS			5,352.00			
400-9050-45510	CAPITAL - LAND			20,636.00			
400-9050-45530	CAPITAL - OTHER			749.00			
401-1003-43380	UTILITIES			64.34			
401-1609-43300	PROFESSIONAL SERVICES			2.21			
401-1901-43300	PROFESSIONAL SERVICES			558.00			
401-1902-43300	PROFESSIONAL SERVICES			12,787.57			
401-1902-43430	MISCELLANEOUS			177.00			
401-9030-43300-20:07	PROFESSIONAL SERVICES			13,487.54			
401-9030-43300-21:10	PROFESSIONAL SERVICES			170.50			
401-9030-43300-21:11	PROFESSIONAL SERVICES			3,250.50			
401-9030-43300-21:15	PROFESSIONAL SERVICES			3,833.00			
401-9030-43300-21:16	PROFESSIONAL SERVICES			83,173.50			

Inv Num Inv Ref#	Vendor Description GL Distribution	Inv Date Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnlized Post Date
	401-9030-43300-22:07	PROFESSIONAL SERVICES		3,013.00			

Inv Num / Inv Ref#	Vendor / Description / GL Distribution	Inv Date / Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnlized / Post Date
--- TOTALS BY FUND ---							
	101 - GENERAL FUND			28,437.48	28,437.48		
	203 - TRANSIT FUND			975.34	975.34		
	211 - LIBRARY FUND			1,528.89	1,528.89		
	225 - PUBLIC SAFETY FUND			38,365.85	38,365.85		
	230 - PARK & RECREATION FUND			12,271.28	12,271.28		
	235 - STREET & SEWER FUND			6,596.61	6,596.61		
	236 - PARKING LOT FUND			36.00	36.00		
	237 - SANITARY SEWER FUND			1,238.28	1,238.28		
	260 - AIRPORT FUND			37.50	37.50		
	274 - ROYAL TIRE TIF			100.00	100.00		
	277 - ARTSPACE TIF FUND			100.00	100.00		
	278 - HEALTHY EMPLYE INITIATIVE			503.73	503.73		
	281 - JIMMY JOHN'S TIF			100.00	100.00		
	283 - TACO JOHN'S TIF FUND			100.00	100.00		
	292 - TIMBERLAND TWNHMS TIF			100.00	100.00		
	293 - BRAINERD MALL TIF FUND			100.00	100.00		
	400 - CAPITAL PROJECTS FUND			26,737.00	26,737.00		
	401 - CONSTRUCTION FUND			120,517.16	120,517.16		
--- TOTALS BY DEPT/ACTIVITY ---							
	0000 -			2,137.87	2,137.87		
	1003 - 10:03 DWNTWN MAIN CNTRACT			64.34	64.34		
	1400 - ADMINISTRATION			914.19	914.19		
	1609 - 16:09 BUFFALO HILLS RECON			2.21	2.21		
	1610 - LEGAL-CIVIL ATTORNEY			5,899.31	5,899.31		
	1700 - ENGINEERING			0.00	0.00		
	1800 - IT/GIS			4,259.40	4,259.40		
	1901 - 19:01 NW 4TH STREET IMPR			558.00	558.00		
	1902 - 19:02 CLST CONNECTION			12,964.57	12,964.57		
	1940 - CITY HALL			6,348.33	6,348.33		
	2001 - STREET REMODEL/ADDITION			5,352.00	5,352.00		
	2120 - POLICE DEPARTMENT			12,299.91	12,299.91		
	2121 - COMMUNITY SERVICE			38.98	38.98		
	2125 - BIKE PATROL PROGRAM			2,359.35	2,359.35		
	2127 - MISDEMEANOR PROSECUTOR			16,517.09	16,517.09		
	2131 - TACTICAL TEAM			573.00	573.00		
	2220 - FIRE DEPARTMENT			3,590.52	3,590.52		
	2400 - COMMUNITY DEVL/INSPECTION			8,817.11	8,817.11		
	2700 - ANIMAL CONTROL			2,987.00	2,987.00		
	3100 - S & S MAINTENANCE			1,486.81	1,486.81		
	3170 - TRAFFIC CONTROL			5,109.80	5,109.80		
	3180 - PARKING LOTS EXPENSE			36.00	36.00		

Inv Num Inv Ref#	Vendor Description GL Distribution	Inv Date Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnlized Post Date
--- TOTALS BY DEPT/ACTIVITY ---							
	3190 - SANITARY SEWER EXPENSE			1,238.28	1,238.28		
	5200 - PARK MAIN/ADMINISTRATION			5,234.04	5,234.04		
	5204 - CONCESSIONS			3,625.91	3,625.91		
	5211 - SPECIAL EVENTS PROGRAM			56.53	56.53		
	5215 - ADULT SOFTBALL			1,100.00	1,100.00		
	5216 - TOURNAMENTS PROGRAM			2,224.80	2,224.80		
	5280 - CAMPGROUND			30.00	30.00		
	5500 - LIBRARY-BUDGETED			1,478.04	1,478.04		
	5503 - HOLDEN TRUST DONATION USE			50.85	50.85		
	6503 - TIMBERLAND TWNHMS TIF			100.00	100.00		
	6505 - ROYAL TIRE TIF			100.00	100.00		
	6506 - TACO JOHN'S TIF			100.00	100.00		
	6512 - BRAINERD MALL TIF			100.00	100.00		
	6514 - JIMMY JOHN'S TIF			100.00	100.00		
	6515 - HEALTHY EMPLYE INITIATIVE			503.73	503.73		
	6517 - ARTSPACE TIF FUND			100.00	100.00		
	9000 - TRANSIT FUND			975.34	975.34		
	9020 - AIRPORT M & O			37.50	37.50		
	9030 - CONSTRUCTION PROJ-MISC			106,928.04	106,928.04		
	9050 - CAPITAL PROJECTS-MISC			21,385.00	21,385.00		
	9200 - CITY-WIDE			61.27	61.27		

Brainerd, MN
April 18th, 2022

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 Bevans.

Upon roll call, the following members were noted as present: Stenglein, Erickson, Stunek, Johnson, Pritschet, and Bevans. Member O'Day was present via WebEx from 1126 Tipton Ct, Fort Meyers, FL 33901. Mayor Badeaux was also noted as present.

Due to a Council Member attending virtually, all votes are roll call votes.

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

MOVED AND SECONDED BY COUNCIL MEMBERS PRITSCHET AND STUNEK TO APPROVE THE AGENDA.

Upon roll call, Council Members Stenglein, Erickson, O'Day, Stunek, Johnson, Pritschet, and Bevans voted "aye". No member voted "nay". The Chair declared the motion carried.

MOVED AND SECONDED BY COUNCIL MEMBERS STENGLEIN AND ERICKSON TO APPROVE THE CONSENT CALENDAR.

A. **Approval of Bills- Approved**
B. **Approval of Minutes of the Regular City Council Meeting held on April 4th, 2022- Approved**
C. **Approval of Licenses- Approved**
D. **Department Activity Reports- Approved**
E. **Resolution 16:22- Accept 1st Quarter Donations**

Upon roll call, Council Members Stenglein, Erickson, O'Day, Stunek, Johnson, Pritschet, and Bevans voted "aye". No member voted "nay". The Chair declared the motion carried.

Council Committee Reports

Safety and Public Works

Approve Event/Parking Lot Closure Application- Armed Forces Freedom Festival

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND ERICKSON TO APPROVE THE EVENT APPLICATION WITH THE CONDITIONS LISTED IN THE APPLICATION.

Upon roll call, Council Members Stenglein, Erickson, O'Day, Stunek, Johnson, Pritschet, and Bevans voted "aye". No member voted "nay". The Chair declared the motion carried.

Approve Event/Street Closure Application- Smiles on the 'Ssippi

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND PRITSCHET TO APPROVE THE EVENT APPLICATION WITH THE CONDITIONS LISTED IN THE

APPLICATION; FUTHER THAT THERE BE NO ALCOHOL AND APPLICANT CONTACT CROW WING COUNTY EMERGENCY SERVICES.

Upon roll call, Council Members Stenglein, Erickson, O'Day, Stunek, Johnson, Pritschet, and Bevans voted "aye". No member voted "nay". The Chair declared the motion carried.

Approve Construction and Maintenance Cost Share Agreement with Crow Wing County for 2022 Cuyuna Lakes State Trail Project

Committee Chair O'Day stated that the City will manage the portion of the trail that is on 13th Street, County Road 45, which is a County highway.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND ERICKSON TO APPROVE THE AGREEMENT AS PROPOSED.

Upon roll call, Council Members Stenglein, Erickson, O'Day, Stunek, Johnson, Pritschet, and Bevans voted "aye". No member voted "nay". The Chair declared the motion carried.

Approve Plans and Specifications and Authorize Bidding for Improvement 19-02-Cuyuna Lakes State Trail West Segment

Committee Chair O'Day stated that the bid opening will take place on May 25th at 10:00 a.m.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND PRITSCHET TO APPROVE THE PLANS AND SPECIFICATIONS AND AUTHORIZE BIDDING OF THE WORK.

Upon roll call, Council Members Stenglein, Erickson, O'Day, Stunek, Johnson, Pritschet, and Bevans voted "aye". No member voted "nay". The Chair declared the motion carried.

Approve Construction Materials Testing Agreement with Braun Intertec for Improvement 19-02 Cuyuna Lakes State Trail NP Center Segment

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND ERICKSON TO APPROVE THE PROPOSAL FROM BRAUN INTERTEC IN THE PROPOSAL AMOUNT NOT TO EXCEED $6,329 FOR MATERIALS TESTING ON IMPROVEMENT 19-02 - CUYUNA LAKES STATE TRAIL NP CENTER SEGMENT.

Upon roll call, Council Members Stenglein, Erickson, O'Day, Stunek, Johnson, Pritschet, and Bevans voted "aye". No member voted "nay". The Chair declared the motion carried.

Review Classification of Land to "Non-Conservation" and Future Land Sale of Tax Forfeited Lands

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND PRITSCHET TO CONCUR WITH THE NON-CONSERVATION STATUS OF BOTH PARCELS 41241526 AND 41360899 SO THAT THEY MAY BE PLACED ON THE COUNTY TAX FORFEIT LAND SALE.

Upon roll call, Council Members Stenglein, Erickson, O'Day, Stunek, Johnson, Pritschet, and Bevans voted "aye". No member voted "nay". The Chair declared the motion carried.

Direction on Active Code Enforcement Cases

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND ERICKSON TO APPROVE THE RECOMMENDATIONS FROM STAFF FOR THE FIVE PROPERTIES.

Upon roll call, Council Members Stenglein, Erickson, O'Day, Stunek, Pritschet, and Bevans voted "aye". Council Member Johnson voted "nay". The Chair declared the motion carried.

Personnel and Finance Committee

Consideration of Bids for the Historic Water Tower Rehabilitation Project

Committee Chair Johnson stated the bid was about $61,000 higher than expected at $385,000. The City's contribution will be $162,043 as a match to the Historical Society grant and the Water Tower Committee covering the rest of the cost with their raised funds.

Paul Skogen, 13347 Norway Drive, Baxter, Chair of the Water Tower Committee, stated that the remaining earmarked funds from the City will stay in reserve for other grant opportunities as a match.

Council Member Bevans stated he is in support of the motion but is concerned about the condition of the stairs. Discussion was held on the phase in which the stairs will be addressed.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK TO AWARD PHASE 1 OF THE HISTORIC WATER TOWER REHABILITATION PROJECT TO HY-TEC CONSTRUCTION IN THE AMOUNT OF $385,000 AND AUTHORIZING SIGNATURES ON THE AGREEMENT WITH HY-TEC WITH THE WATER TOWER COMMITTEE USING THEIR FUNDS RAISED TO COVER OVERAGES.

Upon roll call, Council Members Stenglein, Erickson, O'Day, Stunek, Johnson, Pritschet, and Bevans voted "aye". No member voted "nay". The Chair declared the motion carried.

Ratify Hiring of 2022 Interns and Summer Temporary Employees

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STENGLEIN TO RATIFY THE HIRING OF 2022 INTERNS AND SUMMER TEMPORARY EMPLOYEES AS PRESENTED.

Upon roll call, Council Members Stenglein, Erickson, O'Day, Stunek, Johnson, Pritschet, and Bevans voted "aye". No member voted "nay". The Chair declared the motion carried.

Accept the Resignation of Police Officer Knisley

Committee Chair Johnson stated that this brings the roster to 24 out of the 27 officers the department hopes to have this year.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK TO ACCEPT THE RESIGNATION OF OFFICER STEVEN KNISLEY'S RESIGNATION EFFECTIVE MARCH 31, 2022.

Upon roll call, Council Members Stenglein, Erickson, O'Day, Stunek, Johnson, Pritschet, and Bevans voted "aye". No member voted "nay". The Chair declared the motion carried.

Accept the Resignation of City Engineer/ Public Works Director Paul Sandy

Committee Chair Johnson stated that the work group for Community Development Director hiring will also include the Public Works Director hiring.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STENGLEIN TO ACCEPT THE RESIGNATION OF CITY ENGINEER/PUBLIC WORKS DIRECTOR PAUL SANDY EFFECTIVE MAY 6, 2022; APPROVE THE ATTACHED REVISED CITY ENGINEER/PUBLIC WORKS DIRECTOR JOB DESCRIPTION AS PRESENTED; AND DESIGNATE COUNCIL MEMBERS O'DAY AND JOHNSON AS COUNCIL REPRESENTATIVES TO A WORK GROUP TO OVERSEE THE CITY ENGINEER/PUBLIC WORKS DIRECTOR HIRING PROCESS.

Upon roll call, Council Members Stenglein, Erickson, O'Day, Stunek, Johnson, Pritschet, and Bevans voted "aye". No member voted "nay". The Chair declared the motion carried.

Approval of MOA for Acting Community Development Director

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK TO APPROVE THE MEMORANDUM OF AGREEMENT BETWEEN THE CITY OF BRAINERD, THE INTERNATIONAL BROTHERHOOD OF ELECTRICAL WORKERS (IBEW) LOCAL NO. 31 UNION AND JAMES KRAMVIK FOR KRAMVIK TO BE APPOINTED AS THE ACTING COMMUNITY DEVELOPMENT DIRECTOR EFFECTIVE APRIL 23, 2022.

Upon roll call, Council Members Stenglein, Erickson, O'Day, Stunek, Johnson, Pritschet, and Bevans voted "aye". No member voted "nay". The Chair declared the motion carried.

Update on Community Development Director Hiring Process

Committee Chair Johnson stated that the position descriptions have been updated to better divide duties. The profile also easily depicts the hiring range and pay range to help candidates understand the performance-based system.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STENGLEIN TO APPROVE THE ATTACHED COMMUNITY DEVELOPMENT DIRECTOR POSITION PROFILE AND HIRING TIMELINE; APPROVE THE ATTACHED REVISED JOB DESCRIPTIONS FOR THE COMMUNITY DEVELOPMENT DIRECTOR, BUILDING OFFICIAL AND ASSISTANT PLANNER; AUTHORIZE THE WORK GROUP TO CONTINUE TO OVERSEE THE COMMUNITY DEVELOPMENT DIRECTOR HIRING PROCESS AND TO DESIGNATE COUNCIL MEMBERS O'DAY AND JOHNSON TO SERVE AS COUNCIL REPRESENTATIVES ON THE COMMUNITY DEVELOPMENT DIRECTOR INTERVIEW PANEL.

Approval of Change Order for Zoning Code Update Project

Committee Chair Johnson stated the zoning update was set to be on budget at $90,000 and on time, but when the Council rejected the final zoning code additional funds are needed to extend the timeline and consulting work.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK TO APPROVE THE CHANGE ORDER IN THE AMOUNT OF $5,000 FOR THE COMPLETION OF THE ZONING CODE UPDATE PROJECT.

Upon roll call, Council Members Stenglein, Erickson, O'Day, Stunek, Johnson, Pritschet, and Bevans voted "aye". No member voted "nay". The Chair declared the motion carried.

Consideration of Contract with Swanson-Haskamp Consulting for As-Needed Planning and Zoning Consulting

Committee Chair Johnson stated that if something complex comes up that James feels needs a second set of eyes, he can request services. He will effectively be fulfilling two jobs until a new Community Development Director is hired.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STENGLEIN TO APPROVE THE PROPOSAL FROM SWANSON HASKAMP CONSULTING FOR AS-NEEDED PLANNING & ZONING CONSULTING SERVICES IN AN AMOUNT NOT TO EXCEED $10,000.

Upon roll call, Council Members Stenglein, Erickson, O'Day, Stunek, Johnson, Pritschet, and Bevans voted "aye". No member voted "nay". The Chair declared the motion carried.

Consider Brainerd Community Action Request for Agreement Amendment

Committee Chair Johnson stated that Brainerd Community Action requests that the liaison is a voting member, second that the city provide offices if needed in the future. He does not foresee their need for an office, but one could be provided if faced with the need.

Chair Bevans is concerned about where the City would plan to house Community Action should the need come about. Council discussion was held and it was determined that there would be space if the need was to arise.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND TO STUNEK AUTHORIZE AMENDING THE AGREEMENT BETWEEN THE CITY OF BRAINERD AND BRAINERD COMMUNITY ACTION PER THE REQUEST.

Upon roll call, Council Members Stenglein, Erickson, O'Day, Stunek, Johnson, and Pritschet voted "aye". Council Member Bevans voted "nay". The Chair declared the motion carried.

Authorize Library Entrance Door and to Request Funds from Kitchigami Regional Library (KRL)

Committee Chair Johnson stated that Mary Koep had brought the underspent funds to the City's attention to be used for capital spending. The vote is to show support for the project. The project is to make the library more accessible.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STENGLEIN TO AUTHORIZE THE APPROVAL OF THE BRAINERD PUBLIC LIBRARY BOARD FRONT ENTRANCE DOOR PROJECT, REQUESTING $31,495 IN FUNDS FROM THE KITCHIGAMI

REGIONAL LIBRARY RESERVE FUNDS DESIGNATED FOR THE BRAINERD PUBLIC LIBRARY.

Upon roll call, Council Members Stenglein, Erickson, O'Day, Stunek, Johnson, Pritschet, and Bevans voted "aye". No member voted "nay". The Chair declared the motion carried.

Adopt Resolution to Elect the Standard Allowance Available Under the Revenue Loss Provision of the Coronavirus Local Fiscal Recovery Fund Established Under the American Rescue Plan Act

Committee Chair Johnson stated this was discussed at the February 28th workshop this is the formal adoption of the resolution.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK TO ADOPT RESOLUTION ELECTING THE STANDARD ALLOWANCE AVAILABLE UNDER THE REVENUE LOSS PROVISION OF THE CORONAVIRUS LOCAL FISCAL RECOVERY FUND ESTABLISHED UNDER THE AMERICAN RESCUE PLAN ACT.

RESOLUTION 17:22

Upon roll call, Council Members Stenglein, Erickson, O'Day, Stunek, Johnson, Pritschet, and Bevans voted "aye". No member voted "nay". The Chair declared the motion carried.

Update on Request for Funds to be Returned from Lakes Area Media Collaborative

Committee Chair Johnson stated that there has not been a response from Lakes Area Media Collaborative.

Unfinished Business

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

Mayor Recommended: (terms to expire on 12/31 of said year)
Cable TV Advisory Committee – 2 terms (Expire 2022) --1 term (Expire 2024)
Charter Commission – 1 term (Expire 2022) 1-term (Expire 2025)
Rental Dwelling License Board of Appeals – 3 terms (Expire 2022)

Mayor Recommended: (terms to expire 09/07 of said year)
Economic Development Authority (EDA) – 1 term (Expire 2022) – 1 term (Expire 2026)

Council President Recommended: (terms to expire 12/31 of said year)
Planning Commission—1 term (Expire 2023)

Ad Hoc Committees – Applicants Needed
Water Tower Fundraising Committee – 1 position available

New Business

First Reading- Proposed Ordinance 1529- An Ordinance Amending Section 1200 of the Brainerd City Code Pertaining to Intoxicating Liquor

Finance Director Hillman stated that at the April 4, 2022, council meeting staff was directed to draft an ordinance to allow more than one Class 2 and Class 3 liquor licenses to be issued to a person. State Statute limits the number of off-sale liquor licenses to one but not the number of on-sale licenses. If Council adopts the proposed language changes, the City would be more restrictive that State Statute by limiting the number of Class 1 or bar licenses to one per person.

MOVED AND SECONDED BY COUNCIL MEMBERS PRITSCHET AND STENGLEIN TO CONDUCT THE 1ST READING OF PROPOSED ORDINANCE NO. 1529, AN ORDINANCE AMENDING SECTION 1200 OF THE BRAINERD CITY CODE PERTAINING TO INTOXICATING LIQUOR AND DISPENSE WITH THE ACTUAL READING OF THE ORDINANCE.

Upon roll call, Council Members Stenglein, Erickson, O'Day, Stunek, Johnson, Pritschet, and Bevans voted "aye". No member voted "nay". The Chair declared the motion carried.

Public Forum

The Chair opened public forum at 8:00 p.m.

No one came forward.

The Chair closed public forum at 8:02 p.m.

Staff Reports

Community Development Director Chanski thanked the Council again for the opportunity to serve the City of Brainerd. The Planning Commission meeting is on Wednesday, April 20th, at 6:00 p.m. they will be considering some of the changes to the zoning code. The Mississippi Trailhead Landing Park came under bid, the project management team is meeting on Tuesday and the Park Board is meeting on Tuesday, April 26th.

Finance Director Hillman stated that the auditors will be at City Hall starting on April 25th, to start field work.

City Administrator Bergman stated that the ISD 181 school dedications are coming up, she encouraged City Representatives to attend. On Thursday, April 21st, she and County Administrator Houle will be at the library to do strategic planning to assist the Kitchigami Library Board with their board retreat and will be doing a session on governance. The Cable TV Advisory Board is reviewing a draft agreement with CLC, hoping that the draft will be considered at one of the Council meetings in May. Finally, the Charter Commission is meeting on April 20th at 4:00 p.m.

Mayors Report

Mayor Badeaux stated that the shoveling brigade will have a luncheon on Saturday, April 23rd at 12:30 p.m. at the Fire Department. The Junior Jaycees are doing a class afterward to learn about civic engagement. For Community Member of the Month, he is looking for members

of the community to recognize. Thanks to those who have shared members in the past. Finally, Camp Ripley has invited the Council for a briefing and tour at Camp Ripley.

Council Member Reports

Council Member Pritschet stated that it is amazing to see the progress of the Water Tower Committee.

Council Member Johnson thanked Rotary, the NP Center, and the Parks Department for the Easter egg hunt. Reminder to Department Heads that agenda items are due to the Finance Director or City Administrator by Wednesday at noon on packet weeks. Finally, he stated that the summer is going to be rough without a Community Development Director and City Engineer, the City Administrator is compiling a list of projects from the departments and will have a Council Workshop to prioritize the list of work.

Adjourn to Planning Commission Meeting April 20th, 2022, at 6:00 p.m.

MOVED AND SECONDED BY COUNCIL MEMBERS PRITSCHET AND ERICKSON TO ADJOURN PLANNING COMMISSION MEETING APRIL 20, 2022, AT 6:00 P.M.

Upon roll call, Council Members Stenglein, Erickson, O'Day, Stunek, Johnson, Pritschet, and Bevans voted "aye". No member voted "nay". The Chair declared the motion carried.

The Chair adjourned the meeting at 8:15 p.m.

_____

Jennifer Bergman
City Administrator

Brainerd Contractor License List

04/28/2022

DONLAR CONSTRUCTION COMPANY

Address	Licensee Type	Status	State License	License Expire Date	Local License	License Expire Date
550 SHOREVIEW PARK	General Commercial	Active	IR652404	12/31/2023	2022-0005	12/31/2022

KA MECHANICAL LLC

Address	Licensee Type	Status	State License	License Expire Date	Local License	License Expire Date
19264 WOODS EDGE T	Mechanical	Active	MB782705	06/17/2023	2022-0059	12/31/2022

KRAEMER HEATING & AC LLC

Address	Licensee Type	Status	State License	License Expire Date	Local License	License Expire Date
21034 FRUITWOOD RD	Mechanical	Active	MB746727	09/30/2022	2022-0060	12/31/2022

Total Licensees 3

Population: All Records

Licensee.DateRegistered Between 4/14/2022 12:00:00 AM AND 4/28/2022 12:00:00 AM

Brainerd Fire Department Monthly Report

April 2022

ACTIVITIES AND PUBLIC EDUCATION

In April, we presented fire safety information to BN Credit Union employees, Warrior Early Learning Center families, and welcomed several station tours. Firefighters attended the Day of the Young Child Event and the Northland Arboretum Community Event.

We have started the migration of our Records Management System to a cloud-based platform with Firehouse. The process is going well and we should be live on the new platform in June.

We continue to take applications for Paid on-Call Firefighters. Required testing will be held on May 21. Applications will be accepted until noon on May 13. An information meeting will be held on May 10 at 5:30 p.m. at the Laurel Street Fire Station.

Applicants must be 18 years old and have a valid MN Driver's License, High School Graduate or equivalent, and live within 10 minutes driving time of either the Laurel Street or Mill Avenue Fire Stations. We encourage those who are interested to apply online at www.ci.brainerd.mn.us.

We responded to a variety of different incidents in April including the rescue of a deer through the ice. This rescue was a great opportunity to train in very difficult ice conditions as the cold weather hangs on throughout this month.

Brainerd Fire Department Monthly Report

April 2022

TRAINING AND STAFF DEVELOPMENT

We started the month with EMS training and then moved to training with our lifting airbags and vehicle stabilization. Lifting airbags and stabilization are used when responding to several different situations including crashes, building collapse, or trench rescues. We followed with auto extrication training using a variety of our extrication equipment. We have both gas powered and battery powered extrication tools.

We ended the month with our annual live fire Aircraft Rescue and Fire Fighting (ARFF) training with the Brainerd Lakes Regional Airport. Brainerd Fire Department has 24 certified ARFF Firefighters. Annual training includes truck operations, interior fire attack, and search & rescue using an aircraft simulator with live fire. Brainerd Fire Department serves as the primary backup to the airport in the event of an emergency and this training is key in building trust and understanding of the requirements when it comes to aircraft incidents.

Firefighter Rosier attended Youth Fire Prevention and Intervention certification training in Bemidji.

Brainerd Fire Department Monthly Report

April 2022

INSPECTIONS	
Family Child Care	1
Fire Alarm	33
Fire Pump	3
Hood Suppression	18
Knox Box	5
License Inspection	1
Pre-Plan Meeting	1
Safety Inspection	6
Special Suppression	1
Sprinkler System	42

BRAINERD FIRE COVERAGE AREA INCIDENT REPORT	
Type of NFIRS Incident (National Fire Incident Reporting System)	**Coverage Area Total Incidents (Includes City of Brainerd)**
Fire	1
Rescue & Emergency Medical Service	6
Hazardous Condition	2
Service Calls	2
Good Intent Call	4
Alarm Activation	11
Severe Weather	0
TOTAL	26

Type of NFIRS Incident (National Fire Incident Reporting System)	City of Brainerd Total Incidents
Fire	0
Rescue & Emergency Medical Service	2
Hazardous Condition	2
Service Calls	1
Good Intent Call	3
Alarm Activation	2
Severe Weather	0
TOTAL	10

CITY ENGINEER/PUBLIC WORKS DIRECTOR REPORT
MAY 2, 2022 CITY COUNCIL MEETING

Recreation Report

Adult Softball

Brainerd Early Bird Tournament 12 teams were registered. We sadly cancelled the tournament due to our fields not being ready, but also the hazardous thunderstorm predictions for Friday night into Saturday.

Current registration spread is as follows:
Women's: 10
MS2: 12
MS1: 9
Masters/35+: 0 – Cancelling this year
Coed: 13

At this time, we will be pushing back the Men's leagues, they will start to May 3 and 4. The women's and coed league will start the week of May 16.

Special Events

The Brainerd Easter Egg Hunt went very well receiving just over 400 children, attracting a minimum of 800 people into our park Saturday April 16. We are very grateful for the volunteerism of the Brainerd Rotary Club, not only do they contribute monetarily but the day of the event they also help stuff all 500 candy bags, distribute eggs all over the park, set up, and tear down of the event. We also want to thank Sullivan Candy Supply, for their matching donation of candy. We work closely with them for our concessions and having their partnership blend into our special events is nice to see. This year was special because the Northern Pacific Center collaborated and were present at the event and gave away 8 bikes, 2 bikes per age group. This was a special touch to the event this year.

The Easter Ball Hunt also went very well, we hid over 150 balls the champion dog collected 24 balls. We had 25 dogs participate and even more owners. We are grateful for the large Tennis Ball donation from the BHS tennis teams as well as the gift cards to pampered pets for participants.

The Earth Day Collaboration took place on April 22 where volunteers collected garbage in Rotary, Buster, Kiwanis, Gregory, Lum, and along the road into the Northland Arboretum.

The Arbor Day event at the Arboretum, I unfortunately cannot attend, however we are collaborating with the Brainerd Garden Club to hand out pumpkin seeds to kick off our pumpkin growing contest. We plan to judge pumpkins and have them on display at the Great Pumpkin Festival this fall.

I am involved with OVOC (One Vegetable One Community) they have agreed to serve pickles and cucumber water at the "Last Dance of Summer" event. (fun!)

Fishing Clinic will occur May 21, 2022, for those unfamiliar with this event we provide a hands on fishing experience for children ages 4- 12 in Lum Park. We start the day with learning stations, segue to lunch, fishing contest then prizes and participant bags. The event roughly lasts from 9:30 a.m. – 2 p.m. weather dependent. We are always looking for more donations and volunteers for the event to help diversify the event a little bit each year.

Banners

We will start hanging banners on our fences this week.

Concessions

First round of concession products were ordered last week. This week we will work on organizing and getting signage current with new prices and products.

Parks Maintenance Report

SPRA Grant for Lum Park Road
The City of Brainerd was awarded funding for its State Park Road Account application for the reconstruction of Lum Park Road in the amount of $143,000. The next step in the process will be to hire a consultant for the design and engineering work that will go along with the project. Attached to this report is the award letter.

Kiwanis Park Improvements
The approved scope and plans for Kiwanis Park have been sent out to contractors. We will receive pricing over the next month or two and bring back the pricing to the Park Board with a recommendation for award on the improvements to the Kiwanis bathrooms and pavilion.

Splash Pad Column and Donor Items
Staff has been meeting with Hy-Tec to plan the installation of the donor column and plaque, along with organizing the placement of the donor pavers around the column before the grand opening of the splash pad. With the weather not really cooperating, the hope is to get this work done in the first few weeks of May.

Maintenance Tasks Completed Month Prior

- Cleaned snow from the campground host site so camper could be removed.
- Sharpened all mower blades to be ready for summer.
- Fixed valve on the snowblower and summarized for storage.
- Got all security cameras ready for the summer season.
- Re-energized all electricity in the parks.
- Beginning to turn on all the water in the parks.
- Repaired existing fencing at Buster Dog Park.
- Fixed vandalized outlets at Gregory Park warming house.
- Put out picnic tables.
- Put out all garbage receptacles.
- Swept and cleaned entire trail system.
- Removed hazardous and nuisance tree branches.
- Created and installed reservation signs at pavilions.
- Placed out all outdoor tennis and pickleball nets.
- Replaced bad water heater at Buffalo Hills Park.
- Blowing off and cleaning all outdoor courts.
- Prepping baseball and softball fields for summer use.
- Put out batting cages for summer use.
- Assisted in preparation for Easter Egg Hunt.
- Removed vandalized drinking fountain at Memorial Park and working on fixing.
- Fixing softball sunscreens.
- Resupplied all fields with chalk.
- Assembled new bases for baseball and softball fields.
- Ordered miscellaneous signs.
- Bean repairing Rotary Park observation deck.
- Fixed broken and warped boards on piers.
- Moved new freezers to Memorial Park.
- Hiring all summer temporary workers.
- Installed baby changing station at Memorial Park.
- Installed all flags on poles in parks and downtown.
- Made a brace for the drinking fountain at Jaycees Park.
- Made and installed pedestal for Lion Fountain plaque at Memorial Park.
- Replaced seasonal banners in downtown.

- Replaced netting on base protectors.
- Got satellite toilets out to Rotary Park Pavilion.
- Purchased push lawn mower and field groomer as part of capital plan.
- Participated in DOT trailer training and chainsaw training.
- Replaced locks on campground showers.
- Made extra base anchors for baseball fields.
- Placed new license tabs on all park's vehicles.
- Covered graffiti on the College Drive bridge.
- Repaired and painted red picnic tables.

Streets Maintenance Report

Street Sweeping
Street staff should be close to done sweeping the entire city in a day or two. Once that is complete, they typically begin re-sweeping areas that they started with, or areas where many cars were parked so they can clean the streets curb to curb.

Pothole Patching
Street crews have been busy pothole patching. The spring weather that we have experienced has wreaked havoc on the roads with the freezing and thawing each day. Please call City Hall to report potholes, and we can have the crew stop over and get it taken care of.

Sand/Salt Streets
It's not often that this needs to be said in April/May, however, some of the weather during the day and freezing overnight has caused slippery conditions in the mornings before the sun rises. Street staff have been applying salt/sand when needed to keep travelers safe.

MnDOT Inspections on Heavy Vehicles
Annually, each of our plow trucks needs to be inspected and tagged that it meets Department of Transportation Standards. Before the mechanics position was authorized to be refilled, the City would bring our trucks in for these inspections. Our mechanic, Marv Bush, since that time has become certified in inspections and now performs all of them in house, which saves the city time and money.

Locating and Installing Signposts Damaged throughout the Winter
Snow piles and vehicles damage city street signs through the winter. City staff have been busy performing repairs to all signs damaged through the winter season. Please report any damaged signs to City Hall so that they may get repaired.

Engineering Report

Improvement 21-10
Improvement 21-10 is out for bids, with bids due back on May 6, 2022. This project is for the surfacing of Greenwood Street, with construction to take place along with MnDOT's reconstruction of S 6th Street. This project is being competitively quoted, as it falls under the competitive bid threshold of $175,000.

Improvement 21-12
Bids are being solicited for Improvement 21-12, which is the reconstruction project in North Brainerd on N 3rd Street, N 6th Street, N 7th Street, and Juniper Street. After receiving information from many contractors on the availability of materials to construction the project (especially the ductile iron watermain), city staff had to issue an addendum to the project in which extended the completion date out to 2023. Ductile iron watermain is at least 20-24 weeks out for delivery currently, which leaves no time for the construction to take place. This leaves the Council with two options: do two large capital improvement street projects in 2023; or push the whole 5-year capital improvement plan back one year.

Staff is still readying for construction of the project by setting up project stakeout points, getting journals together, and getting item records accounts prepared for the construction project.

Improvement 22-02
Staff is soliciting quotes for the 2022 crack sealing project, with quotes due back on May 6th, 2022.

MS4 Annual Report
Upon the conclusion of the Public Hearing on May 2, staff will be able to complete the annual report for the MS4 permit and submit it before the June 30th deadline for submission to the MPCA.

Transit Report

Mask Mandate Ended
Masks mandates on public transportation services have ended, and members of the public can now ride our buses without masks or facial coverings.

Tablet Replacement
Transit staff have been working through pricing, plans, and logistics of replacing al of the bus tablets in 2022. The bus tablets are used for driver routing. With Uber recently purchasing the RouteMatch software platform, staff have been working with them to replace the tablets, as not only the age of them is becoming an issue, but the new owners have different ways of doing things which is causing some issues with the tablets.

Prepared and Finalized Cost Allocation Plan
This is something finance, and transit take care of each year.

Other Activities
- Attended the MnDOT Spring Workshop in St. Cloud.
- Reviewing and analyzing Routematch user groups and developing a plan to change an implement new groups.
- 2020 capital replacement bus is at North Central Bus and working with 2-way radio vendor to install radios.
- Continue training and assisting 3rd Party Contractor on Routematch use.
- Preparing transit marketing plan and increasing social media presence. Since our increased presence, we have had over double the hits on the transit webpage compared to this time last year.

Operations Services Division
1601 Minnesota Drive
Brainerd, MN 56401

April 19, 2022

Paul G. Sandy, P.E., City Engineer
City of Brainerd
501 Laurel Street
Brainerd, MN 56401

Dear Paul G. Sandy:

This letter serves as notice that $143,000.00 of State Park Road Account Funding is hereby authorized to Crow Wing County for reconstruction improvements to Lum Park Road (14th Avenue NE) from the intersection of State Highway 210 and 14th Avenue NE to Rice Lake Public Water Access.

State Park Road Account funds are to be used for access road construction/maintenance and necessary supporting infrastructure to state recreational units. This funding cannot be used for improvements to recreational facilities (e.g., parking lots, trails, boat ramps, etc.). County State Aid Highways must be approved by the County State Aid Screening Board.

The following criteria must be met before the authorized projects are let and contracts are awarded:

1. The unit of government (county, township, city) initiating this project must review the project with the DNR Area Hydrologist and Wildlife Manager to determine if the project has any adverse effect on protected waters or lands currently enrolled in the Reinvest in Minnesota (RIM) program.
2. A plan must be developed, signed by a registered engineer, and submitted to the MnDOT District State Aid Engineer through the County Engineer.
3. The Department of Transportation, Office of State Aid, will review the plan, and if acceptable, will notify the county engineer and the local unit of government to proceed with letting, force account or negotiated agreement.
    A. The County shall administer the contract, force account or negotiated agreement.
    B. For projects managed by the County, the County Engineer will supervise the construction and budget as the work progresses.
    C. On all projects, the District State Aid Engineer will monitor the progress of the project according to the specifications and proposals.
4. Payment requests as submitted by the County Engineer and based on estimates or force account agreements, shall be administered in accordance with State Aid rules and payments will be made to the County Treasurer.
5. Overruns are the responsibility of the local unit of government unless approved by the Department of Natural Resources and the State Aid Engineer.

6. Right-of-way costs (payments to land owners) are a reimbursable cost.
7. Engineering costs are the responsibility of the local unit of government.
8. The minimum standards for any improvement must be designed as shown on the attached sheet.

Sincerely,

Dave Sobania

Digitally signed by
Dave Sobania, P.E.
#22844
Date: 2022.04.19
15:18:23 -05'00'

Dave Sobania, P.E.
Administrative Engineer

Attachments: Minimum Geometric Design Standards

CC: Mao Yang, MnDOT, State Aid Division, Assistant Operations Engineer
Steve Hennessy, DNR, Parks and Trails Division, Development Consultant
Jamie Gangaware, DNR, Fish and Wildlife Division, Wildlife Operations and Development Supervisor
Gail Leverson, Widseth, Funding Specialist
Timothy Bray, Crow Wing County Highway Department, County Engineer
Angie Tomovic, MnDOT, State Aid Division, District 3 State Aid Engineer
Wade Miller, DNR, Parks and Trails Division, Area Supervisor
File, SPRA 863

May 2, 2022

HR DIRECTOR REPORT

In this report:

- NeoGov
- Employee Policy Manual Review
- Special Notes
- Personnel Update
- Wellness Committee

NeoGov

HR Staff has been meeting with our NEOGOV Project Manager weekly. We are in the final steps before testing our new Onboarding module with our seasonal/temporary employees.

Employee Policy Manual Review

An updated redlined version of our Employee Policy Manual (EPM) has been emailed to our City Attorney for review. We are hoping the City Council may review the revised EPM at their May 16th meeting.

Special Notes

Completed a Compensation and Benefits Survey as requested by the City of Baxter's consultant.

Staff has implemented a new hiring process for Police Officers. We are hopeful this new interview process will help secure candidates and get the pre-hire process completed as smoothly and efficient as possible. We will report back at the May 16th meeting on how the process went.

The Community Development Director and City Engineer/Public Works Director Work Groups were established and met to finalize the steps for those hiring processes. We have posted the Community Development position throughout Minnesota and our neighboring states.

HR Staff attended the League of MN Cities Safety and Loss Control Workshop in St. Cloud on April 19th. HR Staff also attended the Lakes Area Human Resource Association (LAHRA) meeting on April 14th focusing on mental health & our local Smiles for Jake initiative.

On April 21st we celebrated David and Paul with a send off party. The city is sad to see them go but wishes them well in their future endeavors!

Personnel

New Hires for City/BPU/HRA:
Patrick Waltman - HRA Maintenance Specialist (4/4)
Zachary Sova - BPU Business Office Intern (4/18)
Nick Brisk - BPU Two-week Electric Dept Intern (4/25)

Farewell to:
David Chanski - Community Development Director (4/22)
Paul Sandy - City Engineer/Public Works Director (5/6)

Current Job Opportunities:
Full-time:
Community Development Director (Deadline=5/10)
HRA Administrative Specialist (Open until filled)
Police Officer (pending job offers)
Part Time:
Paid-on-call Firefighter (Deadline is noon on 5/13)
Interns and seasonal/temporary positions:
BPU Summer Maintenance (pending job offers)
Community Development/Code Compliance Intern
Concession Workers (pending background checks)
Electric Department Interns
GIS/IT Intern
GIS/IT Intern - Tree Inventory
Parks Seasonal Maintenance Workers
Parks Weekend Custodial Worker (offer has been made)
Street Department Seasonal Laborers
Umpires - Adult Softball

There are currently five City/BPU/HRA employees with Family & Medical Leave Act (FMLA) issues. This includes an employee that recently returned to work on a limited, light-duty basis. That employee had been off from work for an extended period of time due to work-related injuries.

Wellness Committee

March Lunch 'N Learn (4/21): Get a Meal-Give a Meal

Employees were asked to bring non-perishables for the NorthStar Apartments Food Shelf. They were then challenged to pick up trash for Earth Day.

We were awarded a $2,000 grant from Crow Wing Energized for a water bottle filling station at City Hall. Preparations for the installation are underway.

We are currently participating in our annual spring Walking challenge sponsored by The Better Health Collective (Sourcewell). Brainerd is currently 6th out of 24 teams. Go Team Brainerd!

Upcoming events: Employee Appreciation Event (9/14)

Special Project: Creating a Lactation Room at one of our facilities

M E M O

TO: Mayor and City Council

FROM: City Administrator, Jennifer Bergman

DATE: May 2, 2022

RE: City Administrator Report

Summary of Projects

Prior to their resignation, I asked City Engineer/Public Works Director Sandy and Community Development Chanski to provide a list of projects they are currently working on. I took their lists and put them into a spreadsheet to try to determine which projects were high (green), medium (yellow) or low (red) priority based on their recommendations (see attached). A lead person is identified for each project as well as my role. With the resignation of two key department heads, I wanted to be able to prioritize the projects we currently have in the works and ask the Council to assist in the prioritization. I am asking Council members to review this spreadsheet and let me know if you agree with the prioritization

Charter Commission Meeting

The Charter Commission met on April 20th and discussed the intent of the Charter amendment, Chapter One (Names, Boundaries, Powers and Divisions) in regard to the geographic boundaries of the wards and Chapter Five (Streets). The Commission will be recommending some changes to both Chapters which will be brought to the Council on the first meeting in June as an ordinance.

BPU Commission Meeting

The BPU Commission met on April 26 (see attached agenda and minutes from February and March meetings). The Commission discussed the Banner Organization Policy and requested some follow up. This will be on the May meeting for approval.

KRLS

County Administrator Houle and I attend the Kitchigami Regional Library Board Retreat on April 21st. We facilitated a session on governance and policy. I also had the opportunity to sit in on the majority of the retreat and learned a lot about library systems in Minnesota and specifically how the Brainerd Public Library fits into the KRLS and the State.

City Engineer/Public Works Department Project List

Administrative Tasks

Project	Assigned To	Status	City Administrator Role during Transition
Capital/Operations Budgets	Connie Hillman/Supervisors	Will need to be a joint effort between everyone this year.	Work with Connie and Supervisors on PW/Eng budgets.
Bills for Eng/Streets/Parks/Transit/City Hall/etc.	Connie Hillman	Connie will need to approve all my bills moving forward.	None.
Timesheets	Jennifer Bergman	Approve all PW timesheets.	Approve All PW Timesheets.
Event Applications	Jennifer Bergman/Toni Gage	The City receives several event applications and most of them come in the spring and late summer. City Engineer has typically taken the lead on these and routed them to all DH's	Prepare Council agenda requests
City Council Packets	Paul Sandy	Prepare SPW Packets and items for Council for approval.	Review agenda requests
Park Board Packets	Katie Kaufman/Kim Finch/Jennifer Bergman	Prepare items for Park Board meetings and master planning.	Work with Katie/Kim/Troy on Park Board items that need action. Should be very few after Paul leaves. Prepare agenda items when needed.

Engineering

Improvement Projects

Project	Assigned To	Status	City Administrator Role during Transition
Imp 21-12 - North Brainerd Reconstruction Project	James Fladung	Bid opening May 6th; Need to evaluate bids to engineer's estimate and provide a recommendation to Council. Will be done by Paul before leaving.	Broad oversight; questions if any. The project has pretty much been turned over to engineering. Paul's role during construction has been minimal. Only getting involved if there are issues. James attends all construction meetings.
Imp 21-10 - Greenwood Street Reconstruction	James Fladung	Bid opening May 6th; Need to evaluate bids to engineer's estimate and provide a recommendation to Council. Will be done by Paul before leaving.	Broad oversight; questions if any. The project has pretty much been turned over to engineering. Paul's role during construction has been minimal. Only getting involved if there are issues. James attends all construction meetings.

Imp 18-13 - 6th Street Reconstruction	Luke Wehseler - MnDOT/James Fladung	MnDOT is the project manager on this project. There is a cost share agreement with MnDOT for this project. This is a MNDOT project and construction management will be handled by them.	Broad oversight; questions if any. The project has pretty much been turned over to engineering. Paul's role during construction has been minimal. Only getting involved if there are issues. James should attend construction meetings.
Imp 22-02 - Crack Sealing	James Fladung	Bid opening May 6th; Need to evaluate bids to engineer's estimate and provide a recommendation to Council. Will be done by Paul before leaving.	Broad oversight. Paul's role during construction has been minimal. Change orders, if any.
Imp 22-03 - Street Striping	Justin Larson	Bid opening May 6th; Need to evaluate bids to engineer's estimate and provide a recommendation to Council. Will be done by Paul before leaving.	Broad oversight. Paul's role during construction has been minimal. Change orders, if any.
Imp 22-04 - Street Patching	Shawn Middagh/James Fladung	Project not developed yet. Middagh and Fladung typically get out in the spring and look for areas where needed.	Bring to Council for authorization before getting quotes; bring back contract for authorization.
Imp 22-07 - East River Road Improvements	James Fladung/WSB - Project Consultant	Bid opening was April 14th; Need to evaluate bids to engineer's estimate and provide a recommendation to Council. Will be done by Paul before leaving. Paul will be involved in project at WSB.	Oversight; questions if any. The project has pretty much been turned over to engineering. Paul's role during construction has been minimal. Only getting involved if there are issues. James should attend construction meetings.

Imp 19-02 - Cuyuna Lakes State Trail	James Fladung/SEH - Consultant Contract	Knife River Awarded NP Center Segment construction and is on-going currently. West Segment will be out to bid and come back after Paul leaves. East Segment plans near completion. Will need to evaluate bids to engineer's estimate and provide a recommendation to Council.	Oversight; questions if any. The project has pretty much been turned over to engineering. Paul's role during construction has been minimal. Only getting involved if there are issues. James should attend construction meetings.
Street Vacation Request	James Fladung/Paul Sandy/Jennifer Bergman	The City will occasionally receive requests for the vacation of streets and alleys. We currently have a request that will be going to Council on May 2nd	Follow up on the street vacation request; prepare council agenda requests
Street Department Addition	Shawn Middagh/James Fladung/Widseth - Consultant Contract	Nor-Son is awarded this construction project. Will continue in spring with the addition. Widseth will help to manage construction.	Broad oversight. Bring change orders to Council if any.
Annex Remodel	Shawn Strong/Jennifer Bergman/Widseth Consultant Contract/Stacy Headley	Hy-Tec will likely be awarded this construction project.	Work with City Attorney on Lease Agreement and Agreement with Region 5 for the construction. Region 5 will be contract holder with Hy-Tec and holds contract with Widseth.
Historic Water Tower Rehab	James Fladung/LHB - Consultant Contract	Bid Opening was April 8th. Project was awarded to Hy-Tec. LHB will manage construction.	Work with LHB/City Attorney/Brad Person to acquire Temporary Construction Easement for contractor placing roof. Brad is aware that we will be bringing something forward to him. Will need to know contractor operation before that happens so we know where easement will be.

Imp 20-07 - Sanitary Sewer Lining/Rehabilitation Project	James Fladung/SEH - Consultant Contract	Bid opening May 6th; Need to evaluate bids to engineer's estimate and provide a recommendation to Council. Will be done by Paul before leaving.	Oversight; questions if any. The project has pretty much been turned over to engineering. Paul's role during construction has been minimal. Only getting involved if there are issues. James should attend construction meetings.
Imp 22-05 - Sanitary Sewer Flow Monitoring	James Fladung /SEH - Consultant Contract	Work is on-going. SEH will prepare final report during summer/fall.	Broad oversight.
Imp 21-11 MS4 Update	James Fladung/HRGreen - Consultant Contract	Work is on-going. On-going work items are stormwater ordinance revisions (first reading on May 2 City Council agenda). Other work tasks will be completed to finish off update.	Broad oversight.
Imp 22-06 - Oak Street Harrison Elementary Safe Routes to School Project	James Fladung	Proposals are due back April 29th. Will need to recuse myself as WSB was sent this proposal. Will need to select consultant to move forward with the design. Construction planned for 2023. James will need to work with new consultant once on board.	Assist in consultant selection and bring forward to City Council for approval.
Imp 21-15 - Buffalo Hills Gully Erosion Project	James Fladung/HRGreen - Consultant Contract	30% plans complete. Working towards 60% plans. This would be a good project for ARP funds.	Work with either HRGreen (not in scope) or James on easement acquisition for the project. City Attorney would draft easements, and exhibits would be provided by HRGreen.
Police Department Impound Shed	Mike Bestul/John Davis/James Fladung/Widseth - Consultant Contract	Project awarded to Lind Construction and Masonry.	Broad oversight.
2022 Bridge Inspections	James Fladung	Consultant proposals due April 22. Will need to recuse myself from the selection committee.	None. New Engineer will need to sign off on inspection data from selected consultant as program administrator once inspection is completed in October.

Imp 19-15 - Highway 210 PMT and VQM Subcommittee	James Fladung/Luke Wehseler - MnDOT/Chris Hiniker - Consultant Contract/Jennifer Bergman	Much of the layout work will be complete when I leave, and MnDOT will be moving into another round of public engagement. VQM work will be close to complete, but will still need to be coordinated and completed with group. This may be a task Paul still participates in with the help of James and Jennifer.	Sit in on all meetings of both groups to stay informed and make decisions as they come up.
Parks			
Improvement Projects			
Project	**Assigned To**	**Status**	**City Administrator Role during Transition**
Imp 21-16 - Mississippi Landing Trailhead Park	James Fladung/WSB - Project Consultant	Bid opening was April 14th; Need to evaluate bids to engineer's estimate and provide a recommendation to Park Board. Will be done by Paul before leaving. Paul will be involved with project at WSB.	Oversight; questions if any. The project has pretty much been turned over to engineering. Paul's role during construction has been minimal. Only getting involved if there are issues. James should attend construction meetings.
Kiwanis Park Capital Improvements	Troy Harris/TWM Architecture - Consultant Contract	Project scope has been approved by Park Board. Project will go out for quotes (TWM will handle quotes). Park Board will need to approve improvement pricing once quotes are receieved.	Oversight; questions if any. Only getting involved if there are issues. Troy should attend construction meetings. Need to implement design standards, in which Travis from TWM Architecture has been a part of.
Jaycees Park Playground	Troy Harris/Park Board/Kevin Yeager	Need to coordinate with Christopher Johnsen on placement/shape/etc of playground at Jaycees per the master plan approved by Park Board.	Broad oversight.

Boards and Lights install at Memorial Park	Troy Harris	Lights and Boards are on order. Just need to coordinate install schedule. Board installer also needs to replace some of the boards on the large rink.	Broad oversight.
Other PW Projects			
Project	**Assigned To**	**Status**	**City Administrator Role during Transition**
Towing Services	Mike Bestul/John Davis	This work bids on April 22nd. Will be taken care of andd approved before Paul leaves.	None.
State Park Road Account Grant - Lum Park Road	James Fladung	Now that we have been awarded, City will need to issue RFP for services for design/construction administration. Coordination with the County and State Aid will also need to take place. Could be put on hold until new person arrives.	Broad oversight. Bring change orders to Council if any.
Spring Clean-Up Day - Lakes Area Skate Park	Shawn Middagh/Mayor Badeaux	Plan will be in place before Paul leaves. Paul will have Shawn be there day of event.	Broad oversight.
Agreements with Brainerd Bees and Brainerd/Baxter Baseball Association for Field Maintenance	Troy Harris/Katie Kaufman	This will be executed before Paul leaves and completed. Troy and Katie to manage contracts from there.	None.
Street Light Policy	James Fladung/Trent Hawkinson	Unsure where to go with this one. Policy is complete and approved, however need to work with vendors on standard to be inserted into the policy.	Lead discussions on this issue. Complete standard including pole, outlets, banner hangers, temperature, lumens, etc. and insert into policy.
Transit Items	Jennfier Bergman	Conversation with Blue Sky on Service.	Lead the discussion.

Maintenance Contract with Crow Wing County	Connie Hillman/Jennifer Bergman	The contract will need to be discussed with Crow Wing County in the near future, and it won't happen before I leave. I think the county wants to talk about costs.	Lead the discussions with Debbie Erickson and John Melson over at Crow Wing County and bring a new contract forward once complete.
Charter Streets Discussion	Jennifer Bergman/Connie Hillman	Based on the discussion on 4/20, it sounds as though they will be moving forward with Paul's redlines.	Draft ordinance and bring to Council once Charter Commission approves changes.
MS4 Annual Report	James Fladung	Presentation for report will be on May 2 Council agenda. James will need to complete the annual report and submit to the MPCA. He has done this in the past.	Sign the MPCA MS4 Annual Report on behalf of the City.
Street Department Salt/Sand for Winter	Shawn Middagh	Salt is already ordered. Will need to get quotes for wash sand sent out. These can be administratively approved. Paul can help shawn get them out when time comes.	None.
Praks Community Education and YMCA Contracts	Katie Kaufman	These are both in place. The Park Board would like Community Education to perform an after season survey to particpants like the YMCA. Katie will need to coordinate that with them.	Broad oversight; questions if any.
Rotary Requests to Park Board	Jennifer Bergman	Review requests by Rotary and implement some (picnic tables, trash cans, porta-potties at new pavilion, which are already done).	Maybe ask they put other projects on hold until new person gets here and gets acquainted with relationship.
City Cleaning Contract	Connie Hillman/Pam Ziemer	This issue is taken care of and completed.	Address any issues that arise

Sanitary and Storm Rate Study	James Fladung/Connie Hillman	Quotes have been authorized with UFS for rate studies. Connie and James will need to work with them to get them info.	Broad oversight; questions if any.
Tree Planting in Streets and Parks	James Fladung/Troy Harris/James Kramvik	These three will need to work together on varieties, locations, and quotes to get this work done this summer. There is $50,000 in boulevard trees and $25,000 in parks trees to plant.	Broad oversight; questions if any.
S 5th Street Closure	James Fladung	This will be resolved before Paul leaves. Meetings with district, Community Action, and others are scheduled to talk this over.	Broad oversight; address any issues
Weed and Feed Program - Parks	Troy Harris	Paul will get maps of areas out for quotes before he leaves. Troy will need to follow up with Stout for pricing. Budget is $25,000.	None.
Assessment Trial	Joe Langel	Paul will coordinate with Joe on what is needed for this.	None.
Audit/GASB	James Fladung/Connie Hillman	James and Connie will work together to complete GASB info.	Broad oversight.
Security Cameras at Kiwanis/Bridge	Shawn Strong	Shawn knows what is needed for this project and was coordinating with Midwest Security.	None.
ADA upgrades - Parks	James Fladung	Haave $25,000 in Capital Improvement Fund for ADA upgrades. This will likely be spent at Kiwanis Park. Need to formulate a plan for where this is spent and get quotes for the work.	Broad oversight; answer questions if any.

Community Development Department Project List

Administrative Tasks

Capital/Operations Budgets	Connie Hillman/James Kramvik	Will need to be a joint effort between everyone this year.	Work with Connie and James on CD budgets.
Timesheets	Jennifer Bergman	Approve all CD timesheets.	Approve All CD Timesheets.

Planning

Planning Commission Meetings	James Kramvik	James will make sure any variance, CUP or IUP requests get on the PC agenda	Oversight; Attend meetings
Zoning Code Update	James Kramvik	The City Council asked the PC to review a few sections of the zoning code which was done at their 4/20 meeting. They asked staff to do some follow up and will be bringing it back to the PC at their 5/18 meeting. From there the plan is to bring it back to Council on 6/6 for the first reading of the proposed zoning code	Oversight; assist in the revisions to the proposed zoning code
Downtown Flowers	Intern/James Kramvik/Parks/Streets	We were able to hire an intern for this through mid-August. James will be the back-up during the summer; working with streets and parks to water after mid-August	Oversight

EAB Grant/Tree Inspection	James Kramvik	Received a grant for Emerald Ash Bore; about 1/2 way through the tree inventory. Was hoping to get an intern to finish it. Offered the job to 2 people both turned it down because they accepted other offers. Received an extension to 2023 but James will do when he is able	Oversight
MLT LCCMR Management	Jennifer Bergman/Connie Hillman/WSB	The City received a grant from LCCMR of $2.85 million for the Mississippi Landing Trailhead Park. This grant has reporting requirements. Bids were received and came in under budget. PMT is overseeing the process. PMT meets as needed and will not meet again until July.	Work with WSB to schedule PMT meetings; assist with construction oversight
Parking Commission	Jennifer Bergman/James Kramvik/Mike Bestul	Parking Commission made recommendations to the Counci on February 22. The Council then established a standing Parking Commission and appointed members. The plan of the Parking Commission is to monitor the recommendations.	Prepare the Parking Commission agenda and agenda requets items. Would recommend pausing on this untel we have a new CD Director and City Engineer/PW Director.

Code Codification	Jennifer Bergman/Kris Schubert/Toni Gage/New CD Director	With the changes to the Charter and upcoming Employee Policy Manual, there were be changes needed to the City Code. The recommendation at the Council Workshop on January 24th was to prepare an RFP in 2022 to have a consultant on board in 2023 to assist with the codification	We will have something in the budget for 2023 for this codification. The plan was to have an RFP prepared by this fall so that we would have a consultant ready to go on January 1, 2023 assuming the budget is approved. Recommendation would be to hold off on this until we have a new CD Director.

EDA

EDA Meeting	Jennifer Bergman/New CD Director	The EDA meets at 7:30 a.m. the first Thursday of every month.	Prepare agendas and agenda request items
Roberts Land - Possible Uses	Jennifer Bergman/Swanson Haskamp/New CD Director	Work with developers to identify possible uses of the portion of the Roberts land not needed by BPU	Work with Swanson Haskamp
Economic Development Services Contracts	Jennifer Bergman/New CD Director	Monitor contracts with BLAEDC, DDBC, Swanson Haskamp, Visit Brainerd	Monthly reports are required in the agreements with all organizations; Review reports and include on EDA agenda
Redevelopment/Development Opportunities	Jennifer Bergman/New CD Director	Swanson Haskamp has put together some recommendations for redevelopment/development opportunities in Brainerd. The plan is to reach out to developers on the property owned by the City. Some of the recommended properties are privately owned and the direction by the EDA was to reach out to those property owners along 210 to see if they have any interest in redeveloping	Work with Swanson Haskamp to identify potential developers and to contact property owners who may be interested in redeveloping

State Hospital Property Acquisition	Jennifer Bergman/New CD Director	Currently the State of Minnesota owns the State Hospital land and they do not have any plans for developing the property. Staff had a discussion with State representatives on the potential of the City acquiring the property from the State. They were agreeable to it but there is a process. The simplest process is by legislative action. A bill can be drafted, approved by the State Legislature, signed by the Governor, to transfer the state property to a local unit of government. The EDA made a recommendation to the City Council to draft a bill transferring the undeveloped property to the City of Brainerd	We have missed the deadlines for the legislature to consider bills in the 2022 session. The plan is to bring this request to the Council for consideration and then prepare a bill to be considered in the 2023 session.

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BRAINERD PUBLIC UTILITIES
AGENDA FOR REGULAR MONTHLY OF APRIL 26, 2022
9:00 AM, COMMISSION ROOM, BPU SERVICE CENTER, 8027 HIGHLAND SCENIC ROAD

1. Call to Order

2. Roll Call – Angland ___, Johnson ___, Matten ____, Wussow ___, O'Day ___

3. Pledge of Allegiance

4. Consent Agenda
   A. Approval of minutes for regular monthly meeting of February 22, 2022.
   B. Approval of minutes for regular monthly meeting of March 29, 2022.
   C. Approval of the current month's bills.

   Recommended Action: Roll call motion to approve consent agenda items A and B.
   Motion - _____, Second - _____.

5. Public Forum – Time allocated for customers to bring matters not on the agenda to the attention of the Commission – Time limits may be imposed.

6. President's Report

7. Other Commissioners' Reports

8. City Administrator Report

9. City Liaison Report

10. Finance Director's Report

11. Superintendent's Report

12. Old Business
    A. Discussion of Policy 2021-02 – Banner Organization Assistance Policy.

13. New Business
    A. Approve pay request No. 5 received from Magney Construction for $203,550.95 for water tank storage project.
    B. Water plant staffing – Authorize staff to advertise for vacant Operator position and for Relief Operator/Laborer

14. Adjournment: Motion _____, Second - _____.

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The regular meeting of the Brainerd Public Utilities Commission was held at 9:00 AM on March 29, 2022.

Commission President O'Day called the meeting to order.

Commission Roll Call

Mike Angland – Present
Tad Johnson – Absent
Patrick Wussow – Present
Mark O'Day – Present
Dolly Matten – Present

Utility Staff Present

Finance Director — Todd Wicklund
Superintendent — Scott Magnuson
Recording Secretary — Mandy Selisker
Accounting Supervisor — Jana Pernula
Operations Supervisor — Trent Hawkinson
Wastewater Supervisor — Charlie Gammon

Others in Attendance

Brainerd City Administrator — Jennifer Bergman
Brainerd Dispatch — Theresa Bourke

Commission President O'Day opened the meeting with the Pledge of Allegiance.

Approval of Consent Items

Motion by Commissioner Wussow and seconded by Commissioner Matten to amend the minutes from the February 22, 2022, regular monthly meeting to remove item 4(a) to reflect a unanimous vote after closed session to bring the recommendation to proceed with purchase of Roberts' property to City Council. There was a unanimous vote in favor of the motion. Motion carried.

Motion by Commissioner Matten and seconded by Commissioner Angland to approve the payment of the current months' bills. There was a unanimous roll call vote in favor of the motion. Motion carried.

BRAINERD PUBLIC UTILITIES COMMISSION MEETING
March 29, 2022

Public Forum

- David Winkelman; Winkelman Solar Developers and Peter Nelson; Brainerd Rotary Club gave a presentation on plans for Solar installation at Rotary Park.
  Key points included:
  - Newly built pavilion at Rotary Park would be a great solar collector and would like to put a small amount of solar on the pavilion, approximately 7.5 kilowatts.
  - Rotary cannot take any profit so the potential plan would be to design, install and finance the project through a newly established LLC then donate the LLC back to the City, in approximately 5 years.
  - There would be a kiosk to help present the solar generation and savings to the public.
  - Estimate is about $1,000 per year in electricity generation while cost for installation of electric would be approximately $3,000-$4,000 for BPU.
  - Winkelman Solar would be donating their time for the project.
  - Rotary members are going to donate money for the project and once breakeven is met, proceeds would go to the City.
  - Security system would need to be installed per Park Board initiative but would need electric installed prior to this.
  - Ongoing maintenance cost was brought up by Operations Manager Hawkinson. While LLC is owned by the Rotary maintenance costs would be their responsibility, however, once donated to the City, these costs would be the responsibility of the City.

Motion by Commissioner Wussow and seconded by Commissioner Matten to recommend to City Council to move forward with the Rotary Park solar project and working with BPU's electric crew throughout the process. There was a unanimous vote in favor of the motion. Motion carried.

Scenic overlook concept for Rotary Club
President O'Day inquired about the potential concept/design the Rotary had with the old river crossing valve vault. Currently this project is still only a concept plan for the Rotary Club. President O'Day mentioned BPU's plan to construct a new sewer line under the Mississippi River is a 2023 capital project.

President's Report

- None

Other Commissioners' Reports

- None

City Administrator Report

City Administrator Bergman reported on the following:

- Street Light Policy: Policy was adopted at the last City Council meeting. Implementation was discussed and direction going forward was that streetlights are done in conjunction with road construction projects. The one exception and request were that streetlights be replaced along main intersections such as Oak, Mill and South 6th Street that have new conduit installed in the last ten years. This will be on next month's commission meeting agenda.

- Historic Water Tower: Council approved the plans and specs for new roof, stairs, lighting, and windows. Bids are currently being received and opening is scheduled for April 8th. There also was a grant received from the State Historical Society.
- 210 Reconstruction Project: The Council created a visual quality working group which consists of three council members and three business owners to discuss aesthetics for this project. There is an open house scheduled for tonight, March 29th, for the business owners.
- Public hearings are scheduled for April 4th for road construction projects.
- Employee Policy Manual: City Council gave the approval and directed staff to start making modifications to the Employee Policy Manual based on the changes to the Charter in both the Park Board and Public Utilities Section. City Administrator requested to meet with President O'Day to discuss what these changes in the Charter will mean.

Commissioner Matten requested more collaboration between City of Baxter and City of Brainerd/BPU with ongoing and upcoming projects. It was discussed to have a joint City Council and BPU Commission meeting followed by a collaboration meeting with both the City of Brainerd and City of Baxter. Target date with current projects status is October. City Administrator Bergman will work with BPU staff on this.

HR Director's Report

- Noted

Finance Director's Report

Financial reports not available this month

January and February Financial Reports will be available at April board meeting due to ongoing software upgrade and conversion.

Overview of Conservation Incentive Program Totals

- Savings of approximately 24 million kWh since inception
- Mostly a Commercial driven program
- Reducing load and increasing capacity
- Total amount of rebates given amount to approximately $1 million

Comparison of Brainerd Wastewater Treatment Flows and Water Sales

- Noted the comparison of wet vs dry years on the unbilled gallons of WWT Influent.
- Average billed Wastewater gallons to billed Water Sales averages around 80%.
- Water sales in 2021 has doubled due to sales to Baxter.

Auditors completed field work on March 15th.

Next Board meeting is scheduled for April 26, 2022.

Superintendent's Report

Water Department

- *Projects*
  - Baxter water: 19.8 million gallons sold in February. New completion date to begin water production at Baxter plant is April 29, 2022.

- Water storage tank project: Pipe gallery building is poured, and work is starting on foundation of first half of building. With road restrictions on now, contractor is reevaluating load sizes.
- Water main leak on Madison Street due to loosened bolts – easy repair.

Wastewater Treatment Department

- Projects
  - Ongoing plant and lift station maintenance.
  - Annual MPCA inspection went well. Wastewater Plant and staff received a certificate for exceptional compliance during 2021 review period.
  - Wastewater Supervisor Gammon reported that he is currently working on and troubleshooting copper levels while adhering to compliance on both wastewater and drinking water standards. Also exploring options for corrosion control while trying to avoid having to chlorinate water.
  - Working with Baxter and Brainerd on sewer ordinances and SIU agreements.

Electric Department

- Outage report
  - No known sustained outages noted.
- Electric crew projects:
  - Building new feeder to Industrial Park for 50 MW project – poles are in, and wire is half strung.
    - Waiting for moisture to subside to continue
  - Streetlight policy: will be discussed in more detail at next month's meeting

Hydro Department

- Generators #1, 2, 3 and 5 at 100%. Generator # 4 is down for repairs.
- Relicensing – update: Relicensing going well with four more properties to survey, one being Lum Park.

Other

Water Plant Staffing

- Upcoming retiree, Lynn Germann, expected to announce retirement date soon.
- Looking to hire a replacement as well as another position for the Water Department to help cover vacation and sick leave and an additional person for relief across departments as needed. Discussions will continue with a recommendation to follow at the April Commission meeting which will then be brought to City Council.

Old Business

Ratify Solar Energy Ground Sublease with AEP

AEP will own the solar so BPU will need to sublease that land to AEP. Potential for Fall completion.

Motion by Commissioner Matten and seconded by Commissioner Angland to ratify the Solar Energy Ground Sublease with AEP. There was a unanimous vote in favor of the motion. Motion carried.

Ratify 11th Amendment to Market Based Rate Full Requirements Agreement with AEP

This amendment would allow BPU to work with AEP to sell excess capacity back on the market for planning year 2022-2023.

Motion by Commissioner Wussow and seconded by Commissioner Matten to ratify the 11th Amendment to Market Based Rate Full Requirements Agreement with AEP. There was a unanimous vote in favor of the motion. Motion carried.

Ratify 12th Amendment to Market Based Rate Full Requirements Agreement with AEP
This amendment with AEP is related to the purchase of blocks of energy for BPU crypto mining customers. Once energy requirements of crypto mining customers is known these energy requirements would then formalized in agreement with AEP and BPU would be obligated to purchase those blocks of energy from AEP.

Motion by Commissioner Matten and seconded by Commissioner Angland to ratify the 12th Amendment to Market Based Rate Full Requirements Agreement with AEP. There was a unanimous vote in favor of the motion. Motion carried.

Discussion of Policy 2021-02 – Organization Assistance Policy
Commissioner Wussow would like to see the name of the policy modified – potential a Banner Installation Policy. Commission President O'Day would like to see it broken down in more detail and update as needed given new scenarios. Discussion on charges included sharing costs with the City but outside organizations to be charged 100% of the cost. Ongoing maintenance can become costly so charging up front makes sense. Potential banner approval by BPU and setting required specs for banner sizing.

New Business
Pay request No. 4 from Magney Construction
Pay request in the amount of $277,588.55 for water tank storage project was received from Magney Construction.

Motion by Commissioner Matten and seconded by Commissioner Wussow to approve payment for Magney Construction in the amount of $277,588.55. There was a unanimous roll call vote in favor of the motion. Motion carried.

Consider motion to accept Annual Cogeneration Filings and Report for BPU Commission
Annual required regulatory filing regarding residential solar installation completed with the assistance of Star Energy Services.

Motion by Commissioner Wussow and seconded by Commissioner Matten to accept the Annual Cogeneration Filings and Report for BPU Commission. There was a unanimous vote in favor of the motion. Motion carried.

Consideration of Purchase Agreement for the acquisition of Roberts' property in the amount of $300,000
Purchase agreement is currently being reviewed by City Attorney Langel. Environmental review will be needed for underground tanks that were removed approximately 30 years ago. Roberts' brothers agreed to remove all their equipment from the property.

Motion by Commissioner Matten and seconded by Commissioner Wussow to recommend forwarding the purchase agreement to City Council for approval at the April 4th City Council meeting pending attorney Langel's review. There was a unanimous roll call vote in favor of the motion. Motion carried.

Adjournment

Motion by Commissioner Wussow and seconded by Commissioner Matten to adjourn meeting. Motion carried at 10:23 AM.

_____
Mark O'Day, Commission President

_____
Todd Wicklund, Commission Secretary

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The regular meeting of the Brainerd Public Utilities Commission was held at 9:00 AM on February 22, 2022.

Commission President O'Day called the meeting to order.

Commission Roll Call

Mike Angland – Present	Mark O'Day – Present
Tad Johnson – Present	Dolly Matten – Present
Patrick Wussow – Present	

Utility Staff Present

Finance Director	Todd Wicklund
Superintendent	Scott Magnuson
Recording Secretary	Mandy Selisker
Accounting Supervisor	Julie Batters
Accounting Supervisor	Jana Pernula
Operations Supervisor	Trent Hawkinson
Wastewater Supervisor	Charlie Gammon

Others in Attendance

Brainerd City Administrator	Jennifer Bergman

Commission President O'Day opened the meeting with the Pledge of Allegiance.

Approval of Consent Items

Motion by Commissioner Wussow and seconded by Commissioner Matten to approve the minutes for the regular monthly meetings of January 25, 2022, and payment of the current months' bills. There was a unanimous roll call vote in favor of the motion. Motion carried.

Public Forum

- None

President's Report

- Commission President O'Day appointed Commissioners Angland and Johnson to the Finance Committee as well as Commissioners Matten and Wussow to the Human Resource Committee.

BRAINERD PUBLIC UTILITIES COMMISSION MEETING
February 22, 2022

Other Commissioners' Reports

- None

City Administrator Report

City Administrator Bergman reported on the following:

- City Council will be having a workshop on February 28th to start discussing ARP (American Rescue Plan) funds. The City will be receiving $1.5 million of which one-half has been received already and other half in June or July. Ideas will be discussed at the department head meeting later this morning to present to the Council. Some ideas have been water storage tanks and biosolids projects.
- Country Manor has purchased land on Beaver Dam Road for their development of an assisted living/memory care facility. They have made a formal request to the City Council for tax abatement. They are not interested in TIF as it would not be an affordable project. City Council did agree to 10 years at 45% of the City's taxes. They were also encouraged to approach the County and School District to see if they would abate their portion as well. Country Manor is attending the County meeting on March 15th. City Council did leave the door open to come back to the Council if the other agencies are not able to abate their portion.
- Street Light Policy is being presented at the City Council meeting tonight.
- Changes were made to the Charter regarding contributions for Community Action, Arboretum (Green Space) and Programs for Senior Citizens. They also removed the term 'Mill' due to outdated terminology. All three of the 10-year agreements for the contribution groups expire in 2022 so the City Council did a request for proposals for any organization in those three categories. Those requests are due March 10th and will then be reviewed by the Personnel and Finance Committee where they will review and make recommendations. The sub committee recommended a 5-year agreement this time.

Special Presentation – BPU Main Pump Station Bypass and River Crossing Improvements

Presented by Scott Magnuson (Lawrence Van Hout, P.E., of Widseth was unable to attend)
Key points included:

- The West Vault is deteriorating fast – engineer's estimate to rehab both vaults which would leave the existing pipes. Total estimated cost is $656,350.
- Drill a new line and bypass two existing vaults and pipes at an estimated cost of $1.2 million.
- Part 2 of the project would be the Bypass Lift Station project and installation. This would be looked at a potential 2023 project.
- The East Vault could be sealed and donated to the Rotary Club for a potential bird watching lookout.
- President O'Day asked if ARP funds would be an option for assisting with costs. Superintendent Magnuson confirmed that this would be discussed at department head meeting this afternoon.
- Commissioner Johnson also inquired about other options for funding. Finance Director Wicklund noted that the options would be ARP funds with reserves as a potential back up option.

Motion by Commissioner Matten and seconded by Commissioner Wussow to approve going out for bids for the Main Pump Station Bypass and River Crossing Improvements. There was a unanimous vote in favor of the motion. Motion carried.

BRAINERD PUBLIC UTILITIES COMMISSION MEETING
February 22, 2022

Finance Director's Report

December 2021 Financial Report Highlights:

1. Total operating revenue increased $2.2 million (8.5%) from 2020.
2. Power costs increased $1,461,800 (13.8%) from 2020. The changes are related to the following:
   - kWh Purchased – Increase of 11.8 million (7.4%) from 2020
   - Energy - $516,600 – Increase of 7.4% from 2020
   - Demand - $147,800 – Increase of 8.7% from 2020
   - Transmission (MISO) - $782,400 – Increase of 41.3% from 2020
3. Total operating expenses increased $2.6 million (10.4%) from 2020.
4. Change in net assets increased $153,700 from 2020. This change includes $976,000 capital contribution received from City to BPU related to WAC charges.
5. Total cash and investments increased $7.4 million from 2020 which includes $5.5 million in water project bonding proceeds. Total receivables decreased $671,000 while inventory increased $131,400 from 2020.
6. Change in net position for Electric Department decreased $1.1 million from 2020.
7. kWh sold for 2021 increased 3.7% while utility revenue increased 3.9%.
8. Change in net position before capital contribution from City for Water Dept. is $770,900 for 2021 compared to negative $101,600 for 2020.
9. Gallons of water sold increased 375.2 million from 2020. 2021 sales include sales to Baxter of 338.4 million gallons.
10. Change in net position for Wastewater Department is a negative $302,300 for 2021 compared to a positive $295,800 for 2020.
11. Wastewater gallons processed increased 0.8% while utility revenue is up 3.5%.

Days unrestricted cash on hand as of December 31, 2021, 2020, and 2019:

1. Combined – 240, 169 and 157
2. Electric – 120, 110 and 81
3. Water – 664, 13 and 108 – includes some bond proceeds
4. Wastewater – 494, 562 and 569

Discussion of the following AEP Agreement Amendments:
11th Amendment (PPA) – Purchase of energy from AEP related to crypto mining customers.

Target date to complete is March 3rd due to MISO system. Future discussion may evolve around a third-party notification entity to assist crypto customers with rates.

Commissioner Johnson inquired about at what point are these companies not interested in moving forward based on pricing. Finance Director Wicklund, Commission President O'Day and Operations Manager Hawkinson discussed that based on capacity, price does not seem to be a concern. Excess capacity is more difficult to find currently, and they are betting on future prices rather than current and less competition is most appealing at this point.

Motion by Commissioner Johnson and seconded by Commissioner Matten authorizing finalization of 11th Amendment and authorizing the bitcoin subcommittee to join in finalizing the final agreement and subject to ratification at next month meeting. There was a unanimous roll call vote in favor of the motion. Motion carried.

4th Amendment to Solar PPA – Finalization of agreement terms so construction can be started at the airport.

Finance Director Wicklund discussed that since getting approval in August of 2021 the price per megawatt hour has increased from $61.50 to $68.75. Costs of materials and timing have all played a factor. Potential benefit at this current price point is $3.8 million. Contractor is ready to go once approval is received. BPU would also like to incorporate the WWTP Solar project at the same time.

Potential savings could exist down the road to purchase the entire facility in future years 8, 9, or 10.

Commissioner Johnson inquired about potential battery storage for this resource. Finance Director said that will be a future goal but at this time, not being proposed.

Motion by Commissioner Johnson and seconded by Commissioner Matten approving the 4th amendment to Solar PPA and authorizing to move forward. There was a unanimous roll call vote in favor of the motion. Motion carried.

Discussion of the following agreements with crypto mining customers:

1. Purchase Power Agreement for 50 MW load with VCV Digital Infrastructure Minnesota, LLC.
2. Purchase Power Agreement for 20 MW load with Just for Krypto, LLC.

BPU's attorney assisted in drafting agreements. Future discussions are needed with both AEP and the bitcoin subcommittee.

A few items discussed:

- Both entities will be billed semi-monthly with the first bill being an estimate and the second bill being a true-up statement.
- Due to being identified as data centers they are potentially going to be claiming sales tax exemption status. No ST3 has been received at this time.
- Deposits would need to be cash or letters of credit.
- Land purchase is still in negotiations with VCV Digital Instructure Minnesota, LLC and the City.

Commissioner Johnson and Commission President O'Day expressed thanks for the extra work and time towards all management on this project and appreciate the future benefit to the City of Brainerd.

Motion by Commissioner Johnson and seconded by Commissioner Wussow for approval of the Purchase Power Agreements for VCV Digital Infrastructure Minnesota, LLC, and Just for Krypto, LLC. There was a unanimous roll call vote in favor of the motion. Motion carried.

Water Storage Tank Project

BPU received pay request No. 3 in the amount of $104,822.18 from Magney Construction, Inc. for Water Storage Tank Project.

Motion by Commissioner Johnson and seconded by Commissioner Matten for approval and payment of the third pay request from Magney Construction, Inc. in the amount of $104,822.18. There was a unanimous roll call vote in favor of the motion. Motion carried.

HR Director's Report

- Noted

Next Board meeting is scheduled for March 29, 2022.

Finance Director Wicklund recognized Accounting Supervisor Julie Batters for her 41+ years of service and her last commission meeting today. Julie also extended her thanks and appreciation for all the support.

Superintendent's Report

Water Department

- *Projects*
  - Baxter water: 20.6 million gallons sold in January. April 1st is still the expected completion date for their plant.
  - Water storage tank project: BPU received the third pay request from Magney Construction. Project progress includes demo on concrete tank and retaining wall, rebar mats tied together and starting earthwork on first part of tank.
  - AMI's are complete except for a few additional to order.
  - Water main break on Washington Street and NW 6th.
  - Water main break on Wright Street and South 8th St.
  - Crews working on clearing snow around hydrants

Wastewater Treatment Department

- Projects
  - Ongoing plant and lift station maintenance
  - Solar Project at WWTP – still working on feasibility
  - River crossing/main line down East River Road - discussed earlier
  - Looking at updating tractor used for Biosolids program. Current tractor purchased in 2011 has been having ongoing issue and would like to trade in on a new purchase (different brand) on a government contract. Lead time is 18 months so it would be included in the 2023 budget. Cost is approximately $200,000 after trade in.

Motion by Commissioner Angland and seconded by Commissioner Wussow for approval to move forward with the order and purchase of a new tractor for the WWTP. There was a unanimous roll call vote in favor of the motion. Motion carried.

  - Supervisor Gammon is hosting a conference on April 19, 2022, at the WWTP with MWWA. There was a request for a Commissioner to volunteer to make an introduction.

Electric Department

- Outage report
  - January 21, 2022 – jumper broke on a slack span on South 11th Street – 2 meters out 34 minutes.

- January 24, 2022 – underground splice failed on CR 142 – 1 meter out 1 hr. 45 minutes.
- January 31, 2022 – squirrel faulted transformer on 13th Ave – 8 meters out 27 minutes.

- Electric crew projects:
  - Building new feeder to Industrial Park for 50 MW project – setting poles this week.
  - AMI's are complete with just a few loose ends to tie up.
  - Streetlight policy: being presented today at the City Council meeting.
  - St. Joes Substation – received the following pricing from Diversified Power Services, the engineering firm engaged to oversee this project for the control house for MV switchgear and the 7500 kVA transformer. The total budget amount for this project is $1.4 million.

Control House for MV Switchgear	
States Manufacturing Corp.	$723,712.00
AZZ Switchgear Systems	$672,457.00
Global Power Components (GPC)	$628,102.00

7500kVA Transformer	
Virginia Transformer Corp. (VTC)	$450,625.00
Maddox, Inc.	$728,700.00
Hitachi Energy USA (ABB)	$539,468.00

Staff recommendation is to award project components to GPC and VTC in the amounts of $628,102.00 and $450,625.00, respectively. Total project cost would be $1,078,727.00 which is below estimated budget amount. This project is updating 1961 equipment recycled from a former city to current technology.

Motion by Commissioner Johnson and seconded by Commissioner Matten for approval to move forward with awarding contracts to low bidders, GPC and VTC in the amounts of $628,108.00 and $450,625.00, respectively. There was a unanimous roll call vote in favor of the motion. Motion carried.

Hydro Department

- Generators #1, 2, 4 and 5 at 100% with river at 2230cfs. Updated figures at meeting included: generator #1 at 100%, #2 at 80%, and #3, 4 and 5 at 60%.
- Relicensing – update: Relicensing going well with the area of potential affect including an additional 5 properties for additional research to be done on. Commissioner Matten inquired on the cost of relicensing. Superintendent Magnuson estimated cost at around $600,000-$700,000 which they were made aware of prior to the purchase of the dam.

Other

MISO Interruptible Load Allowance:

- BPU needs to allow the crypto mining companies to get on the interruptible load program from MISO. This would include both Just for Krpto, LLC. and VCV Digital Infrastructure Minnesota, LLC.

Motion by Commissioner Johnson and seconded by Commissioner Wussow to allow Just for Krypto, LLC and VCV Digital Infrastructure Minnesota, LLC to get on the interruptible MISO load program which can be revocable at any time. There was a unanimous vote in favor of the motion. Motion carried.

BRAINERD PUBLIC UTILITIES COMMISSION MEETING
February 22, 2022

Old Business

- None

New Business

Amending or Implementation of the following Industrial Electric Rates:

Amend Large Power Rate

Currently the Large Power Rate is for customers with a load greater than 2.5 MW (2,500 kW). Recommendation is to change this to a demand greater than 2.5 MW (2,500 kW) and including up to 4 MW (4,000 kW).

Create Small Industrial Rate

Applicable to demand metered customers who have a demand greater than 4 MW (4,000 kW) and including up to 10 MW (10,000 kW). Billing demand is the kW measured during the 15-minute period of customer's greatest use during the month, as adjusted for the power factor. The billing demand is the greatest 15-minute demand during the billing period. Customers taking service under this rate shall at all times use power in such a manner that their average power factor while using the BPU system, is near to 100% as possible. If the average power factor, is less than 95%, the customer will be billed a power factor charge which is determined by subtracting the metered Demand divided by 95% from the corrected Demand and multiplying the result by the actual kW Demand rate being charge to customer.

Monthly Service Charge:	$120.00 per month
Energy Charge:	All kWh per month @ $0.050 per kWh
Demand Charge:	All kW per month @ $11.75 per kW
Power Cost Adjustment:	All kWh per month @ $0.009 per kWh
Conservation Incentive Program:	1.50% of total monthly electric charges

Create Interruptible Medium Industrial Rate

Applicable to demand metered customers who have a demand from 20 MW (20,000 kW) to 50 MW (50,000 kW). This interruptible demand service is subject to a 10 minute disconnect notice from MISO. Customers eligible for this rate will provide BPU with a Large Industrial Power Agreement with terms and conditions acceptable to BPU and to any other regulatory body requiring approval.

Monthly Service Charge:	$500.00 per month
Distribution Demand Charge:	All kW per month @2.095 per kW
BPU Substation Recovery Charge:	All kWh per month @ $0.001 per kWh
Power Supply and Transmission Service:	Actual incurred monthly pass-through costs

Power Supply and Transmission Service Costs are actual monthly costs incurred by BPU power provider American Electric Power Energy Partners (AEPEP) to supply necessary energy to BPU each month to meet electric needs of customers subject to this rate. These costs will be passed through from BPU to subject customer monthly.

Create Interruptible Large Industrial Rate

Applicable to demand metered customers who have a demand 50 MW (50,000 kW) or greater). This interruptible demand service is subject to a 10 minute disconnect notice from MISO. Customers eligible

for this rate will provide BPU with a Large Industrial Power Agreement with terms and conditions acceptable to BPU and to any other regulatory body requiring approval.

Monthly Service Charge:	$1,000.00 per month
Monthly Capacity Charge:	$26,250.00 per month
Distribution Demand Charge:	All kW per month @0.525 per kW
BPU Substation Recovery Charge:	All kWh per month @ $0.001 per kWh
Power Supply and Transmission Service:	Actual incurred monthly pass-through costs

Power Supply and Transmission Service Costs are actual monthly costs incurred by BPU power provider American Electric Power Energy Partners (AEPEP) to supply necessary energy to BPU each month to meet electric needs of customers subject to this rate. These costs will be passed through from BPU to subject customer monthly.

Motion by Commissioner Wussow and seconded by Commissioner Matten to approve the implementation of the new electrical rates. There was a unanimous vote in favor of the motion. Motion carried.

Motion by Commissioner O'Day to adjourn to closed session for the purpose to consider or develop offers or counteroffers for the purchase of Roberts property located next to the water plant pursuant to M.S. Section 13D.05, subd. 3(c)3. There was a unanimous vote in favor of the motion. Motion carried at 10:43 AM.

Those in attendance at the closed session included the Commissioners Matten, O'Day, Wussow, Johnson, and Angland, and BPU and City staff – Wicklund, Magnuson, and Bergman.

The Chair reconvened the meeting into open session at 11:05 AM.

Motion by Commissioner Johnson and seconded by Commissioner Matten to recommend to Brainerd City Council to approve the purchase of the 34 acres of real property located at 1702 Pennsylvania Avenue for $300,000 from Roberts Sand and Gravel, the seller. There was a unanimous roll call vote in favor of the motion. Motion carried.

Adjournment
Motion by Commissioner Matten and seconded by Commissioner Angland to adjourn to Brainerd City Council Meeting to be held on March 7, 2022, at 7:30 PM in Brainerd Council Chamber. Motion carried at 11:07 AM.

_____
Mark O'Day, Commission President

_____
Todd Wicklund, Commission Secretary

2022 Camp Ripley Update

Camp Ripley

"The Warrior's Choice"

Camp Ripley's Mission

Provide superior customer service, facilities, and resources empowering organizations to train in a realistic environment while fostering

Positive Community Relations.

MN Leadership

- **MG Shawn Manke** is the Adjutant General of the Minnesota National Guard

- **CSM Brian Soper** is the Command Senior Enlisted Leader for the Minnesota National Guard

34 ID Leadership

- **BG Charles Kemper** is the Commander of the 34th Infantry Division

- **CSM Michael Whitehead** is the Command Sergeant Major for the 34th Infantry Division

Camp Ripley Leadership

- **BG Lowell Kruse** is the Senior Commander of Camp Ripley and the Assistant Adjutant General – Army

- **COL Joshua Simer** is the Garrison Commander of Camp Ripley

- **CSM Marcus Erickson** is the Garrison Command Sergeant Major of Camp Ripley

Economic Impact

Payroll	$	52,741,520.64
Construction Projects	$	19,474,570.00
Maintenance Contracts	$	5,592,670.00
Utilities	$	2,418,256.00
Food/Meals	$	3,279,266.40
Army Compatible Use Buffer	$	2,800,000.00
Education	$	682,182.83
Total	**$**	**86,988,465.87**

Camp Ripley has 800-1,000 State & Federal Employees

3 Year Construction Average: $16,891,263

Accomplishments / Events

- In 2021 we hosted 550,906 DoD and 68,346 local/state interagency partner man-days
- Hosted multiple joint training events: 123rd Contingency Response Group, Mobile Diving and Salvage Unit 2,
- Hosted first rotation of US Coast Guard Winter Dive Course (Multi-Component)
- 1-194 Armor successfully mobilized 1,100 Soldiers for deployment
- Hosted two State Patrol Academies
- Largest open house to date (6,000)
- Hosted Chief of National Guard Bureau Biathlon
- Celebrated Camp Ripley's 90th Birthday

Support to Civil Authorities

Typical Missions:

- Winter Storm Response
- Flood Response
- Wildfire Response
- Civil Disturbance

Typical Associated Tasks:

- Security
- Traffic Control (TCP)
- Evacuation
- Search and Rescue
- Civil Disturbance Control
- Aerial Wild land Fire Response
- Natural Disaster Relief
- Emergency Debris Clearance
- Emergency Shelter

Construction Update

Construction Completed in 2021:

- **Area 5 Long Houses**
- **Area 9 Headquarters**
- **Fire Hall Facility**
- **Overflow Parking**

Construction Update

Current & Future Projects:

- Nelson Hall Remodel
- Motor Vehicle Storage Facilities
- Storm Water Infiltration Basins
- Area 5 Dining & Admin Facilities
- Rail Spurs
- Micro-grid Upgrades
- Joint Emergency Response Training Center

Nelson Hall

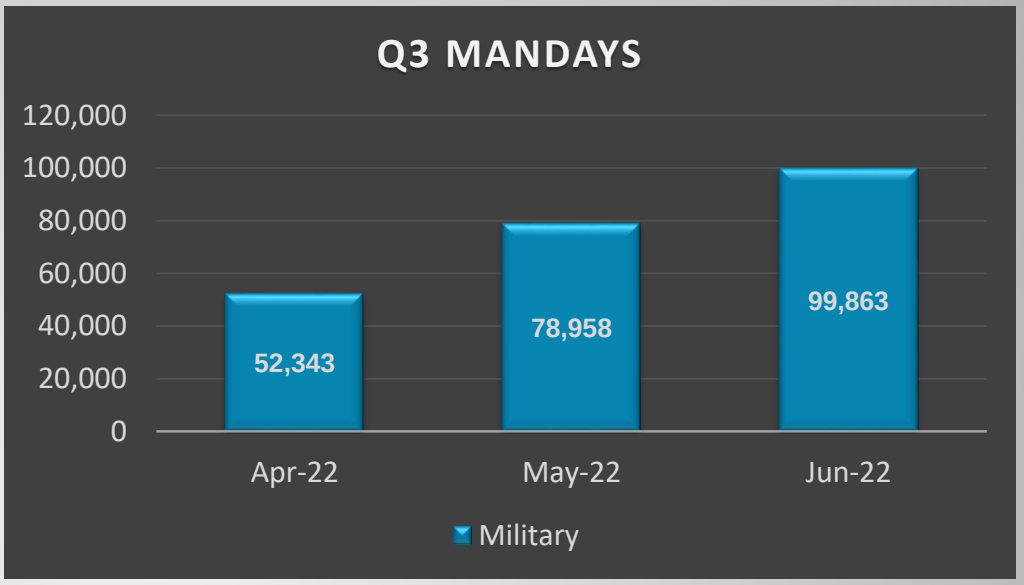
- Built in the 1930's.
- Utilized as Post HQ and Officer Quarters
- Minnesota Department Of Natural Resources Division Of Enforcement
- Renovation & Return of Post HQ

Museum Update

MN Legislature approve $13M in 2020 to build a new Minnesota Military and Veterans Museum

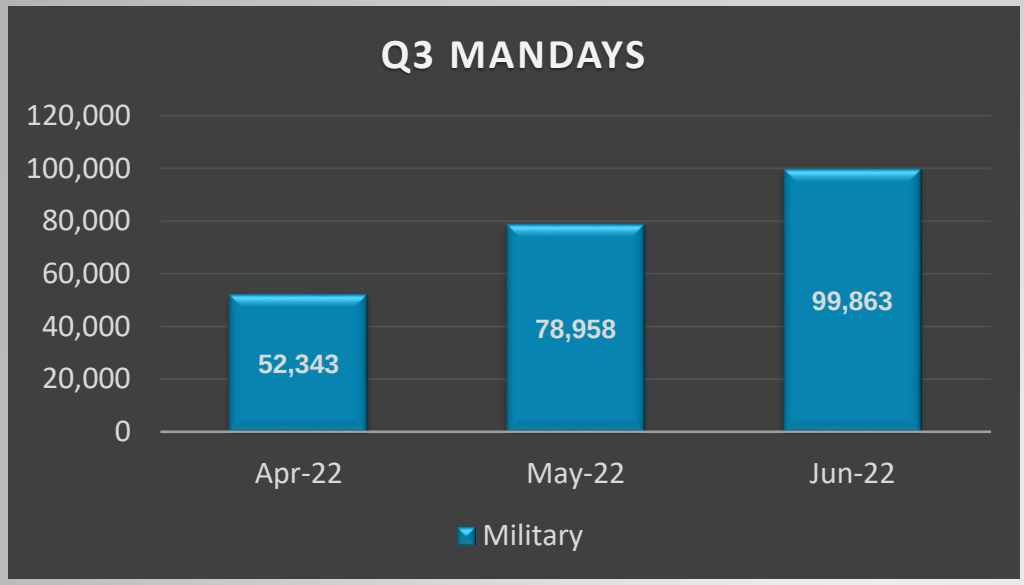
- **Currently in design**
- **Expected to open in 2024-2025**
- **Located between Veterans Cemetery & Hwy 371**

May



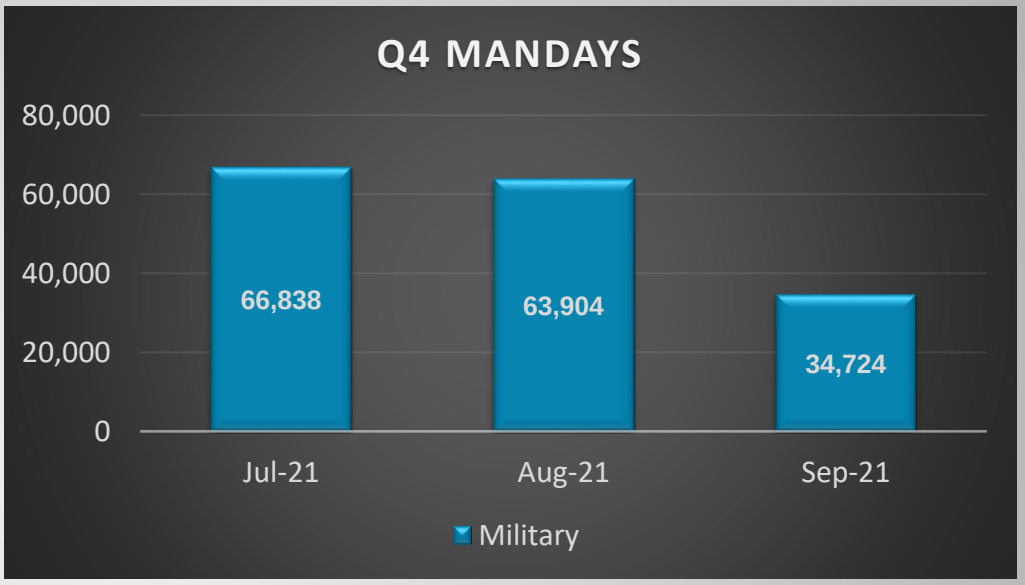
- Trolling For Troops / Turkey Hunts
- Best Warrior Competition (Regional)
- Aviation Operations
- Field Artillery Operations

June



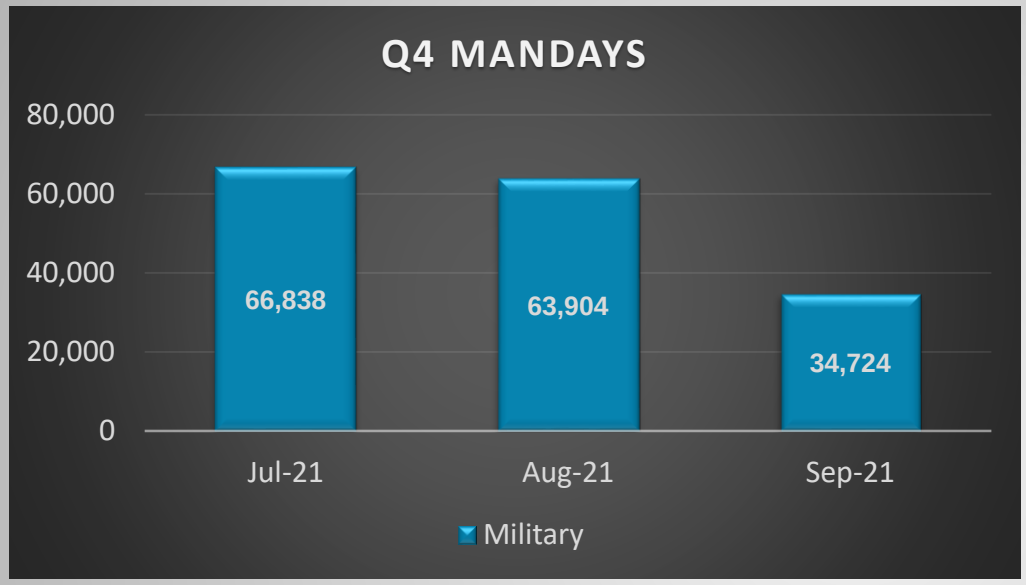
- Minnesota Officer Candidate School
- Field Artillery & Demolition Ranges
- Hosting units from Iowa, North Dakota, Illinois, Missouri, Michigan

July



- Field Artillery & Demolition Ranges
- Hosting units from Wisconsin, South Dakota, Illinois
- Youth Camp

August



- Engineers
- Aviation & Demolition Ranges
- State Patrol Academy (Aug-Oct)

A Look Ahead

State Partner Training

- MN DOT Snowplow Training (SEPT-OCT)
- State Patrol Academy (AUG – OCT)

Hunts

- Youth Archery Hunt (OCT)
- Public Archery Hunt (OCT)
- Muzzle Loader Hunt (NOV)

Camp Ripley State Partners

MN DNR

- Conservation Officer Headquarters on Post
- Academy conducted
- Annual training events

MN State Patrol

- Training Offices on Post
- Academy conducted
- Annual training events

HSEM

- Offices on Post
- Multi-agency training events conducted

MN DOT

- Annual driver training events

Community Outreach

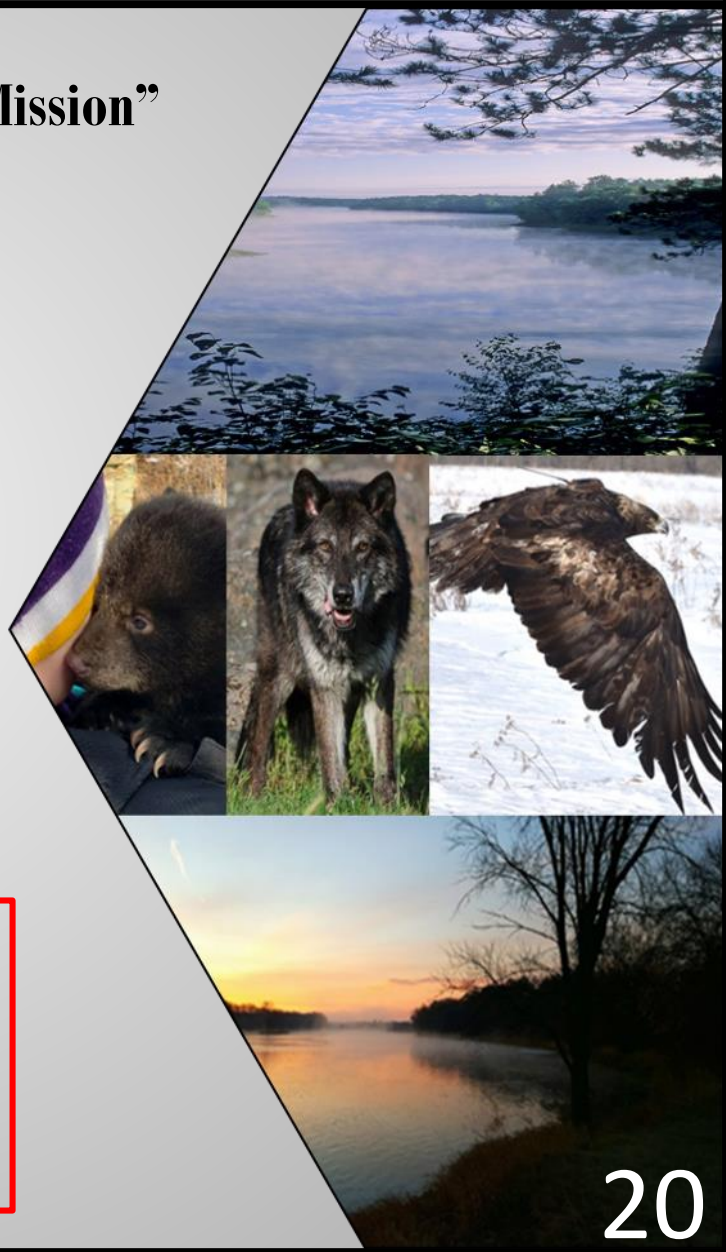
- Camp Ripley Open House (September 2023)
- Environmental Field Tours, Festivals and Presentations
- National Public Lands Day, Earth Day
- Planting for the Future
- Outreach to Tribal Communities
- Morrison County Water Festival
- Memorial and Veterans Day Speeches
- Christmas Gift Tags (100 tags)
- Food Drives(800lbs)
- Blood Drives (324 units)
- Make-A-Wish Sponsorship
- Job Shadow Program
- Archery Hunt
- Disabled American Veterans & Soldier Hunts
- Trolling for the Troops Fishing Event
- Central Minnesota Search and Rescue

Environmental Program

"Managing Today's Resources for Tomorrow' s Mission"

Responsibilities

- Wildlife
- Fisheries
- Forestry
- Protected Species
- Cultural Resources
- Pest Management
- Wetlands
- Noise
- Wild Land Fire
- Outreach & Recreation
- ITAM (Land Rehabilitation)
- GIS



Environment oversight from over 15 Agencies organizations and regulations to include: EPA, USFWS, MPCA, MNDNR, Presidential and Governor Orders, DoD, HQDA, ARNG, DoD, HQDA, ARNG I&E, MNNG, AR-2001, JFMN 200-1,

Environmental Partnerships

- Minnesota Department of Natural Resources
- Minnesota Board of Water and Soil Resources
- Central Lakes College
- St. Cloud State University
- U.S. Fish and Wildlife Service
- The Nature Conservancy
- Local School Districts
- Community Interest Groups

Prescribed Burns

When: Approximately April-June

Why we conduct burns:

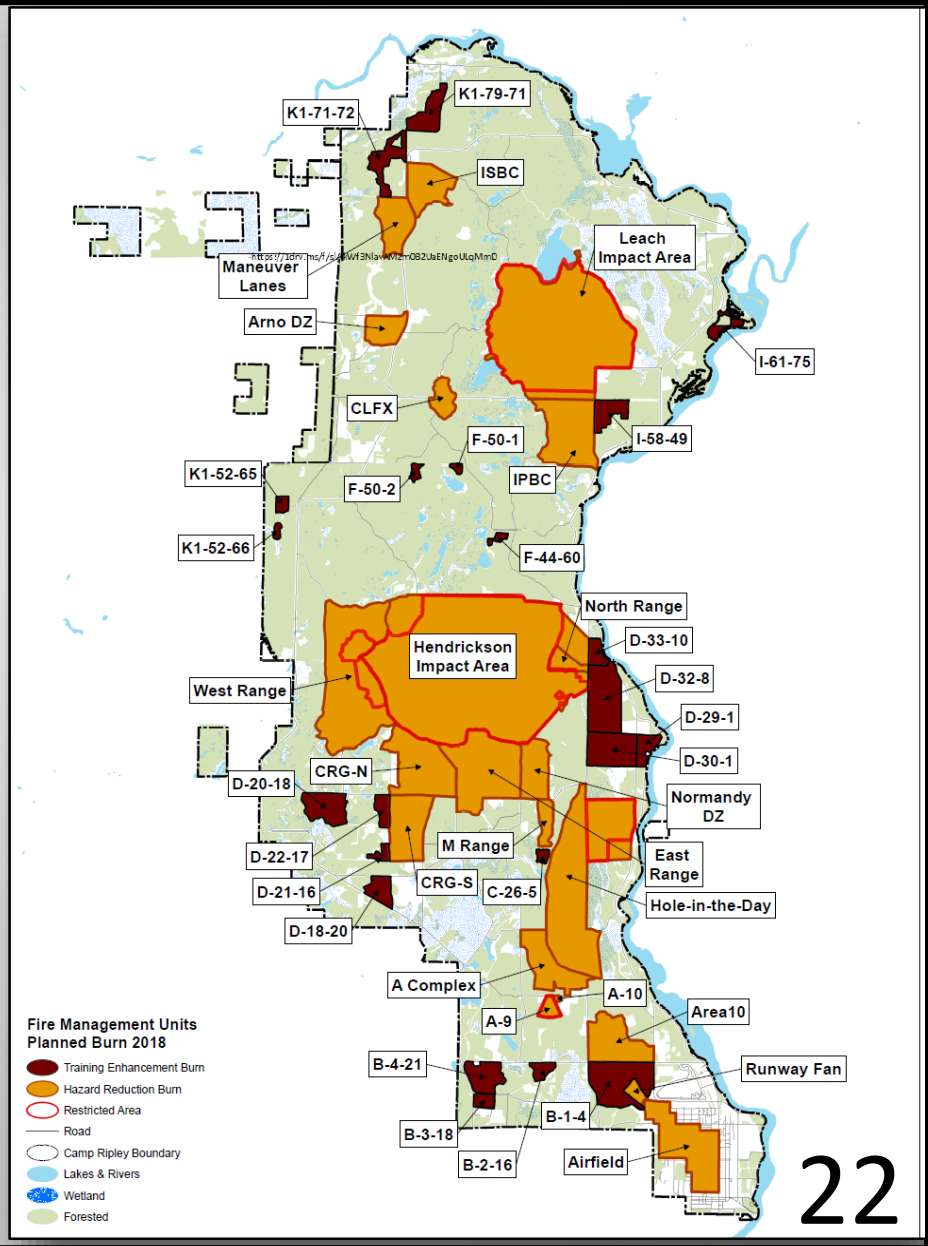
- To create a safe training environment for Soldiers and protect surrounding communities
- Mitigates the risk of fires starting during range firing
- Improve and enhance native fire dependent plant communities

Considerations taken before burns:

- Wind Speed/direction
- Temperature
- Relative Humidity
- Fuel/moisture content
- Training area occupancy

Those involved:

- Camp Ripley's Fire and Emergency Services
- Camp Ripley's Dept. of Public Works
- Camp Ripley's Environmental Team



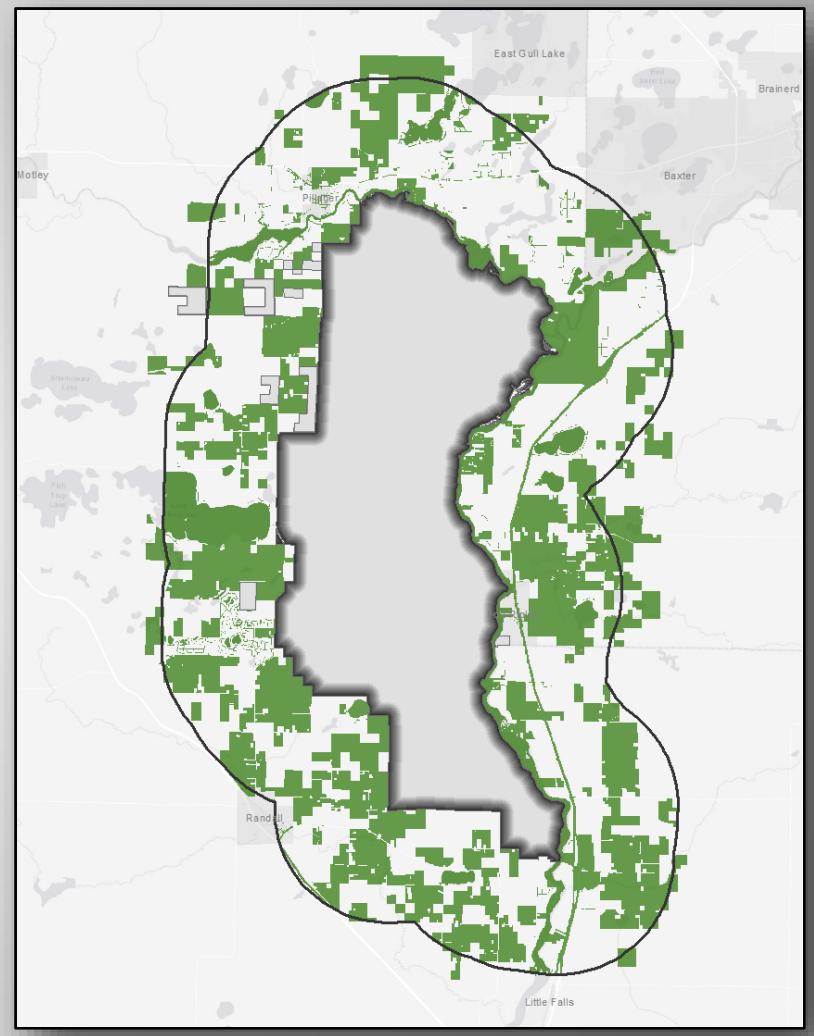
ACUB*/Sentinel Landscape

Conservation Easements and Acquisitions

- ✓ 35,000 acres enrolled
- ✓ Willing Landowners Only
- ✓ Maintaining Rural Landscape
- ✓ Protecting Habitat
- ✓ Protecting Agriculture
- ✓ Eliminating Training Restrictions

Land Management and Restoration

- ❑ Improve Agricultural Operations
- ❑ Manage and Improve Habitats
- ❑ Building Resiliency



Unexploded Ordnance (UXO)

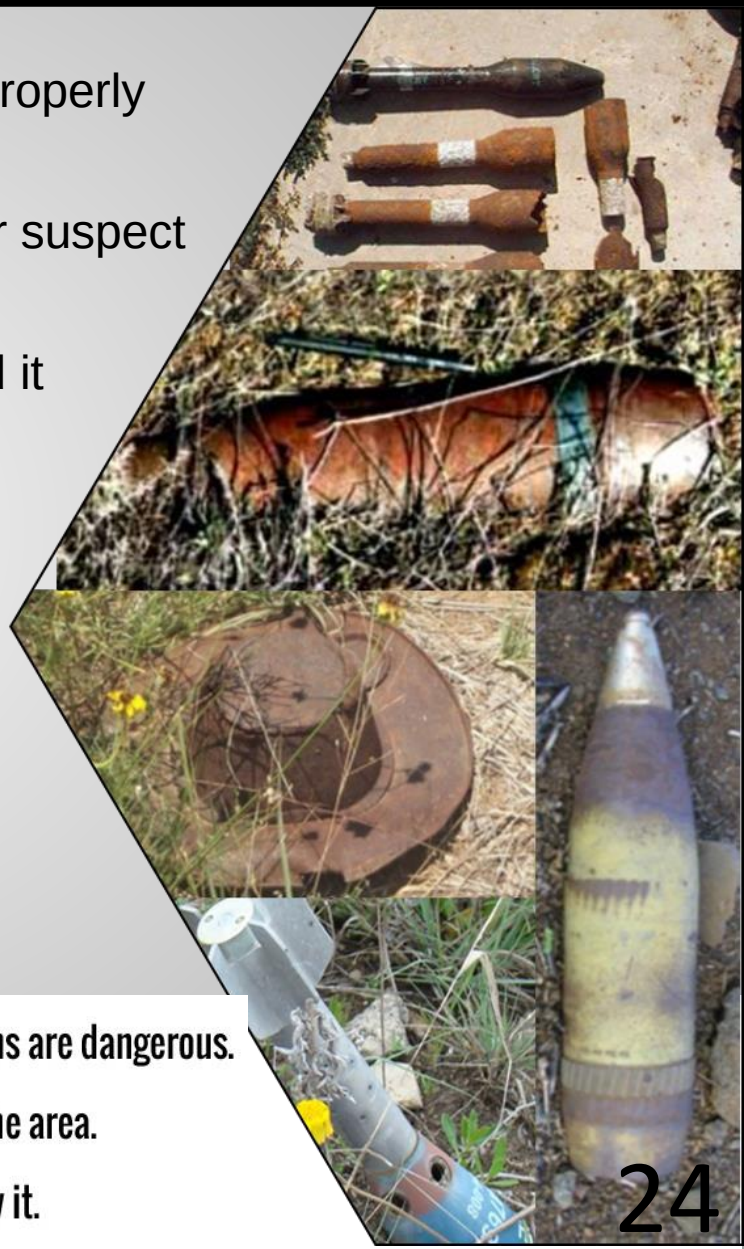
- (UXO) are military munitions that failed to function properly upon use
- Do not go near, touch, move or disturb a munition or suspect munition
- Carefully, leave the area, the same way you entered it
- Document your location with GPS if available

Reporting

- Off Camp Ripley - DIAL 911

- On Camp Ripley

Range Operations (320) 616-3137
Public Safety (320) 632-7375



Recognize - when you may have encountered a munition and that munitions are dangerous.

Retreat - do not approach, touch, move or disturb it, but carefully leave the area.

Report - call 911 and advise the police of what you saw and where you saw it.

Questions?

To find more information about Camp Ripley
please search for us on these social media sites:

Brainerd City Council
Agenda Request

Requested Meeting Date: May 2, 2022

Title of Item: PH - City of Brainerd Municipal Separate Storm Sewer System (MS4)

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

Summary of Issue:

Staff will have a short presentation on the City's MS4 Permit.

Alternatives, Options, Effects on Others/Comments:

After the presentation, a public hearing should be held per the attached notice.

Recommended Action/Motion:

Staff recommends holding a public hearing to receive public comment on the City's MS4 Permit.

Financial Impact:

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

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

Is this budgeted? ☐ Yes ☐ No

Please Explain:

NOTICE OF ANNUAL STORMWATER PUBLIC MEETING

NOTICE is hereby given that the City Council of the City of Brainerd will hold the Annual Stormwater Public Meeting in the Council Chambers of the City Hall, 501 Laurel Street, Brainerd, Minnesota 56401 at 7:30 p.m. on Monday, May 2, 2022. Any person wishing to express an opinion on the matters to be considered will be heard orally or in writing.

Dated: April 4, 2022

Jennifer Bergman
City Administrator
City of Brainerd, Minnesota

May 2, 2022 1

2021 Annual Storm Water Public Meeting

2021 Annual Storm Water Meeting

1

May 2, 2022 2

Purpose of the Meeting

- To educate the public on the importance of storm water management
- Give an overview of the City of Brainerd's storm sewer system
- To give an update on the status of compliance with the **Municipal Separate Storm Sewer System (MS4)** Permit conditions
- Allow the public to comment on the SWPPP (Stormwater Pollution Prevention Plan) or implementation procedures

2021 Annual Storm Water Meeting

2

3 May 2, 2022

MS4 (Municipal Separate Storm Sewer System) Permit

- Issued Every 5 years by MPCA (Minnesota Pollution Control Agency) to City's/Townships with over 5,000 population.
- Permit regulates the discharge of stormwater into waters of the state.
- Requires that the permittee implement a SWPPP (stormwater pollution prevention plan).
- Requires that the permittee implement minimum control measures and standard operating procedures to reduce stormwater pollutants entering the MS4.

2021 Annual Storm Water Meeting

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2021 Annual Storm Water Meeting

Storm Water Pollution Prevention Plan (SWPPP)

- City developed a SWPPP to address six minimum control measures set by MPCA
  - Public Education & Outreach
  - Public Participation & Involvement
  - Illicit Discharge Detection & Elimination
  - Construction Site Runoff Controls
  - Post-Construction Storm Water Management
  - Pollution Prevention/Good Housekeeping
- Goal of the SWPPP is to create Best Management Practices (BMP's) which will reduce or eliminate sediment and other pollutants from our lakes, rivers, and wetlands

Minnesota Pollution Control Agency

May 2, 2022 4

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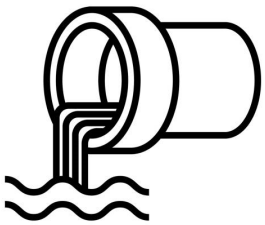
5 May 2, 2022

Storm Sewer System Overview

- Total Pipe in System
  - 303,600 LF (57.5 Miles) – Ranging in Size from 8" to 60"
  - Most is Reinforced Concrete Pipe
- Structures
  - 2,556 Catch Basin Structures
  - 580 Storm Manholes
- Outfalls
  - 84 Storm Sewer Outfalls (generally to Mississippi River, Little Buffalo Creek, or lowlands)
- Other Stormwater Structures
  - 44 Wet Detention Ponds - Used for treatment of stormwater before discharge
  - 32 Private Infiltration or Detention Ponds - Required per Section 725 City Code
  - 22 Rain Gardens – Used for sediment/phosphorus removal from run-off



2021 Annual Storm Water Meeting

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Storm Sewer Fund

- Upgrades to City of Brainerd storm sewer system are made through the Storm Sewer Fund
- Residential Properties are all charged 1 REU
- 1 Residential Equivalency Unit (REU)= $4.00 (2021)
- Commercial/Industrial Properties Fees are based on 1 REU per 1/12 Acre of Impervious surface, or 12 REU's per Acre.
- Total Current REU's: 4,112 Residential
  5,791 Commercial/Industrial

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MS4 Accomplishments that have been completed in the last year

- Inspected 26 outfalls – Required to inspect 20% of total/year
- Inspected 11 ponds – Required to inspect 20% of total/year
- Inspected 11 Stockpiles – Required to inspect 4 times/year
  - 4x each
- Inspected 22 Rain Gardens – Required to inspect 4 times/year
  - 4x each
- Performed Maintenance as needed

May 2, 2022 7

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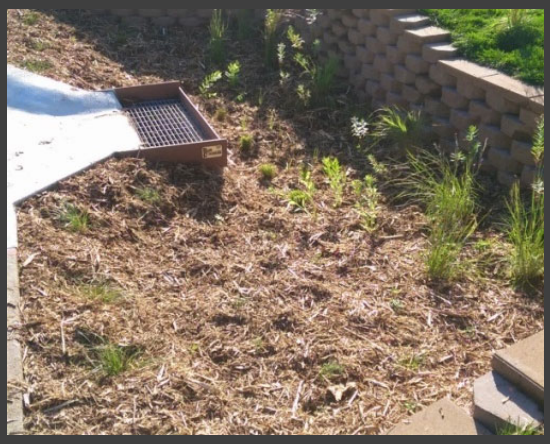
MS4 Accomplishments that have been completed in the last year

- Conducted 111 formal erosion and sediment control site inspections on construction sites (done as part of building permit inspections)
- Cleaned 52,823 LF of sanitary sewer
- Swept 1200 CY of material from streets (Spring/Fall)



May 2, 2022 2021 Annual Storm Water Meeting 8

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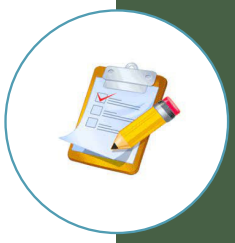
MS4 Accomplishments that have been completed in the last year

- Applied for coverage of the new MS4 General Permit. The MPCA issued coverage in September 2021.
- Implementation of new Plans and Standard Operating Procedures
  - Public Education and Outreach Plan and SOP
  - Public Participation and Involvement Plan and SOP
  - Illicit Discharge Detection and Elimination/Spill Response Plan and SOP
  - Construction Site Erosion and Sediment Control and Post Construction Stormwater Management Plan and SOP
  - Pollution Prevention/Good Housekeeping for Municipal Operations Plan and SOP
  - Enforcement Response Plan
- All Plans and SOP's available here: https://www.ci.brainerd.mn.us/183/Stormwater



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MS4 Update Completion Timeline

- Refine City regulatory mechanisms (Ordinance 725 and 430) – Completion June 2022
- Complete Brainerd Stormwater Design Manual (June/July 2022)
- Update Inspection Forms (July/August 2022)
- Review MCM Plans/Standard Operating Procedures and Regulatory Mechanisms for Completeness to Permit Requirements (July 2022)
- Bookend City SWPPP Plan (August 2022)
- Rollout Plan/Update Website (September 2022)

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MS4 Special Projects

- Buffalo Hills Gully Remediation Project
  - 30% Design Complete
  - Next Steps – Easements and 60% Design
- Implementation of Stormwater Retrofit Study
  - Completed in June of 2020
  - Identifies areas where existing stormwater could be intercepted with green infrastructure and treated prior to discharge.
  - Many grant funding opportunities available for projects like this.
- Stormwater Hydraulic and Hydrologic Model
  - Modeled the entire City storm sewer system.
  - Looks for areas of localized flooding during 2-year, 5-year, 10-year, 50-year, and 100-year rain events.
  - Assists staff during capital improvement projects to upsize pipes properly from a system wide perspective.

May 2, 2022 2021 Annual Storm Water Meeting 11

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2021 Annual Storm Water Meeting

On the Horizon

- TMDL – Mississippi River Brainerd
  - Next Permit Cycle
  - City of Brainerd will be responsible for a portion of a Total Suspended Solid (TSS) Total Maximum Daily Load (TMDL) on the Mississippi River.
  - This means the City will need to track TSS reduction and report these figures to the MPCA to meet the City's target reduction.

May 2, 2022 12

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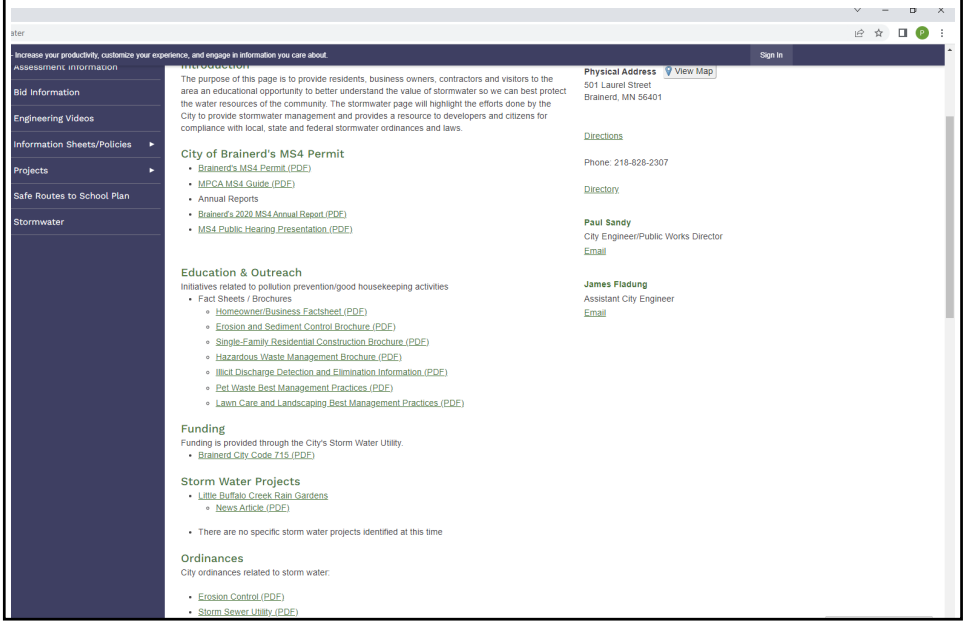
Visit the City of Brainerd's Stormwater Page…



Increase your productivity, customize your experience, and engage in information you care about. Sign In

Assessment Information
Bid Information
Engineering Videos
Information Sheets/Policies
Projects
Safe Routes to School Plan
Stormwater

The purpose of this page is to provide residents, business owners, contractors and visitors to the area an educational opportunity to better understand the value of stormwater so we can best protect the water resources of the community. The stormwater page will highlight the efforts done by the City to provide stormwater management and provides a resource to developers and citizens for compliance with local, state and federal stormwater ordinances and laws.

City of Brainerd's MS4 Permit
- Brainerd's MS4 Permit (PDF)
- MPCA MS4 Guide (PDF)
- Annual Reports
- Brainerd's 2020 MS4 Annual Report (PDF)
- MS4 Public Hearing Presentation (PDF)

Education & Outreach
Initiatives related to pollution prevention/good housekeeping activities
- Fact Sheets / Brochures
  - Homeowner/Business Factsheet (PDF)
  - Erosion and Sediment Control Brochure (PDF)
  - Single-Family Residential Construction Brochure (PDF)
  - Hazardous Waste Management Brochure (PDF)
  - Illicit Discharge Detection and Elimination Information (PDF)
  - Pet Waste Best Management Practices (PDF)
  - Lawn Care and Landscaping Best Management Practices (PDF)

Funding
Funding is provided through the City's Storm Water Utility.
- Brainerd City Code 715 (PDF)

Storm Water Projects
- Little Buffalo Creek Rain Gardens
  - News Article (PDF)
- There are no specific storm water projects identified at this time

Ordinances
City ordinances related to storm water:
- Erosion Control (PDF)
- Storm Sewer Utility (PDF)

Physical Address View Map
501 Laurel Street
Brainerd, MN 56401

Directions

Phone: 218-828-2307

Directory

Paul Sandy
City Engineer/Public Works Director
Email

James Fladung
Assistant City Engineer
Email

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2021 Annual Storm Water Meeting

Questions or Comments?

May 2, 2022

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COMMUNITY MEMBER OF THE MONTH

THE BRAINERD CITY COUNCIL AWARDS

The Snow Shovel Brigade

In Recognition for their Service to Citizens of Brainerd

Dave Badeaux
Mayor

Jennifer Bergman
City Administrator

CITY OF BRAINERD
PERSONNEL AND FINANCE COMMITTEE
AGENDA

May 2nd, 2022
7:00 PM
WebEx Teleconference Call-In Information
Call Toll-Free: 1-844-992-4726
Access Code: 2490 178 3767

1. Ratify the Hiring of 2022 Interns and Temporary Employees
2. Accept Resignation of Community Service Officer
3. Ratify the Hiring of Community Services Officer Richard Berry
4. Accept Retirement of Water Plant Operator Lynn Germann & Authorize Backfilling the Position
5. Consider Reinstatement of Water Plant Relief Operator/Laborer Position
6. Approve Personal Leave of Absence for BPU Accountant 1 Chelsey Fischer
7. Update on City Engineer/Public Works Director Hiring Process
8. Consider Proposal to Provide Professional Engineering Services from WSB
9. Consideration of School Resource Officer (SRO) Contract with School District 181
10. Consideration of Deferment Assessment for Pay Year 2022 & Discussion of Policy
11. Update on Request for Funds to be Returned from Lakes Area Media Collaborative

Brainerd City Council
Agenda Request

Requested Meeting Date: May 2, 2022

Title of Item: Ratify the Hiring of 2022 Summer Temporary Employees

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

Summary of Issue:

Attached is a listing of 2022 summer temporary employees that have recently received a conditional job offer and have successfully completed their background checks. I have included a notation if the employee is eligible for funding under Sourewell's Internship Program. Please note that if funding arrangements are approved by Sourcewell, Sourcewell will reimburse the City for wages paid up to $12 per hour and up to 640 hours (approximately 80 working days). The City had budgeted to receive Sourcewell funding for four interns this year.

Alternatives, Options, Effects on Others/Comments:

Pursuant to MN Statute, seasonal assignments are limited to 67 working days per calendar year or 100 working days per calendar year if the employees are under the age of 22, are full-time students enrolled in a nonprofit or public educational institution prior to being hired by the employer, and have indicated, either in an application for employment or by being enrolled at an educational institution for the next academic year or term, an intention to continue as students during or after their temporary employment.

Recommended Action/Motion:

Motion to ratify the hiring of the 2022 Summer temporary employees as presented on the attached listing.

Financial Impact:

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

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

Is this budgeted? ☐ Yes ☑ No

Please Explain: The wages for these positions are included in the 2022 budget.

2022 Interns/Temporary Employee List

	Name	Job Title	Date of Hire	Hourly Rate	Budgeted Wage	Eligible for Sourcewell Funding
1	Ava Strong	Downtown Maint	5/16/2022	$14.00	$14 - $16	NO
2	Jack Antolak	Parks Weekend Maintenance	TBD	$16.00	$14 - $16	NO
3	Jeremy Werhan	Adult Softball Umpire	5/3/2022	$30.00	$30/Game	NO
4	Mary Waytashek	Adult Softball Umpire	5/16/2022	$30.00	$30/Game	NO
5	Larry Eckel	Adult Softball Umpire	5/4/2022	$30.00	$30/Game	NO
6	Matthew Zinda	Adult Softball Umpire	5/4/2022	$30.00	$30/Game	NO
7	Donovan Jensen	Adult Softball Umpire	TBD	$30.00	$30/Game	NO
8	Timothy Boeder	Adult Softball Umpire	TBD	$30.00	$30/Game	NO

Submitted for Consideration for the May 2, 2022 Council Meeting

Brainerd City Council
Agenda Request

Requested Meeting Date: May 2, 2022

Title of Item: Community Service Officer Resignation and Request to Hire

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

Summary of Issue:

On April 14, 2022, Community Service Officer Janey Ziegler submitted her Letter of Resignation effective April 26, 2022. Janey's resignation leaves the department with 3 Community Service Officers, one which is still attending college, however we will be having a CSO Intern starting in mid May, 2022.

Alternatives, Options, Effects on Others/Comments:

Recommended Action/Motion:

Accept CSO Janey Ziegler's resignation with regret and authorize filling the vacancy at the current rate of $16.00 per hour.

Financial Impact:

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

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

Is this budgeted? ☑ Yes ☐ No

Please Explain: This position is within the department's current 2022 budget.

John Davis

From: Janey Ziegler
Sent: Tuesday, April 12, 2022 8:09 AM
To: John Davis
Subject: Two Week Notice

April 12, 2022
Brainerd Police Department
225 E River Rd, Brainerd

Dear John Davis,

The purpose of this letter is to give two weeks' notice of my resignation from Brainerd Police Department as a Community Service Officer. My final day will be April 26, 2022.

After careful consideration, I have decided not to attend Law Enforcement Skills this summer, due to a job I have accepted in Eden Prairie at a school. It has been a pleasure working at Brainerd Police Department, I have greatly enjoyed my time here and will take the skills I have learned to further my future. Please feel free to contact with me over these next two weeks if you have any questions regarding this letter.

Regards,

Janey Ziegler

Brainerd City Council
Agenda Request

Requested Meeting Date: May 2, 2022

Title of Item: Ratifying the Hiring of Community Service Officer Richard Berry

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☑ P&F COMMITTEE ☐ SPW COMMITTEE ☐ MAIN AGENDA	**Action Requested:** ☑ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1st Reading **provide copy of published hearing notice*
Submitted by: Chief Mike Bestul	**Department:** Police
Presenter (Name & Title): Deputy Chief John Davis	**Estimated Time Needed:** 2 minutes

Summary of Issue:

Our current Community Service Officer level is at three with the recent resignation of CSO Janey Ziegler. Interviews of potential candidates were conducted and Richard Berry was selected and hired on April 29, 2022.

Alternatives, Options, Effects on Others/Comments:

Recommended Action/Motion:

Ratify the hiring of Community Service Officer Richard Berry, starting at $16.00, with an effective date of April 29, 2022.

Financial Impact:

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

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

Is this budgeted? ☑ Yes ☐ No

Please Explain: This position is within the department's current 2022 budget.

Brainerd City Council
Agenda Request

Requested Meeting Date: May 2, 2022

Title of Item: Accept Retirement of Water Plant Operator Lynn Germann

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☑ P&F COMMITTEE ☐ SPW COMMITTEE ☐ MAIN AGENDA	**Action Requested:** ☑ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1st Reading **provide copy of published hearing notice*
Submitted by: Scott Magnuson & Kris Schubert	**Department:** HR/BPU
Presenter (Name & Title): BPU Superintendent Scott Magnuson	**Estimated Time Needed:** 2 minutes

Summary of Issue:

Water Plant Operator Lynn Germann recently submitted his retirement notice. Lynn plans to retire on June 30, 2022, with his last day of working being May 31, 2022.

Alternatives, Options, Effects on Others/Comments:

At its meeting held on April 26, 2022, the BPU Commission took the following action, "Motion by Commissioner Johnson and seconded by Commissioner Angland to accept the retirement of Water Plant Operator Lynn Germann and to recommend to City Council to authorize posting the replacement position for Water Plant Operator. There was a unanimous vote in favor of the motion. Motion carried."

Recommended Action/Motion:

Motion to accept the resignation of Water Plant Operator Lynn Germann effective June 30, 2022; further, to authorize staff to backfill the position.

Financial Impact:

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

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

Is this budgeted? ☑ Yes ☐ No

Please Explain: Employee accrued balances are included within BPU's financial statements.

Lynn Germann
13411 Memorywood Dr
Baxter, MN 56425
3-8-2022

RECEIVED
APR 14 2022
Brainerd Public Utilities

Utilities Board and Management
Brainerd Public Utilities
8027 Highland Scenic Rd
Baxter, MN 56401

Dear Utilities Board and Management:

This letter is to announce my resignation due to retirement from my position of Central Station Operator.

My last day at Brainerd Public Utilities will be June 30, 2022

Sincerely,

Lynn Germann
Central Station Operator

Brainerd City Council
Agenda Request

Requested Meeting Date: May 2, 2022

Title of Item: Consider Reinstatement of Vacant Water Plant Relief Operator/Laborer

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☑ P&F COMMITTEE ☐ SPW COMMITTEE ☐ MAIN AGENDA	**Action Requested:** ☑ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1st Reading **provide copy of published hearing notice*
Submitted by: Scott Magnuson & Kris Schubert	**Department:** BPU/Human Resources
Presenter (Name & Title): BPU Superintendent Scott Magnuson	**Estimated Time Needed:** 3 minutes

Summary of Issue:

With a recent retirement and in reviewing the current staffing at the Water Plant, Staff is recommending to reinstate the Water Plant Relief Operator/Laborer position. BPU had this position up until 2013 which covered shifts due to vacation and sick leaves at the Water Plant. Since 2013, the Water Plant employees have been able to keep up with daily tasks, but due to various reasons, they are having a hard time with the extra tasks, like upgrading the plant. The Relief Operator would also be used to help the water distribution crew in the summer when they are busy flushing hydrants, helping on street projects, gate valve maintenance, etc. Staff has reviewed the overtime paid at the water plant over the last few years and it is a large number. Having a relief operator/laborer would decrease this number significantly.

Alternatives, Options, Effects on Others/Comments:

Attached is a draft job description for the Water Plant Relief Operator/Laborer position. This position will need to be pointed for pay equity points and staff will need to negotiate the wage with the IBEW Union as well as the position is currently not included in BPU's wage grid.

At its meeting held on April 26, 2022, the BPU Commission took the following action, "Motion by Commissioner Wussow and seconded by Commissioner Matten to recommend to City Council approval to proceed with adding and posting a Water Plant Relief Operator/Laborer position. There was a unanimous vote in favor of the motion. Motion carried.

Recommended Action/Motion:

Motion to:
1. Approve the attached Water Plant Relief Operator/Laborer job description as presented
2. Direct Staff to submit the Water Plant Relief Operator/Laborer job description to DDA to determine pay equity points
3. Direct Staff to begin wage negotiations with the IBEW Local No. 31 Brainerd Public Utilities Union for this position

Financial Impact:

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

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

Is this budgeted? ☐ Yes ☑ No

Please Explain:

Water Plant Relief Operator / Laborer

Department: Water FLSA Status: Non-Exempt

General Definition of Work

Performs limited to skilled trades work operating the municipal water supply system, assisting crews with maintenance and/or repair duties at other utility facilities and related work as apparent or assigned. The work schedule will vary and is assigned by the BPU Superintendent. Shift work will involve backfilling for the water plant operators as needed due to scheduling, vacations, and construction activities. Work will typically be performed under the supervision of the Water Plant Chief Operator or Water Crew Chief.

Qualification Requirements

To perform this job successfully, an individual must be able to perform each essential function satisfactorily. The requirements listed below are representative of the knowledge, skills, and/or abilities required. The omission of specific statements of duties does not exclude employee from the position if the work is similar, related, or a logical assignment to the position. Reasonable accommodations may be made to enable individuals with disabilities to perform the essential functions.

Essential Functions

- Serves as a Relief Operator to assist with the operation, repair and maintenance of the water treatment plant, central station and related facilities. Duties include operating, monitoring, and/or troubleshooting of control panels, SCADA system, booster stations, service pumps, wells, water towers, and ground reservoirs.
- Operates a water supply system in compliance with operating guidelines; ensures safe drinking water.
- Makes regular inspection of plant and equipment to ascertain that it is in proper operation at all times; monitors treatment process and flow throughout plant; performs repair and maintenance of equipment and reports major repair needs to Water Plant Crew Chief; troubleshoots electricity, telemetry, mechanical, chemical, hydraulic and pneumatic systems; conducts repairs.
- Collects data from various charts, graphs, gauges and meters of plant operations to assist in preparation of reports for submission to regulatory agencies, superiors or others as required.
- Analyzes water samples; adjusts proper chemical feeds.
- Reads; monitors and regulates tank levels and flow pressures to document operations and prepare reports.
- After business hours receives and dispatches calls for water, wastewater and electric crews. Assists with trouble calls if requested.
- Maintains security of treatment plant; responds to alarms and emergency situations, responsible for emergency action plan in case of leak.
- Monitors all BPU systems using SCADA.
- Performs custodial, groundskeeping and building maintenance at all utility facilities and operations.
- Receives and responds to inquiries from the public in a prompt and professional manner regarding questions, concerns, and problems that arise.
- Maintains state certifications for operations by attending training seminars.
- Assists other Brainerd Public Utilities service crews as needed and in emergencies.
- Performs related tasks as assigned.

Knowledge, Skills and Abilities

- Knowledge of the operating characteristics and maintenance requirements of the water treatment plant and related facilities.
- Knowledge of hydraulic, chemical and mechanical principles pertinent to water treatment plant operations.
- Ability to maintain current knowledge of treatment processes and governmental rules and regulations pertaining to water treatment industry, including MPCA, MDH, EPA, NELAC, and OSHA.
- Ability to deal with the public under stressful conditions.

Knowledge, Skills and Abilities (Cont.)

- Ability to detect flaws in the operation of mechanical equipment and to determine proper remedial measures; skilled in the use and care of hand tools.
- General knowledge of building utilities, electrical and mechanical plant operations.
- Ability to solve practical problems and deal with a variety of variables in situations where only limited standardization exists.
- General knowledge of BPU's communication systems and procedures.
- General knowledge of the geography of BPU service territory including location of important buildings.
- Ability to read meters and gauges accurately and to maintain records of operations.
- Ability to write routine reports and correspondence.
- General knowledge in the use and care of laboratory testing and analysis equipment and instruments.
- Ability to apply concepts such as fractions, percentages, ratios, and proportions to practical situations.
- Ability to read and interpret documents such as BPU safety rules, operating and maintenance instructions, procedure manuals, and policies.
- Ability to listen and speak effectively; follow oral and written instructions.
- Ability to establish and maintain effective working relationships with coworkers, supervisors, and customers.

Education, Experience and Special Requirements

- High School Diploma or general education degree (GED);
- Valid driver's license;
- Possession of or ability to obtain within eighteen (18) months of hire:
    - MDH Class D Water Operator Certificate; and
    - Minnesota Special Class Boilers Operating Engineers License;
- Advancement to MDH Class B Water Operator Certificate as permitted by in-service time and training not to exceed a maximum of six (6) years from bid award.

The following are highly desirable qualifications when hiring:

- Graduation from Technical/Community College training program with specialized training in water operations.
- Training and/or experience in the operation, maintenance, repair and service of a water treatment facility/central station plant including wells, pumps, reservoirs, storage tanks, and system related equipment.
- Possession of MDH Water Class C or higher Operator certificate.
- Possess Forklift Certification.

Physical Requirements

This work requires the regular exertion of up to 25 pounds of force, frequent exertion of up to 50 pounds of force and occasional exertion of up to 100 pounds of force; work regularly requires standing, sitting, speaking or hearing, reaching with hands and arms and repetitive motions, frequently using hands to finger, handle or feel, tasting or smelling and lifting and occasionally requires walking, climbing or balancing, stooping, kneeling, crouching or crawling and pushing or pulling, lifting and repetitive motions; work requires close vision, distance vision, ability to adjust focus, depth perception, color perception and peripheral vision; vocal communication is required for expressing or exchanging ideas by means of the spoken word and conveying detailed or important instructions to other accurately, loudly or quickly; hearing is required to perceive information at normal spoken word levels and to receive detailed information through oral communications and/or to make fine distinctions in sound; work requires preparing and analyzing written or computer data, visual inspection involving small defects and/or small parts, using measuring devices, assembly or fabrication of parts within arms length, operating machines, operating motor vehicles or equipment and observing general surroundings and activities; worker is frequently exposure to outdoor weather conditions including exposure to extreme hot and cold as well as to wet, humid conditions (non-weather), working near moving mechanical parts, exposure to fumes or airborne particles, exposure to toxic or caustic chemicals, exposure to the risk of electrical shock, exposure to vibration, wearing a self contained breathing apparatus and exposure to bloodborne pathogens and may be required to wear specialized personal protective equipment; work is generally in a moderately noisy location.

This job description does not constitute an employment agreement between the employer and employee and is subject to change by the employer, as the needs of the employer and requirements of the job change.

Last Revised: April 26, 2022

Brainerd City Council
Agenda Request

Requested Meeting Date: May 2, 2022

Title of Item: Approve Personal Leave of Absence for BPU Accountant 1 Chelsey Fischer

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

Summary of Issue:

Chelsey Fischer, BPU Accountant 1, is requesting a personal leave of absence. The effective date will be on or around May 9th depending on the birth of her child. Please note that this personal leave of absence has been requested because Chelsey is not eligible for Family & Medical Leave (she has not met the FMLA 12-month employment requirement).

Alternatives, Options, Effects on Others/Comments:

This request is pursuant to the Employee Policy Manual (EPM), specifically Section 13 - Employee Leaves, Subdivision 8 - Personal leave. As noted in the EPM, the Council may grant an employee a leave of absence without pay for a period of up to 90 consecutive calendar days and that employees will not earn or accumulate leave, benefits or other compensation while on unpaid leave except as required by law.

Recommended Action/Motion:

Motion to approve the personal leave of absence as requested by BPU Accountant 1 Chelsey Fischer that will begin on or around May 9th and will last up to, but not longer than, 12 weeks.

Financial Impact:

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

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

Is this budgeted? ☐ Yes ☐ No

Please Explain: BPU recently hired an Office Intern who is currently in college for a finance degree to help cover for this position during the leave. The internship was approved for the Sourcewell Internship Program funding.

BPU Staff request for 05/02 City Council Meeting Agenda:

Chelsey Fischer, Accountant 1, is requesting approval of a personal leave due to the birth of her child. This leave would start on or around May 9th and last up to but not longer than 12 weeks.

Chelsey Fischer

Signature

4/26/2022

Date

Brainerd City Council
Agenda Request

Requested Meeting Date: May 2, 2022

Title of Item: Update on City Engineer/Public Works Director Hiring Process

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☑ P&F COMMITTEE ☐ SPW COMMITTEE ☐ MAIN AGENDA	**Action Requested:** ☑ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1st Reading **provide copy of published hearing notice*
Submitted by: City Engineer/PW Dir Hiring Work Group	**Department:** Human Resources
Presenter (Name & Title): Kris Schubert, HR Director	**Estimated Time Needed:** 2 minutes

Summary of Issue:

At its April 18, 2022, meeting, the City Council accepted the resignation of City Engineer/Public Works Director Paul Sandy and appointed a Work Group to oversee the hiring process. Council Members Mike O'Day and Gabe Johnson were appointed as Council representatives to the City Engineer/Public Works Director Work Group. It was noted that the Work Group had met with Staff on April 11th and discussed both the Community Development Director and the City Engineer/Public Works Director resignations. Attached is the City Engineer/Public Works Director Position Profile and hiring timeline as discussed by the Work Group. The Work Group also recommends that it continue to oversee this hiring process including designating O'Day & Johnson to serve as Council representatives on the Interview Panel.

Alternatives, Options, Effects on Others/Comments:

Recommended Action/Motion:

Motion to approve the attached City Engineer/Public Works Director Position Profile and hiring timeline; further, to designate Council Members O'Day & Johnson to serve as Council representatives on the Community Development Director Interview Panel.

Financial Impact:

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

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

Is this budgeted? ☑ Yes ☐ No

Please Explain: Hiring process costs will be offset by the City Engineer/Public Works Director position being included in the 2022 budget.

BRAINERD
MINNESOTA

Position: City Engineer/Public Works Director

Location: City of Brainerd, Minnesota

Population: 14,395

Hiring Range: $95,888 to $110,240

Pay Range: $95,888 to $119,850

*Performance-based pay opportunity: Up to $129,418

* The City of Brainerd utilizes a performance-based pay system as noted above. Our system provides an opportunity for additional pay steps based on merit.

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The Community

Nestled in the heart of the Lakes Country is the City of Brainerd, Minnesota. The City is located just north of the geographical center of the state and is the county seat of Crow Wing County. Brainerd is the principal City of the Brainerd Micropolitan Area. Brainerd is also one of the largest cities in central Minnesota and is home to 14,395 residents who enjoy all this City has to offer. In fact, 57.8% of the Brainerd population is under the age of 39 indicating a growing and vibrant community.

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

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

Economic Development

The City of Brainerd partners with several entities that seek to help the community thrive. The City of Brainerd has entered into an agreement with Economic Development Authority (EDA) to provide the administrative services for the EDA. The EDA works to promote economic efforts throughout the City. The EDA has hired several consultants to assist the EDA in furthering its goals. The organizations include the Brainerd Lakes Area Economic Development Corporation (BLAEDC), Destination Downtown Business Coalition (DDBC), Swanson Haskamp, Inc. and Visit Brainerd. Brainerd's Community Development Director assists the EDA and manages the agreements with these agencies.

The City also works with the Brainerd Lakes Chamber of Commerce to help businesses connect with people, organizations, and other businesses; advocates on behalf of business interests regarding government concerns at the local, state, and national levels; and promotes business growth through marketing and educational programs.

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

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

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Education

Public education in Brainerd is provided by Brainerd Public Schools ISD 181 which serves more than 6,700 students per year and recently completed a Comprehensive Long Range Facilities Plan. Members of the community recently showed their support for the District by passing a $205 million school referendum to improve the elementary schools, Early Childhood facilities, and added a Performing Arts Center and competition size swimming pool.

Brainerd Public Schools has six elementary schools, one middle school, one high school, and three alternative programming sites. Four of the elementary schools and the high school are located in Brainerd. In 2014, all six of the District's elementary schools were awarded the National Blue Ribbon Award. Brainerd High School (BHS) is a comprehensive, public, four-year high school. Another public school option is the Discovery Woods Montessori School, a free, public charter school for grades K-6.

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

Opportunities for higher education can also be found right in the City. Central Lakes College is one of the 37 Minnesota State Colleges and Universities. It is a comprehensive community and technical college serving approximately 5,500 students per year. The Brainerd Campus dates back to 1938.

St. Scholastica is also located on the Central Lakes College campus. St. Scholastica offers a variety of accelerated undergraduate and graduate degree programs.

Healthcare

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

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

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Recreational Opportunities

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

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

Outdoor enthusiasts have access to hundreds of miles of ATV trails, scenic bike routes, including the famous Paul Bunyan State Trail, as well as many miles of horseback, hiking, and cross county skiing trails. The area also offers some of the most acclaimed and challenging Minnesota golf courses and has been rated a top fifty world golf destination. The City also offers a clean, well-maintained park system for its residents and visitors to enjoy camping, ball diamonds, playground equipment, hockey rinks, basketball, pickle ball, tennis courts, pavilions, and much more.

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

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

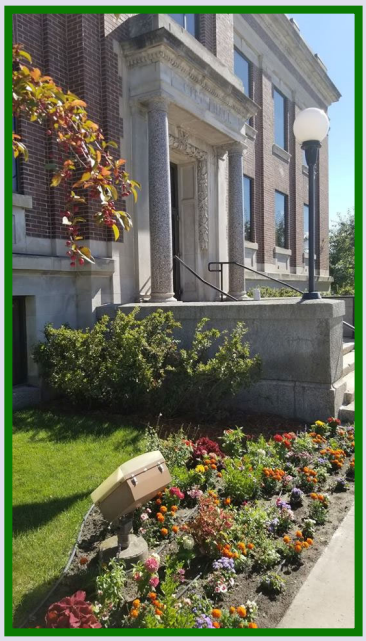
There is no shortage of arts and culture opportunities throughout the City. Brainerd is home to new Gichi-ziibi

Center of the Arts facility attached to the Brainerd High School; The Crossing Arts Alliance, located in Downtown Brainerd; the Brainerd Minnesota Cultural Arts Series, located at Central Lakes College; and the Stage North Theatre Company, with performances at the historic Franklin Arts Center. The City is also home to the Lakes Area Music Festival which serves as a worldwide hub for connecting classical music performers and audiences.

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

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

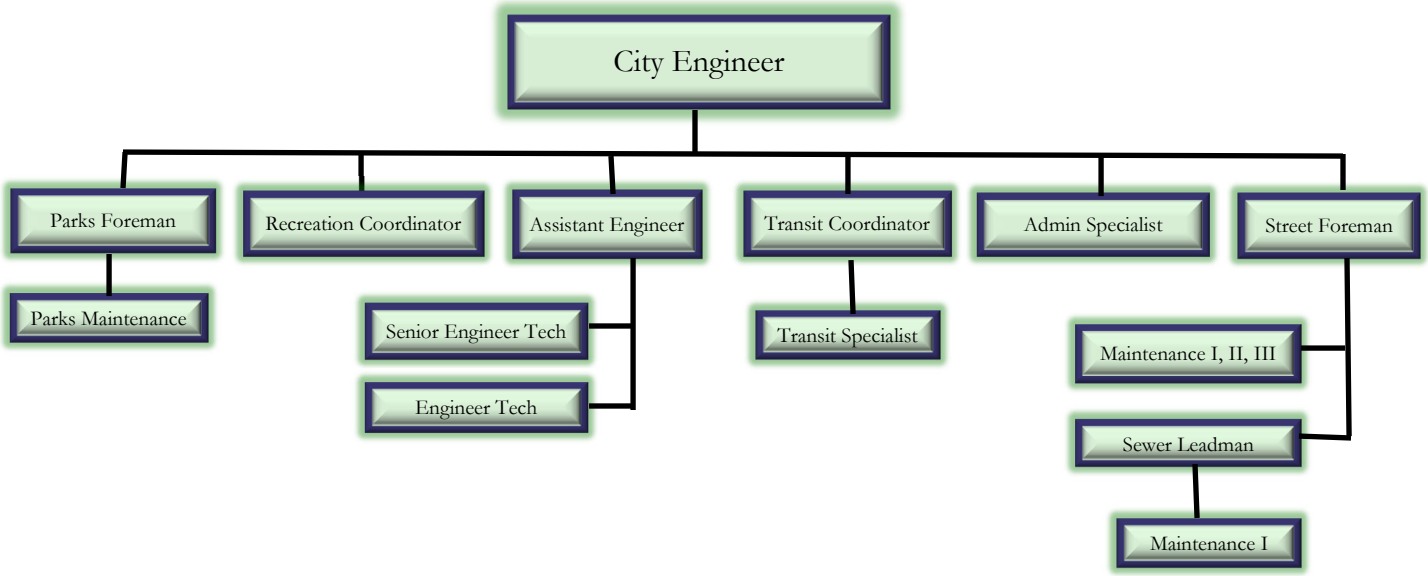
The Organization



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

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

Brainerd Public Works Department Organizational Chart



Pending Major Projects

The City of Brainerd is working with MnDOT for the reconstruction of Highway 210 through the City of Brainerd in 2026. This is a transformative project for the City, and the City Engineer will lead this project and bring forward City priorities to MnDOT for consideration into the project.

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

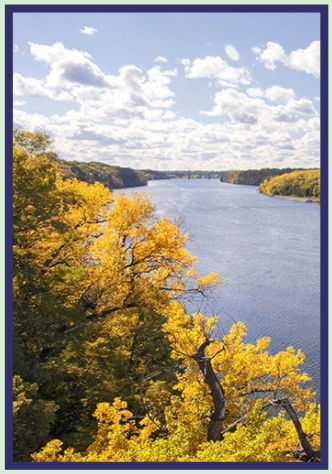
Budget Information (Includes General, Public Safety, Parks & Recreation, and Streets)

#

	2020 Actual	2021 Budget	2022 Budget
REVENUES			
Property Taxes	2,786,594	2,665,201	3,480,407
Other Taxes	341,161	285,000	288,800
Intergovernmental	5,099,753	5,204,834	5,346,445
Charges for Services	895,616	982,508	961,193
Licenses & Permits	466,505	437,845	487,470
Fines & Forfeits	102,545	127,000	146,500
Special Assessments	65,522	55,000	67,000
Interest	152,336	10,000	40,000
Other Revenue	961,382	1,350,876	742,149
TOTAL REVENUES	**10,871,414**	**11,118,264**	**11,559,964**
EXPENDITURES			
General Government	2,492,040	2,744,630	2,990,859
Police	3,589,091	4,050,998	4,308,398
Fire	1,026,940	1,095,130	1,124,393
Misdemeanor Prosecutor	191,264	193,579	198,205
Animal Control	63,468	67,960	77,588
Parks—all programs	1,005,207	1,083,253	1,123,168
Streets	1,167,629	1,232,534	1,286,780
TOTAL EXPENDITURES	**9,535,639**	**10,468,083**	**11,109,391**
OTHER SOURCES (USES)			
Transfer In (Out)	(1,134,250)	(578,181)	(465,573)
Other Sources (Uses)	-	(57,000)	-
TOTAL OTHER SOURCES (USES)	**(1,134,250)**	**(635,181)**	**(465,573)**
EXCESS OF REVENUE OVER (UNDER) EXPENDITURES AND OTHER SOURCES (USES)	**201,525**	**15,000**	**(15,000)**
Fund Balance—Jan 1st	4,421,124	4,622,649	4,637,649
Fund Balance—Dec 31st	4,622,649	4,637,649	4,622,648
EXPENDITURES			
Personnel Services	6,539,476	7,122,383	7,668,965
Supplies	481,188	511,550	522,100
Services	2,033,179	2,324,501	2,380,082
Other	481,796	509,649	538,244
TOTAL EXPENDITURES	**9,535,639**	**10,468,083**	**11,109,391**

City Engineer/Public Works Director Core Duties

- Plans, programs, directs and evaluates the operation of the department in all areas of responsibility including transportation, street, sewer, drainage, transit and parks.
- Oversees the preparation of, or develops, engineering plans and specifications; Coordinates required advertising for bids; Reviews construction bids and makes necessary recommendations based on lowest and best bids, competency of vendors and consultants, and the selection criteria for public works projects.
- Coordinates and/or undertakes the development or update of the City Transportation Program, Comprehensive Sewer Plan, Street Improvement Program, Capital Improvement Program, Pavement Management System, and other plans involving the municipal infrastructure.
- Reviews private project development plans for compliance with codes, regulations, and standards, adequacy of applications for permits and compliance with approved plans.
- Develops annual budget proposal and controls budgeted expenses for the departments and all divisions.
- Formulates and implements department policy, procedures, rules, regulations and programs.
- Provides project management for the construction of the municipal, State Aid, and Federally-funded public works projects. Oversees assigned projects to ensure contractor compliance with time and budget parameters for the project.
- Prepares and reviews operational and administrative reports for the department; Supervises maintenance of records and materials associated with department activities or administration.
- Supervises all Engineering and Public Works Department staff directly or indirectly through department supervisors including training, inspecting, and assigning work, developing staff schedules, coaching and counseling, conducting performance evaluations, disciplining, and recommending hiring and terminating personnel.
- Evaluates potential projects, programs, and services to determine feasibility and impact on department operations and makes recommendations to Council.
- Oversees the City's Park system including maintenance staff, facilities, and projects; Oversees the City's Recreation staff & events.
- Prepares, coordinates, and implements the 30-year City facility improvement plan including capital facility project planning with applicable department heads or supervisors; Coordinates architectural and engineering plans for facilities including overseeing the bidding and construction process with internal or external staff and contractors.
- Researches and prepares technical advice and information for the City Council, Planning Commission, Park Board and other boards and committees as necessary; Attends meetings as required.
- Under the direction and/or authority of the City Administrator and City Council, oversees all Engineering and Public Works Department personnel policies and actions, oversees and/or participates in the selection of employees; evaluates employees and recommends salary adjustments, determines staffing and structure needs.
- Responds to concerns, issues, complaints, and questions from the public and employees; mediates disputes and resolves issues as appropriate.
- Oversees Department training program to ensure proper training and certification of departmental personnel.
- Maintains regular contact with consulting engineers, construction project engineers, City, County, State and Federal agencies, professional and technical groups and the general public regarding departmental activities and services.
- Performs other duties as assigned.



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

Desired Attributes

- Have the ability to communicate effectively, honestly, and respectfully in all interactions with the public, staff, and elected officials.
- Be committed to providing excellent customer service.
- Be optimistic; highly motivated.
- Have integrity.
- Have the ability to enhance organizational relationships that bring people together around common goals.
- Demonstrate listening skills by understanding and appreciating other opinions and perspectives.
- Understand how to make things happen.
- Understand, appreciate, and value the unique characteristics and qualities of the Brainerd community.
- Be a skilled manager of people.
- Have a proven track record of positive leadership.
- Have the ability to strategically and appropriately delegate.
- Be calm and handle crisis situations with tact and understanding.

Goals & Priorities

In 2019, the Brainerd City Council adopted the 2035 Comprehensive Plan which identified goals and policies in land use, community character, housing, mobility, economic development, park and recreation, facilities and infrastructure, public safety, and natural resources. Some of those goals include:

- Maintain, develop, and adapt a dynamic multimodal transportation system within Brainerd that seamlessly accommodates all users
- Continue to work collaboratively with MnDOT, federal and state agencies, neighboring cities, the private sector, residents and other agency partners to improve the mobility network in the region
- Elevate consideration of other modes of transportation such as public transit, bicyclists, and pedestrians to the same level as automobile users
- Maintain a quality parks system that meets the recreational needs of a variety of users
- Collaborate with community partners to maximize the value and impact of the park system
- Seek ways to expand event programming for each park in order to highlight the unique qualities of each neighborhood
- Improve the overall image of the city
- Preserve the history and small-town feel of Brainerd
- Provide quality water/power and wastewater systems that support new and existing development and redevelopment; all while being adaptive to change

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

Position Announcement

City Engineer/Public Works Director: City of Brainerd, Minnesota

Hiring Range: $95,888 to $110,240

Pay Range: $95,888 to $119,850

* Performance-based pay opportunity: Up to $129,418

***The City of Brainerd utilizes a performance-based pay system that includes an opportunity for additional pay steps based on merit.**

Nestled in the heart of the Lakes Country is the City of Brainerd, Minnesota. Brainerd is one of the largest cities in central Minnesota and is home to 14,395 residents who enjoy all this City has to offer.

Qualifications for the position include a bachelor's degree in Civil Engineering, or related field; five or more years of progressively responsible engineering experience; two years' in Municipal Engineering, municipal infrastructure projects and coordination of land development and redevelopment activities or related, two years' supervisory experience, demonstrated experience in concurrent management of multiple programs and complex projects, possession of a valid driver's license, and successful completion of a pre-employment physical, drug screen, and background check.

To apply, go to www.ci.brainerd.mn.us and complete the process by May 24, 2022. Finalists will be selected on June 1, 2022, and final interviews are scheduled for June 22, 2022.

Please direct questions to HR Director Kris Schubert at kschubert@ci.brainerd.mn.us or call 218-828-2307.

Brainerd City Engineer/Public Works Director
Search Timeline
April 18, 2022

ITEM	TASK	COMPLETION DATE
Decision by City Council to proceed		April 18, 2022
Information gathering	♦ Gather all pertinent background information ♦ Hiring Committee meets – includes Administrator, HR Director, and Council Representatives	April 25, 2022
Professional profile	Update position profile and advertisement	April 28, 2022
Approve position profile	Council approves profile and process	May 2, 2022
Candidate recruitment	♦ Post position immediately upon approval of profile ♦ Comprehensively advertise	May 3, 2022- May 24, 2022
Screening of applicants	Hiring Committee will review, and rank applicants based on job related criteria and select semifinalists	June 1, 2022
Reference Checks	Staff will conduct reference checks on semifinalists	June 1 - 17, 2022
Finalist Packet	Staff will provide the Hiring Committee information.	June 17, 2022
Interviews	♦ Hiring Committee will determine Interview Panel/Process. ♦ Staff will prepare interview materials and assist with interviews and other functions.	June 22, 2022
Decision	Interview Panel/Hiring Committee will select top candidate(s) for job offer	June 22, 2022
Job Offer	Staff will negotiate job offer with selected person	June 22, 2022
Pre-employment screening process	Includes employment and education verification and credit check	June 22 – 29, 2022
Council Action	City Council will consider recommendation of Hiring Committee	July 5, 2022
Projected start date	New City Engineer/Public Works Director begins	September 6, 2022

Brainerd City Council
Agenda Request

Requested Meeting Date: May 2, 2022

Title of Item: Consider Proposal to Provide Professional Engineering Services from WSB

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

Summary of Issue:

City Engineer/Public Works Director Paul Sandy has submitted his resignation effective May 6, 2022. We anticipate posting the position to replace Mr. Sandy on May 3rd and hope to have a new City Engineer/Public Works Director by September 1st. However, there will be a gap between May 6th and when we hire a new City Engineer/Public Works. Any project plans and specifications, assessment proceedings, feasibility reports, etc. need to be signed by a professional licensed engineer whether that is on staff or a designated consultant performs the duties. Our Assistant City Engineer is not licensed so he is not able to perform the duties of a City Engineer; therefore, staff reached out to SEH, Widseth and WSB to request proposals for engineering services in the interim.

Alternatives, Options, Effects on Others/Comments:

SEH and Widseth said that they would not be able to submit a proposal at this time as they did not have the capacity to be able to provide a City Engineer for the City of Brainerd. WSB did provide a proposal (see attached).

Recommended Action/Motion:

Authorize staff to enter into an agreement with WSB for Professional Engineering Services for an Interim City Engineer.

Financial Impact:

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

What is the total cost, with tax and shipping $ 18,000

Is this budgeted? ☐ Yes ☑ No

Please Explain: This is not budgeted; however, the City budgeted approximately $47,000 including benefits for the same time period.

April 13, 2022

Ms. Jennifer Bergman
City Administrator
City of Brainerd
501 Laurel Street
Brainerd, MN 56401

Re: Proposal to Provide Professional Engineering Services
Interim City Engineer

Dear Jennifer:

On behalf of WSB, we are pleased to submit this proposal to provide Interim City Engineer services to the City of Brainerd. We anticipate providing staff to fill the role beginning on May 9, 2022, upon receiving Council authorization, and will continue to serve the City until a new City Engineer is hired by the City, which is anticipated to be August 31, 2022. If after August 31, 2022 the City should still require interim services, WSB will work with the City to provide additional support as needed.

We have developed an approach based on our understanding of your needs as well as our familiarity with the City. Our approach includes the following:

Proposed Interim City Engineer

We propose to assign Paul Sandy, PE as the Interim City Engineer for the City of Brainerd. Paul's familiarity with the City and its current projects will provide continuity for the City as it works to hire a new City Engineer.

We expect to provide the following services to the City based on our discussion with you:

Scope of Services for Interim City Engineer

- Staff coordination and direction
- Communication of all necessary information to the City's Administrative Team, the City Council and the Safety and Public Works Committee regarding Public Works operations and facilitation of effective updates to stakeholders.
- Ensuring the Department delivers prompt, courteous and thorough customer service to the community.
- Overseeing the preparation and timely submittal of all Council agenda items.
- Coordinating weekly with Public Works Divisions, including:
    1. Streets
    2. Parks
    3. Utilities
    4. Engineering
    5. Transit
- Coordination of invoice payments for the departments.

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- Providing construction administrative support for on-going Capital Improvement Projects, including:
    1. Responding to RFI's (requests for information) from City staff, consultants, and contractors when appropriate,
    2. Preparing staff report updates for inclusion in City Council and Safety and Public Works Committee updates,
    3. Preparation of changes orders as needed.
- Managing Department Operational and Capital Improvement Plan budget expenditures.
- Attending weekly Department Head meetings.
- Attending City Council meetings.
- Attending Safety and Public Works Committee meetings.
- Providing office hours on a specified schedule for regular and predictable availability, as well as flexibility to schedule additional meetings as needed.

This list is not all-inclusive, nor is it meant to be. We are comfortable working with you to prioritize the time spent on specific activities to get the most out of the time allocated to the position.

Office Hours

Close coordination and communication with the City will be important to ensure the appropriate amount of time is being allocated to keep important tasks on schedule. We believe that Paul can effectively serve the City by providing an average of 40-hours of on-site office hours each month.

It is proposed that office hours coincide with scheduled Department Head meetings. While additional on-site meetings with City Staff, residents, or other agencies will be scheduled as needed, in order to provide a consistent schedule we propose to have Paul maintain office hours at Brainerd facilities from 8:30 a.m. to 4:30 p.m. two days per week during weeks in which Council packets must be assembled, and possibly from 8:30 a.m. to 12:30 p.m. one day per week during weeks in which there are no Council packet submissions required. The specified office hour days will be agreed upon by WSB and the City. If it is determined that an alternative schedule would be beneficial to the City, we will work with you to adjust as needed. Paul will also attend City Council and Safety and Public Works meetings.

Basis of Compensation

Our goal is to provide the City with a compensation structure that best fits the needs of staff and customers alike. In addition to the strong leadership Paul brings with him to support the Department during this transitionary time, the WSB Team wants to bring value to City services.

Based on the scope outlined above, we propose to provide Paul's services on monthly retainer basis of $4,800 per month. This assumes an average of 10-hours per week of on-site support plus attendance at City Council and Safety and Public Works Committee meetings. This rate would be effective through August 31, 2022. If the City wishes to continue this agreement beyond August 31, 2022, we would be happy to meet with the City to evaluate additional Interim City Engineer services and provide a supplemental proposal. As a new City Engineer is hired on by the City, WSB will work with the City Administrator to define a mutually agreeable end-date for Interim City Engineer.

Retainer services for the month of May, 2022 are proposed to be prorated to reflect service for approximately 75% of the month, resulting in a monthly retainer amount of $3,600.

For services that may be requested outside of this retainer scope, we propose to provide Interim City Engineer Services at an hourly rate of $120/hour. Prior to beginning work on any requested out-of-scope services, Paul will seek authorization from the City Administrator after clearly defining the scope and expectations for deliverables.

Start Date

We propose to have this contract begin on May 9, 2022 and following authorization by the City Council. If you are in agreement with the terms outlined in this proposal, WSB will draft a Professional Services Agreement for both parties to execute.

If you have any questions or concerns, please contact me at 952-737-4675. Thank you for the opportunity to serve the City of Brainerd.

Sincerely,

WSB

Monica Heil

Monica Heil, PE
Vice President – Municipal Services

Brainerd City Council
Agenda Request

Requested Meeting Date: May 2, 2022

Title of Item: Consideration of SRO Contract with School District 181

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

Summary of Issue:

The City has provided a School Resource Officer (SRO) to ISD 181 for many years. The agreement is renewed every two years. Attached is a proposed agreement for the 2021-2022 and 2022-2022 school years at a rate of $84,948 and $89,454 respectively. The School Board is schedule to approved the attached draft agreement at their April 28, 2022 meeting held at 11:30 am.

Alternatives, Options, Effects on Others/Comments:

SRO Contract billing review:
2020-2021 - $76,500 - adjusted to $51,500 due to COVID
2019-2020 - $75,000 - adjusted to $55,000 due to COVID
2018-2019 - $55,065
2017-2018 - $53,722
2016-2017 - $52,412

Recommended Action/Motion:

Authorize the signatures and enter into the proposed School Resource Officer Services Agreement between the City of Brainerd and Independent School District No. 181 as presented.

Financial Impact:

Is there a cost associated with this request: ☐ Yes ☑ No
What is the total cost, with tax and shipping $ _____
Is this budgeted? ☐ Yes ☐ No
Please Explain:

SCHOOL RESOURCE OFFICER SERVICES AGREEMENT

This School Resource Officer Services Agreement ("Agreement") is entered into by and between Independent School District No. 181, Brainerd Public Schools ("District") and the City of Brainerd ("City"). The District and the City are collectively referred to herein as the "Parties," and individually as a "Party."

WHEREAS, the Parties desire to maintain a cooperative and coordinated approach to deterring and addressing criminal activity on school property and at District-sponsored events and activities;

WHEREAS, Minnesota Statutes, section 126C.44 authorizes the District to contract with the City to have peace officers provide school resource services; and

WHEREAS, Minnesota Statutes, section 126C.44 further authorizes the District to levy for an appropriate portion of the costs the City incurs in paying wages, providing benefits, and providing transportation for peace officers who are assigned to perform school resource officer duties in the District;

NOW, THEREFORE, IN CONSIDERATION OF the mutual promises contained in this Agreement and other valuable consideration, the sufficiency and receipt of which is acknowledged, the Parties agree as follows:

1. **Term and Termination.** This Agreement is for a term beginning on September 1, 2021, and ending on June 30, 2023. Either Party may terminate this Agreement, with or without cause, by delivering to the other Party a written notice of termination not less than ninety (90) days prior to the date of termination of this Agreement. All payments due under this Agreement shall be prorated in the event of such termination.

2. **Definitions.** The following definitions apply to this Agreement:

    a. **"Additional services"** mean services that a peace officer provides, at the District's request, outside the regular hours of school resource officer ("SRO") service that are described in the third numbered paragraph of this Agreement. By way of example, but without limitation, a SRO performs additional services if, at the written request of a school administrator or District administrator, the SRO attends a school board meeting, an extracurricular activity, or a community function that is held in the evening.

    b. "**Exigent circumstances"** mean circumstances under which the courts permit police officers to execute a warrantless search or seizure; circumstances under which a reasonable police officer would believe that a person presents an immediate and substantial risk of harm to self or others; circumstances under which urgent action is reasonably necessary in order to prevent the destruction of evidence of a serious crime; and circumstances in which a police officer is in hot

pursuit of a suspect who is believed to have committed, or to have attempted to commit, a serious crime and is in the process of fleeing.

c. **"School resource officer"** or **"SRO"** means a licensed peace officer who is employed by the City and is assigned by the City to provide SRO duties and/or additional services pursuant to this Agreement.

d. **"SRO duties"** are the following law enforcement duties performed by the SRO, as assigned by the City:

- protecting persons who are present on school property or at a school sponsored event or activity;
- protecting real and personal property;
- deterring truancy;
- serving as a role model for students, parents, and community members;
- conferring with students, parents, and community members for the purpose of deterring or addressing criminal behavior on school property or at a school sponsored event or activity;
- advising on security vulnerabilities in the District's schools;
- visiting and inspecting high delinquency areas on school property;
- being present and visible on school property;
- deterring all forms of criminal activity on school property and at school sponsored events and activities;
- serving as a resource for school officials regarding the prevention of criminal activity on school property and at school sponsored events and activities;
- serving as a mentor and resource for students;
- giving presentations to students and staff that are designed to promote safety or to deter, decrease, or otherwise address drug use or other potential criminal activity by students during school hours;
- investigating and otherwise addressing criminal activity that has occurred, is alleged to have occurred, may have occurred, or is expected to occur on school property or at a school sponsored event or activity;
- recovering stolen property;
- enforcing all criminal laws on school property and at school sponsored events and activities;
- apprehending criminals and suspected criminals;
- responding to emergencies including, but not limited to, medical emergencies and situations involving a threat of violence or harm to property or to any person who is on school property or is at a school sponsored event or activity;
- attending trainings provided by the District;
- meeting and collaborating with school administrators and District administrators to develop and work toward mutually agreed upon goals; and
- other tasks as assigned by the Brainerd Police Department.

All SRO duties shall be performed in accordance with applicable City, Brainerd Police Department, and District policies and procedures.

e. **"School day"** means a day on which school is in session for in-person instruction, hybrid instruction, or distance learning, including any make-up days that are scheduled because school was canceled for any reason. School days are identified on the District calendar, which is published on the District's website. Days on which students attend summer school are not school days.

f. **"School property"** means any property owned, leased, or controlled by the District where an elementary school, middle school, secondary school, secondary vocational center, alternative learning program, or other school providing educational services is located or used for educational purposes, or where extracurricular or cocurricular activities are regularly provided.

3. **Assignment of School Resource Officer.** The City will assign one full-time licensed peace officer to perform SRO duties on a full-time basis. SRO services will be provided during each school day. The SRO will provide SRO services at all school property within the City and will be primarily assigned to Brainerd High School.

a. **Base Services.** The SRO provided by the City will carry out SRO duties for eight (8) hours each school day beginning on the first day of the regular school year through the last day of the regular school year, except for any days in which students are not in attendance due to a school closure or distance learning, for up to one hundred seventy-one (171) days per school year.

b. **Absences.** If the regular SRO is absent for more than 10 consecutive school days, the City will undertake reasonable efforts to assign another licensed peace officer to serve as a temporary replacement and perform the regular SRO's duties during any additional absences.

c. **Vehicles, Equipment, and Training.** The City is responsible for providing the SRO with a vehicle and all necessary law enforcement equipment, including any necessary electronic devices. The City is also responsible for providing training and education to all peace officers who are assigned to provide services pursuant to this Agreement.

d. **Objections to Personnel.** The City will undertake reasonable efforts to assign peace officers who are acceptable to the District, and will provide the District with an opportunity to provide input before a new SRO is assigned to the District. The District will notify the City's Chief of Police of any concerns related to the performance of the SRO. Any request for reassignment of the SRO that is based on work-related concerns must be made in writing to the Chief of Police. The City will have thirty (30) calendar days to demonstrate to the District's satisfaction that the concern has been addressed in accordance with applicable collective bargaining agreements, City policies, and practices.

4. **Base Payment.** The District will pay the City for all SRO services, excluding additional services, as follows:

   a. **2021-2022 School Year.** The District will pay the City a total of $84,948. This amount will be paid on June 15, 2022.

   b. **2022-2023 School Year.** The District will pay the City a total of $89,454. This amount will be paid in two equal installments on December 15, 2022, and June 15, 2023.

5. **Invoice for Additional Services.** The District's Superintendent, Lead Principals, or Activities Director may request in writing that the City assign one or more peace officers to provide "additional services" as defined in this Agreement. The City will make reasonable efforts to accommodate such requests. When the City assigns an officer to provide additional services, the District will be responsible for paying the officer's wages for the hours worked while providing additional services, any resulting overtime costs, a prorated portion of the officer's benefits for the hours worked while providing additional services, and the officer's transportation costs directly associated with providing additional services. The City will submit an itemized invoice to the District describing the additional services that were provided, the location where the additional services were provided, and the costs the City incurred in providing the additional services.

6. **District Responsibilities.** In addition to making the payments described in this Agreement, the District will provide office space for the SRO in the Brainerd High School. At a minimum, the office space will be furnished with a desk, two or more chairs, and landline telephone. The office will be enclosed, provided with electricity and access to the internet and telephone service, lighted, and climate controlled in the same manner as the other rooms in the Brainerd High School. The SRO will have access to the office during the normal business hours of the Brainerd High School. In the event that the SRO requires access to the office when the Brainerd High School is not open, the City may contact Reid Thiesse, Director of Buildings and Grounds, who shall make arrangements to allow the SRO to access the office. The SRO may print materials and make photocopies at the school where the SRO is stationed if the materials and photocopies relate to SRO duties. Individual schools may elect to provide additional resources, such as a two-way radio, to the SRO. School administrators and District administrators will provide guidance and assistance to each SRO as needed.

7. **Relationship of the Parties.** Nothing in this Agreement may be construed to create a partnership or joint venture between the District and the City. Neither party has any authority or power to take any unilateral action that could legally bind the other party. For purposes of the Minnesota Government Data Practices Act, each party is considered to be an independent contractor relative to the other party. The parties understand and agree that this Agreement does not create any rights or obligations beyond those expressly contained herein, including, but not limited to, any rights or obligations to any third party.

8. **SRO Employment Status.** At all times and for all purpose, the City is and will remain the exclusive employer of all peace officers who perform services pursuant to this Agreement. No SRO may be considered to be an official, employee, agent, educational service provider, or representative of the District, and neither party may make any representation to the contrary. The City maintains full control over the peace officers it employs and is solely responsible for all employment and administrative functions related its employees, including, but not limited to, supervision and evaluation, payroll and deductions, maintenance of all required insurance (e.g. workers' compensation insurance, unemployment insurance, liability insurance), and any labor disputes or grievances.

9. **Liability and Indemnification.** Each party is solely responsible for the act(s) and omission(s) of its own officers, employees, officials, agents, and representatives. To the extent permitted by law, each party agrees to indemnify the other party from any and all damages, liability, judgments, claims, expenses, attorney fees, and costs resulting from any act or omission of any of its officers, employees, officials, agents, or representatives. Each party's liability, if any, is limited under Minnesota Statutes Chapter 466, and nothing this Agreement may be deemed to constitute a waiver of those limits.

10. **Prohibited Actions.** In the absence of exigent circumstances, a peace officer who is employed by the City may not interview a student on school property about criminal activity or potential criminal activity unless: (a) the officer is conducting a maltreatment of minor investigation; (b) the crime has occurred, is alleged to have occurred, may have occurred, is occurring, or is reasonably expected to occur in the near future on school property or at a school sponsored event or activity; or (c) the officer has obtained prior written permission from the building principal and from the student's parent or guardian or the student, if the student is eighteen (18) years of age or older. In addition, the parties understand and agree that a peace officer, including any SRO assigned pursuant to this Agreement, may not participate in recommending or determining student discipline or in investigating incidents of student discipline which do not involve potential criminal activity.

11. **Execution of Arrest Warrants.** When executing an arrest warrant for a student on school property, a peace officer must make reasonable efforts to protect other students and staff members who are present and to avoid undue embarrassment to the student who is being arrested. This paragraph is not intended to prevent an officer from taking immediate action to arrest a student who is fleeing or who presents an imminent and substantial risk of harm to self, others, or property.

12. **Notices.** The District must provide all official notices under this Agreement by electronic mail or U.S. Mail addressed to the City's Chief of Police, Mike Bestul, at mike.bestul@ci.brainerd.mn.us or at 225 E River Road, Brainerd, MN 56401. The City must provide all official notices under this Agreement by electronic mail or U.S. Mail addressed to the District's Superintendent, Laine D. Larson, at laine.larson@isd181.org or Washington Educational Services Building, 804 Oak St., Brainerd, MN 56401. Either party may designate a different addressee or address at any time by giving written notice

to the other party. Notice that is delivered by mail is effective upon mailing. Notice that is delivered by email is effective upon transmission.

13. **Data Practices.** All government data that are collected, created, received, or maintained as a result of this Agreement will be handled in accordance with all applicable federal and state laws, including, but not limited to, the Minnesota Government Data Practices Act ("MGDPA"). The parties recognize that educational data maintained by the District are protected under the MGDPA and under and the Family Educational Rights Privacy Act ("FERPA"), including its implementing regulations at 34 C.F.R. part 99. The parties acknowledge that unless a statutory exception applies, the District may not disclose private educational data to a SRO without the written consent of the student's parent or guardian (or the written consent of the student if the student is eighteen years of age or older); a lawfully issued subpoena; or a court order. Nothing in this Agreement may be construed to modify the responsibilities of either party under the MGDPA or the District's responsibilities under FERPA.

14. **Background Checks.** The City must conduct, or have conducted, a criminal background check on all peace officers who provide any service pursuant to this Agreement. The background check must be completed before the peace officer provides any service pursuant to this Agreement.

15. **No Unlawful Discrimination.** The District and the City each agree to provide equal employment opportunities to all employees and applicants for employment in accordance with all applicable federal, state, and local laws. No person may be excluded from full employment rights in, participation in, be denied the benefits of, or be otherwise subjected to discrimination in any program, service, or activity based on race, color, religion, age, sex, disability, marital status, sexual preference, public assistance status, creed, or national origin. In addition, the District and the City each specifically agree not to discriminate unlawfully against any student in any program, service, activity, or decision based on race, color, religion, age, sex, disability, marital status, sexual preference, public assistance status, creed, or national origin.

16. **Waiver and Enforcement.** The failure to insist on compliance with any term, covenant, or condition contained in this Agreement must not be deemed to be a waiver of that term, covenant, or condition, nor will any waiver or relinquishment of any right or power contained in this Agreement at any time be deemed to be a waiver or relinquishment of any right or power at any other time. Each party is be responsible for its own costs, expenses, and any attorneys' fees associated with this Agreement and any related matters, including enforcement of this Agreement.

17. **Equal Drafting.** In the event that either party asserts that a provision of this Agreement is ambiguous, this Agreement must be construed to have been drafted equally by the Parties.

18. **Choice of Law, Forum and Severability.** This Agreement is governed by the laws of the State of Minnesota, without regard to its conflict of laws provisions. The parties

agree that the Minnesota state and federal courts will have exclusive jurisdiction over any dispute arising out of this Agreement. If a court determines that any part of this Agreement is unlawful or unenforceable, the remaining portions of the Agreement will remain in full force and effect.

19. **Entire Agreement, Changes, and Effect.** This Agreement constitutes the entire agreement between the District and the City regarding the matters contained herein. This Agreement supersedes any inconsistent statements or promises made by either party. This Agreement also supersedes and terminates any prior or existing agreements or contracts regarding the same or any similar subject matter. Neither party has relied upon any statements, promises, agreements, or representations that are not stated in this Agreement. No changes to this Agreement are valid unless they are in writing and signed by both parties. A copy of this Agreement has the same legal effect as the original.

IN WITNESS WHEREOF, the parties have entered into this Agreement on the dates recorded by their signature. By signing below, each party specifically acknowledges that it has read this Agreement and that it understands and voluntarily agrees to be legally bound by all terms of the Agreement.

CITY OF BRAINERD

_____	_____
Mayor	Date
_____	_____
City Administrator	Date
_____	_____
Chief of Police	Date

INDEPENDENT SCHOOL DISTRICT NO. 181

_____	_____
School Board Chair	Date
_____	_____
School Board Clerk	Date

Brainerd City Council
Agenda Request

Requested Meeting Date: May 2, 2022

Title of Item: Consider Deferment of Assessment for PY 2022 & Discussion of Policy

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

Summary of Issue:

Staff has received a request for deferment for 2022 from Sylvester and Mary Sue Stegora. Mr. Stegora is a disabled vet and therefore receives the market value exclusion for veterans with disability and does not have to pay property taxes. However, for pay year 2022, the Stegora's were assessed for improvement 20:06 - SE Brainerd resurfacing project completed in 2021 assessed over the next 10 years. The Stegora's did not realized that the exclusion did not cover assessments until the pay year 2022 tax statement was received in March. Therefore, the Stegora's are asking for the assessment to be deferred. Staff inquired to the County if the assessment could be deferred for 2022, and was told it would be allowable.

Alternatives, Options, Effects on Others/Comments:

The City's current resolution for deferment criteria is attached. Mr. Stegora noted on the application as being retired by virtue of a total or permanent disability. Staff feels the Stegora's qualify for deferment under number 5, and the letter from Crow Wing County is attached.

The last time Council reviewed the estimated market value listed in the resolution was 2016. Staff also reviewed state statute, and the statute has a deferment allowance for active military service. Is this something the Council would like to consider including? Would Council consider a partial veteran disability rating for an applicant to qualify under number 5 of the resolution? Another item to be addressed is the August 15th date. Assessments for the current year projects are not available at this time. Per state statue, the criteria set for consideration of a deferment can be set by ordinance or resolution, yet the City's criteria is included in the Charter. Staff would like Council direction and input on if Staff should review/update the current resolution.

Recommended Action/Motion:

Discussion of deferment of assessment payable in 2022 for the applicant at PID 41250875, and provide direction and input to Staff on the current resolution establishing the criteria for deferment.

Financial Impact:

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

What is the total cost, with tax and shipping $ $307.06 in principal

Is this budgeted? ☐ Yes ☑ No

Please Explain:

RESOLUTION
NO. 54:16

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

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

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

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

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

1. That the City Council does endorse the principle of deferment of special assessments for citizens where the payment of said special assessments constitutes hardship.

2. The Council, in accordance therewith, may defer the payment of any special assessment on homestead property when payment of the assessment would create a hardship upon the property owner as defined herein.

3. The deferment may be granted upon an application by the owner on a form prescribed by the County Auditor supplemented by the City Administrator to establish the qualifications of the owner for said deferment. All deferments shall be subject to renewal each following year upon the filing of a similar application not later than August 15. The Council shall either grant or deny the deferment, and if it grants the deferment, the deferred assessment shall bear interest at the rate established in the Resolution adopting the assessment. If the Council grants the deferment, the City Administrator shall notify the County Auditor who shall, in accordance with Minnesota Statute 435.194, record a notice of the deferment with the County Recorder setting forth the amount of the assessment.

4. A hardship shall be deemed prima facie to exist when all of the following apply:

   A. The applicant's spouse and family combines shall not have an annual gross income in excess of the low income limits established by the Housing and Redevelopment Authority of the City of Brainerd in effect at the time of application. All data necessary to confirm applicant's income shall be furnished to the City Administrator.

   B. The special assessments to be deferred exceed $300.00.

C. The total assets of the applicant and spouse, exclusive of the homestead, do not exceed $25,000.00.

D. The Crow Wing County Assessor's estimated market value of the applicant's homestead is less than $110,000.

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

5. Retirement by reason of permanent and total disability shall be deemed prima facie to exist when the applicant presents a sworn affidavit by a licensed medical doctor attesting that the applicant is unable to be gainfully employed because of a permanent and total disability.

6. The option to defer the payment of special assessments shall terminate and all amounts accumulated plus applicable interest shall become due upon the occurrence of any of the following events:

   A. The death of the owner when there is no spouse who is eligible for deferment;

   B. The sale, transfer, or subdivision of all or any part of the property;

   C. Loss of homestead status on the property;

   D. Determination by the Council for any reason that there would be no hardship to require immediate or partial payment; or

   E. Failure to file a renewal application with the time prescribed by Paragraph 3.

7. This Resolution supersedes Resolution No. 06:05 adopted on February 22, 2005.

Adopted this 21st day of November, 2016

GARY SCHEELER
President of the Council

Approved this 22nd day of November, 2016

EDWIN L. MENK
Mayor

ATTEST:

JAMES M. THOREEN
City Administrator

DEFERRED ASSESSMENTS
CITY OF BRAINERD

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

TO: Jennifer Bergman City Administrator, City of Brainerd, Minnesota

NAME Stegora, Sylvester & Mary Sue Stegora ADDRESS 1310 St. Louis Ave Brainerd, MN 56401	I am (check one) __ At least 65 years of age X Retired by virtue of a total or permanent disability __ Financial hardship exits
R.E. CODE OF PROPERTY: _____41250875 LEGAL DESCRIPTION OF PROPERTY: DAVIS ADDITION TO THE CITY OF BRAINERD LOTS 2 THRU 4 INCLUSIVE AND ALSO INCLUDING THAT PART OF THE ADJACENT VACATED ALLEY IN BLOCK 16	

I, the undersigned, declare under penalties of perjury:

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

That the special assessments to be deferred exceed $300.00.

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

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

That my interest in the ownership of the above property was acquired on September 26, 1991 and is as follows (check one):
_____ Sole ownership
_____ Joint tenancy, held with _____
_____ Other (specify) _____

That on 12/31, 2021 I owned and occupied the above property as my homestead and such occupancy began on 9/26/91, _____.

That the taxes for improvements on the special assessments adopted by Resolution No. 55:21 on September 21, 2021, by the City of Brainerd which have been allocated against the subject property would create undue personal hardship on my behalf and I respectfully request that payment be so deferred for the installments payable in the year 2022. (NOTE: Application for deferment shall be made each year.)

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

Signed Sylvester R Stegora
Owner

I, Jennifer Bergman, City Administrator of the City of Brainerd, Crow Wing County, State of Minnesota, do hereby certify that the application of STEGORA, above named, has been duly reviewed and that in accordance with the minutes of official record for the meeting held _____, 2020, in said city council chambers, was duly APPROVED or DENIED.

That in accordance with approval granted, that the assessment on the affiant's subject property levied for annual collection composed of principal $ 307.06 and interest, which is based on the unpaid principal balance payable in the year 2022 should be so deferred with interest at the annual rate of 2.83%, until such time as it is deemed the applicant no longer qualifies or the property loses its eligibility.

Date: _____ 2022.

_____
City Administrator

CROW WING
COUNTY
MINNESOTA

April 27, 2022

Sylvester Stegora has been rated 100% permanent and totally disabled from the Department of Veterans Affairs since 07/19/2007. This information has been verified by the Department of Veterans Affairs St. Paul Regional Office. Please contact our office if you have any questions.

Respectfully,

Kimberly Jensen
Veterans Technical Administrative Specialist

Kimberly Jensen
Veterans
Administrative
Specialist
Veteran Services
204 Laurel St. Ste 14
Brainerd, MN 56401

Office: (218) 824-1058
Fax: (218) 824-1059
www.crowwing.us

Brainerd City Council
Agenda Request

Requested Meeting Date: Ongoing

Title of Item: Update on Request for Funds to be Returned from LAMC

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

Summary of Issue:

At the August 16, 2021 the Council made a motion to formally request refund of unspent funds contributed to Lakes Media Collaborative be returned to the City. The attached letter was sent to Lakes Area Media Collaborative in September. Staff has not received a response to the letter or received the unspent funds.

Alternatives, Options, Effects on Others/Comments:

Recommended Action/Motion:

No action needed, this is an update.

Financial Impact:

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

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

Is this budgeted? ☐ Yes ☐ No

Please Explain:

Joseph J. Langel
Direct Phone: (612) 225-6837
jjl@ratwiklaw.com

RRM
Ratwik, Roszak & Maloney, P.A.

September 20, 2021

Dave Henschke
LAKES Media Collaborative
21535 Rose Lake Lane
Ironton, MN 56455

RE: City of Brainerd
Our File No. 4034-0170

Dear Mr. Henschke:

I am writing on behalf of the Brainerd City Council. As you know, you and the City have had some communications over the past several months about the status of LAKES Media and the funds that were provided to LAKES by the City. At its August 16th meeting, during the Council's discussion of the future of the City's PEG channel, the Council passed a motion to seek unspent funds contributed to LAKES Media. Those funds were provided to support public access television and are to be used for that purpose. The City would like to apply those funds towards the cost of public access television moving forward. This letter is a formal request for those funds.

Please contact me with any questions. I look forward to hearing from you.

Regards,

Joseph J. Langel

cc: Jennifer Bergman, City Administrator (via e-mail)

RRM: 421157

Over 30 Years of Service

CITY OF BRAINERD
SAFETY AND PUBLIC WORKS COMMITTEE
AGENDA

May 2nd 2022
6:30 PM
WebEx Teleconference Call-In Information Call Toll-Free: 1-844-992-4726
Access Code: 2499 314 2982

1. Approve Event/Street Closure Application- Memorial Day Parade and Ceremonies
2. Approve Event Application- Corpus Christi Procession
3. Approve Event/ Street Closure Application- Brainerd Jaycees Street Fest
4. Approve Bids for Improvement 22-07- East River Road Improvements
5. Approve Bridge Inspection Proposal from Bolton and Menk
6. Approve Contract Towing Bid from Collin's Brothers
7. Update on State Park Road Account Grant Application
8. Direction on Active Code Enforcement Cases
9. Content Review of Section 725 of Brainerd City Code

Brainerd City Council
Agenda Request

Requested Meeting Date: May 2, 2022

Title of Item: Approve Event/Street Closure App-Memorial Day Parade and Ceremony

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

Summary of Issue:

Attached to this request is the event/street closure application for the annual Memorial Day Parade and Ceremonies, to take place on 5/30/2022 from 9 AM - 11 AM at the Laurel Street bridge (ceremony) and on B Street/3rd Avenue NE (parade route).

Alternatives, Options, Effects on Others/Comments:

The day's ceremonies will start at 9:00 AM with a ceremony honoring those lost at sea. Then, the event will proceed to the All Vet Memorial and will honor military men and women whom have died in service to their country. The festivities will then move to B Street and 3rd Avenue NE where the parade will move to Evergreen Cemetery, where a short ceremony will also take place. For the events, there will be amps with microphones, and some slight amplification of sound. There will be no restrooms provided. No parking signs will be placed along the route for the parade. A street closure at the Laurel Street bridge is being requested by the applicant. There will be rifle salutes at the Bridge around 9:15. The applicant has attached a map with closures, etc. that are being requested. Staff will present out on the conditions/comments from staff at the meeting.

Recommended Action/Motion:

Staff recommends approval of the attached application under the conditions listed on the application.

Financial Impact:

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

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

Is this budgeted? ☐ Yes ☐ No

Please Explain:

SPECIAL EVENT APPLICATION

Date of Application: 04/21/2022

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

Type of event:

- ☐ Event – City Parking Lot
- ☐ Event with Street Closure
- ☐ Event – City Park
- ☐ Other _____

Name of event: Memorial Day Parade and Ceremonies

Organizer Information

Organizer's Name: Brainerd Memorial Day Committee

Organizer's Address: VFW Brainerd

Event Contact Person: Randy Aldous/Jan Lambert

Event Contact Daytime Phone: 218-330-1415/218-821-3364

Event Contact E-mail Address: Randy@raldous.net/ janlambertsmith@msn.com

Contact Name/Number Day of Event: Randy Aldous 218-330-1415

For Profit/Nonprofit Status (type): Non-profit

Applicant information (if different from the event organizer):

Applicant Name: As above

Applicant Address: _____

Applicant Phone: _____

Applicant E-mail Address: _____

Event Information

Event Details (list each date separately)

Event Date	Start Time	End Time	Event Location(s) – see locations listed below
5/30/2022	9:00 AM	9:20 AM	Laurel Street Bridge ceremony
"	9:45	9:55	ll Veterans Memorial ceremony
5/30/2022	10:30 AM	11:00 AM	arade "B" street to 3rd Ave NE end at Evergreen Cemeter
More details in	Street	Closure	Request

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

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

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

Description of Activities

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

Memorial Day Ceremonies starts at 9:00 AM at the Laurel Street Bridge, honoring those lost at sea. Then, proceed s to All Vet Memorial

Honoring all military men and women died in the service of their country. We also acknowledge the Bataan Death March there. At 10:30 AM, the parade will l

Go east on "B" street to 3rd Ave NE, then north to Evergreen Cemete

Staging will be at 1st Ave NE and "B" street around 10:15 AM

Site Information

Electrical usage ☑ Yes ☐ No

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

Amp for the microphone . There is power at the bridge, All Veterans Memorial, and Evergreen Cem

Amplified Sound ☐ Yes ☐ No

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

As above

Restrooms provided ☐ Yes ☑ No

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

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

Signs, banners, and/or posters/flyers ☐ Yes ☐ No

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

A committee member will be posting no parking sign along the route

Trash Receptacle Disposal ☑ Yes ☐ No

Company contracted for trash receptacle disposal: _____

Additional Event Information

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

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

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

Street Closure Request Information

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

Close Laurel Street at SW 4th to 5th St at 8:45 AM to 9:30 AM, with progressive opening of roads. There shouldn't be much foot traffic to

All Vets. Close 1st Ave NE from "B" street north to "D" street for staging, which will start at 10:00 AM.. The parade starts at 0:30 east to 3rd Ave NE North to Evergreen Cemetery. Progressive opening of streets as parade

Date and time for beginning of street closures: As above

Date and time for reopening of streets: As above

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

Sidewalks will be opened, and many of the residents watch from their front yar

FYI. There will be rifle salutes at the Bridge (about 9:15)

All Vets (about 9:50) at Evergreen Cemetery (about 11:00). Also, if the FD would be able to hang the big flag it would be a

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

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

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

Hold Harmless Agreement and Insurance Information

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

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

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

Signature of Event Applicant

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

_____

Signature of Applicant

Jan Lambert

_____

Print Name

Contacts, Permits, and Fees Checklist

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

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

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

Contact Information

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

For Official Use Only

Department Sign-offs Required

Department	Date/Initials	Comments
Brainerd Public Utilities	Ok, 4/22	None
City Administration	Ok, 4/22	Submit required insurance certificate prior to the event.
Engineering Department	Ok, 4/22	Requests for traffic control should be made 1-week prior to the event.
Fire Department	Ok, 4/22	None
Fire Support/EMS	Ok, 4/22	None
Parks Department	Ok, 4/22	None
Planning Department	Ok, 4/22	All signs and banners should be removed at event conclusion.
Police Department	Ok, 4/22	Coordinate with police department staff on event needs, as has been done previously.

Event Application Approval

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

_____ _____

City Administrator or Parks & Recreation Director Date

Approval Conditions

Submit required insurance certificate before the event take place per the requirements in the application.

Submit request for traffic control 1-week prior to the event. Call Shawn at 218-513-4412.

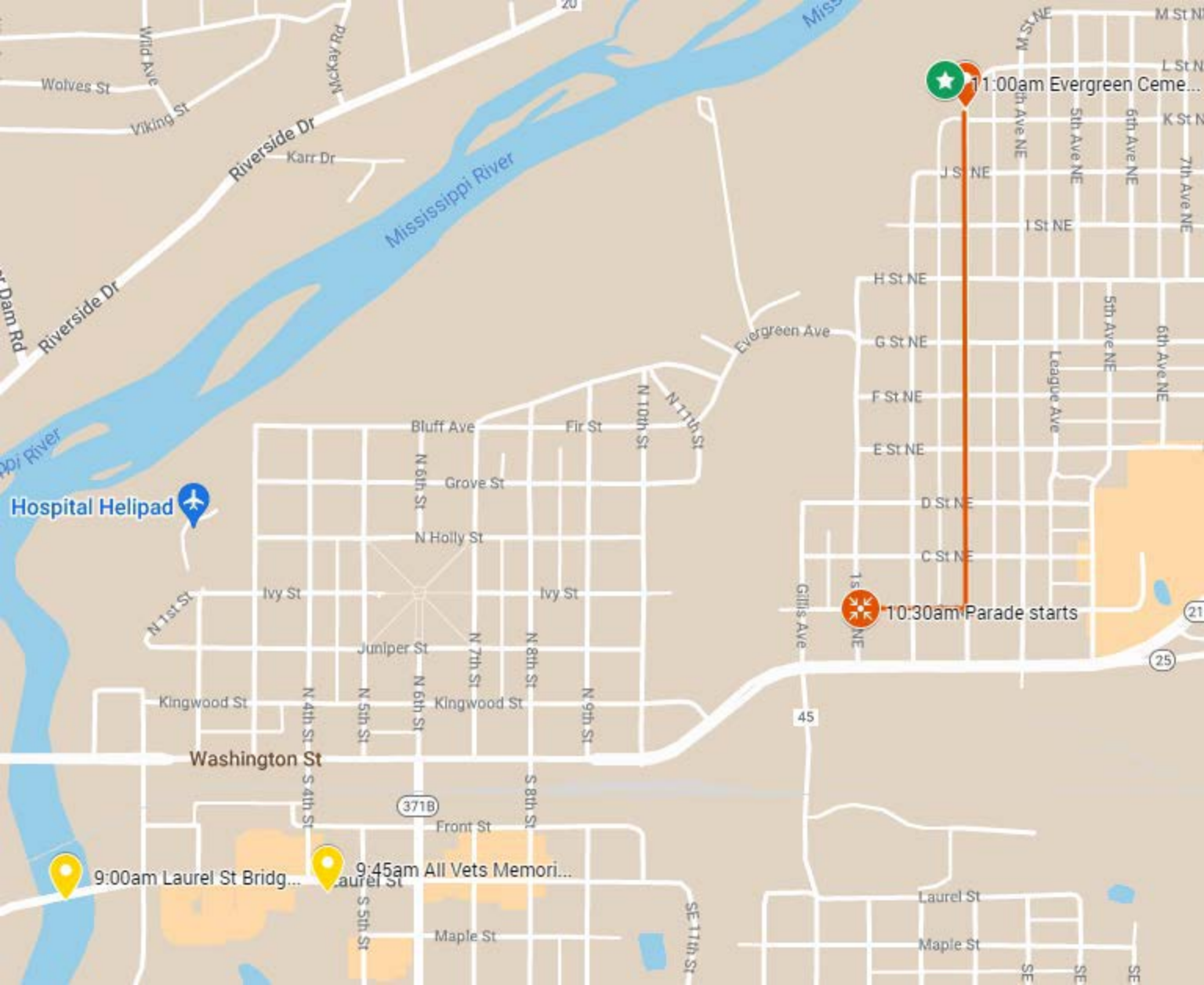
All signs and banners to be removed after the event concludes.

Please coordinate any event needs with the police department from a road closure/traffic safety perspective.

Certification of Street Closure Approval

The street closure request as described herein was approved by the City Council at their May 2, 2022 meeting. Approval is subject to the following condition(s):

See above.


11:00am Evergreen Ceme...
10:30am Parade starts
9:00am Laurel St Bridg...
9:45am All Vets Memori...
Hospital Helipad
Mississippi River
Riverside Dr
Wolves St
Viking St
Wild Ave
McKay Rd
Karr Dr
Evergreen Ave
Bluff Ave
Fir St
Grove St
N Holly St
Ivy St
Juniper St
Kingwood St
Washington St
Front St
Laurel St
Maple St
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J St NE
I St NE
H St NE
G St NE
F St NE
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C St NE
M St NE
L St NE
K St NE
4th Ave NE
5th Ave NE
6th Ave NE
7th Ave NE
371B
45
25
20

Brainerd City Council
Agenda Request

Requested Meeting Date: May 2, 2022

Title of Item: Approve Event Application - Corpus Christi Procession

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

Summary of Issue:

Attached to this request is an event application for the annual Corpus Christ Procession, to take place on June 19, 2022. The procession consists of a procession of people praying, and utilizing the streets between St. Francis and St. Andrews churches, them being Juniper Street, 8th Street, and Willow Street.

Alternatives, Options, Effects on Others/Comments:

This event is an annual event that has utilized the same route, so City staff is very familiar with the needs of the applicant. There is light amplified sound that is provided from a back of a vehicle during the procession. There are short stops of the procession at N 8th Street and Juniper Street, 214 S 8th Street and 1205 S 9th Street. The applicant is requesting assistance with crossing some of the busy intersections at Washington Street and through the downtown area. Fliers will be handed out to property owners prior to the event so that they are aware of the procession.

Recommended Action/Motion:

Staff recommends approval of the attached application under the conditions listed in the attached event application.

Financial Impact:

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

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

Is this budgeted? ☐ Yes ☐ No

Please Explain:

SPECIAL EVENT APPLICATION

Date of Application: 4/20/2022

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

Type of event:

- [ ] Event – City Parking Lot
- [ ] Event with Street Closure
- [ ] Event – City Park
- [x] Other Procession

Name of event: Corpus Christi Procession

Organizer Information

Organizer's Name: Brainerd Lakes Catholic Churches

Organizer's Address: 1108 Willow St.

Event Contact Person: Dan O'Reilly

Event Contact Daytime Phone: 218-831-3197

Event Contact E-mail Address: dan@oreillystavern.com

Contact Name/Number Day of Event: Dan O'Reilly 218-831-3197

For Profit/Nonprofit Status (type): Nonprofit

Applicant information (if different from the event organizer):

Applicant Name: _____

Applicant Address: _____

Applicant Phone: _____

Applicant E-mail Address: _____

Event Information

Event Details (list each date separately)

Event Date	Start Time	End Time	Event Location(s) – see locations listed below
6/19/2022	12:00	1:30	Route Between St. Francis Catholic Church and St. Andrew's
			Catholic Church on Juniper to N 8th to Willow St.

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

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

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

Description of Activities

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

Eucharistic procession of people praying. The procession will take place between St. Francis Catholic Church and St. Andrew's Catholic church.

It will involve a number of people moving in group through town. There will be some low amplified sound and singing of hymn music.

The route will be begin at st. Francis and proceed up Juniper to 8th street. It will follow 8th St. to willow st and proceed East to St. Andrews

The procession will briefly stop at three points along the way at North 8th and Juniper, 214 S. 8th St.& 1205 S. 9th St.

Site Information

Electrical usage ☐ Yes ☑ No

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

Amplified Sound ☑ Yes ☐ No

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

some sound amplification will be used to allow the procession group to follow with prayers during the procession

The sounds will consist of a small set of speakers on the back of a vehicle.

Restrooms provided ☐ Yes ☑ No

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

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

Signs, banners, and/or posters/flyers ☑ Yes ☐ No

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

Only carried with the group during the procession.

Trash Receptacle Disposal ☐ Yes ☑ No

Company contracted for trash receptacle disposal: _____

Additional Event Information

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

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

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

Street Closure Request Information

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

We would request an escorted crossing of major intersections such as 8th and Washington St. As well as through the downtown area.

Date and time for beginning of street closures: Only along with the procession.

Date and time for reopening of streets: _____

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

Flyers and information will be handed out to property owners prior to the event.

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

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

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

Hold Harmless Agreement and Insurance Information

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

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

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

Signature of Event Applicant

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

Daniel W O'Reilly

Signature of Applicant

Daniel W. O'Reilly

Print Name

Contacts, Permits, and Fees Checklist

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

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

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

Contact Information

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

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Department Sign-offs Required

Department	Date/Initials	Comments
Brainerd Public Utilities	ok, 4/20	None
City Administration	ok, 4/20	Submit required insurance certificate prior to event.
Engineering Department	ok, 4/20	None
Fire Department	ok, 4/20	None
Fire Support/EMS	ok, 4/20	None
Parks Department	ok, 4/20	None
Planning Department	ok, 4/20	None
Police Department	ok, 4/20	Please coordinate with police staff for assistance at busy street crossings such as Washington Street, downtown, etc.

Event Application Approval

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

City Administrator _____ Date _____

Approval Conditions

Please submit the required insurance certificate per the application requirements. Please coordinate all activities with police staff so that they may assist during the prrocession.

Certification of Street Closure Approval

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

Brainerd City Council
Agenda Request

Requested Meeting Date: May 2, 2022

Title of Item: Approve Event/Street Closure Application - Jaycees Street Fest

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

Summary of Issue:

Attached to this request is the event and street closure application for the annual Jaycees Street Fest, to be held from July 22 at 12 PM to July 23 at 12 AM. The event consists of street fest/ribfest, games, activities, music, etc.

Alternatives, Options, Effects on Others/Comments:

This event is very similar to years past. Power is supplied by the Jaycees at their event, and they work with BPU on hookups. They have professional sound and DJs. The applicant has indicated they have contracted with Blakeman on restrooms. They have contracted with Waste Partners for waste removal. The Jaycees intend on placing signs, banners, and posters around the location before and during the event. They have requested the closure of Front Street between S 6th Street and S 8th Street, and will also be utilizing the Mills Parking Lot. Sidewalks will remain open to the event. There are a bevy of conditions and information within the event application that staff will cover at the meeting.

Recommended Action/Motion:

Staff recommends approval of the attached event/street closure application under the conditions listed in the application.

Financial Impact:

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

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

Is this budgeted? ☐ Yes ☐ No

Please Explain:

SPECIAL EVENT APPLICATION

Date of Application: 4/16/2022

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

Type of event:

- [ ] Event – City Parking Lot
- [x] Event with Street Closure
- [ ] Event – City Park
- [ ] Other _____

Name of event: Street Fest

Organizer Information

Organizer's Name: Brainerd Jaycees

Organizer's Address: PO Box 384 Brainerd, MN 56401

Event Contact Person: Brianna McKibbens

Event Contact Daytime Phone: 651-395-0543

Event Contact E-mail Address: brdstreetfest@gmail.com

Contact Name/Number Day of Event: Brianna - 651-395-0543

For Profit/Nonprofit Status (type): Nonprofit

Applicant information **(if different from the event organizer):**

Applicant Name: _____

Applicant Address: _____

Applicant Phone: _____

Applicant E-mail Address: _____

Event Information

Event Details (list each date separately)

Event Date	Start Time	End Time	Event Location(s) – see locations listed below
7/22	12pm	12am	Mills Lot and Front St. from S. 6th to S. 8th.
7/22	12pm	6pm	Part of City Hall Parking Lot for Mills Employees to park.
7/23	6am	12am	Mills Lot and Front St. from S. 6th to S. 8th.

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

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

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

Description of Activities

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

Street Fest/Ribfest, games, activites, music.

Site Information

Electrical usage ☑ Yes ☐ No

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

Power supplied by Jaycees

Amplified Sound ☑ Yes ☐ No

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

Professional sound equipment by

Restrooms provided ☑ Yes ☐ No

If yes, how many 15+ (a ratio of 1 for every 100-150 people is recommended)

Company contracted for restrooms: Blakeman's

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

Signs, banners, and/or posters/flyers ☑ Yes ☐ No

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

Signs, banners, and/or posters andflyers around location.

Trash Receptacle Disposal ☑ Yes ☐ No

Company contracted for trash receptacle disposal: Waste Partners

Additional Event Information

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

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

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

Street Closure Request Information

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

Front Street between S. 6th St. and S. 8th Street.

Date and time for beginning of street closures: Friday 7/22 at 12pm

Date and time for reopening of streets: Sunday 7/24 at 12am

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

Sidewalks will remain open during event.

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

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

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

Hold Harmless Agreement and Insurance Information

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

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

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

Signature of Event Applicant

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

Signature of Applicant

Melissa Willis

Print Name

Contacts, Permits, and Fees Checklist

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

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

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

Contact Information

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

For Official Use Only

Department Sign-offs Required

Department	Date/Initials	Comments
Brainerd Public Utilities	ok, 4/21	Coordinate power and water needs with BPU staff.
City Administration	ok, 4/21	Please submit required insurance before the event.
Engineering Department	ok, 4/21	Please submit traffic control request 1-week prior.
Fire Department	ok, 4/21	Based on the participant level, crowd manager
Fire Support/EMS	ok, 4/21	certification will be needed. Please call the fire dep.
Parks Department	ok, 4/21	None
Planning Department	ok, 4/21	All signs and banners should be removed after event.
Police Department	ok, 4/21	As with past events, please coordinate with police staff for presence during the event and any other needs.

Event Application Approval

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

City Administrator

Date

Approval Conditions

Submit required insurance certificate before the event takes plaace. Submit request for traffic control 1-week prior to the event (Shawn @ 218-513-4412). Submit crowd manager certificate to the Fire Department before the event takes place. Call the fire department at 218-828-2312 with questions. Remove all signs and banners after event conclusion. Coordinate event with police staff as necessary and has been done in the past.

Certification of Street Closure Approval

The street closure request as described herein was approved by the City Council at their May 2, 20 22 meeting. Approval is subject to the following condition(s):

See above.

Brainerd City Council
Agenda Request

Requested Meeting Date: May 2, 2022

Title of Item: Approve Bids for Improvement 22-07 - East River Road Improvements

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

Summary of Issue:

Attached to this request is the bid tabulations for Improvement 22-07 - East River Road Improvements.

Alternatives, Options, Effects on Others/Comments:

These improvements to East River Road are being proposed to be done in conjunction with the Mississippi Landing Trailhead Park. At its meeting on April 26th, the Park Board will be considering the bids for the Park project as proposed. It was staff's recommendation to the Board to approve the bid from Custom Builders, Inc. for the proposed Park improvements. The total bid costs from Custom Builders, Inc and LinnCo, Inc were $2,365,213.77 and $3,644,878.08 respectively, of which $517,618.47 and $610,870.11 is the bid costs attributed to the East River Road construction. The engineer's opinion of probable cost for the project is $2,773,347.50, of which $512,110.00 was attributed to the East River Road construction cost. Much of the costs attributed to the East River Road construction come from storm sewer modifications needed to serve the new diagonal parking. The other costs that are a part of the project include the roadway construction, lighting, and other small miscellaneous incidental items.

Recommended Action/Motion:

Staff recommends approval of the bid from Custom Builders, Inc. in the total roadway cost of $517,618.47 and authorizing proper signatures on the agreement documents with Custom Builders, Inc for the proposed construction.

Financial Impact:

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

What is the total cost, with tax and shipping $ 517,618.47

Is this budgeted? ☑ Yes ☐ No

Please Explain: This project became part of the City's 5-year street and sewer capital improvement plan for construction within the City's street right of way. Funding anticipated through the City's Construction Fund 401 and respective utility funds for improvements.

April 20, 2022

Honorable Mayor and City Council
Parks and Recreation Board
City of Brainerd
501 Laurel Street
Brainerd, MN 56401

Re: Mississippi Landing Trailhead Park
Brainerd Parks and Recreation
City of Brainerd, MN
WSB Project No. 018999-000

Dear Mayor, City Council and Parks and Recreation Board:

Bids were received for the above-referenced project on Thursday, April 14, 2022, and were opened and read aloud. Two bids were received. The bids were checked for mathematical accuracy and tabulated. Please find enclosed the bid tabulation indicating Custom Builders, Inc., Cold Spring, Minnesota, as the low bidder.

	Base Bid	Alternate 1	Alternate 2	Base Bid + Alternates 1 & 2
Custom Builders, Inc.	$2,178,943.97	$125,500.00	$69,204.00	$2,373,647.97
Engineer's Estimate	$2,582,477.50	$160,000.00	$77,740.00	$2,820,217.50

We recommend that the City Council and Parks and Recreation Board consider these bids and award a contract for the Base Bid plus Alternates 1 and 2 in the amount of $2,373,647.97 to Custom Builders, Inc. based on the results of the bids received.

If you have any questions, please call me at 612.201.5949.

Sincerely,

WSB

Robert A. Slipka III, PE
Project Manager

Enclosures

cc: Jeffrey Reiter, Custom Builders, inc.

ar

15574 EDGEWOOD DRIVE | BAXTER, MN | 56425 | 218.824.3960 | WSBENG.COM

BID TABULATION SUMMARY

Mississippi Landing Trailhead Park

Brainerd Parks and Recreation

WSB Project No. 018999-000

Bid Opening: April 14, 2022 at 11:00 a.m. local time

DENOTES CORRECTED FIGURE

	Contractor	Addendum No. 1	Addendum No. 2	Bid Security (5%)	Total Base Bid	Total Alternate 1	Total Alternate 2
1	Custom Builders, Inc.	X	X	X	$2,178,943.97	$125,500.00	$69,204.00
2	LinnCo, Inc.	X	X	X	$3,252,429.20	$252,669.76	$155,175.29
	Engineer's Opinion of Cost				$2,582,477.50	$160,000.00	$77,740.00

I hereby certify that this is a true and correct tabulation of the bids as received on April 14, 2022.

Robert A. Slipka III, PE Project Manager

Bid Tabulation

Mississippi Landing Trailhead Park
Brainerd Parks and Recreation
WSB Project No. 018999-000
Bid Opening: April 14, 2022 at 11:00 a.m. local time

DENOTES CORRECTED FIGURE

					Engineer's Estimate		Custom Builders, Inc.		LinnCo, Inc.	
Line No.	Material No.	Item	Units	Quantity	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
Base Bid										
1	2021.501	MOBILIZATION	LS	1	$125,000.00	$125,000.00	$107,026.00	$107,026.00	$136,700.00	$136,700.00
2	2101.501	CLEARING & GRUBBING	LS	1	$7,500.00	$7,500.00	$2,310.00	$2,310.00	$12,447.56	$12,447.56
3	2104.502	REMOVE SIGN	EACH	6	$50.00	$300.00	$44.00	$264.00	$336.00	$2,016.00
4	2104.502	SALVAGE HYDRANT & VALVE	EACH	1	$750.00	$750.00	$2,365.00	$2,365.00	$1,772.55	$1,772.55
5	2104.503	REMOVE CONCRETE CURB AND GUTTER	LF	1360	$5.00	$6,800.00	$7.70	$10,472.00	$5.64	$7,670.62
6	2104.503	SALVAGE FENCE	L F	400	$10.00	$4,000.00	$23.65	$9,460.00	$4.99	$1,997.36
7	2104.504	SAWCUT AND REMOVE PAVEMENT	SY	8480	$10.00	$84,800.00	$2.04	$17,299.20	$3.76	$31,852.80
8	2105.607	SELECT GRANULAR BORROW (LV)	C Y	100	$25.00	$2,500.00	$16.50	$1,650.00	$47.40	$4,739.76
9	2106.507	EXCAVATION - COMMON - PARK	CY	6000	$4.50	$27,000.00	$12.00	$72,000.00	$23.87	$143,227.73
10	2106.507	EXCAVATION - COMMON - ROADWAY	CY	1900	$4.50	$8,550.00	$10.00	$19,000.00	$16.62	$31,571.60
11	2106.507	COMMON EMBANKMENT (CV)	C Y	1750	$5.00	$8,750.00	$2.75	$4,812.50	$25.59	$44,789.06
12	2123.610	STREET SWEEPER (WITH PICKUP BROOM)	HOUR	50	$150.00	$7,500.00	$125.40	$6,270.00	$269.10	$13,455.00
13	2211.507	AGGREGATE BASE (CV) CLASS 5	C Y	650	$30.00	$19,500.00	$28.60	$18,590.00	$35.77	$23,249.88
14	2360.504	TYPE SP 9.5 WEARING COURSE MIX (2,B) (SPWEA240B) ? T	SY	930	$30.00	$27,900.00	$23.76	$22,096.80	$23.58	$21,929.40
15	2360.509	TYPE SP 12.5 WEARING COURSE MIX (3,C)	TON	750	$85.00	$63,750.00	$101.00	$75,750.00	$104.72	$78,540.00
16	2401.507	STRUCTURAL CONCRETE (3B52)	C Y	12	$650.00	$7,800.00	$700.00	$8,400.00	$2,800.00	$33,600.00
17	2401.508	REINFORCEMENT BARS (EPOXY COATED)	LB	4450	$1.55	$6,897.50	$2.50	$11,125.00	$5.04	$22,428.00
18	2401.518	BRIDGE SLAB CONCRETE (3Y42-S)	S F	1200	$33.00	$39,600.00	$25.00	$30,000.00	$89.60	$107,520.00
19	2401.601	STRUCTURE EXCAVATION	LS	1	$7,500.00	$7,500.00	$5,302.00	$5,302.00	$5,071.10	$5,071.10
20	2402.502	BEARING ASSEMBLIES	EACH	8	$500.00	$4,000.00	$150.00	$1,200.00	$2,324.00	$18,592.00
21	2402.503	ORNAMENTAL METAL RAILING	L F	75	$280.00	$21,000.00	$355.00	$26,625.00	$783.25	$58,744.00
22	2402.508	STRUCTURAL STEEL (3306)	LB	1440	$11.00	$15,840.00	$3.78	$5,443.20	$4.23	$6,088.32
23	2402.508	STRUCTURAL STEEL (3309)	LB	46320	$6.00	$277,920.00	$3.35	$155,172.00	$3.33	$154,014.00
24	2404.518	CONCRETE WEARING COURSE (3U17A)	S F	1105	$5.00	$5,525.00	$8.00	$8,840.00	$67.20	$74,256.00
25	2452.602	HELICAL PILING	EACH	8	$7,500.00	$60,000.00	$8,000.00	$64,000.00	$8,041.60	$64,332.80
26	2520.507	LEAN MIX BACKFILL	C Y	43	$145.00	$6,235.00	$350.00	$15,050.00	$728.00	$31,304.00
27	2531.503	CONCRETE CURB DESIGN SPECIAL	L F	80	$50.00	$4,000.00	$50.00	$4,000.00	$252.00	$20,160.00
28	2411.501	3 RISER CONCRETE STAIR	EACH	9	$10,000.00	$90,000.00	$4,000.00	$36,000.00	$5,740.06	$51,660.54

Bid Tabulation

Mississippi Landing Trailhead Park
Brainerd Parks and Recreation
WSB Project No. 018999-000
Bid Opening: April 14, 2022 at 11:00 a.m. local time

DENOTES CORRECTED FIGURE

					Engineer's Estimate		Custom Builders, Inc.		LinnCo, Inc.	
Line No.	Material No.	Item	Units	Quantity	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
29	2411.501	PATIO CONCRETE STAIR WITH INTEGRAL COLOR	LS	1	$15,000.00	$15,000.00	$12,000.00	$12,000.00	$83,627.75	$83,627.75
30	2411.604	MODULAR BLOCK RETAINING WALL SPECIAL - AMPHITHEA	SY	116	$900.00	$104,400.00	$627.00	$72,732.00	$673.89	$78,171.72
31	2411.604	MODULAR BLOCK RETAINING WALL SPECIAL ? HILLSIDE O\	SY	38	$900.00	$34,200.00	$627.00	$23,826.00	$680.34	$25,852.92
32	2501.502	18" RC PIPE APRON	EACH	1	$1,450.00	$1,450.00	$1,669.00	$1,669.00	$1,493.57	$1,493.57
33	2501.503	12" RC PIPE CULVERT DES 3006 CL V	L F	144	$50.00	$7,200.00	$61.00	$8,784.00	$85.48	$12,309.38
34	2501.503	15" RC PIPE CULVERT DES 3006 CL V	L F	454	$65.00	$29,510.00	$69.00	$31,326.00	$79.82	$36,240.02
35	2501.503	18" RC PIPE CULVERT DES 3006 CL V	L F	270	$75.00	$20,250.00	$77.10	$20,817.00	$85.72	$23,145.15
36	2501.503	24" RC PIPE CULVERT DES 3006 CL V	L F	204	$100.00	$20,400.00	$127.00	$25,908.00	$136.84	$27,916.00
37	2502.603	4-INCH PERFORATED DRAINTILE	LF	50	$12.00	$600.00	$25.00	$1,250.00	$40.18	$2,008.80
38	2502.603	4-INCH NON-PERFORATED DRAINTILE	LF	20	$10.00	$200.00	$25.00	$500.00	$36.72	$734.41
39	2503.602	RECONSTRUCT SANITARY MANHOLE	EACH	2	$1,000.00	$2,000.00	$1,210.00	$2,420.00	$2,282.94	$4,565.88
40	2503.602	CONNECT TO EXISTING SANITARY SEWER	EACH	1	$2,000.00	$2,000.00	$770.00	$770.00	$4,269.63	$4,269.63
41	2503.602	CONNECT TO EXISTING STORM SEWER	EACH	1	$4,500.00	$4,500.00	$1,265.00	$1,265.00	$6,131.44	$6,131.44
42	2503.603	6" PVC SANITARY SERVICE PIPE	L F	100	$70.00	$7,000.00	$34.00	$3,400.00	$67.02	$6,701.51
43	2504.601	IRRIGATION SYSTEM	LS	1	$30,000.00	$30,000.00	$38,027.00	$38,027.00	$22,400.00	$22,400.00
44	2504.602	INSTALL HYDRANT & VALVE	EACH	1	$750.00	$750.00	$2,365.00	$2,365.00	$2,517.54	$2,517.54
45	2504.602	ADJUST GATE VALVE & BOX	EACH	1	$250.00	$250.00	$770.00	$770.00	$1,109.25	$1,109.25
46	2504.602	2" CORPORATION STOP	EACH	1	$500.00	$500.00	$950.00	$950.00	$884.34	$884.34
47	2504.602	2" CURB STOP & BOX	EACH	1	$750.00	$750.00	$979.00	$979.00	$990.60	$990.60
48	2504.602	CONNECT TO EXISTING WATER MAIN	EACH	1	$1,000.00	$1,000.00	$3,960.00	$3,960.00	$3,485.63	$3,485.63
49	2504.603	2" TYPE K COPPER PIPE	L F	80	$50.00	$4,000.00	$46.00	$3,680.00	$74.15	$5,932.10
50	2504.604	4" INSULATION	S Y	550	$25.00	$13,750.00	$60.50	$33,275.00	$40.53	$22,289.03
51	2506.502	CONST DRAINAGE STRUCTURE DESIGN G OR H	EACH	2	$400.00	$800.00	$2,056.00	$4,112.00	$2,358.43	$4,716.86
52	2506.502	CASTING ASSEMBLY	EACH	11	$750.00	$8,250.00	$880.00	$9,680.00	$1,312.13	$14,433.43
53	2506.503	CONST DRAINAGE STRUCTURE DES 48-4020	L F	46.6	$625.00	$29,125.00	$652.00	$30,383.20	$654.44	$30,496.75
54	2506.503	CONST DRAINAGE STRUCTURE DES 60-4020	L F	5	$1,000.00	$5,000.00	$1,107.59	$5,537.95	$1,131.85	$5,659.25
55	2506.601	CONTROL STRUCTURE	LS	1	$3,500.00	$3,500.00	$7,569.72	$7,569.72	$8,648.36	$8,648.36
56	2511.507	RANDOM RIPRAP CLASS III	C Y	43	$300.00	$12,900.00	$100.00	$4,300.00	$121.14	$5,209.16
57	2521.518	4" CONCRETE WALK	S F	4250	$8.00	$34,000.00	$7.00	$29,750.00	$11.91	$50,600.86

Bid Tabulation

Mississippi Landing Trailhead Park
Brainerd Parks and Recreation
WSB Project No. 018999-000
Bid Opening: April 14, 2022 at 11:00 a.m. local time

DENOTES CORRECTED FIGURE

					Engineer's Estimate		Custom Builders, Inc.		LinnCo, Inc.	
Line No.	Material No.	Item	Units	Quantity	Unit Price	Total Price	Unit Price	Total Price	Unit Price	Total Price
58	2521.518	4" CONCRETE WALK-EXPOSED AGGREGATE	S F	5140	$16.00	$82,240.00	$12.50	$64,250.00	$20.87	$107,251.67
59	2521.518	4? INTEGRAL COLOR CONCRETE WALK	SQ FT	3020	$10.00	$30,200.00	$10.50	$31,710.00	$31.58	$95,371.60
60	2521.518	6" CONCRETE WALK	S F	50	$10.00	$500.00	$12.50	$625.00	$37.54	$1,877.24
61	2521.518	6" CONCRETE WALK-REINFORCED	S F	464	$14.00	$6,496.00	$10.00	$4,640.00	$23.56	$10,930.80
62	2521.518	6" REINFORCED INTEGRAL COLOR CONCRETE WALK	SF	7680	$16.00	$122,880.00	$12.00	$92,160.00	$27.32	$209,781.58
63	2531.503	CONCRETE CURB & GUTTER DESIGN B612	L F	1464	$30.00	$43,920.00	$26.00	$38,064.00	$28.29	$41,409.52
64	2531.603	CONCRETE PLAYGROUND CURB W/BASE	L F	155	$28.00	$4,340.00	$40.00	$6,200.00	$116.73	$18,092.52
65	2531.618	TRUNCATED DOMES	S F	80	$60.00	$4,800.00	$50.00	$4,000.00	$73.92	$5,913.60
66	2540.601	LEARNING CENTER AND CONCRETE PAD	LS	1	$175,000.00	$175,000.00	$115,000.00	$115,000.00	$262,418.25	$262,418.25
67	2540.601	AMPITHEATER FOUNDATION AND CONCRETE PATIO	LS	1	$150,000.00	$150,000.00	$67,975.00	$67,975.00	$84,333.79	$84,333.79
68	2540.601	PREFABRICATED RESTROOM BUILDING	LS	1	$195,000.00	$195,000.00	$220,000.00	$220,000.00	$223,767.07	$223,767.07
69	2540.601	PLAY EQUIPMENT	LS	1	$60,000.00	$60,000.00	$30,000.00	$30,000.00	$40,000.00	$40,000.00
70	2540.602	BIKE RACK	EACH	1	$3,000.00	$3,000.00	$750.00	$750.00	$1,088.30	$1,088.30
71	2540.602	BENCH - TYPE A	EACH	7	$3,000.00	$21,000.00	$1,060.00	$7,420.00	$1,221.31	$8,549.17
72	2540.602	BENCH - TYPE B	EACH	12	$3,500.00	$42,000.00	$1,800.00	$21,600.00	$2,058.09	$24,697.08
73	2540.502	TRASH RECEPTACLE	EACH	3	$3,000.00	$9,000.00	$2,200.00	$6,600.00	$2,016.93	$6,050.79
74	2540.602	PICNIC TABLE - TYPE A	EACH	3	$3,000.00	$9,000.00	$1,731.00	$5,193.00	$2,156.06	$6,468.18
75	2540.602	PICNIC TABLE - TYPE B	EACH	3	$3,500.00	$10,500.00	$1,605.00	$4,815.00	$1,945.36	$5,836.08
76	2540.602	BIKE REPAIR STATION	EACH	1	$5,000.00	$5,000.00	$3,171.00	$3,171.00	$2,864.54	$2,864.54
77	2540.602	DOG STATION	EACH	1	$1,000.00	$1,000.00	$375.00	$375.00	$426.44	$426.44
78	2545.601	SITE ELECTRICAL AND LIGHTING SYSTEM	LS	1	$70,000.00	$70,000.00	$135,423.00	$135,423.00	$136,169.60	$136,169.60
79	2545.601	ROADWAY LIGHTING	LS	1	$40,000.00	$40,000.00	$32,119.00	$32,119.00	$34,944.00	$34,944.00
80	2563.601	TRAFFIC CONTROL	LS	1	$7,500.00	$7,500.00	$8,500.00	$8,500.00	$2,352.00	$2,352.00
81	2564.602	SIGN PANELS TYPE SPECIAL	EACH	10	$350.00	$3,500.00	$160.00	$1,600.00	$207.20	$2,072.00
82	2571.502	DECIDUOUS TREE 2.5" CAL B&B	EACH	72	$600.00	$43,200.00	$670.00	$48,240.00	$1,450.40	$104,428.80
83	2571.502	DECIDUOUS TREE 1.5" CAL B&B	EACH	8	$550.00	$4,400.00	$600.00	$4,800.00	$1,114.40	$8,915.20
84	2571.502	DECIDUOUS SHRUB NO 5 CONT	EACH	48	$65.00	$3,120.00	$91.00	$4,368.00	$104.16	$4,999.68
85	2571.502	DECIDUOUS SHRUB NO 2 CONT	EACH	24	$60.00	$1,440.00	$86.00	$2,064.00	$77.28	$1,854.72
86	2571.502	PERENNIAL NO 1 CONT	EACH	68	$30.00	$2,040.00	$26.00	$1,768.00	$26.88	$1,827.84

Bid Tabulation

Mississippi Landing Trailhead Park
Brainerd Parks and Recreation
WSB Project No. 018999-000
Bid Opening: April 14, 2022 at 11:00 a.m. local time

DENOTES CORRECTED FIGURE

					Engineer's Estimate		Custom Builders, Inc.		LinnCo, Inc.	
Line No.	**Material No.**	**Item**	**Units**	**Quantity**	**Unit Price**	**Total Price**	**Unit Price**	**Total Price**	**Unit Price**	**Total Price**
87	2573.501	STABILIZED CONSTRUCTION EXIT	LS	1	$2,500.00	$2,500.00	$1,534.00	$1,534.00	$4,353.50	$4,353.50
88	2573.502	STORM DRAIN INLET PROTECTION	EACH	2	$200.00	$400.00	$162.00	$324.00	$168.00	$336.00
89	2573.502	CULVERT END CONTROLS	EACH	1	$50.00	$50.00	$108.00	$108.00	$168.00	$168.00
90	2573.503	SILT FENCE, TYPE MS	L F	2250	$3.00	$6,750.00	$2.50	$5,625.00	$2.24	$5,040.00
91	2573.503	FLOTATION SILT CURTAIN TYPE STILL WATER	L F	350	$25.00	$8,750.00	$22.00	$7,700.00	$16.80	$5,880.00
92	2573.503	SEDIMENT CONTROL LOG TYPE WOOD FIBER	L F	150	$3.00	$450.00	$5.50	$825.00	$5.60	$840.00
93	2574.507	COMMON TOPSOIL BORROW	C Y	600	$65.00	$39,000.00	$22.00	$13,200.00	$47.71	$28,625.40
94	2575.504	ROLLED EROSION PREVENTION CATEGORY 30	S Y	4000	$2.00	$8,000.00	$2.27	$9,080.00	$2.80	$11,200.00
95	2575.504	ROLLED EROSION PREVENTION CATEGORY 70	S Y	250	$12.00	$3,000.00	$6.21	$1,552.50	$11.14	$2,786.00
96	2575.504	RAPID STABILIZATION METHOD 3	SY	4000	$1.00	$4,000.00	$3.78	$15,120.00	$0.62	$2,464.00
97	2574.507	COMPOST GRADE 2	C Y	8	$60.00	$480.00	$103.00	$824.00	$256.15	$2,049.20
98	2575.505	SEEDING - TYPE I TURF SEED MIX	ACRE	0.6	$8,500.00	$5,100.00	$13,932.00	$8,359.20	$14,000.00	$8,400.00
99	2575.505	SEEDING - TYPE II TURF SEED MIX	ACRE	0.7	$8,500.00	$5,950.00	$13,932.00	$9,752.40	$14,000.00	$9,800.00
100	2575.505	SEEDING - TYPE III TURF SEED MIX	ACRE	0.4	$10,000.00	$4,000.00	$15,228.00	$6,091.20	$14,000.00	$5,600.00
101	2575.607	MULCH MATERIAL TYPE SPECIAL	C Y	100	$60.00	$6,000.00	$103.00	$10,300.00	$106.40	$10,640.00
102	2575.603	LANDSCAPE EDGING	L F	140	$10.00	$1,400.00	$8.64	$1,209.60	$7.78	$1,089.76
103	2582.503	4" SOLID LINE PAINT	L F	1106	$0.50	$553.00	$1.00	$1,106.00	$0.90	$990.98
104	2582.618	PAVEMENT MARKING SPECIAL	S F	30	$20.00	$600.00	$3.75	$112.50	$7.84	$235.20
105	2582.618	CROSSWALK MARKING-MULTI COMP	S F	72	$3.00	$216.00	$2.25	$162.00	$13.44	$967.68
		Total Base Bid				**$2,582,477.50**		**$2,178,943.97**		**$3,252,429.20**
Alternate 1 - Amphitheater Structure										
106	2540.601	AMTHITHEATER ELEVATED STRUCTURE	LS	1	$150,000.00	$150,000.00	$120,000.00	$120,000.00	$252,333.76	$252,333.76
107	2545.601	AMPHITHEATER ELEVATED STRUCTURE ELECTRICAL	LS	1	$10,000.00	$10,000.00	$5,500.00	$5,500.00	$336.00	$336.00
		Total Alternate 1 - Amphitheater Structure				**$160,000.00**		**$125,500.00**		**$252,669.76**
Alternate 2 - River Steps										
108	2106.507	EXCAVATION - COMMON - PARK	CY	400	$4.50	$1,800.00	$10.00	$4,000.00	$43.57	$17,427.53
109	2411.501	CONCRETE STAIR	LS	1	$24,000.00	$24,000.00	$24,000.00	$24,000.00	$60,167.85	$60,167.85
110	2411.604	MODULAR BLOCK RETAINING WALL	S Y	52	$900.00	$46,800.00	$627.00	$32,604.00	$1,214.91	$63,175.32
111	2521.518	4" INTEGRAL COLOR CONCRETE WALK	S F	290	$10.00	$2,900.00	$20.00	$5,800.00	$33.13	$9,608.20

Bid Tabulation

Mississippi Landing Trailhead Park
Brainerd Parks and Recreation
WSB Project No. 018999-000
Bid Opening: April 14, 2022 at 11:00 a.m. local time

DENOTES CORRECTED FIGURE

					Engineer's Estimate		Custom Builders, Inc.		LinnCo, Inc.	
Line No.	**Material No.**	**Item**	**Units**	**Quantity**	**Unit Price**	**Total Price**	**Unit Price**	**Total Price**	**Unit Price**	**Total Price**
112	2521.518	6" REINFORCED INTEGRAL COLOR CONCRETE WALK	SF	140	$16.00	$2,240.00	$20.00	$2,800.00	$34.26	$4,796.39
		Total Alternate 2 - River Steps				**$77,740.00**		**$69,204.00**		**$155,175.29**
		Total Base Bid + Alternate 1				**$2,742,477.50**		**$2,304,443.97**		**$3,505,098.96**
		Total Base Bid + Alternate 2				**$2,660,217.50**		**$2,248,147.97**		**$3,407,604.49**
		Total Base Bid + Alternate 1 and 2				**$2,820,217.50**		**$2,373,647.97**		**$3,660,274.25**

I hereby certify that this is an exact reproduction of bids received.

Certified By: Robert A. Stephens III

License No. 44337

Date: April 14, 2022

Brainerd City Council
Agenda Request

Requested Meeting Date: May 2, 2022

Title of Item: Approve Bridge Inspection Proposal from Bolton and Menk

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

Summary of Issue:

Attached to this request are the proposals received for the City of Brainerd's bi-annual bridge inspections. The City is required to inspect its two structures on a bi-annual basis by MnDOT and the FHWA.

Alternatives, Options, Effects on Others/Comments:

4 proposals were received from consulting firms, those being SEH, WSB, Bolton and Menk, and Widseth. Staff did an in depth review of each proposal and found all of them to be in compliance with the request for proposal requirements. It is important to note that some included snooper inspection in their pricing and some did not, however, the City is not requesting snooper inspection for this inspection cycle, as the last snooper inspection was completed in 2016. The costs, respectively, for each proposal is $3,500, $2,550, $2,400, and $3,450. Bolton and Menk performed the inspections for the City in 2020, is familiar with the bridges, and is the lowest cost to perform the required inspections, therefore, staff is recommending to approve Bolton and Menk's proposal.

Recommended Action/Motion:

Staff recommends approval of Bolton and Menk's proposal for bi-annual bridge inspection services in a total fee of $2,400 and authorizing proper signatures on the agreement documents for the proposed work scope.

Financial Impact:

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

What is the total cost, with tax and shipping $ $2,400

Is this budgeted? ☑ Yes ☐ No

Please Explain: This is a bi-annual requirement to perform. Costs are incurred through Construction Fund 401.

Building a Better World
for All of Us®

April 22, 2022

RE: City of Brainerd, Minnesota
2022 Bridge Safety Inspections
SEH No. 166750 14.00

Paul Sandy, PE
City Engineer / Public Works Director
City of Brainerd
501 Laurel Street
Brainerd, MN 56401

Dear Mr. Sandy:

We appreciate the opportunity to provide bridge in-service safety inspection services to you for 2 bridges located within the City of Brainerd.

The City of Brainerd is committed to keeping their bridges in a condition that is both safe and functional for its users. Our SEH Team understands how important it is to have a consultant with a solid background in bridge/culvert inspection. Our staff has conducted numerous MnDOT bridge safety inspections. We currently serve as bridge inspector Team Leader and/or Program Administrator for several cities throughout Minnesota including Shoreview, Anoka, Golden Valley, Inver Grove Heights, Saint Cloud, Minnetonka, Cambridge, and Virginia. We are looking forward to the opportunity to provide safety inspections to the City of Brainerd.

Nathan Klopp, PE will be leading the SEH Team and will be performing the inspections. He has 22 years of structural engineering experience in the design, load rating, and safety inspection of bridges on local road systems. He is certified as a Program Manager/Team Leader in accordance with the National Bridge Inspection Standards (NBIS) and certified MnDOT Bridge Inspection Team Leader and Program Administrator. He has completed the FHWA's Safety Inspection of In-Service Bridges training.

Our SEH Team will perform the bridge field inspections in October 2022. This maintains the bridges on their current 24-month inspection frequency and will keep the City's inspections in-compliance with MnDOT and FHWA guidelines.

Following the inspections, SEH will enter data from the field inspections into the Structure Inventory Management System (SIMS) database. Ideally this will be completed within 3 months of the inspections. To provide the Program Administrator at the City and City Staff adequate time to complete their review, SEH intends to complete data entry into SIMS by November 30, 2022. It should be noted that all reports need to be approved in SIMS by the Program Administrator by February 15, 2023

A complete visual inspection of all the bridge elements will be performed accordance with established MnDOT guidelines and procedure. As part of the bridge inspection, we do intend to use an aerial access "snooper" truck to inspect the undersides of the bridges. It is our understanding the city will need to arrange with MnDOT the rental of the snooper truck and the city will provide traffic control for the snooper truck. It is our understanding that the city will cover the rental cost of the snooper truck and traffic control.

As part of the field inspections, SEH will verify all individual element measurements and assess their condition states. SEH will also identify any repair items and maintenance recommendation for each bridge. This is typically included in the transmittal letter that will be sent to the city once the reports are completed in SIMS.

The SEH team has carefully assessed the tasks with performing the bridge inspections listed in the RFP. Our fee for labor and expenses to complete the inspections is a Lump Sum fee of $3,500. This cost does not include the rental of the snooper truck and the cost of traffic control provided by the city. Any additional task added or deleted from this project shall be by written amendment to this agreement.

We look forward to working with you inspecting and maintaining these bridges and appreciate the opportunity to provide you a proposal. If this proposal is acceptable, please sign and return a copy of this proposal to us. If you have any questions or would like additional information, please contact me at 612.730.8655

Sincerely,

SHORT ELLIOTT HENDRICKSON INC.

Nathan C Klopp, PE
Senior Professional Engineer
(Lic. MN, ND, SD, WI)

NCK

c: Scott Hedlund (SEH)
Jennifer Bergman (City of Brainerd)

https://sehincazure-my.sharepoint.com/personal/nklopp_sehinc_com/documents/bridge inspections/brainerd/2022 brainerd bridge inspection proposal.docx

Approved this _____ day of _____, 2022

City of Brainerd, Minnesota

By _____

Title _____

11 April 2022

Paul G. Sandy
City Engineer
City of Brainerd
501 Laural Street
Brainerd, MN 56401

Re: 2022 Annual Bridge Safety Inspections
City of Brainerd

Dear Mr. Sandy:

On behalf of WSB, I am pleased to submit this proposal for bridge inspections with the City of Brainerd. There are two bridges due for inspection during the 2022 inspection cycle. The bridges due for inspection are:

- Bridge 18505, COLLEGE DR over MISSISSIPPI RIVER
- Bridge 18509, LAUREL ST over MISSISSIPPI RIVER

WSB is proposing to provide the following scope of services:

- We will perform bridge inspections and submit inspection reports to MnDOT for the bridge due for inspection.
- A qualified and certified Bridge Safety Inspector from Minnesota will perform the work as required by MnDOT.
- WSB will update the structure information in the MnDOT SIMS system.
- The inspection will be in accordance with current MnDOT and FHWA inspection guidelines and procedures.
- WSB will make recommendations for repair and maintenance of the structures and will submit the bridge report to the City Program Administrator for review and further processing.

WSB follows all required inspection procedures including verifying that element level inspection quantities are accurately accounted for on the Structure Inventory Report. Complete a thorough ground level inspection of the bridge and report all changes in quantity or element condition state. The Team leader and their assistant inspector work together to make sure that all areas of the bridge are covered and document any defects or maintenance items both with pictures and a narrative of the conditions encountered. The proposed work will be completed before the required inspection due dates in October 2022.

178 E 9TH STREET | SUITE 200 | SAINT PAUL, MN | 55101 | 651.286.8450 | WSBENG.COM

Your inspection team leader will be one of the following:

Shannon Gwost
Inspection Team Leader

- FHWA Certified Bridge Safety Inspector
- MnDOT Certified Bridge Safety Inspection Team Leader
- Has performed hundreds of Bridge safety inspections
- Former Team Leader for Benton County

Craig Alberg, PE, DBIA
Inspection Team Leader/Underwater Inspection Diver

- FHWA Certified Bridge Safety Inspector
- MnDOT Certified Bridge Safety Inspection Team Leader
- FHWA Certified Underwater Inspector
- Program Administrator for 16 municipal Clients
- Annually performs over 25 bridge inspections as a Team Leader

WSB will complete the above tasks for a Lump Sum cost of $2,550.00. If you agree with the above proposal, please sign below, and return one copy to our office.

Proposed Schedule

Thank you for the opportunity to be of service to you. Please do not hesitate to contact me at (763) 286-6141 with any questions or comments.

Sincerely,

WSB

Craig Alberg, PE, DBIA
Bridge Inspection Program Manager

City of Brainerd

Date

2022 Bridge Safety Inspections

City of Brainerd

BOLTON & MENK
Real People. Real Solutions.

1. Contact Information

Bolton & Menk, Inc. • James D. Archer, P.E., Bridge & Structural Group Manager • 7533 Sunwood Drive, Suite 206 • Ramsey, MN 55303 • P: 763-433-2851 • F: 763-427-0833 • C: 612-205-5160 • jamesar@bolton-menk.com

2. Key Personnel

Jim Archer, P.E., Project Manager

✓ MnDOT Certified Inspection Team Leader

✓ Program Administrator

Jim is a senior project manager with more than 20 years of bridge design experience and seven years of bridge safety inspection experience, including five years as the Hennepin County Inspection Team Leader and Program Administrator (PA). He is committed to delivering projects that satisfy current and future needs in a practical, functional, and maintainable way. Jim is qualified to lead the 2022 bridge safety inspection efforts for the City of Brainerd. He is a National Highway Institute (NHI) certified team leader. He will coordinate any necessary traffic control or equipment rental, ensure adequate resources are committed to the project, and provide a quality review of the inspection process. Jim is available to serve as the city's safety inspection PA as needed.

Ryan Evans, P.E., S.E., Inspector

✓ MnDOT Certified Inspection Team Leader

✓ Remote Pilot In-Charge (Drone)

Ryan brings 15 years of DOT and local bridge design and rehabilitation experience to the project. He has a structural engineering license and an expert-level understanding of bridge structural behavior, analysis, and design. Ryan's experience includes inspection and evaluation services as well as acting as engineer of record for several bridge rehabilitation projects. He's a certified bridge safety inspector and team leader, a load rating engineer, a certified drone pilot, and is proficient with a variety of structural design and analysis software.

Both Jim and Ryan attended the 2022 MnDOT refresher trainings held virtually.

3. Company Experience/References

Sr. Bridge Engineer, Inspection Team Leader, and Program Administrator

Hennepin County, MN • James Grube, County Engineer • 612-596-0300

Jim served as the Hennepin County senior bridge engineer for five years. While there, he managed five staff and oversaw all things bridge related, including design, inspection, rating, permitting, and maintenance duties.

Personnel: Jim Archer

Inspection Team Leader and Program Administrator

Washington County, MN • Allan Brandt, Project Manager • 651-430-4348

Jim has served as the Washington County bridge inspection program administrator and inspection team leader since 2016. Under this contact, Jim assists the county with many bridge-related issues, including safety inspections, load ratings, maintenance, and construction duties.

Personnel: Jim Archer & Ryan Evans

Bridge Inspection, Evaluation, and Rehabilitation Team

Mitchell County, IA • Rich Brumm, County Engineer • 641-732-5849

In this position, Ryan oversaw the inspection, evaluation, and eventual rehabilitation of the J-086 bridge over the Cedar River. Ryan acted as the principal investigator and engineer of record for the rehabilitation plans.

Personnel: Ryan Evans

4. Project Understanding and Approach

The City of Brainerd wants to employ a qualified team of bridge safety inspection staff to fulfill its 2022 MnDOT inspection obligations and satisfy Federal Highway Administration (FHWA) reporting requirements.

Information will be recorded and updated in the Structure Inventory Management System (SIMS) and submitted for PA approval. The city's two bridges are multi-span prestressed concrete beam superstructures over the Mississippi River.

Under routine inspection procedures, Bolton & Menk proposes to use binoculars to inspect as much of the structure as possible form the riverbanks. Pending the results of a field inspection, additional access may be recommended. As a Certified Remote Pilot In-Charge, Ryan can deploy a drone to aid in the visual access of the central river spans at the city's request.

Task 1 – Coordination

Having completed the City's inspection in the past, Jim and Ryan already have access to City bridges in the MnDOT data management software, SIMS.

As proposed, the 2022 Brainerd Bridge Safety Inspections will not require interruptions to traffic or any special permitting or equipment. Drone deployment may require the coordination of notifications to the US Coast Guard and local airfields although neither will require a permit.

Task 2 – Inspection

Bolton & Menk inspectors have the appropriate tools and equipment, as well as the necessary training to perform accurate and efficient routine bridge safety inspections. MnDOT administers a separate underwater inspection contract, which both structures have been part of in the past and should continue to be part of.

Task 3 – Reporting

All inspection data and photographs will be entered in SIMS and available for review by the PA within two weeks of completion. The SIMS entry will include findings, and recommended maintenance. The city will be notified immediately of any critical findings discovered during inspection.

5. Project Schedule

The inspection can occur anytime during the month of October, including a 30-day grace period if circumstances require. The timing of the inspection will be discussed with city staff to ensure inspection activities do not interfere with other scheduled city events or activities, such as parades, marathons, festivals, or celebrations.

6. Cost

As requested in the RFP, Bolton & Menk has prepared a lump sum cost for inspection services. The total lump sum fee to perform routine safety inspection services for the City of Brainerd to fulfill their 2022 FHWA reporting requirements to MnDOT will be $2,400.

Task Breakdown	Cost
Traffic Control	N/A
Equipment Rental	N/A
Routine Inspection *Bridge Engineer – 16 hours @ $150/hour*	$2,400
Total	**$2,400**

7. Additional Services

Snooper: At the city's request, our team can obtain a snooper to perform more in-depth bridge inspection.

- UB20 – MnDOT state aid snooper
- A-62 – MnDOT District 3 snooper
- UB40 and UB 60 – Equipment Rental Company of Duluth

Traffic Control: Accessing the underside of the bridge with snooper will require the use of traffic control.

8. Certification Statement

I hereby certify that I am a duly authorized representative of the company and that the information contained within is proposal is current, true, and correct to the best of my knowledge. I hereby authorize and request any person, agency, or firm to furnish any pertinent information requested by the City of Brainerd deemed necessary to verify the statements made in this application.

4/19/2022

James D. Archer, P.E. Date
Principal Structural Engineer

WIDSETH

Alexandria
610 Fillmore Street
Alexandria MN 56308

320.762.8149
Alexandria@Widseth.com
Widseth.com

CONFIRMATION OF REQUEST FOR ENGINEERING SERVICES

CLIENT: City of Brainerd

LOCATION: Brainerd, Minnesota

SERVICE REQUESTED BY: Paul G. Sandy, PE

DATE: April 22, 2022

PROJECT: 2022 Bridge Safety Inspections for Bridges 18509 and 18505

DESCRIPTION OF WORK INVOLVED: Complete field inspection of all bridge elements in accordance to MnDot established guidelines. Document current conditions and changed items. Verification of all element quantities in each condition state. Update City's SIMS account and submit to Program Administrator. A snooper truck investigation was completed in 2016 therefore inspection of underside of slab and measurements of cracks is not included in this year's scope, would recommend completing this work in 2026, on a 10 year cycle.
Derek Navratil will be preforming the field investigation and updating the SIMS account, Derek is a certified Team Leader and has assisted with the Brainerd Bridge inspections in the past.

ESTIMATED ENGINEERING COSTS:	WSN LABOR & EXPENSES
Inspection and reporting	$3450.00

If the city wants the deck underside inspected this year the use of MnDot snooper truck is typically the most economical, MnDot will not contract with a private party but will with the City. WSN will assist the city with coordinating the use of the snooper truck with MnDot. This option will increase the inspection time, our lump sum cost would increase by $700.00 to $4150.00.

TIME SCHEDULE FOR SERVICES: Complete inspections in October 2022, update SIMS account and submit to City by middle of December.

BILLING METHOD:
( ) Hourly
( ) Percentage
(X) Lump Sum
( ) Other

BILLING SCHEDULE:
( ) Monthly
(X) Phased
( ) Upon Completion

REMARKS: Billing to be on a lump sum basis per attached General Provisions. WSN will not exceed stated cost without additional authorization from client.

WIDSETH SMITH NOLTING & ASSOC, INC. agrees to perform the described work as set forth above. The **CLIENT** agrees to make payment for work performed within thirty (30) days after receipt of billing.

SUBMITTED:

WIDSETH SMITH NOLTING

BY: _____
Kent A. Rohr, Vice President

APPROVED:

BY: _____

DATE: _____

General Provisions of Professional Services Agreement

WIDSETH
ARCHITECTS • ENGINEERS
SCIENTISTS • SURVEYORS

These General Provisions are intended to be used in conjunction with a letter-type Agreement or a Request for Services between Widseth Smith Nolting & Assoc., Inc., a Minnesota Corporation, hereinafter referred to as WIDSETH, and a CLIENT, wherein the CLIENT engages WIDSETH to provide certain Architectural, and/or Engineering services on a Project.

As used herein, the term "this Agreement" refers to (1) the WIDSETH Proposal Letter which becomes the Letter Agreement upon its acceptance by the Client, (2) these General Provisions and (3) any attached Exhibits, as if they were part of one and the same document. With respect to the order of precedence, any attached Exhibits shall govern over these General Provisions, and the Letter Agreement shall govern over any attached Exhibits and these General Provisions. These documents supersede all prior communications and constitute the entire Agreement between the parties. Amendments to this Agreement must be in writing and signed by both CLIENT and WIDSETH.

ARTICLE 1. PERIOD OF SERVICE
The term of this Agreement for the performance of services hereunder shall be as set forth in the Letter Agreement. In this regard, any lump sum or estimated maximum payment amounts set forth in the Letter Agreement have been established in anticipation of an orderly and continuous progress of the Project in accordance with the schedule set forth in the Letter Agreement or any Exhibits attached thereto. WIDSETH shall be entitled to an equitable adjustment to its fee should there be an interruption of services, or amendment to the schedule.

ARTICLE 2. SCOPE OF SERVICES
The scope of services covered by this Agreement shall be as set forth in the Letter Agreement or a Request for Services. Such scope of services shall be adequately described in order that both the CLIENT and WIDSETH have an understanding of the expected work to be performed.

If WIDSETH is of the opinion that any work they have been directed to perform is beyond the Scope of this Agreement, or that the level of effort required significantly exceeds that estimated due to changed conditions and thereby constitutes extra work, they shall notify the CLIENT of that fact. Extra work, additional compensation for same, and extension of time for completion shall be covered by a revision to the Letter Agreement or Request for Services and entered into by both parties.

ARTICLE 3. COMPENSATION TO WIDSETH
A. Compensation to WIDSETH for services described in this Agreement shall be on a Lump Sum basis, Percentage of Construction, and/or Hourly Rate basis as designated in the Letter Agreement and as hereinafter described.

1. A Lump Sum method of payment for WIDSETH's services shall apply to all or parts of a work scope where WIDSETH's tasks can be readily defined and/or where the level of effort required to accomplish such tasks can be estimated with a reasonable degree of accuracy. The CLIENT shall make monthly payments to WIDSETH within 30 days of date of invoice based on an estimated percentage of completion of WIDSETH's services.

2. A Percentage of Construction or an Hourly Rate method of payment of WIDSETH's services shall apply to all or parts of a work scope where WIDSETH's tasks cannot be readily defined and/or where the level of effort required to accomplish such tasks cannot be estimated with any reasonable degree of accuracy. Under an Hourly Rate method of payment, WIDSETH shall be paid for the actual hours worked on the Project by WIDSETH technical personnel times an hourly billing rate established for each employee. Hourly billing rates shall include compensation for all salary costs, payroll burden, general, and administrative overhead and professional fee. In a Percentage of Construction method of payment, final compensation will be based on actual bids if the project is bid and WIDSETH's estimate to the CLIENT if the project is not bid. A rate schedule shall be furnished by WIDSETH to CLIENT upon which to base periodic payments to WIDSETH.

3. In addition to the foregoing, WIDSETH shall be reimbursed for items and services as set forth in the Letter Agreement or Fee Schedule and the following Direct Expenses when incurred in the performance of the work:

   (a) Travel and subsistence.
   (b) Specialized computer services or programs.
   (c) Outside professional and technical services with cost defined as the amount billed WIDSETH.
   (d) Identifiable reproduction and reprographic costs.
   (e) Other expenses for items such as permit application fees, license fees, or other additional items and services whether or not specifically identified in the Letter Agreement or Fee Schedule.

4. The CLIENT shall make monthly payments to WIDSETH within 30 days of date of invoice based on computations made in accordance with the above charges for services provided and expenses incurred to date, accompanied by supporting evidence as available.

B. The CLIENT will pay the balance stated on the invoice unless CLIENT notifies WIDSETH in writing of the particular item that is alleged to be incorrect within 15 days from the date of invoice, in which case, only the disputed item will remain undue until resolved by the parties. All accounts unpaid after 30 days from the date of original invoice shall be subject to a service charge of 1 % per month, or the maximum amount authorized by law, whichever is less. WIDSETH shall be entitled to recover all reasonable costs and disbursements, including reasonable attorneys fees, incurred in connection with collecting amount owed by CLIENT. In addition, WIDSETH may, after giving seven days written notice to the CLIENT, suspend services and withhold deliverables under this Agreement until WIDSETH has been paid in full for all amounts then due for services, expenses and charges. CLIENT agrees that WIDSETH shall not be responsible for any claim for delay or other consequential damages arising from suspension of services hereunder. Upon payment in full by Client and WIDSETH's resumption of services, the time for performance of WIDSETH's services shall be equitably adjusted to account for the period of suspension and other reasonable time necessary to resume performance.

ARTICLE 4. ABANDONMENT, CHANGE OF PLAN AND TERMINATION
Either Party has the right to terminate this Agreement upon seven days written notice. In addition, the CLIENT may at any time, reduce the scope of this Agreement. Such reduction in scope shall be set forth in a written notice from the CLIENT to WIDSETH. In the event of unresolved dispute over change in scope or changed conditions, this Agreement may also be terminated upon seven days written notice as provided above.

In the event of termination, and upon payment in full for all work performed and expenses incurred to the date of termination, documents that are identified as deliverables under the Letter Agreement whether finished or unfinished shall be made available by WIDSETH to the CLIENT pursuant to Article 5, and there shall be no further payment obligation of the CLIENT to WIDSETH under this Agreement except for payment of an amount for WIDSETH's anticipated profit on the value of the services not performed by WIDSETH and computed in accordance with the provisions of Article 3 and the Letter Agreement.

In the event of a reduction in scope of the Project work, WIDSETH shall be paid for the work performed and expenses incurred on the Project work thus reduced and for any completed and abandoned work, for which payment has not been made, computed in accordance with the provisions of Article 3 and the Letter Agreement.

ARTICLE 5. DISPOSITION OF PLANS, REPORTS AND OTHER DATA
All reports, plans, specifications, field data and notes and other documents, including all documents on electronic media, prepared by WIDSETH or its consultants are Instruments of Service and shall remain the property of WIDSETH or its consultants, respectively. WIDSETH and its subconsultants retain all common law, statutory and other reserved rights, including, without limitation, copyright. WIDSETH and its subconsultants maintain the right to determine if production will be made, and allowable format for production, of any electronic media or data to CLIENT or any third-party. Upon payment in full of monies due pursuant to the Agreement, WIDSETH shall make hard copies available to the CLIENT, of all documents that are identified as deliverables under the Letter Agreement. If the documents have not been finished (including, but not limited to, completion of final quality control), then WIDSETH shall have no liability for any claims expenses or damages that may arise out of items that could have been corrected during completion/quality control. Any Instruments of Service provided are not intended or represented to be suitable for reuse by the CLIENT or others on extensions of the Project or any other project. Any modification or reuse without written verification or adaptation by WIDSETH for the specific purpose intended will be at CLIENT's sole risk and without liability or legal exposure to WIDSETH. CLIENT shall indemnify, defend and hold harmless WIDSETH from any and all suits or claims of third parties arising out of use of unfinished documents, or modification or reuse of finished documents, which is not specifically verified, adapted, or authorized in writing by WIDSETH. This indemnity shall survive the termination of this Agreement.

Should WIDSETH choose to deliver to CLIENT documents in electronic form, CLIENT acknowledges that differences may exist between any electronic files delivered and the printed hard-copy. Copies of documents that may be relied upon by CLIENT are limited to the printed hard-copies that are signed and/or sealed by WIDSETH. Files in electronic form are only for convenience of CLIENT. Any conclusion or information obtained or derived from such electronic documents will be at user's sole risk. CLIENT acknowledges that the useful life of some forms of electronic media may be limited because of deterioration of the media or obsolescence of the computer hardware and/or software systems. Therefore, WIDSETH makes no representation that such media will be fully usable beyond 30 days from date of delivery to CLIENT.

ARTICLE 6. CLIENT'S ACCEPTANCE BY PURCHASE ORDER OR OTHER MEANS
In lieu of or in addition to signing the acceptance blank on the Letter Agreement, the CLIENT may accept this Agreement by permitting WIDSETH to commence work on the project or by issuing a purchase order signed by a duly authorized representative. Such purchase order shall incorporate by reference the terms and conditions of this Agreement. In the event of a conflict between the terms and conditions of this Agreement and those contained in the CLIENT's purchase order, the terms and conditions of this Agreement shall govern. Notwithstanding any purchase order provisions to the contrary, no warrantees, express or implied, are made by WIDSETH.

ARTICLE 7. CLIENT'S RESPONSIBILITIES

A. To permit WIDSETH to perform the services required hereunder, the CLIENT shall supply, in proper time and sequence, the following at no expense to WIDSETH:

1. Provide all program, budget, or other necessary information regarding its requirements as necessary for orderly progress of the work.

2. Designate in writing, a person to act as CLIENT's representative with respect to the services to be rendered under this Agreement. Such person shall have authority to transmit instructions, receive instructions, receive information, interpret and define CLIENT's policies with respect to WIDSETH's services.

3. Furnish, as required for performance of WIDSETH's services (except to the extent provided otherwise in the Letter Agreement or any Exhibits attached hereto), data prepared by or services of others, including without limitation, core borings, probes and subsurface explorations, hydrographic and geohydrologic surveys, laboratory tests and inspections of samples, materials and equipment; appropriate professional interpretations of all of the foregoing; environmental assessment and impact statements; property, boundary easement, right-of-way, topographic and utility surveys; property descriptions; zoning, deed and other land use restriction; and other special data not covered in the Letter Agreement or any Exhibits attached hereto.

4. Provide access to, and make all provisions for WIDSETH to enter upon publicly or privately owned property as required to perform the work.

5. Act as liaison with other agencies or involved parties to carry out necessary coordination and negotiations; furnish approvals and permits from all governmental authorities having jurisdiction over the Project and such approvals and consents from others as may be necessary for completion of the Project.

6. Examine all reports, sketches, drawings, specifications and other documents prepared and presented by WIDSETH, obtain advice of an attorney, insurance counselor or others as CLIENT deems necessary for such examination and render in writing, decisions pertaining thereto within a reasonable time so as not to delay the services of WIDSETH.

7. Give prompt written notice to WIDSETH whenever CLIENT observes or otherwise becomes aware of any development that affects the scope of timing of WIDSETH's services or any defect in the work of Construction Contractor(s), Consultants or WIDSETH.

8. Initiate action, where appropriate, to identify and investigate the nature and extent of asbestos and/or pollution in the Project and to abate and/or remove the same as may be required by federal, state or local statute, ordinance, code, rule, or regulation now existing or hereinafter enacted or amended. For purposes of this Agreement, "pollution" and "pollutant" shall mean any solid, liquid, gaseous or thermal irritant or contaminant, including smoke, vapor, soot, alkalis, chemicals and hazardous or toxic waste. Hazardous or toxic waste means any substance, waste pollutant or contaminant now or hereafter included within such terms under any federal, state or local statute, ordinance, code, rule or regulation now existing or hereinafter enacted or amended. Waste further includes materials to be recycled, reconditioned or reclaimed.

   If WIDSETH encounters, or reasonably suspects that it has encountered, asbestos or pollution in the Project, WIDSETH shall cease activity on the Project and promptly notify the CLIENT, who shall proceed as set forth above. Unless otherwise specifically provided in the Letter Agreement, the services to be provided by WIDSETH do not include identification of asbestos or pollution, and WIDSETH has no duty to identify or attempt to identify the same within the area of the Project.

   With respect to the foregoing, CLIENT acknowledges and agrees that WIDSETH is not a user, handler, generator, operator, treater, storer, transporter or disposer of asbestos or pollution which may be encountered by WIDSETH on the Project. It is further understood and agreed that services WIDSETH will undertake for CLIENT may be uninsurable obligations involving the presence or potential presence of asbestos or pollution. Therefore, CLIENT agrees, except (1) such liability as may arise out of WIDSETH's sole negligence in the performance of services under this Agreement or (2) to the extent of insurance coverage available for the claim, to hold harmless, indemnify and defend WIDSETH and WIDSETH's officers, subcontractor(s), employees and agents from and against any and all claims, lawsuits, damages, liability and costs, including, but not limited to, costs of defense, arising out of or in any way connected with the presence, discharge, release, or escape of asbestos or pollution. This indemnification is intended to apply only to existing conditions and not to conditions caused or created by WIDSETH. This indemnification shall survive the termination of this Agreement.

9. Provide such accounting, independent cost estimating and insurance counseling services as may be required for the Project, such legal services as CLIENT may require or WIDSETH may reasonably request with regard to legal issues pertaining to the Project including any that may be raised by Contractor(s), such auditing service as CLIENT may require to ascertain how or for what purpose any Contractor has used the moneys paid under the construction contract, and such inspection services as CLIENT may require to ascertain that Contractor(s) are complying with any law, rule, regulation, ordinance, code or order applicable to their furnishing and performing the work.

10. Provide "record" drawings and specifications for all existing physical features, structures, equipment, utilities, or facilities which are pertinent to the Project, to the extent available.

11. Provide other services, materials, or data as may be set forth in the Letter Agreement or any Exhibits attached hereto.

B. WIDSETH may use any CLIENT provided information in performing its services. WIDSETH shall be entitled to rely on the accuracy and completeness of information furnished by the CLIENT. If WIDSETH finds that any information furnished by the CLIENT is in error or is inadequate for its purpose, WIDSETH shall endeavor to notify the CLIENT. However, WIDSETH shall not be held responsible for any errors or omissions that may arise as a result of erroneous or incomplete information provided by CLIENT.

ARTICLE 8. OPINIONS OF COST

Opinions of probable project cost, construction cost, financial evaluations, feasibility studies, economic analyses of alternate solutions and utilitarian considerations of operations and maintenance costs provided for in the Letter Agreement or any Exhibits attached hereto are to be made on the basis of WIDSETH's experience and qualifications and represent WIDSETH's judgment as an experienced design professional. It is recognized, however, that WIDSETH does not have control over the cost of labor, material, equipment or services furnished by others or over market conditions or contractors' methods of determining their prices, and that any evaluation of any facility to be constructed, or acquired, or work to be performed on the basis of WIDSETH's cost opinions must, of necessity, be speculative until completion of construction or acquisition. Accordingly, WIDSETH does not guarantee that proposals, bids or actual costs will not substantially vary from opinions, evaluations or studies submitted by WIDSETH to CLIENT hereunder.

ARTICLE 9. CONSTRUCTION PHASE SERVICES

CLIENT acknowledges that it is customary for the architect or engineer who is responsible for the preparation and furnishing of Drawings and Specifications and other construction-related documents to be employed to provide professional services during the Bidding and Construction Phases of the Project, (1) to interpret and clarify the documentation so furnished and to modify the same as circumstances revealed during bidding and construction may dictate, (2) in connection with acceptance of substitute or equal items of materials and equipment proposed by bidders and Contractor(s), (3) in connection with approval of shop drawings and sample submittals, and (4) as a result of and in response to WIDSETH's detecting in advance of performance of affected work inconsistencies or irregularities in such documentation. CLIENT agrees that if WIDSETH is not employed to provide such professional services during the Bidding (if the work is put out for bids) and the Construction Phases of the Project, WIDSETH will not be responsible for, and CLIENT shall indemnify and hold WIDSETH, its officers, consultant(s), subcontractor(s), employees and agents harmless from, all claims, damages, losses and expenses including attorneys' fees arising out of, or resulting from, any interpretation, clarification, substitution acceptance, shop drawing or sample approval or modification of such documentation issued or carried out by CLIENT or others. Nothing contained in this paragraph shall be construed to release WIDSETH, its officers, consultant(s), subcontractor(s), employees and agents from liability for failure to perform in accordance with professional standards any duty or responsibility which WIDSETH has undertaken or assumed under this Agreement.

ARTICLE 10. REVIEW OF SHOP DRAWINGS AND SUBMITTALS

WIDSETH may review and approve or take other appropriate action on the contractor's submittals or shop drawings for the limited purpose of checking for general conformance with information given and design concept expressed in the Contract Documents. Review and/or approval of submittals is not conducted for the purpose of determining accuracy and completeness of other details or for substantiating instructions for installation or performance of equipment or systems, all of which remain the exclusive responsibility of the contractor. WIDSETH's review and/or approval shall not constitute approval of safety precautions, or any construction means, methods, techniques, sequences or procedures. WIDSETH's approval of a specific item shall not indicate approval of an assembly of which the item is a component. WIDSETH's review and/or approval shall not relieve contractor for any deviations from the requirements of the contract documents nor from the responsibility for errors or omissions on items such as sizes, dimensions, quantities, colors, or locations. Contractor shall remain solely responsible for compliance with any manufacturer requirements and recommendations.

ARTICLE 11. REVIEW OF PAY APPLICATIONS

If included in the scope of services, any review or certification of any pay applications, or certificates of completion shall be based upon WIDSETH's observation of the Work and on the data comprising the contractor's application for payment, and shall indicate that to the best of WIDSETH's knowledge, information and belief, the quantity and quality of the Work is in general conformance with the Contract Documents. The issuance of a certificate for payment or substantial completion is not a representation that WIDSETH has made exhaustive or continuous inspections, reviewed construction means and methods, verified any back-up data provided by the contractor, or ascertained how or for what purpose the contractor has used money previously paid by CLIENT.

ARTICLE 12. REQUESTS FOR INFORMATION (RFI)
If included in the scope of services, WIDSETH will provide, with reasonable promptness, written responses to requests from any contractor for clarification, interpretation or information on the requirements of the Contract Documents. If Contractor's RFI's are, in WIDSETH's professional opinion, for information readily apparent from reasonable observation of field conditions or review of the Contract Documents, or are reasonably inferable therefrom, WIDSETH shall be entitled to compensation for Additional Services for WIDSETH's time in responding to such requests. CLIENT may wish to make the Contractor responsible to the CLIENT for all such charges for additional services as described in this article.

ARTICLE 13. CONSTRUCTION OBSERVATION
If included in the scope of services, WIDSETH will make site visits as specified in the scope of services in order to observe the progress of the Work completed. Such site visits and observations are not intended to be an exhaustive check or detailed inspection, but rather are to allow WIDSETH to become generally familiar with the Work. WIDSETH shall keep CLIENT informed about the progress of the Work and shall advise the CLIENT about observed deficiencies in the Work. WIDSETH shall not supervise, direct or have control over any Contractor's work, nor have any responsibility for the construction means, methods, techniques, sequences or procedures selected by the Contractor nor for the Contractor's safety precautions or programs in connection with the Work. These rights and responsibilities are solely those of the Contractor. WIDSETH shall not be responsible for any acts or omissions of any Contractor and shall not be responsible for any Contractor's failure to perform the Work in accordance with the Contract Documents or any applicable laws, codes, regulations, or industry standards.

If construction observation services are not included in the scope of services, CLIENT assumes all responsibility for interpretation of the Contract Documents and for construction observation, and the CLIENT waives any claims against WIDSETH that are connected with the performance of such services.

ARTICLE 14. BETTERMENT
If, due to WIDSETH's negligence, a required item or component of the Project is omitted from the construction documents, WIDSETH shall not be responsible for paying the cost required to add such item or component to the extent that such item or component would have been required and included in the original construction documents. In no event, will WIDSETH be responsible for any cost or expense that provides betterment or upgrades or enhances the value of the Project.

ARTICLE 15. CERTIFICATIONS, GUARANTEES AND WARRANTIES
WIDSETH shall not be required to sign any documents, no matter by who requested, that would result in WIDSETH having to certify, guarantee or warrant the existence of conditions whose existence WIDSETH cannot ascertain. CLIENT agrees not to make resolution of any dispute with WIDSETH or payment of any amount due to WIDSETH in any way contingent upon WIDSETH signing such certification.

ARTICLE 16. CONTINGENCY FUND
CLIENT and WIDSETH agree that certain increased costs and changes may be required because of possible omissions, ambiguities or inconsistencies in the plans and specifications prepared by WIDSETH, and therefore, that the final construction cost of the Project may exceed the bids, contract amount or estimated construction cost. CLIENT agrees to set aside a reserve in the amount of 5% of the Project construct costs as a contingency to be used, as required, to pay for any such increased costs and changes. CLIENT further agrees to make no claim by way of direct or third-party action against WIDSETH with respect to any increased costs within the contingency because of such changes or because of any claims made by any Contractor relating to such changes.

ARTICLE 17. INSURANCE
WIDSETH shall procure and maintain insurance for protection from claims against it under workers' compensation acts, claims for damages because of bodily injury including personal injury, sickness or disease or death of any and all employees or of any person other than such employees, and from claims against it for damages because of injury to or destruction of property including loss of use resulting therefrom.

Also, WIDSETH shall procure and maintain professional liability insurance for protection from claims arising out of performance of professional services caused by any negligent act, error, or omission for which WIDSETH is legally liable.

Certificates of insurance will be provided to the CLIENT upon request.

ARTICLE 18. ASSIGNMENT
Neither Party to this Agreement shall transfer, sublet or assign any rights or duties under or interest in this Agreement, including but not limited to monies that are due or monies that may be due, without the prior written consent of the other party. Subcontracting to subconsultants, normally contemplated by WIDSETH as a generally accepted business practice, shall not be considered an assignment for purposes of this Agreement.

ARTICLE 19. NO THIRD-PARTY BENEFICIARIES
Nothing contained in this Agreement shall create a contractual relationship or a cause of action by a third-party against either WIDSETH or CLIENT. WIDSETH's services pursuant to this Agreement are being performed solely for the CLIENT's benefit, and no other party or entity shall have any claim against WIDSETH because of this Agreement.

ARTICLE 20. CORPORATE PROTECTION
It is intended by the parties to this Agreement that WIDSETH's services in connection with the Project shall not subject WIDSETH's individual employees, officers or directors to any personal legal exposure for the risks associated with this Project. Therefore, and notwithstanding anything to the contrary, CLIENT agrees that as the CLIENT's sole and exclusive remedy, any claim, demand or suit shall be directed and/or asserted only against WIDSETH, a Minnesota corporation, and not against any of WIDSETH's individual employees, officers or directors.

ARTICLE 21. CONTROLLING LAW
This Agreement is to be governed by the laws of the State of Minnesota.

ARTICLE 22. ASSIGNMENT OF RISK
In recognition of the relative risks and benefits of the project to both the CLIENT and WIDSETH, the risks have been allocated such that the CLIENT agrees, to the fullest extent permitted by law, to limit the liability of WIDSETH, employees of WIDSETH and sub-consultants, to the CLIENT and to all construction contractors, subcontractors, agents and assigns on the project for any and all claims, losses, costs, damages of any nature whatsoever or claims expenses from any cause or causes, so that total aggregate liability of WIDSETH, employees of WIDSETH and sub-consultants, to all those named shall not exceed WIDSETH's total fee received for services rendered on this project. Such claims and causes include, but are not limited to negligence, professional errors or omissions, strict liability, breach of contract or warranty.

ARTICLE 23. NON-DISCRIMINATION
WIDSETH will comply with the provisions of applicable federal, state and local statutes, ordinances and regulations pertaining to human rights and non-discrimination.

ARTICLE 24. SEVERABILITY
Any provision or portion thereof in this Agreement which is held to be void or unenforceable under any law shall be deemed stricken and all remaining provisions shall continue to be valid and binding between CLIENT and WIDSETH. All limits of liability and indemnities contained in the Agreement shall survive the completion or termination of the Agreement.

ARTICLE 25. PRE-LIEN NOTICE
PURSUANT TO THE AGREEMENT WIDSETH WILL BE PERFORMING SERVICES IN CONNECTION WITH IMPROVEMENTS OF REAL PROPERTY AND MAY CONTRACT WITH SUBCONSULTANTS OR SUBCONTRACTORS AS APPROPRIATE TO FURNISH LABOR, SKILL AND/OR MATERIALS IN THE PERFORMANCE OF THE WORK. ACCORDINGLY, CLIENT IS ENTITLED UNDER MINNESOTA LAW TO THE FOLLOWING NOTICE:

(a) ANY PERSON OR COMPANY SUPPLYING LABOR OR MATERIALS FOR THIS IMPROVEMENT TO YOUR PROPERTY MAY FILE A LIEN AGAINST YOUR PROPERTY IF THAT PERSON OR COMPANY IS NOT PAID FOR ITS CONTRIBUTIONS.

(b) UNDER MINNESOTA LAW, YOU HAVE THE RIGHT TO PAY PERSONS WHO SUPPLIED LABOR OR MATERIALS FOR THIS IMPROVEMENT DIRECTLY AND DEDUCT THIS AMOUNT FROM OUR CONTRACT PRICE, OR WITHHOLD THE AMOUNTS DUE FROM US UNTIL 120 DAYS AFTER COMPLETION OF THE IMPROVEMENT UNLESS WE GIVE YOU A LIEN WAIVER SIGNED BY PERSONS WHO SUPPLIED ANY LABOR OR MATERIALS FOR THE IMPROVEMENT AND WHO GAVE YOU TIMELY NOTICE.

Brainerd City Council
Agenda Request

Requested Meeting Date: May 2, 2022

Title of Item: Approve Contract Towing Bid from Collins Brothers Towing of Brainerd

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

Summary of Issue:

Attached to this request are two bids that were received for contract towing services.

Alternatives, Options, Effects on Others/Comments:

The two bids that were received were from Collins Brothers Towing of Brainerd and West Brainerd Auto. You can see the bid forms attached and the proposed pricing for each item per the specifications. You can see from the attachments that both proposers are basically identical for items numbers 1-14. The items that set the two proposers slightly apart were 15-16, in which Collins Brothers has proposed lower fees in all three of those categories. Two of these fees get passed directly onto the the resident, and would save a resident about $20/tow.

Recommended Action/Motion:

Staff recommends approval of the bid from Collins Brothers Towing of Brainerd and authorizing signatures on the agreement with Collins Brothers for the proposed scope of services.

Financial Impact:

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

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

Is this budgeted? ☐ Yes ☐ No

Please Explain:

CITY OF BRAINERD
TOWING SERVICES
April 2022

FORM OF PROPOSAL

SCHEDULE OF TOWING COSTS

ITEM NO.	ITEM	UNIT PRICE	
1.	TOWING WITHOUT IMPOUND	40.00	PER TOW
2.	TOWING CITY VEHICLES	20.00	PER TOW
3.	STREET SWEEPING TOWING	5.00	PER TOW
4.	SNOW REMOVAL TOWING	5.00	PER TOW
5.	DISABLED VEHICLE TOWING	40.00	PER TOW
6.	MISCELLANEOUS TOWING	40.00	PER TOW
7.	MOTORCYCLE	50.00	PER TOW
8.	SEMI-WRECKER TOWING	NA	PER TOW
9.	SEMI-WRECKER WINCHING	NA	PER
10.	REGULAR WRECKER WINCHING	37.50	PER 1/2 HR

SCHEDULE OF STORAGE COSTS

ITEM NO.	ITEM	UNIT PRICE	
11.	IMPOUND STORAGE	25.00	PER 24 HR

MISCELLANEOUS COSTS

12.	AFTER HOURS RELEASE (see Section 3)	20.00	
13.	DOLLIES	25.00	PER TOW
14.	CRASH RELATED CLEANUP (5 MINUTE MINIMUM)	25.00	PER 30 MINS
15.	STAND BY AND MISC. TIME	37.50	PER 1/2 HR
16.	NO KEYS FEE	25.00	PER TOW
17.	DROP FEE	35.00	PER TOW

4-21-22
DATE

West Brainerd Auto
BUSINESS NAME

721 W Washington St
ADDRESS

218 829 4181
PHONE NO.

SH Stoh
SIGNATURE AND TITLE

CITY OF BRAINERD
TOWING SERVICES
April 2022

FORM OF PROPOSAL

SCHEDULE OF TOWING COSTS

ITEM NO.	ITEM	UNIT PRICE	
1.	TOWING WITHOUT IMPOUND	$40	PER TOW
2.	TOWING CITY VEHICLES	$20	PER TOW
3.	STREET SWEEPING TOWING	$35	PER TOW
4.	SNOW REMOVAL TOWING	$5	PER TOW
5.	DISABLED VEHICLE TOWING	$40	PER TOW
6.	MISCELLANEOUS TOWING	$40	PER TOW
7.	MOTORCYCLE	$50	PER TOW
8.	SEMI-WRECKER TOWING	$250	PER TOW
9.	SEMI-WRECKER WINCHING	$125	PER ½ HR
10.	REGULAR WRECKER WINCHING	$40	PER ½ HR

SCHEDULE OF STORAGE COSTS

ITEM NO.	ITEM	UNIT PRICE	
11.	IMPOUND STORAGE	$25	PER 24 HR

MISCELLANEOUS COSTS

12.	AFTER HOURS RELEASE (see Section 3)	$25	
13.	DOLLIES	$25	PER TOW
14.	CRASH RELATED CLEANUP (5 MINUTE MINIMUM)	$25	PER 30 MINS
15.	STAND BY AND MISC. TIME	$30	PER ½ HR
16.	NO KEYS FEE	$15	PER TOW
17.	DROP FEE	$25	PER TOW

3/29/22
DATE

Collins Brothers Towing of Brainerd
BUSINESS NAME

16608 Hwy 371 Brainerd, MN 56401
ADDRESS

218-822-5525
PHONE NO.

CEO
SIGNATURE AND TITLE

Brainerd City Council
Agenda Request

Requested Meeting Date: May 2, 2022

Title of Item: Update on State Park Road Account Grant Application

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

Summary of Issue:

The City's application for the State Park Road Account for the rehabilitation/reconstruction of Lum Park Road has been awarded funding in the amount of $143,000.

Alternatives, Options, Effects on Others/Comments:

Next steps for the City to consider is to establish an Engineer to design the project/specifications to SPRA standards, work with State Aid at MnDOT, and also work with the County, in which is required to be a sponsor of the project. Staff is recommending the City consult out this project and issue RFP's to consulting firms, as it is the type of project that is over and above City staff's standard resurfacing/reconstruction plans that are completed each season, and requires grant management/reporting on the back end.

Recommended Action/Motion:

Staff recommends discussion on how to move this project forward, now that it has been funded.

Financial Impact:

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

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

Is this budgeted? ☐ Yes ☐ No

Please Explain:

Operations Services Division
1601 Minnesota Drive
Brainerd, MN 56401

April 19, 2022

Paul G. Sandy, P.E., City Engineer
City of Brainerd
501 Laurel Street
Brainerd, MN 56401

Dear Paul G. Sandy:

This letter serves as notice that $143,000.00 of State Park Road Account Funding is hereby authorized to Crow Wing County for reconstruction improvements to Lum Park Road (14th Avenue NE) from the intersection of State Highway 210 and 14th Avenue NE to Rice Lake Public Water Access.

State Park Road Account funds are to be used for access road construction/maintenance and necessary supporting infrastructure to state recreational units. This funding cannot be used for improvements to recreational facilities (e.g., parking lots, trails, boat ramps, etc.). County State Aid Highways must be approved by the County State Aid Screening Board.

The following criteria must be met before the authorized projects are let and contracts are awarded:

1. The unit of government (county, township, city) initiating this project must review the project with the DNR Area Hydrologist and Wildlife Manager to determine if the project has any adverse effect on protected waters or lands currently enrolled in the Reinvest in Minnesota (RIM) program.
2. A plan must be developed, signed by a registered engineer, and submitted to the MnDOT District State Aid Engineer through the County Engineer.
3. The Department of Transportation, Office of State Aid, will review the plan, and if acceptable, will notify the county engineer and the local unit of government to proceed with letting, force account or negotiated agreement.
    A. The County shall administer the contract, force account or negotiated agreement.
    B. For projects managed by the County, the County Engineer will supervise the construction and budget as the work progresses.
    C. On all projects, the District State Aid Engineer will monitor the progress of the project according to the specifications and proposals.
4. Payment requests as submitted by the County Engineer and based on estimates or force account agreements, shall be administered in accordance with State Aid rules and payments will be made to the County Treasurer.
5. Overruns are the responsibility of the local unit of government unless approved by the Department of Natural Resources and the State Aid Engineer.

6. Right-of-way costs (payments to land owners) are a reimbursable cost.
7. Engineering costs are the responsibility of the local unit of government.
8. The minimum standards for any improvement must be designed as shown on the attached sheet.

Sincerely,

Dave Sobania

Digitally signed by Dave Sobania, P.E. #22844
Date: 2022.04.19 15:18:23 -05'00'

Dave Sobania, P.E.
Administrative Engineer

Attachments: Minimum Geometric Design Standards

CC: Mao Yang, MnDOT, State Aid Division, Assistant Operations Engineer
Steve Hennessy, DNR, Parks and Trails Division, Development Consultant
Jamie Gangaware, DNR, Fish and Wildlife Division, Wildlife Operations and Development Supervisor
Gail Leverson, Widseth, Funding Specialist
Timothy Bray, Crow Wing County Highway Department, County Engineer
Angie Tomovic, MnDOT, State Aid Division, District 3 State Aid Engineer
Wade Miller, DNR, Parks and Trails Division, Area Supervisor
File, SPRA 863

2021 State Park Road Account Funding Proposal

for

Minnesota Department of Natural Resources (DNR)
Access to Rice Lake, Brainerd, MN

Submitted by:

Widseth

On behalf of the City of Brainerd

10/19/21

WiDSETH

1. **Brief Project Description:**

The City of Brainerd is requesting $143,000.00 from the State Park Road Account (SPRA) of the Minnesota Department of Natural Resources (DNR). These funds will be used to improve access to the DNR public boat launch and DNR fishing pier at Rice Lake in Brainerd, Minnesota. The City of Brainerd is proposing to reconstruct Lum Park Road, also known as 14th Avenue NE. The current road conditions have been deemed to be in poor condition. Reconstruction will encompass 1,175 feet, starting at the intersection of Minnesota State Highway 210 and 14th Ave NE, then going north and east on Lum Park Road. The final 550 feet from to the DNR Public Access will be repaved. The City is requesting 100 percent of the construction costs for this project.

Rice Lake is part of the Mississippi River and located in the northeast corner of the City of Brainerd in Crow Wing County, Minnesota. The DNR public boat launch and DNR fishing pier on Rice Lake are located directly adjacent to the City of Brainerd's Lum Park. This is a popular city-owned park with a campground, public beach, and other recreation opportunities. The DNR public boat launch, DNR fishing pier, Lum Park Campground, and Lum Park Day-Use Area is accessed by 14th Ave NE and Lum Park Road.

The Lum Park Road conditions are poor with longitudinal and transverse cracks due to the heavy year-round traffic. The City of Brainerd maintains these roadways, although the road gets heavy use from DNR traffic, and is requesting funding for improvement of damage.

Since the DNR public boat launch and DNR fishing pier are adjacent to Lum Park, many campers of the Lum Park Campground enjoy Rice Lake. The campground has 18 sites and is managed and maintained by the City of Brainerd. The campground is utilized 12 months out of the year by campers. Use has increased recently, with the City of Brainerd recording an 83 percent increase in usage in the month of June, between the years of 2018 to 2021.

Rice Lake and Lum Park is a popular destination for local residents because of all the amenities available. Each year a local water-skiing group performs several shows utilizing the DNR public boat launch. The 14th Ave NE and Lum Park Road roadway is the only public access to the 418-acre Rice Lake, which is well known for Northern Pike and Large Mouth Bass. The DNR public boat launch is used year around for ice fishing and fish house access.

It is critical this roadway be improved to enhance the safe and reliable access to the DNR public boat launch and DNR fishing pier on Rice Lake. With vehicles towing boats, campers, and other recreation vehicles to Rice Lake and Lum Park this roadway needs SPRA funding to bring it up to an acceptable standard to the amount of use.

The map above indicates where the DNR public boat launch and DNR fishing pier are on Rice Lake, in Brainerd, MN.

The image above shows the deep longitudinal cracks that pose a safety issue on Lum Park Road (14th Avenue NE).

2. **Safety Improvements:**

The Lum Park Roadway reconstruction will correct poor road conditions. In its present condition the road has many longitudinal and transverse cracks. This uneven road surface is unsafe, and accidents could occur when vehicles towing boats, fish houses, or trailers catch a tire on the edge of the uneven roadway. Vehicles can be damaged if a tire gets caught on an edge of a longitudinal crack. It is essential to improve this roadway for the many heavy vehicles traveling to the DNR public boat launch year-round. The boat launch drive is estimated to have been paved more than 25 years ago. It is weathered and porous with ongoing loss of gravel from heavy usage.

The City of Brainerd is proposing a full-depth reclamation of 14th Ave NE and Lum Park Road starting at State Highway 210 intersection and going 1,175 linear feet. The City is also proposing repaving the boat launch drive of 550 feet. These improvements will meet Park Road design standards including 30 mph design speed, 12-foot wide travel lanes, 1:4 in-slope, 10-foot wide clear zone, and 7-ton design strength. The City of Brainerd desires a solution that will enhance safe access to Rice Lake's DNR public boat launch, DNR fishing pier, and amenities.

3. Amount of Traffic Directly Related to Recreational Site:

There are two types of users for Lum Park Road. First, campers who use the roadway to the campground. Second, day-users that use the roadway to access to the beach, two large pavilions, two sand volleyball courts, two picnic shelters, the playground, and restrooms at Lum Park on Rice Lake. These are important community amenities in a city of more than 13,000 residents.

The City reports steadily increased usage of the campground. Including an 83 percent increase in campground users during the month of June from 2018 to 2021. In 2020 the campground was closed three months due to the pandemic and still had increased use. Assuming that the average camper stay is two nights and each camper makes two trips on Lum Park Road, we estimate the number of trips campers made on the roadway in the table below.

Year	Number of Trips by Campers on Lum Park Road
2018	1,139
2019	1,191
2020	947 (closed 3 months)
2021	1,357

In addition to the campground traffic, the City of Brainerd recorded about 5,750 event attendees in 2021. This includes 3,950 day-users to the pavilions in 2021 and four water ski shows in 2021, that brought approximately 1,800 spectators to Lum Park. This would account for 11,500 trips on Lum Park Road in 2021, so far.

State Highway 210 has 11,800 daily vehicles where 14th Ave NE intersects to access Lum Park (2019, MnDOT). Many of the local residents come from the Brainerd and Baxter communities to use the DNR public boat launch and DNR fishing pier and are not accounted for. Lum Park and Rice Lake are heavily utilized by local residents, out-of-state tourists, campers, and people visiting the day-use area. There are 29 parking spaces at Rice Lake Public Access. The parking accommodates trucks with trailers for the boat launch, and single vehicles for swimmers.

Community	Population	Distance from Lum Park
Brainerd	13,373	0 miles
Baxter	8,202	5.5 miles
Local Area Lum Park Road Users: Approximately 21,575		

4. **Enhancements to Rice Lake and Lum Park:**

This SPRA funding will allow the City of Brainerd to enhance the quality of 14th Ave NE and Lum Park Road as well as the boat launch drive for its residents and tourists. Lum Park is a popular park within Brainerd as it offers a swimming beach, campground, disc golf, pavilion, picnic shelters, playground, restrooms, and sand volleyball court. This road improvement will also help the City make other improvements to Lum Park according to the City's Park Master Plan.

In addition to road improvements, the City intends to complete storm sewer rehabilitation and stormwater runoff treatment. The City also plans for construction of bituminous trail that will access the planned Cuyuna Regional Trail System, and additional parking for day-users. All of these are local costs for enhancements that will be covered by the City of Brainerd.

5. **Local Cost Share:**

The Preliminary Cost Estimate of the proposed reconstruction improvements is $143,000.00. The City of Brainerd is requesting 100 percent of the construction costs come from SPRA funding for this project. Considering the 21,575 of local users, this is an investment of only $6.63 per person. This investment will be used for 15 years making it even more cost efficient for state funding.

The Local Cost Share will be contributed by the City of Brainerd. This will include professional services such as engineering, legal, environmental, administrative, geotechnical, and testing. Additional local investment will be made by implementation of the Master Park Plan, which is currently being developed.

Given the heavy usage of Rice Lake's DNR public boat launch and DNR fishing pier, improving Lum Park Road is critical. SPRA funding is necessary to complete this project and assure there is a safe and reliable roadway to access Rice Lake. Traffic on Lum Park Road is increasing year to year. The condition of the roadway will only deteriorate further in its current poor condition.

ATTACHMENTS:

A. Detailed Cost Estimate & Project Plan (2 pages)
B. Google Earth Map with Project Location and Alignment
C. Detailed Project Location Map
D. Dimensioned Drawing of Existing and Proposed Typical Road Cross Sections
    - Photos (3 pages)
E. Letter of Support from City Engineer
F. Letter of Support from DNR Unit Manager
G. Letter from County Engineer

PROPOSED STATE PARK ROAD ACCOUNT PROJECT
LUM PARK ROAD/BOAT LAUNCH DRIVE CITY OF BRAINERD CROW WING COUNTY
Estimate of SPRA Eligible Construction Cost
OCTOBER 14, 2021

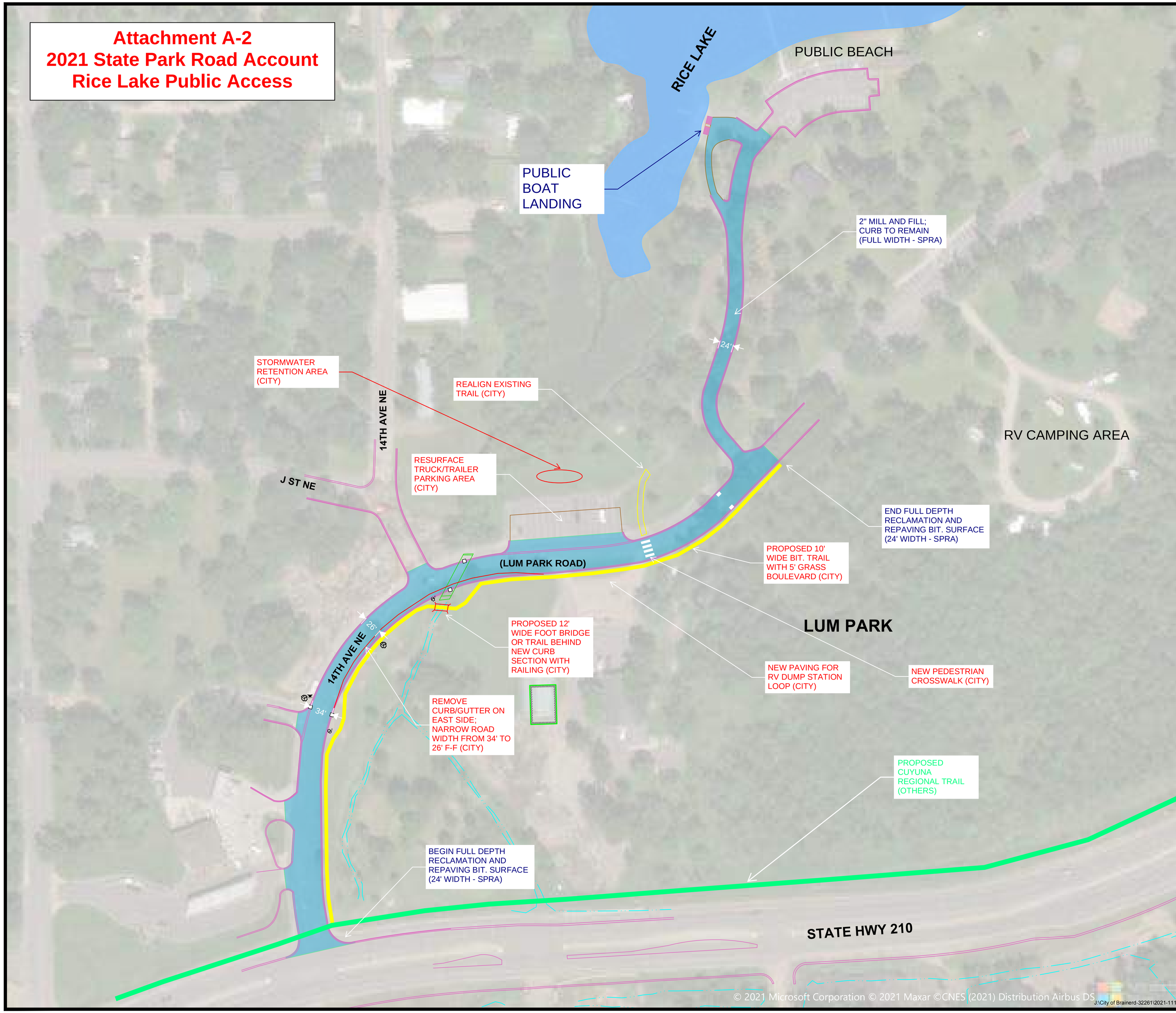
ITEM NO.	NOTES	SPEC. NO.	ITEM DESCRIPTION	UNIT	ESTIMATED UNIT PRICE	ESTIMATED CONSTRUCTION TOTALS	
						EST. QTY.	AMOUNT
1		2021.501	MOBILIZATION	LUMP SUM	$10,000.00	1	$10,000.00
2		2123.610	STREET SWEEPER (WITH PICKUP BROOM)	HOUR	$130.00	10	$1,300.00
3	1	2215.504	FULL DEPTH RECLAMATION	SQ YD	$2.25	4050	$9,112.50
4	2	2232.504	MILL BITUMINOUS SURFACE (2.0")	SQ YD	$5.00	1350	$6,750.00
5		2360.509	WEARING COURSE MIXTURE (2" - MILL/FILL; 3.5" - LUM PARK ROAD)	TON	$85.00	1025	$87,125.00
6		2563.601	TRAFFIC CONTROL	LUMP SUM	$5,000.00	1	$5,000.00
7		2573.503	SILT FENCE, TYPE MS	LIN FT	$3.00	1000	$3,000.00
8		2582.503	4" SOLID LINE PAINT	LIN FT	$0.40	2350	$940.00
9		2582.503	4" DOUBLE SOLID LINE PAINT	LIN FT	$0.40	1,175	$470.00
				TOTAL ESTIMATED CONSTRUCTION COST			$123,697.50
				CONTINGENCIES (15%)			$18,554.63
				SUBTOTAL CONSTRUCTION (ROUNDED)			$143,000.00

NOTES

1. LUM PARK ROAD
2. LUM PARK BOAT LAUNCH DRIVE

Attachment A-1
2021 State Park Road Account
Rice Lake Public Access

Attachment A-2
2021 State Park Road Account
Rice Lake Public Access



LUM PARK ROAD
City/SPRA Project
CITY OF BRAINERD

NORTH

0 75 150
SCALE (IN FEET)

J:\City of Brainerd-32261\2021-11103\CADD\Civil\C-XR-2021-11103.dwg Plotted by:Nick Peterson 8/18/2021 9:31:13 AM

© 2021 WIDSETH

WIDSETH
ARCHITECTS ▪ ENGINEERS ▪ SCIENTISTS ▪ SURVEYORS

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

VALUE DATE: MM/DD/YYYYC: NO. VALUE

DATE	REV#	REVISIONS DESCRIPTION	BY

DATE: AUGUST 2021
SCALE: AS SHOWN
DRAWN BY: NCP
CHECKED BY: DSR
JOB NUMBER: 2021-11103

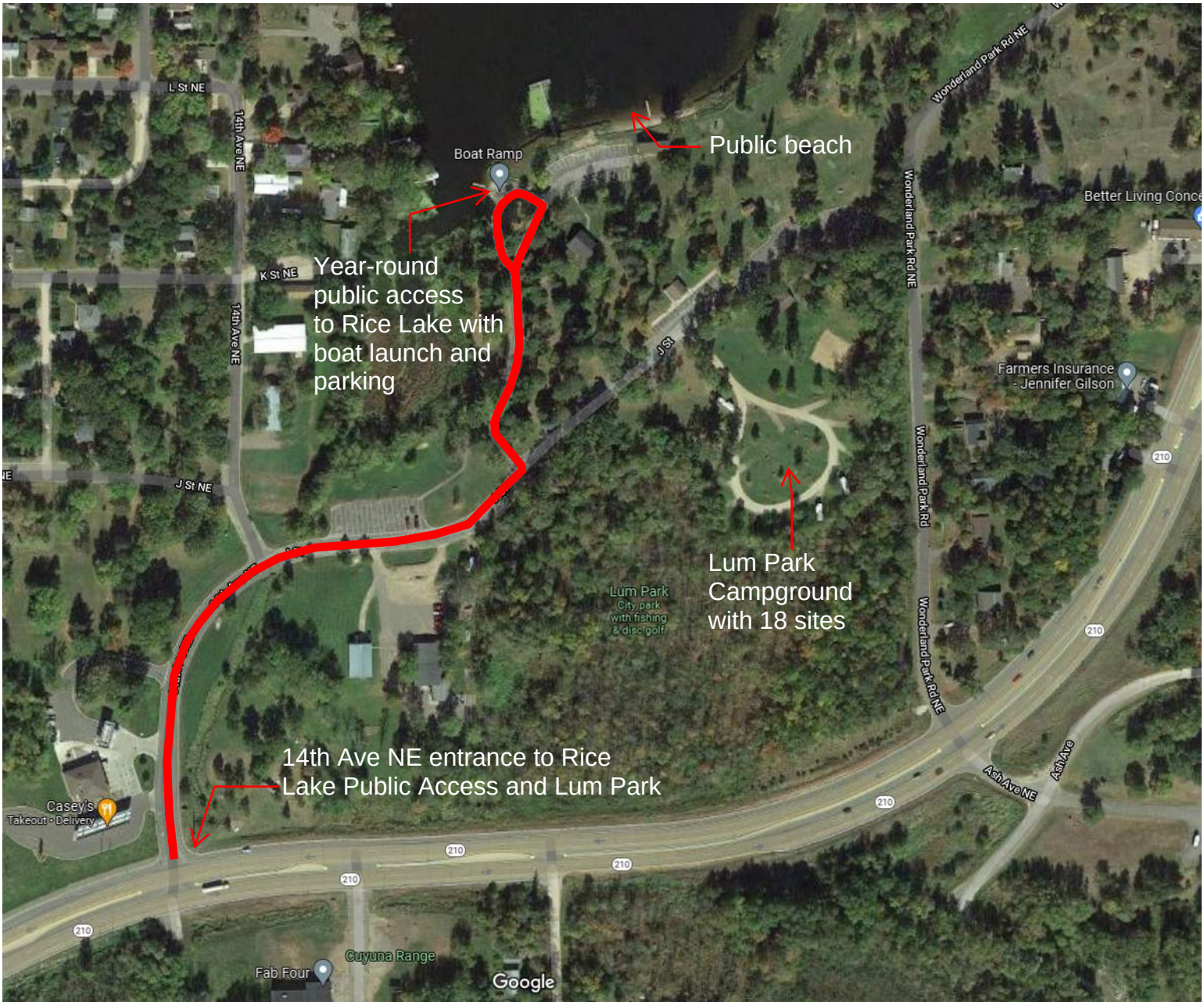
LUM PARK ROAD SPRA PROJECT
CITY OF BRAINERD
BRAINERD, MN

C-XR-2021-11103 - SITE PLAN

SHEET NO.
1

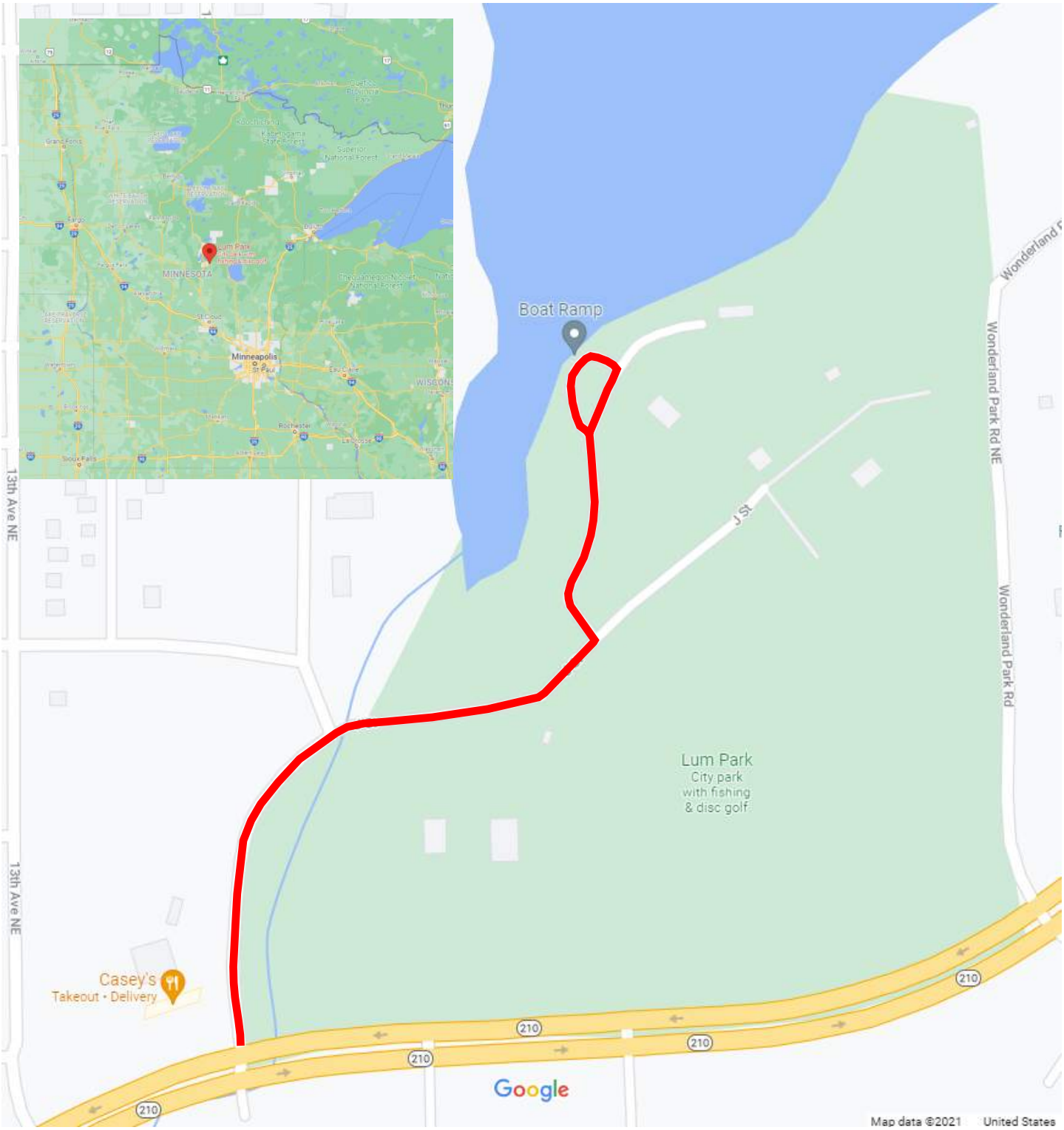
SHEET ==== OF ####

Attachment B
2021 State Park Road Account
Rice Lake Public Access



WiDSETH

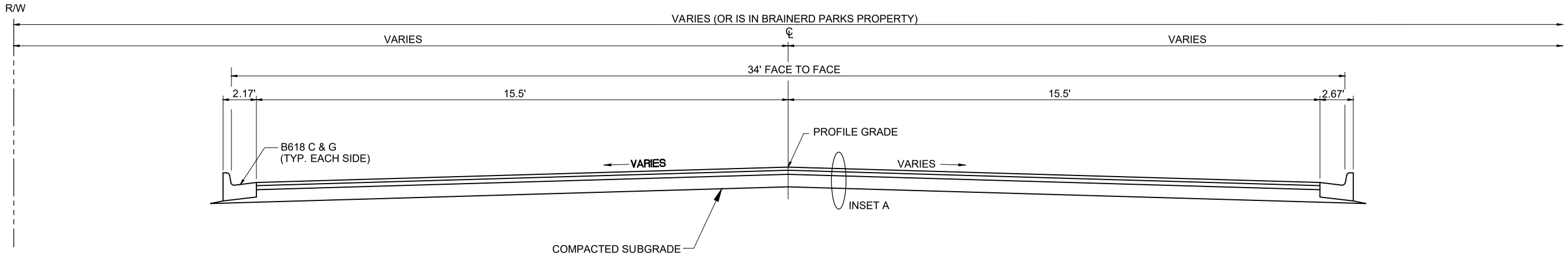
Attachment C
2021 State Park Road Account
Rice Lake Public Access



Legend

14th Ave NE and Lum Park Road

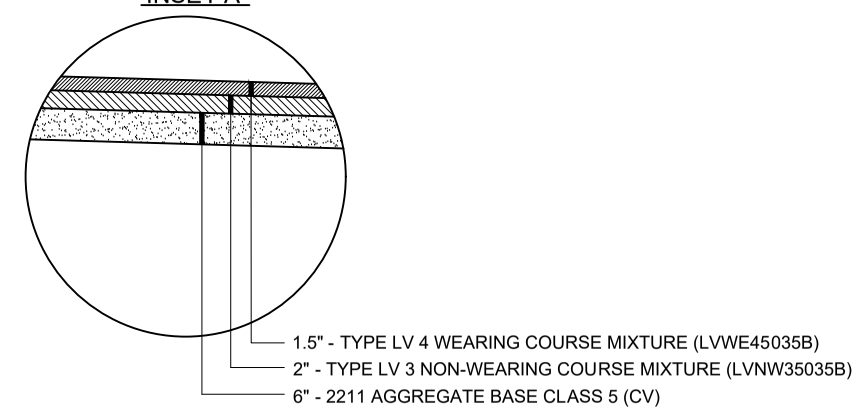
WiDSETH

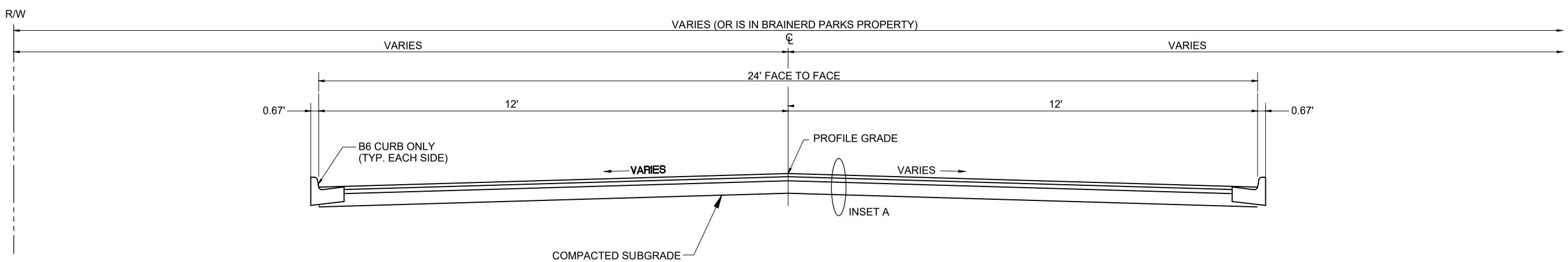


TYPICAL SECTION (EXISTING)

LUM PARK ROAD

INSET A

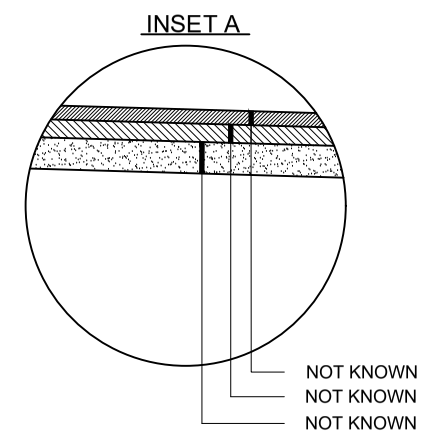




TYPICAL SECTION (EXISTING)

LUM PARK BOAT LAUNCH DRIVE

INSET A



Attachment D
2021 State Park Road Account
Rice Lake Public Access

WIDSETH
ARCHITECTS ▪ ENGINEERS ▪ SCIENTISTS ▪ SURVEYORS

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

PRELIMINARY

DATE:

LIC. NO.

DATE	REV#	REVISIONS DESCRIPTION	BY

DATE: AUGUST 2021
SCALE: AS SHOWN
DRAWN BY: NCP
CHECKED BY: DSR
JOB NUMBER: 2021-11103

LUM PARK ROAD SPRA PROJECT
CITY OF BRAINERD
BRAINERD, MN

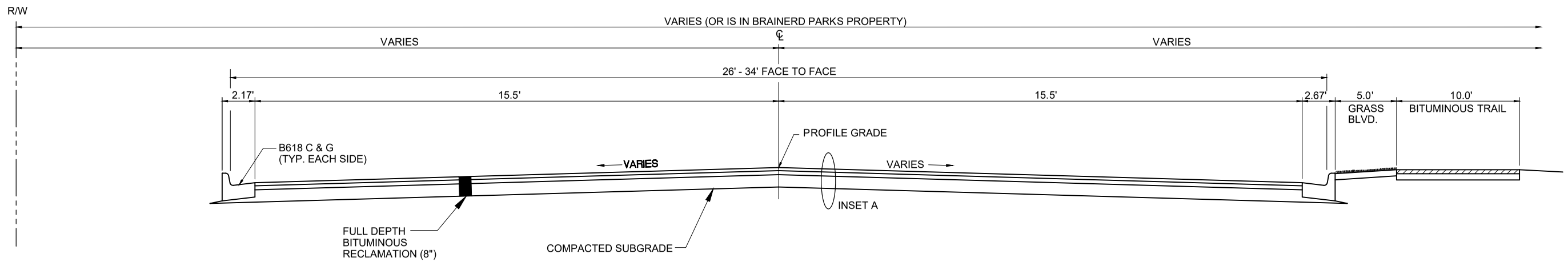
TYPICAL ROADWAY SECTIONS (EXISTING)

SHEET NO.
2

SHEET OF

J:\City of Brainerd-32261\2021-11103\CADD\Civil\C-DT-TYPSEC-2021-11103.dwg Plotted by:Pat Beste 10/14/2021 10:47:04 AM

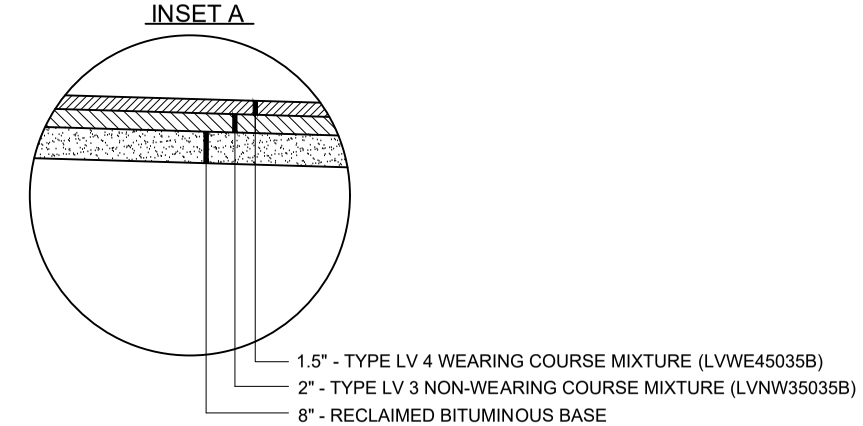
© 2021 WIDSETH

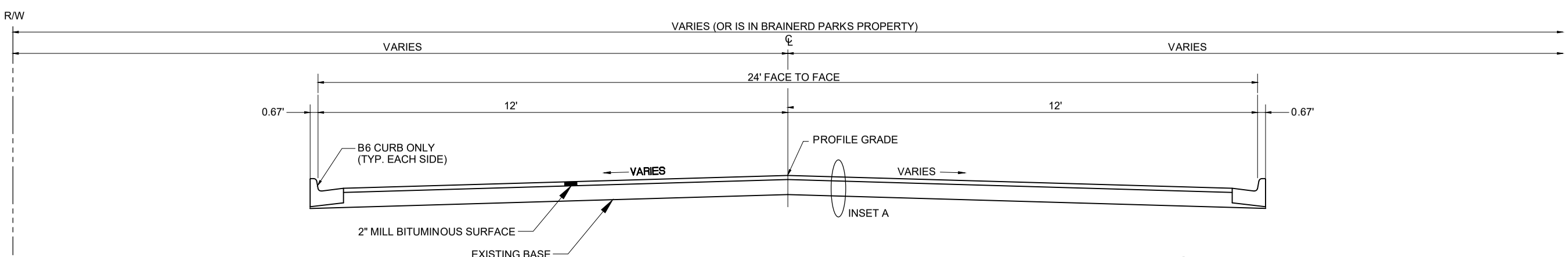


TYPICAL SECTION (PROPOSED)

LUM PARK ROAD

INSET A

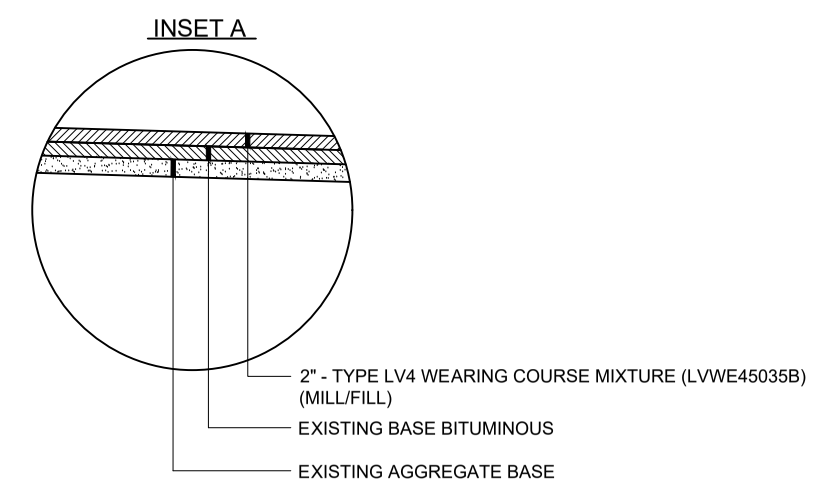




TYPICAL SECTION (PROPOSED)

LUM PARK BOAT LAUNCH DRIVE

INSET A



Attachment D
2021 State Park Road Account
Rice Lake Public Access

WIDSETH
ARCHITECTS ▪ ENGINEERS ▪ SCIENTISTS ▪ SURVEYORS

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

PRELIMINARY

DATE: LIC. NO.

DATE	REV#	REVISIONS DESCRIPTION	BY

DATE: AUGUST 2021
SCALE: AS SHOWN
DRAWN BY: NCP
CHECKED BY: DSR
JOB NUMBER: 2021-11103

LUM PARK ROAD SPRA PROJECT
CITY OF BRAINERD
BRAINERD, MN

TYPICAL ROADWAY SECTIONS (PROPOSED)

SHEET NO. 3
SHEET OF

J:\City of Brainerd-32261\2021-11103\CADD\Civil\C-DT-TYPSEC-2021-11103.dwg Plotted by:Pat Beste 10/14/2021 10:47:04 AM

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Photos - 2
2021 State Park Road Account
Rice Lake Public Access

Photos - 1
2021 State Park Road Account
Rice Lake Public Access

Photos - 3
2021 State Park Road Account
Rice Lake Public Access

Attachment E
2021 State Park Road Account
Rice Lake Public Access

www.ci.brainerd.mn.us

October 27, 2021

Mr. David B. Sobania
Administrative Engineer
Minnesota Department of Natural Resources
Via Email: Dave.Sobania@state.mn.us

RE: 2021 State Park Road Account – Rice Lake Public Access, City of Brainerd, Lum Park

Dear Mr. Sobania,

The City of Brainerd is seeking a $143,000.00 grant from the State Park Road Account (SPRA) for improvements to the roadway leading to the Department of Natural Resources (DNR) public boat launch and DNR fishing pier on Rice Lake. The road is off Highway 210 and 14th Ave NE and Lum Park Road. This road to the DNR Public Access is seeing increased use over the past few years and it's important to keep it in a good and safe condition.

The DNR public boat launch and DNR fishing pier on Rice Lake is used 12 months out of the year by residents and tourists for both recreation and fishing purposes. The roadway is in poor condition due to its heavy traffic to the DNR public boat launch, DNR fishing pier, and the City of Brainerd's Lum Park. There is only one public access on Rice lake. This road is the only entry to that DNR public boat launch and DNR fishing pier on Rice Lake.

The City of Brainerd is committed to improving access to Rice Lake. If you have any questions, please contact me at the number below.

Sincerely,

Paul Sandy

Paul G. Sandy, P.E.
City Engineer/Interim Public Works Director | City of Brainerd
501 Laurel Street, Brainerd, MN 56401
218.454.3411 Direct | 218.513.0172 mobile

Attachment F
2021 State Park Road Account
Rice Lake Public Access

MINNESOTA DEPARTMENT OF NATURAL RESOURCES
DNR STATE PARKS AND TRAILS
1601 MINNESOTA DRIVE
BRAINERD, MN 56401
218-203-4447

DEPARTMENT OF NATURAL RESOURCES

October 25, 2021

Paul G. Sandy, P.E.
City Engineer/Interim Public Works Director
501 Laurel Street, Brainerd, MN 56401

Re: City Water Access Road Improvement – Lum Park Road- 14th Ave. NE

Dear Mr. Sandy,

Thank you for discussing and considering opportunities through the State Park Road Account to upgrade Lum Park Road located in the City of Brainerd, Crow Wing County leading to the City's water access to the Mississippi River State Water Trail.

Lum Park Road provides access to the City of Brainerd's water access site and fishing pier on the Mississippi River. Perusing the State Park Road Account for assistance to upgrade the road would be a public benefit to the State Water Trail. Brainerd Area Parks & Trails supports the **.37** mile of road improvements to include paving.

Please take the opportunity to contact our office with any questions. Again thank you for your time and attention.

Sincerely,

Wade Miller
MN-DNR Parks and Trails Area Supervisor

Cc: Dave Sobania - DNR Management Resources
Scott Kelling - DNR Regional Manager

PRINTED ON RECYCLED PAPER CONTAINING A MINIMUM OF 10% POST-CONSUMER WASTE.
AN EQUAL OPPORTUNITY EMPLOYER.

Attachment G
2021 State Park Road Account
Rice Lake Public Access

CROW WING COUNTY
MINNESOTA

October 22, 2021

David Sobania
Principal Engineer
Department of Natural Resources
1601 Minnesota Drive
Brainerd, MN 56401

RE: State Park Road Account – Access to Rice Lake, Brainerd, MN

Dear Mr. Sobania,

Thank you for your ongoing efforts to administer this important funding opportunity. Please accept this letter as the official endorsement by Crow Wing County for the City of Brainerd's proposal to receive State Park Road Account (SPRA) funding to improve Lum Park Road, also known as 14th Ave NE.

This roadway serves as an important connection allowing thousands of county residents and guests to access Rice Lake and the upper Mississippi River system each year. This area includes a DNR public boat launch, DNR fishing pier as well as several other complementary outdoor recreation opportunities located throughout Lum Park.

I agree with the City's assessment that the current roadway is in poor condition and that the most appropriate solution is a full-depth reclamation of the pavement. An award of SPRA funds will help ensure that access to this important resource will remain in good condition for many years to come.

Sincerely,

Timothy Bray
Crow Wing County Engineer

Timothy Bray
County Engineer
Highway Department
16589 County Road 142
Brainerd, MN 56401

Office: (218) 824-1110
Fax: (218) 824-1111
www.crowwing.us

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

Brainerd City Council
Agenda Request

Requested Meeting Date: May 2, 2022

Title of Item: Direction on Active Code Enforcement Cases

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

Summary of Issue:

With the adoption of Ordinance No. 1524, the revised Section 320 of the City Code dictates that violations of the City Code shall, after receiving a notice of violation, be issued up to 3 administration citations for non-compliance. Once 3 citations have been issued, the violation shall be brought before the Safety & Public Works Committee for review. The Committee shall then make a recommendation to the City Council as to how to proceed with enforcement of the violation.

Staff is bringing 1 property before the Committee for review. This property has received one notice of violation and two citations, but does pose a risk to public health and safety, Staff is looking for direction from the Council as how to proceed with this case.

Alternatives, Options, Effects on Others/Comments:

Attached is the case files for 1306 Oak St. This property was abated for garbage twice in 2021 and has never contacted the City of Brainerd Community Development Department.

Per Section 320, action that could be taken against these properties include:
- Continued administrative citations in an amount determined by the City Council
- Abatement of the offense (depending on the type of offense)
- Legal action (at the recommendation of the City Attorney depending on the type of offense)
- Cease corrective action

Recommended Action/Motion:

Abate the garbage immediately at 1306 Oak St.

Financial Impact:

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

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

Is this budgeted? ☐ Yes ☐ No

Please Explain:

March 28, 2022

SALTNESS, KELLY M & MAIER, ANDRES E
1306 OAK ST
BRAINERD, MN 56401

ORDER TO CORRECT ADMINISTRATIVE VIOLATION

Dear Property Owner(s),

Brainerd residents have consistently expressed that clean, well-maintained residential neighborhoods and commercial districts are a high priority. Maintaining these areas has proven to increase property values, provide a higher standard of living, and promotes community pride. A code violation was observed on the property described below. Understanding that you might not be aware of what the City codes require, I am sending you this courtesy notice to give you an opportunity to correct this matter.

Property Address: 1306 OAK ST
Real Estate Code: 41250792

Violation: Garbage
Ordinance: 2010
Description: Ord 2010 - Garbage or rubbish shall be placed in an approved container or stored in a manner so as not to constitute a health or safety hazard. Corrective action is required; seven (7) days are allowed from the date of this letter.

To review City Codes on the web, go to www.ci.brainerd.mn.us/153/City-Code.

Action should be taken on or before 04/04/2022

Per the above-mentioned code section and City Code 320 – Administrative Citations, failure to comply with this ordinance will result in a $100 citation(s), up to a maximum of and not to exceed $2,000 for each administrative offense.

If you are unable to make the corrections by the date above or believe this violation is in error, please call this office to discuss or make other arrangements. Office hours are 7:30 to 4:30, Monday through Friday. **Feel free to contact Housing Inspector Jason Stockinger at 218/454-3416 if you have questions.**

Respectfully,
By Order of:
THE CITY OF BRAINERD

03/28/2022 13:41

This citation charges you with one or more violations of the Property Maintenance Code, Ordinance No. 1338

THIS IS THE ONLY NOTICE YOU WILL RECEIVE

Administrative Citation

Department of Building Safety – 218-828-2307

EN22-0065

Date of Violation: 04/05/2022 Parcel ID: 41250792

Violator(s): SALTNESS, KELLY M & MAIER, ANDRES E
1306 OAK ST
BRAINERD, MN 56401

Location/Address of Violation: **1306 OAK ST**

VIOLATION

Section	Subdivision, Chapter or Article	Fine
2010	Garbage	$100.00

If the owner fails to correct the nuisance within the timeframe stipulated in the first notice, the City of Brainerd shall cause such action to correct such nuisance by means of, but not limited to, cutting grass or collecting garbage or junk. The expense thereof shall be billed to the property owner and shall constitute a lien upon such realty. An Administrative Citation is separate and in no way defrays the expense of correcting the nuisance.

Citation Amount Due: $100.00 **Payment Due By: 30 Days from Date of Violation**

Payment may be presented in person or by way of First Class Mail in the form of cash, check or money order, payable to: City of Brainerd, submitted to the Department of Building Safety, City Hall - 501 Laurel Street; Brainerd, MN 56401.

Re-inspection Date: 04/12/2022

For uncorrected or continued violations, the City may correct the violation and assess the charges for doing so. An additional citation will be issued if the violation is not corrected by the re-inspection date.

Failure to pay the fine will result in it being assessed against the property as provided in Minnesota Statute 429. Unpaid fines, including an administrative charge of $25.00 plus interest of the total balance, will be assessed against the property of the owner charged with the violation.

When a citation is issued, you must correct the violation and pay the fine. If you decide to contest the violation, you may request a hearing, responding within 10 days from the date of the citation issuance. The purpose of a hearing is to determine whether or not a violation(s) of the city code existed. If you request a hearing and the citation stands, you will be responsible for the hearing costs and fines as determined by the hearing officer as well as correction of the violation. If the citation is contested and a hearing is scheduled, a notice will be mailed to you with the date/time/location of the hearing. If you cannot attend on the scheduled date or wish to request the Hearing Officer be removed from the case, you must do so no later than 15 days prior to the date of the hearing. A new hearing date will be set and another notification will be sent to the party contesting the citation.

Representative: Darrin Deseth, Building Official Date: 04/05/2022

Representative's Signature: (served via first class mail)

04/05/2022 13:47

This citation charges you with one or more violations of the Property Maintenance Code, Ordinance No. 1338

THIS IS THE ONLY NOTICE YOU WILL RECEIVE

Administrative Citation

Department of Building Safety – 218-828-2307

EN22-0065

Date of Violation: 04/25/2022 Parcel ID: 41250792

Violator(s): SALTNESS, KELLY M & MAIER, ANDRES E
1306 OAK ST
BRAINERD, MN 56401

Location/Address of Violation: **1306 OAK ST**

VIOLATION

Section	Subdivision, Chapter or Article	Fine
2010	Garbage	$100.00

If the owner fails to correct the nuisance within the timeframe stipulated in the first notice, the City of Brainerd shall cause such action to correct such nuisance by means of, but not limited to, cutting grass or collecting garbage or junk. The expense thereof shall be billed to the property owner and shall constitute a lien upon such realty. An Administrative Citation is separate and in no way defrays the expense of correcting the nuisance.

Citation Amount Due: $100.00 **Payment Due By: 30 Days from Date of Violation**

Payment may be presented in person or by way of First Class Mail in the form of cash, check or money order, payable to: City of Brainerd, submitted to the Department of Building Safety, City Hall - 501 Laurel Street; Brainerd, MN 56401.

Re-inspection Date: 05/02/2022

For uncorrected or continued violations, the City may correct the violation and assess the charges for doing so. An additional citation will be issued if the violation is not corrected by the re-inspection date.

Failure to pay the fine will result in it being assessed against the property as provided in Minnesota Statute 429. Unpaid fines, including an administrative charge of $25.00 plus interest of the total balance, will be assessed against the property of the owner charged with the violation.

When a citation is issued, you must correct the violation and pay the fine. If you decide to contest the violation, you may request a hearing, responding within 10 days from the date of the citation issuance. The purpose of a hearing is to determine whether or not a violation(s) of the city code existed. If you request a hearing and the citation stands, you will be responsible for the hearing costs and fines as determined by the hearing officer as well as correction of the violation. If the citation is contested and a hearing is scheduled, a notice will be mailed to you with the date/time/location of the hearing. If you cannot attend on the scheduled date or wish to request the Hearing Officer be removed from the case, you must do so no later than 15 days prior to the date of the hearing. A new hearing date will be set and another notification will be sent to the party contesting the citation.

Representative: Darrin Deseth, Building Official Date: 04/25/2022

Representative's Signature: (served via first class mail)

04/25/2022 10:42

Brainerd City Council
Agenda Request

Requested Meeting Date: May 2, 2022

Title of Item: Content Review of Proposed Section 725 of Brainerd City Code

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

Summary of Issue:

Attached to this request is a memo and proposed ordinance language for Section 725 of Brainerd City Code. The intention of this update is to delete 720 and 725 in its entirety and replace is with this new proposed Section 725. Please see the attached memo for more information.

Alternatives, Options, Effects on Others/Comments:

The purpose of this item is a content review of the new proposed ordinance. This update is being done in concurrence with our stormwater program update, in which is a requirement for the city to perform as a part of its MS4 permit, in which new coverage was issued in 2021. The regulatory mechanism is the city code, and must meet the intent of the MS4 permit. This content has been reviewed by the consultant in its entirety and meets all sections of the city's permit with the MPCA. This first review is not an ordinance, but rather an opportunity for SPW and the City Council to comment on any of the language as presented before an ordinance is presented to the full City Council. If the language within the section is ok, staff will prepare an ordinance for the next City Council meeting.

Recommended Action/Motion:

Staff recommends review and discussion about the proposed ordinance language as presented. If the SPW Committee and City Council concur on the language, staff will prepare an ordinance to begin those proceedings at the next City Council meeting.

Financial Impact:

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

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

Is this budgeted? ☐ Yes ☐ No

Please Explain:

M E M O

TO: Brainerd Safety and Public Works Committee

FROM: City Engineer/Public Works Director Sandy

DATE: April 25, 2022

SUBJECT: Section 725 Brainerd City Code Content Review

City staff have been working with its consultant, HRGreen, on an update to the City's stormwater management program since 2020. The process of updating the program came as the city's Municipal Separate Storm Sewer System (MS4) permit was due to expire and needed renewal. Our permit has been renewed with the MPCA, and the City of Brainerd has one year from the renewal date to complete its stormwater program to follow the new permit requirements. One of these requirements is to ensure out regulatory mechanism (ordinances or code) meet the intent of the permit requirements.

Section 430, 720, and 725 of Brainerd City Code deal with construction stormwater management, post construction stormwater management, and illicit discharge and detection, respectively. For the purposes of this ordinance revision, sections 720 and 725 are being considered deleted in their entirety, with the new draft ordinance seen attached to this memo inserted in its place. Section 430 will remain a part of the code, as it deals specifically with erosion and sediment control measures during construction, while the intent of the new version of Sections 720 and 725 deal specifically with performance requirements for post construction stormwater infrastructure, illicit discharge detection and reporting, and stormwater management/stormwater pollution and prevention plans.

This memo will briefly summarize the information contained in the ordinance. The information in the ordinance does become quite technical in nature, but it is staff's hope with this memo that it gives a broad overview of the content in the ordinance.

Section 725.01 and 725.02 – Purpose, Authorization, Findings, Scope, and Interpretation
This section of the ordinance hones on the purpose and need of an ordinance such as this and references the city's environmental priorities and its authorization and statutory authority/requirements to implement stormwater management ordinances within municipal boundaries for protection of natural resources as well as protecting life and property from dangers associated with improper stormwater management.

Section 725.03 – Definitions
This section outlines all the definitions and may be referenced at any point that a reader may have questions about meaning or interpretation.

Section 725.04 – Land Disturbance Activities Subject to a Stormwater Management Plan
There are two basic plans that are referenced in this ordinance, and each plan pertains to the amount of disturbed area in a development of any sort. A listing of each plan is below and explained further in this memo:

Stormwater Management Plan

- Land disturbance activities greater than ***5,000 square feet in area and less than an acre.***
- Involves excavation or filling of materials more than 50 cubic yards.
- Involves repairing replacing or enlarging of underground utilities or the disturbance of a road ditch or grass swale of 300 feet or more.
- Any other land disturbance that may cause an adverse impact on natural resources.

Stormwater management plans are intended to catch those projects that are not big enough to trigger the MPCA NDPES Stormwater General Construction Permit but are large enough to have an adverse impact on stormwater quality. This section gets into the requirements of such a plan, and what the city would expect to have as part of their plan and permitting process to be approved by Engineering Staff. It also covers how and when the city will inspect sites to ensure compliance with the stormwater plan requirements.

Section 725.05 – Land Disturbance Activities Subject to the MPCA NPDES Stormwater General Construction Permit

This section covers when a project falls under the NPDES Stormwater General Permit. As part of the permit, applicants to the MPCA need to include a SWPPP (Stormwater Pollution and Prevention Plan), in which the contents of the plan are listed in the permit and administered by the MPCA.

SWPPP (Stormwater Pollution and Prevention Plan)

- Any activity that may ultimately result in the disturbance ***of one or more acres of land***, including small individual sites that are a part of a common plan of development and may be constructed at different times.
- Land development activity involving greater than 10,000 square feet of land disturbance or 50 cubic yards that discharges to a special or impaired water.
- A subdivision plat.
- Construction of any new public or private road.
- Any land development activity, regardless of size, that the community determines is likely to cause an adverse impact to an environmentally sensitive area or other property.

This section of the ordinance covers plan requirements and minimum control measures, inspections, and other performance criteria, all of which are listed in the permit in which an applicant would submit to the MPCA. While this is an MPCA administered permit, the city still has a responsibility through its MS4 program to ensure the permittee is following the SWPPP, performing necessary inspections, and updating the SWPPP with changes that may occur during a project duration.

Section 725.06 – Stormwater Performance Standards

This section of the ordinance covers what performance standards need to be met for new developments and redevelopment projects within the city. Performance standards are sets of criteria that drive sizing of different Best Management Practices (BMPs) and other stormwater design features that may be implemented in a project design. This city must adopt these standards to ensure that it meets the criteria of its MS4 permit with the MPCA. This new ordinance focuses on better site design such as open space protection, reduction of impervious surface, and runoff minimization rather than the old ordinance which focused primarily on on-site stormwater retention and post construction run-off rates. It also gives applicants and permittees general guidance on considerations that should be made in a stormwater plan design including treatment prioritization (infiltration first, filtration second, sedimentation third, and rate control 4th) and provides a prioritized list of control measures that they may implement when creating a stormwater management plan. This section is the meat and potatoes of the ordinance, and the section that controls how sites are to be designed from a stormwater standpoint and what priorities are in place as a city for different BMPs.

Section 725.07 – Application Review

This section of the ordinance speaks to how the city will receive applications, look for completeness, authorize or deny permits, request modifications, and final out/complete permits once construction is completed.

Section 725.08 – Financial Security for Projects Subject to Development Agreements
This section of the ordinance speaks to financial securities for those projects that are a part of an agreement between the city and developer. This security, provided in a cash and bond format, will help to assist the city in restoration of a property if the proposed development falls through and is left for the city to complete. This type of section allows the city to take action against a financial security for abandonment, failure to implement SWPPP or stormwater management plan, failure to perform, or failure to reimburse the community.

Section 725.09 – Stormwater Facility Inspection, Maintenance Agreement, and Permit Transfers
This section of the ordinance speaks to facility inspections performed by either the city, or in cases of private stormwater infrastructure, by the owner. It also speaks to the right of the city to perform stormwater inspections on private infrastructure to look for compliance with the maintenance plan.

The city will be working on a standard stormwater facility maintenance agreement for private ponds in which required a maintenance plan from the private party, facility access to the city, and inspection access when requested by city personnel.

This section also speaks to transferring ownership or possession of a stormwater facility and how it impacts liability of the successor in certain instances.

Section 725.10 – Enforcement
This section of the ordinance speaks to enforcement actions that the city may take on permittees and gives a progression of disciplinary actions that the city will take when a violation of a stormwater management plan, a SWPPP, etc. occur.

Section 725.11 – Right of Entry and Inspection
This section of the ordinance allows the city right of entry and inspection privileges on private stormwater infrastructure.

Section 725.12 – Illicit Discharge Prohibition
This section of Section 725 is meant to replace the entirety of Section 720 in our current ordinances. This section of the code would prohibit illicit discharges into the storm sewer system. This section also speaks to suspension of storm sewer access based on detection of illicit discharges. It also gives the city authority to inspect facilities and take samples if an illicit discharge is suspected or detected.

Conclusion
This memo is not meant to be all-inclusive but to give a broad perspective of the ordinance revision so that the committee and council may make educated decisions on this ordinance based on what is provided. The content of this new proposed ordinance and the old ordinance really has not changed substantially. Rather, the proposed ordinance language gets into depth on preferred stormwater designs, preferred best management practices, and more minimal stormwater designs to achieve the same outcome. Much of the performance standards from the old ordinance were incorporated into the new ordinance. Staff will be available at the meeting to discuss any questions or concerns or provide further explanations on the content.

SECTION 725 - STORMWATER MANAGEMENT

SECTION:

725.01: PURPOSE

725.02: AUTHORIZATION, FINDINGS, PURPOSE, SCOPE, AND INTERPRETATION

725.03: DEFINITIONS

725.04: LAND DISTURBANCE ACTIVITIES SUBJECT TO A STORMWATER MANAGEMENT PLAN

725.05: LAND DISTURBANCE ACTIVITIES SUBJECT TO THE NPDES STORMWATER GENERAL CONSTRUCTION PERMIT

725.06: STORMWATER DESIGN PERFORMANCE STANDARDS

725.07: APPLICATION REVIEW

725.08: FINANCIAL SECURITY FOR PROJECTS SUBJECT TO A DEVELOPMENT AGREEMENT

725.09: STORMWATER FACILITIES INSPECTION, MAINTENANCE AGREEMENT AND PERMIT TRANSFER

725.10: ENFORCEMENT

725.11: RIGHT OF ENTRY AND INSPECTION

725.12: ILLICIT DISCHARGE PROHIBITION

DRAFT

Section 725 – Stormwater Management

725.01: PURPOSE:

The purpose of this chapter is to:

A. Control or eliminate stormwater pollution along with soil erosion and sedimentation within the City of Brainerd, MN (City).

B. Limit surface runoff volumes and reduce pollutant loading.

C. Establish surface water management requirements to protect and safeguard the general health, safety and welfare of the public. It establishes standards and specifications for conservation practices and planning activities, which minimize stormwater pollution, soil erosion, and sedimentation.

   1. This chapter establishes a City of Brainerd Stormwater Management Plan, which requires the applicant to develop a plan and implement Best Management Practices (BMPs), which shall be calculated to prevent stormwater pollution from the beginning of site activity to final stabilization.

   2. This chapter's plan review process and requirements will include post-construction management. It requires the permit applicant to plan for, implement, and maintain all new development and redevelopment post-construction stormwater management activities.

D. Reserve the right for the City to impose any and all additional requirements deemed necessary to control the volume, timing, and rate of runoff of hydrologic or topographic conditions that warrant greater control than that provided by the minimum control requirements.

E. Require all site designs establish stormwater management practices to control the peak flow rates of stormwater discharge associated with specified design storms and reduce the generation of stormwater thereby utilizing pervious areas for stormwater treatment and infiltrating stormwater runoff from driveways, sidewalks, rooftops, parking lots, and landscaped areas.

F. Require that all stormwater runoff generated from new development shall not discharge untreated stormwater directly into a jurisdictional wetland or local water body without adequate treatment.

G. Prohibit illicit connections and discharge to the Municipal separate storm sewer system (MS4).

H. Establish the legal authority to carry out all inspections, surveillance, monitoring and correction measures necessary to ensure compliance with this chapter.

725.02: AUTHORIZATION, FINDINGS, PURPOSE, SCOPE, AND INTERPRETATION

A. Statutory authorization

   1. This ordinance is adopted pursuant to the authorization and policies contained in Minnesota Statutes Chapters 103B and, 462; Minnesota Rules, Parts 6120.2500- 6120.3900; and Minnesota Rules Chapters 8410 and 8420.

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2. This ordinance is intended to meet the current construction site erosion and sediment control and post-construction stormwater management regulatory requirements for construction activity and small construction activity (NPDES Permit) as defined in 40 CFR pt. 122.26(b)(14)(x) and (b)(15), respectively.

3. This ordinance is intended to meet the Minimal Impact Design Standards (MIDS) developed under Minnesota Statutes 2009, section 115.03, subdivision 5c.

B. Findings

The City of Brainerd finds that uncontrolled stormwater runoff and construction site erosion from land development and land disturbing activity can have significant adverse impacts upon local and regional water resources diminishing the quality of public health, safety, public and private property and natural resources of the community. Specifically, uncontrolled soil erosion and stormwater runoff can:

1. Threaten public health, safety, property and general welfare by increasing runoff volumes and peak flood flows and overburdening storm sewers, drainage ways and other storm drainage systems.

2. Diminish the capacity of lakes and streams to support fish, aquatic life, recreational and water supply uses by increasing pollutant loadings of sediment, suspended solids, nutrients, heavy metals, toxics, debris, bacteria, pathogens, biological impairments, thermal stress and other pollutants.

3. Degrade physical stream/river habitat by increasing bank erosion, increasing stream bed scour, diminishing groundwater recharge, diminishing stream base flows and increasing stream temperatures.

4. Undermine floodplain management efforts by increasing the incidence and levels of flooding.

5. Alter wetland communities by changing wetland hydrology and increasing pollutant loads.

6. Impact groundwater by reducing recharge and increasing potential pollutant loading.

C. Purpose

The general purpose of this guidance is to establish an ordinance with regulatory requirements for land development and land disturbing activities aimed at minimizing the threats to public health, safety, public and private property and natural resources within the community from construction site erosion and post-construction stormwater runoff.

Specific purposes are to establish performance goals that will:

1. Meet MIDS performance goals.

2. Assist in meeting NPDES/SDS Municipal Separate Storm Sewer System (MS4) and Construction Stormwater General Permit requirements.

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3. Assist in meeting Total Maximum Daily Load (TMDL) plan wasteload allocations for impaired waters through quantification of load reductions.
4. Protect life and property from dangers associated with flooding.
5. Protect public and private property and natural resources from damage resulting from stormwater runoff and erosion.
6. Ensure the annual stormwater runoff rates and volumes from post development site conditions mimic and/or reduce the annual runoff rates and volumes from predevelopment site conditions.
7. Ensure site design minimizes the generation of stormwater and maximizes pervious areas for stormwater treatment.
8. Provide a single, consistent set of performance goals that apply to all developments.
9. Protect water quality from pollutant loadings of sediment, suspended solids, nutrients, heavy metals, toxics, debris, bacteria, pathogens, biological impairments, thermal stress and other pollutants.
10. Promote infiltration and groundwater recharge.
11. Provide vegetated corridors (buffers) to protect water resources from development.
12. Protect functional values of all types of natural waterbodies (e.g., rivers, streams, wetlands, lakes, seasonal ponds).
13. Sustain or enhance biodiversity (native plant and animal habitat) and support riparian ecosystems.

D. Scope

Land shall not be developed for any use without having provided stormwater management measures and erosion and sediment control measures that control or manage stormwater runoff from such developments.

E. Greater restrictions

Relationship to Existing Easements, Covenants, and Deed Restrictions – The provisions of this ordinance are not intended to repeal, abrogate, or impair any existing easements, covenants, or deed restrictions. However, where this ordinance imposes greater restrictions the provisions of this ordinance shall prevail.

F. Severability

The provisions of this ordinance are severable, and if any provision of this ordinance, or application of any provision of this ordinance to any circumstance, is held invalid, the application of such provision to other circumstances, and the remainder of this ordinance must not be affected thereby.

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725.03: DEFINITIONS:

APPLICANT: Any person or group that applies for a building permit, subdivision approval, or a permit to allow land disturbing activities. Applicant also means that person's agents, employees, and others acting under this person's or group's direction. The term "applicant" also refers to the permit holder or holders and the permit holder's agents, employees, and others acting under this person's or group's direction.

BEST MANAGEMENT PRACTICES (BMPs): Schedules of activities, prohibitions of practices, general good housekeeping practices, pollutions prevention and educational practices, maintenance procedures, erosion and sediment control and water quality management practices that are the most effective and practicable means of controlling, preventing, and minimizing degradation of surface water, stormwater, or stormwater conveyance systems.

Erosion and sediment control BMPs include avoidance of impacts, construction-phasing, minimizing the length of time soil areas are exposed, prohibitions, and other management practices published by State or designated area- wide planning agencies. BMPs shall be as set forth in the current version of Minnesota Stormwater Manual, Minnesota Pollution Control Agency, 2006, as amended, unless a custom plan is specifically authorized by the City.

BETTER SITE DESIGN: The control and management of stormwater quantity and quality through the application of Better Site Design Techniques as outlined in the current version of the Minnesota Stormwater Manual. Better Site Design includes: preservation of natural areas; site reforestation; stream and shoreland buffers; open space design; disconnection of impervious cover; rooftop disconnection; grass channels; stormwater landscaping; compost and amended soils; impervious surface reduction; and trout stream protection.

BMP(s): Stormwater best management practices.

BUFFER: A regulated area where scrutiny will be exercised over activities near wetlands and water bodies and a non-disturbance area where natural vegetation must be maintained.

COMMON PLAN OF DEVELOPMENT OR SALE: A contiguous area where multiple separate and distinct land disturbing activities may be taking place at different times, or on different schedules, but under one proposed plan. This item is broadly defined to include design, permit application, advertisement or physical demarcation indicating that land disturbing activities may occur.

CONSTRUCTION ACTIVITY: Includes construction activity as defined in 40 CFR pt. 122.26(b)(14)(x) and small construction activity as defined in 40 CFR pt. 122.26(b)(15) and construction activity as defined by Minn. R. 709.0080, subp. 4. This includes a disturbance to the land that results in a change in the topography, existing soil cover (both vegetative and non-vegetative), or the existing soil topography that may result in accelerated stormwater runoff, leading to soil erosion and movement of sediment into surface waters or drainage systems. Examples of construction activity may include clearing, grading, filling, and excavating. Construction activity includes the disturbance of less than one acre of total land area that is a part of a larger common plan of development or sale if the larger common plan will ultimately disturb one (1) acre or more. Construction activity does not include a disturbance to the land of less than five (5)

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acres for the purpose of routine maintenance that is performed to maintain the original line and grade, hydraulic capacity, or original purpose of the facility.

CONSTRUCTION STORMWATER GENERAL PERMIT (CSW): This permit regulates discharges associated with stormwater affected by construction activity to waters of the state of Minnesota. This permit is issued in compliance with the provisions of the Clean Water Act, as amended, (33 U.S.C. 1251 et seq.), 40 Code of Federal Regulations (CFR) 122, 123, 124, and 450 as amended; Minnesota Statute chapters 115 and 116, as amended, and Minn. R. chs. 7001, 7050, 7060 and 7090. Minn. R. 7090.2040 requires owner(s) of a construction activity to complete a Stormwater Pollution Prevention Plan (SWPPP) prior to submitting an application for this permit and prior to conducting any construction activity. No person shall commence construction activity covered by Part I.A. of the CSW until permit coverage under this permit is effective or, if applicable, until the Minnesota Pollution Control Agency (MPCA) has issued an individual National Pollutant Discharge Elimination System (NPDES)/State Disposal System (SDS) Construction Stormwater (CSW) Permit for the project.

DEVELOPER: Any person, group, firm, corporation, sole proprietorship, partnership, State agency, or political subdivision thereof engaged in a land disturbance activity.

DEVELOPMENT: Any land disturbance activity that changes the site's runoff characteristics in conjunction with residential, commercial, industrial or institutional construction or alteration.

DEVELOPMENT, NEW: Any development that results in the conversion of land that is currently prairie, agriculture, forest, or meadow and has less than 15% impervious surface. Land that was previously developed, but now razed and vacant, will not be considered new development.

DEWATERING: The removal of water for construction activity. It can be a discharge of appropriated surface or groundwater to dry and/or solidify a construction site. It may require Minnesota Department of Natural Resources permits to be appropriated and if contaminated may require other Minnesota Pollution Control Agency (MPCA) permit to be discharged.

DISCHARGE: The release, conveyance, channeling, runoff, or drainage, of stormwater, including snowmelt, from a construction site.

ENERGY DISSIPATION: This refers to methods employed at pipe outlets to prevent erosion. Examples include, but are not limited to: aprons, riprap, splash pads, and gabions that are designed to prevent erosion.

EROSION: Any process that wears away the surface of the land by the action of water, wind, ice, or gravity. Erosion can be accelerated by the activities of people and nature.

EROSION CONTROL/PREVENTION: Refers to methods employed to prevent erosion. Examples include soil stabilization practices, horizontal slope grading, temporary, or permanent cover, and construction phasing.

EXPOSED SOIL AREAS: All areas of the construction site where the vegetation (trees, shrubs, brush, grasses, etc.) or impervious surface has been disturbed or removed thus rendering the soil more prone to erosion. This includes topsoil stockpile areas; borrow areas, and disposal areas, within the construction

site. It does not include stockpiles or surcharge areas of gravel, concrete or bituminous. Once soil is exposed it is considered "exposed soil", until it meets the definition of "final stabilization".

FILL: Means any act by which earth, sand, gravel, rock, or any other material is deposited, placed, replaced, pushed, dumped, pulled, transported, or moved to a new location and shall include the resulting conditions.

FILTER STRIPS: A vegetated section of land designed to treat runoff as overland sheet flow. Their dense vegetated cover facilitates pollutant removal and infiltration. The design of vegetated filter strips shall follow the criteria and guidance set forth in the Minnesota Stormwater Manual.

FINAL STABILIZATION: Means that all soil disturbing activities at the site have been completed, and that a uniform perennial vegetative cover with a density of seventy percent (70%) of the native background vegetative cover for unpaved areas and areas not covered by permanent structures has been established, or equivalent permanent stabilization measures have been employed. Simply sowing grass seed is not considered final stabilization. (Examples of vegetative cover practices can be found in the current version of the Minnesota Department of Transportation's publication, "Supplemental Specifications to the Standard Specifications for Construction").

GENERAL CONTRACTOR: means the party who signs the construction contract with the owner or operator to construct the project described in the final plans and specifications. Where the construction project involves more than one contractor, the general contractor could be the party responsible for managing the project on behalf of the owner or operator. In some cases, the owner or operator may be the general contractor. In these cases, the owner may contract an individual as the operator who would become the co-permittee.

GREEN INFRASTRUCTURE: means a wide array of practices at multiple scales that manage wet weather and that maintains or restores natural hydrology by infiltrating, evapotranspiring, or harvesting and using stormwater. On a regional scale, green infrastructure is the preservation or restoration of natural landscape features, such as forests, floodplains and wetlands, couples with policies such as infill and redevelopment that reduce overall imperviousness in a watershed. On a local scale, green infrastructure consists of site and neighborhood-specific practices, such as bioretention, trees, green roofs, and permeable pavements.

GROUNDWATER: Means water contained below the surface of the earth in the saturated zone including, without limitation, all waters whether under confined, unconfined, or perched conditions, in near surface unconsolidated sediment or regolith, or in rock formations deeper underground.

HAZARDOUS MATERIAL: Any material, including any substance, waste, or combination thereof, which because of its quantity, concentration, or physical, chemical, or infectious characteristics may cause, or significantly contribute to, a substantial present or potential hazard to human health, safety, property, or the environment when improperly treated, stored, transported, disposed of, or otherwise managed.

HYDRIC SOILS: Soils that are saturated, flooded, or ponded long enough during the growing season to develop anaerobic conditions in the upper part.

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HYDROPHYTIC VEGETATION: Macrophytic (large enough to be observed by the naked eye) plant life growing in water, soil or on a substrate that is at least periodically deficient in oxygen as a result of excessive water content.

ILLEGAL DISCHARGE: Any direct or indirect non-stormwater discharge to the storm drain system, except as exempted in this chapter.

ILLICIT CONNECTION: An illicit connection is defined as either of the following:

A. Any drain or conveyance, whether on the surface or subsurface, which allows an illegal discharge to enter the storm drain system including but not limited to any conveyances which allow any non- stormwater discharge including sewage, process wastewater, and wash water to enter the storm drain system and any connections to the storm drain system from indoor drains and sinks, regardless of whether said drain or connection had been previously allowed, permitted, or approved by a government agency.

B. Any drain or conveyance connected from a commercial or industrial land use to the storm drain system which has not been documented in plans, maps, or equivalent records and approved by the City.

IMPERVIOUS SURFACE: A constructed hard surface that either prevents or retards the entry of water into the soil and causes water to run off the surface in greater quantities and at an increased rate of flow than existed prior to development. Examples include rooftops, sidewalks, patios, driveways, parking lots, storage areas, and concrete, asphalt, or gravel roads.

INDUSTRIAL ACTIVITY: Activities subject to NPDES industrial permits as defined in 40 CFR, section 122.26(b)(14).

LAND DISTURBANCE ACTIVITY: Any land change that may result in soil erosion from water or wind and the movement of sediments into or upon waters or lands within this government's jurisdiction, including, but not limited to: development, redevelopment, demolition, construction, reconstruction, clearing and grubbing, grading, filling, stockpiling, excavation, and borrow pits.

LAND LOCKED BASIN: Defined as a low area such as a lake, pond, or wetland entirely surrounded by land with no regularly active outlet channel.

LINEAR PROJECT: means construction or reconstruction of roads, trails, sidewalks, and rail lines that are not part of a common plan of development or sale. Mill, overlay, and other resurfacing projects are not considered to be reconstruction.

MINNESOTA STORMWATER MANUAL: A guidebook authored and periodically updated by the Minnesota Pollution Control Agency which provides practical stormwater management practices that are reviewed and edited regularly.

MUNICIPAL SEPARATE STORM SEWER SYSTEMS (MS4): A conveyance or system of conveyances (including roads with drainage systems, municipal streets, catch basins, storm drains, curbs, gutters, ditches, man-made channels, stormwater ponds, and sometimes waters of the State) that are:

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A. Owned or operated by a jurisdiction, public body, institution, or a designated and approved management agency that discharges to surface waters of the State.

B. Designed or used for collecting or conveying stormwater.

C. Not a combined sewer.

D. Not a part of a publicly owned treatment works.

NATIONAL POLLUTANT DISCHARGE ELIMINATION SYSTEM (NPDES) PERMIT: General, group, and individual permits which regulate facilities defined in Federal NPDES regulations pursuant to the Clean Water Act. The Minnesota MPCA has adopted general permits, including but not limited to the general construction activity, general industrial activity, MS4 and wastewater permits. The program for issuing, modifying, revoking, reissuing, terminating, monitoring, and enforcing permits under the Clean Water Act (Sections 301, 318, 402, and 405) and United States Code of Federal Regulations Title 33, Sections 1317, 1328, 1342, and 1345.

NATIVE VEGETATION: The pre-settlement (already existing in Minnesota at the time of Statehood in 1858) group of plant species native to the local region, that were not introduced as a result of European settlement or subsequent human introduction.

NON-STORMWATER DISCHARGE: Any discharge to the storm drain system that is not composed entirely of stormwater.

NORMAL WETTED PERIMETER: means the area of a conveyance, such as a ditch, channel, or pipe that is in contact with water during flow events that are expected to occur from a two-year 24-hour storm event.

OPERATOR: Means the person designated by the owner, who has day to day operational control and/or the ability to modify project plans and specifications related to the SWPPP. The operator must be named on the permit as the Permittee.

ORDINARY HIGH-WATER MARK: The boundary of public waters and wetlands and shall be an elevation delineating the highest water level which has been maintained for a sufficient period of time to leave evidence upon the landscape, commonly that point where the natural vegetation changes from predominantly aquatic to predominantly terrestrial. For watercourses, the ordinary high-water level is the elevation of the top of the bank of the channel. For reservoirs and flowages, the ordinary high-water level is the operating elevation of the normal summer pool.

OWNER: Means the person or party possessing the title of the land on which the construction activities will occur; or if the construction activity is for a lease, easement, or mineral rights license holder, the party or individual identified as the lease, easement or mineral rights license holder; or the contracting government agency responsible for the construction activity.

PAVED SURFACE: A constructed hard, smooth surface made of asphalt, concrete or other pavement material. Examples include, but are not limited to, roads, sidewalks, driveways and parking lots.

PERMANENT COVER: Means surface types that will prevent soil failure under erosive conditions. Examples include asphalt, concrete, rip rap, roof tops, perennial cover, or other landscaped material that will

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permanently arrest soil erosion. A uniform perennial vegetative cover (e.g., evenly distributed, without large bare areas) with a density of 70% of the native background vegetative cover for the area must be established on all unpaved areas and areas not covered by permanent structures, or equivalent permanent stabilization measures. Permanent cover does not include the practices listed under temporary erosion protection. See FINAL STABILIZATION.

PERMIT: Within the context of this chapter a "permit" is a written warrant or license granted for construction, subdivision approval, or to allow land disturbing activities.

PERMITTEE: Means a person or persons, firm, or governmental agency or other entity that signs the application submitted to the MPCA and is responsible for compliance with the terms and conditions of the construction permit.

PHASED PROJECT OR DEVELOPMENT: Clearing a parcel of land in distinct phases, with at least fifty percent (50%) of the project's preceding phase meeting the definition of "final stabilization" and the remainder proceeding toward completion, before beginning the next phase of clearing.

POLLUTANT: Anything which causes or contributes to pollution. Pollutants may include, but are not limited to: paints, varnishes, and solvents; oil and other automotive fluids; non- hazardous liquid and solid wastes and yard wastes; refuse, rubbish, garbage, litter, or other discarded or abandoned objects, articles, and accumulations, so that same may cause or contribute to pollution; floatables; pesticides, herbicides, and fertilizers; hazardous substances and wastes; sewage, fecal coliform and pathogens; dissolved and particulate metals; animal wastes; wastes and residues that result from constructing a building or structure (including but not limited to sediments, slurries, and concrete rinsates); and noxious or offensive matter of any kind.

PROHIBITED DISCHARGE: Any substance which, when discharged has potential to or does any of the following: a) interferes with State designated water uses; b) obstructs or causes damage to waters of the State; c) changes water color, odor, or usability as a drinking water source through causes not attributable to natural stream processes affecting surface water or subsurface processes affecting groundwater; d) adds an unnatural surface film on the water; e) adversely changes other chemical, biological, thermal, or physical condition, in any surface water or stream channel; f) degrades the quality of groundwater; or g) harms human life, aquatic life, or terrestrial plant and wildlife. This includes but is not limited to dredged soil, solid waste, incinerator residue, garbage, wastewater sludge, chemical waste, biological materials, radioactive materials, rock, sand, dust, industrial waste, sediment, nutrients, toxic substance, pesticide, herbicide, trace metal, automotive fluid, petroleum- based substance, and oxygen-demanding material.

PUBLIC WATERS: means all water basins and watercourses that are described in Minn. Stat. 103G.005 subd. 15.

RECHARGE: Means the replenishment of groundwater reserves.

REDEVELOPMENT: Means any construction, alteration or improvement of one acre or greater in areas where existing land use is already in a developed condition (i.e., any development that is not considered new development).

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RETAIN: Means manage stormwater on site using a low-impact development approach so that the rate and volume of predevelopment stormwater reaching receiving waters is unchanged.

SATURATED SOIL: The highest seasonal elevation in the soil that is in a reduced chemical state because of soil voids being filled with water. Saturated soil is evidenced by the presence of redoximorphic features or other information.

SEDIMENT: The product of an erosion process; solid material both mineral and organic, that is in suspension, is being transported, or has been moved by water, wind, or ice, and has come to rest on the earth's surface either above or below water level.

SEDIMENT CONTROL: The methods employed to prevent sediment from leaving the development site. Sediment control practices include silt fences, sediment traps, earth dikes, drainage swales, check dams, subsurface drains, pipe slope drains, storm drain inlet protection, and temporary or permanent sedimentation basins.

SITE: Means the bounded area defined in an SWPPP including individual parcels of the larger plan's defined area.

SMALL CONSTRUCTION ACTIVITY: Means small construction activity as defined in 40 CFR part 122.26(b)(15). Small construction activities include clearing, grading and excavating that result in land disturbance of equal to or greater than one acre and less than five acres. Small construction activity includes the disturbance of less than one (1) acre of total land area that is part of a larger common plan of development or sale if the larger common plan will ultimately disturb equal to or greater than one (1) and less than five (5) acres.

SOIL: The unconsolidated mineral and organic material on the immediate surface of the earth. For the purposes of this chapter, stockpiles of gravel, aggregate, concrete, or bituminous materials are not considered "soil" stockpiles.

STABILIZED: The exposed ground surface after it has been covered mulch, staked sod, riprap, erosion control blanket, mats or other material that prevents erosion from occurring. Grass, agricultural crop or other seeding alone is not stabilization. Mulch materials must achieve approximately 90 percent ground coverage (typically 2 ton/acre). Simply sowing grass seed is not considered stabilization.

STANDARD PLATES: Means general drawings showing a common or repeated construction activity or practice.

STEEP SLOPE: Any slope steeper than twelve percent (12%) (12 feet of rise for every 100 feet horizontal run).

STOP WORK ORDER: An order issued which requires that all construction activity not necessary to correct the noncompliance on a site to cease immediately until compliance is achieved and approved by the City.

STORM DRAIN SYSTEM: The City-owned facilities by which stormwater is collected or conveyed, including, but not limited to, any roads with drainage systems, Municipal streets, gutters, curbs, inlets, piped storm

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drains, pumping facilities, retention and detention basins, natural and human-made or altered drainage channels, reservoirs, and other drainage structures.

STORMWATER: Under Minn. R. 7077.0105, subp. 41(b) stormwater means precipitation runoff, stormwater runoff, snow melt runoff, and any other surface runoff and drainage.

STORMWATER MANAGEMENT PLAN: A joint stormwater, sediment, and erosion control planning document that when implemented will decrease soil erosion on a parcel of land and offsite non-point pollution, it involves both temporary and permanent BMPs. The plan details site conditions, proposed grading, and Best Management Practices designed to minimize soil erosion and control sediment.

STORMWATER POLLUTION PREVENTION PLAN (SWPPP): A SWPPP is a plan that describes the strategies and steps that will be taken to prevent nonpoint source pollution discharging from a construction site. It includes a plan for stormwater discharge that includes Best Management Practices consisting of erosion prevention measures and sediment controls. The erosion prevention measures contained in the plan shall consist of temporary and permanent measures to stabilize exposed soil.

STRUCTURE: Anything manufactured, constructed or erected which is normally attached to or positioned on land, including portable structures, earthen structures, roads, parking lots, and paved storage areas.

SUBDIVISION: Any tract of land divided into building lots for private, public, commercial, industrial, etc., development.

SURFACE WATER(S): All streams, lakes, ponds, marshes, wetlands, reservoirs, springs, rivers, drainage systems, waterways, watercourses, and irrigation systems whether natural or artificial, public or private, except that surface waters do not include treatment basins or ponds that were constructed from upland.

TEMPORARY EROSION PROTECTION: Methods employed to temporarily prevent erosion during construction activities. Examples of temporary cover include straw, wood fiber blanket, wood chips, and erosion netting.

VEGETATED OR GRASSY SWALE: A vegetated earthen channel that conveys stormwater, while treating the stormwater by biofiltration. Such swales remove pollutants by both filtration and infiltration.

WATERS OF THE STATE: Surface watercourses and water bodies as defined by the State of Minnesota (as defined in Minn. Stat. § 115.01, subd. 22): all streams, lakes, ponds, marshes, watercourses, waterways, wells, springs, reservoirs, aquifers, irrigation systems, drainage systems and all other bodies or accumulations of water, surface or groundwater, natural or artificial, public or private, which are contained within, flow through, or border upon the state or any portion thereof.

WET SEDIMENTATION BASIN: Depressions constructed by excavation and embankment procedures to store excess runoff temporarily on a site. After a runoff event, overflow from the pond is released at a controlled rate by an outlet device designed to release flows at various peak rates and elevations until the design elevation of the pool is reached. Wet detention facilities maintain a permanent pool of water between storm events. Wet detention facilities are located to collect stormwater inflows from adjacent drainage areas and are usually designed to control peak discharges from relatively large design storms.

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WETLANDS: As defined in Minn. R. 7050.0130, subp. F, "wetlands" are those areas that are inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support, and that under normal circumstances do support, a prevalence of vegetation typically adapted for life in saturated soil conditions. Wetlands generally include swamps, marshes, bogs, and similar areas. Constructed wetlands designed for wastewater treatment are not waters of the State. Wetlands must have the following attributes:

A. A predominance of hydric soils.

B. Inundated or saturated by surface water or groundwater at a frequency and duration sufficient to support a prevalence of hydrophytic vegetation typically adapted for life in a saturated soil condition.

C. Under normal circumstances support a prevalence of such vegetation. (Ord. 2017-012, 11-21-2017).

725.04: <u>LAND DISTURBANCE ACTIVITIES SUBJECT TO A STORMWATER MANAGEMENT PLAN</u>:

A. Applicability: Unless expressly exempted, a Stormwater Management Plan (Stormwater Management Plan) shall be required for any land disturbance within the City of Brainerd that meets the following criteria:

1. Land disturbance activities involving greater than 5,000 square feet and less than an acre, or otherwise required by the City Engineer.

2. Involves excavation or filling, or a combination of excavation and filling, in excess of 50 cubic yards of material.

3. Involves the laying, repairing, replacing, or enlarging of an underground utility, pipe or other facility, or the disturbance of road ditch, grass swale or other open channel for a distance of 300 feet or more.

4. Is a land disturbing activity, regardless of size, that the community determines is likely to cause an adverse impact to an environmentally sensitive area or other property or may violate any other erosion and sediment control standard set forth in this ordinance.

B. Exempt Land Disturbance Activities: The following activities do not require a Stormwater Management Plan unless the City determines that there is a high risk of soil erosion or water pollution, or that there may be a significant impact on a lake, stream, river, or wetland area:

1. Any permit or approval by the City of Brainerd prior to the effective date of this Section;

2. Installation of fences, sign, telephone and electric poles and other kinds of posts or poles;

3. Waiver of plat, re plat, platting of developed lot or single lot division;

4. Construction of single-family home or duplex;

5. An addition to an existing building that does not require a conditional use permit;

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6. Construction of a detached accessory building that does not require a conditional use permit
7. Improvements involving the enlargement of a building less than five thousand (5,000) square feet
8. Land disturbing activities conducted by the City affecting less than one (1) acres.
9. Minor land disturbance activities such as home gardens and an individual's home landscaping, repairs, and maintenance work disturbing less than one-half (1/2) acre.
10. Construction, installation, and maintenance of fences, signs, posts, poles, and electric, telephone, cable television, utility lines or individual service connections to these utilities, which result in creating under one-half (1/2) acre of exposed soil.
11. Tilling, planting and harvesting of agricultural, horticultural, or silvicultural (forestry) crops more than one hundred feet (100') from a public water as defined in Minnesota Statutes 103G.005, subd. 15.
12. Emergency work to protect life, limb, or property and emergency repairs, unless the land disturbing activity would have otherwise required an approved erosion and sediment control plan, except for the emergency. If such a plan would have been required, then the disturbed land area shall be shaped and stabilized in accordance with the City's requirements as soon as possible; or
13. Any construction activity that requires the NPDES Stormwater General Construction Permit (i.e., sites over 1-acre of disturbance).

C. Stormwater Management Plan Requirements

1. Delineation of the subject property, including all public and private easements thereon; the location of existing and proposed buildings, structures and impervious surfaces on the subject property, including quantities of impervious surface for both pre- and post-construction/activity, and the building bench elevations for all existing and proposed buildings.
2. Description of the construction or land disturbing activity to be performed on subject property, including the area and volume of earth material to be moved, and proposed project schedule.
3. Identification of all water bodies located on and within 100 feet of the subject property's boundaries, including identification of any off-site receiving waters for the site's runoff, including the structural control elevation (SCE), high water level (HWL), and ordinary high-water level (OHWL) elevations and if an existing water body is intended to be used for water quality treatment, then identification of the dead storage volume and area of the SCE.
4. Identification of all wetland buffers as set forth in the wetland protection and management regulations in this Code.

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5. Identification of existing and proposed subwatersheds/site drainage areas, including any contributing runoff from off-site, and show drainage patterns using arrows depicting direction of flow.

6. Topographical data, including existing (dashed) and proposed (solid) contours at vertical intervals of not more than two feet, except that contour lines shall be no more than 100 feet apart.

7. Temporary benchmarks shall be established within the boundaries of the project area. Descriptions, reference ties and elevations of the benchmarks shall be furnished to the city. All elevations, topography and vertical control data shall be tied to sea level datum, NAD 83 and NGVD 29.

8. The location and size of all existing and proposed sanitary sewer, storm sewer, water supply, and other utility service facilities.

D. Inspections: The City will conduct inspections on a regular basis to ensure that the plan is properly installed and maintained. In all cases the inspectors will attempt to work with the builder or developer to maintain proper erosion and sediment control at all sites. In cases where cooperation is withheld, after a verbal and written warning, the City shall issue construction stop work orders, until erosion and sediment control measures meet the requirements of this chapter. An inspection must follow before work can commence.

Inspections are required as follows:

1. Before any land disturbing activity begins.

2. At the time of footing, framing and final inspections.

3. At the completion of the project.

4. Prior to the release of any financial securities, if applicable.

5. Random inspections during the course of the project to ensure compliance with the SWPPP.

A qualified representative for the owner/operator is responsible for inspecting the site for compliance on a weekly basis and after every storm event greater than 0.5 inch in twenty-four (24) hours. A record of each inspection must be made and kept available on site for review by City inspectors. At all times the applicant shall be responsible for implementing and maintaining the BMPs as provided in the approved SWPPP.

E. Waiver: The City Council may waive any requirement of this Section upon making a finding that compliance will impose an unnecessary hardship or the project does not have any significant alterations of existing storm water conditions, and the waiver of such requirements will not adversely affect the standards and requirements of this Section. The City Council may require as a condition of the waiver such dedication or construction or agreement to dedicate or construct as may be necessary to adequately meet said standards and requirements. The City Council may require as a condition of the waiver that the applicant make an in kind or monetary contribution

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to the development and maintenance of community storm water management activities as designated by the City Council.

725.05: LAND DISTURBANCE ACTIVITIES SUBJECT TO THE NPDES STORMWATER GENERAL CONSTRUCTION PERMIT

A. Applicability: Every owner, prior to engaging in any land disturbing activity of one acre or greater, must complete a Stormwater Construction Plan as well as a stormwater pollution prevention plan (SWPPP) in accordance with the general permit authorization to discharge stormwater associated with construction activity under the National Pollutant Discharge Elimination System/State Disposal System Construction Stormwater General Permit Program (MN R100001) (MPCA permit) and the City criteria outlined below. The SWPPP shall identify Best Management Practices (BMPs) to be used to prevent stormwater pollution. A SWPPP shall be required for any land disturbance within the City of Brainerd that meets the following criteria:

1. Any land development activity that may ultimately result in the disturbance of one or more acres of land, including smaller individual sites that are part of a common plan of development that may be constructed at different times.
2. Land development activity involving greater than 10,000 sq. ft of land disturbance or 50 cubic yards of earth movement that discharges to an impaired or special water as described in Appendix A of the NPDES/SDS Construction Stormwater General Permit.
3. A subdivision plat.
4. The construction of any new public or private road.
5. Any land development activity, regardless of size, that the community determines is likely to cause an adverse impact to an environmentally sensitive area or other property.

B. SWPPP Plan Requirements

The owner and contractor are required to apply for and meet all the conditions of the Minnesota NPDES Construction Stormwater Permit and develop a SWPPP. The SWPPP must, at a minimum, and to the extent applicable, contain the items required by the Permit and shall include a fully completed Application Checklist. The application information must also include permanent treatment information showing the proposed project meets the Minimal Impact Design Standards (MIDS) performance goals. Nevertheless, due to the diversity of sites, each site will be individually evaluated and, where additional information and/or BMPs are needed, they will be specified at the discretion of the City. In addition to the requirements set forth in the Construction Stormwater General Permit, the following criteria must be met.

C. Minimum Control Measures: Minimum control measures are required where one acre or greater of bare soil is disturbed or exposed. Construction operations must, at a minimum, comply with any applicable Federal or State permit and stormwater management plan in addition to the following Best Management Practices.

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1. Permit: The owner and contractor are required to apply for and meet the conditions of the Minnesota NPDES construction permit.

2. Site Erosion and Sediment Control Measures: Erosion and sediment control measures must be properly installed by the applicant before construction activity begins. Such measures may be adjusted during dry weather to accommodate short-term activities, such as those that require the passage of very large vehicles. As soon as this activity is finished or before rainfall, the erosion and sediment control structures must be returned to the original configuration.

3. Site Dewatering: Water pumped from the site shall be treated by temporary sedimentation basins, grit chambers, sand filters, upflow chambers, hydrocyclones, soil concentrators or other appropriate controls as deemed necessary. Water may not be discharged in a manner that causes erosion, sedimentation, or flooding on the site, on downstream properties, in the receiving channels, or in any wetland.

4. Waste And Material Disposal: All waste and unused building materials (including garbage, debris, cleaning wastes, wastewater, petroleum-based products, paints, toxic materials, or other hazardous materials) shall be properly disposed of off-site and shall not be allowed to be carried by runoff into a receiving channel, storm sewer system, or wetland.

5. Tracking Management: Each site shall have roads, access drives and parking areas of sufficient width, length and surfacing to minimize sediment from being tracked onto public or private roadways. Any material deposited by vehicles or other construction equipment onto a public or private road shall be removed (not by flushing) before the end of each working day.

6. Water Quality Protection: The construction contractor, including the general contractor and all subcontractors, shall be required to control oil and fuel spills and chemical discharges to prevent such spills or discharges from entering any watercourse, sump, sewer system, water body, or wetland.

7. Concrete Washout Area: All liquids and solid waste generated by concrete washout operations must be contained in a leak-proof containment facility or impermeable liner. A compacted clay liner that does not allow washout liquids to enter groundwater is considered an impermeable liner. A sign must be installed adjacent to each washout facility to inform concrete equipment operators to utilize the proper facilities.

8. Storm Drain Protection: All storm drain inlets shall be protected during construction with control measures as contained in the SWPPP. These devices shall remain in place until final stabilization of the site. A regular inspection and maintenance plan shall be developed and implemented to assure these devices are operational at all times. Storm drain protection may conform to the protection alternatives pre-approved by City staff and available at City Hall and on the City website.

9. Soil Stockpiling: All exposed soil areas must be stabilized as soon as possible to limit soil erosion, but in no case later than fourteen (14) days after the construction activity in that

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portion of the site has temporarily or permanently ceased. If the site is within one mile of a special or impaired water, soil areas shall be stabilized within seven (7) days after the construction activity in that portion of the site has temporarily or permanently ceased. Temporary clean aggregate stockpiles, demolition concrete stockpiles, sand stockpiles and the constructed base components of roads are exempt from this requirement.

10. Channeled Runoff: Diversion of channeled runoff around disturbed areas, if practical, or the protection of the channel.

11. Easements: If a stormwater management plan involves directing some or all of the site's runoff, the applicant or his designated representative shall obtain from adjacent property owners any necessary easements or other property interests concerning the flowing of such water.

12. Impact On Erosion and Sediment: Schedule the site's activities to lessen the impact on erosion and sediment creation, so as to minimize the amount of exposed soil.

13. Parking On Bare Lots: Parking on all bare lots is allowed with a conditional use permit. During construction all traffic on and off site shall use designated construction entrances and exits.

14. Roof Drain Leaders: All newly constructed and reconstructed buildings must route roof drain leaders to pervious areas (not natural wetlands) where the runoff can infiltrate. The discharge rate shall be controlled so that no erosion occurs in the pervious areas.

15. Disturbed Areas Less Than One Acre: For disturbed areas less than one acre, sedimentation basins are encouraged, but not required, unless specifically required by City staff or City Engineer. The applicant shall install erosion and sediment controls at locations directed by the City. Minimum requirements include silt fences, rock check dams, or other equivalent control measures along slopes. Silt fences are required along channel edges to reduce sediment reaching the channel. Silt fences, rock check dams, etc., must be regularly inspected and maintained.

D. Minimum Protection for Natural Wetlands: Runoff must not be discharged directly into wetlands without appropriate quality and quantity runoff control, as required by this chapter, the MPCA and Minnesota Rules 7050.0186, and 7090.2. Minnesota water quality standards as established by law and rule shall govern and be enforceable by the City.

E. Inspections: The City will conduct inspections on a regular basis to ensure that the plan is properly installed and maintained. In all cases the inspectors will attempt to work with the builder or developer to maintain proper erosion and sediment control at all sites. In cases where cooperation is withheld, after a verbal and written warning, the City shall issue construction stop work orders, until erosion and sediment control measures meet the requirements of this chapter. An inspection must follow before work can commence. Inspections are required as follows:

1. Before any land disturbing activity begins.

2. At the time of footing, framing and final inspections.

3. At the completion of the project.

4. Prior to the release of any financial securities, if applicable.

5. Random inspections during the course of the project to ensure compliance with the SWPPP.

A qualified representative for the owner/operator is responsible for inspecting the site for compliance on a weekly basis and after every storm event greater than 0.5 inch in twenty-four (24) hours. A record of each inspection must be made and kept available on site for review by City inspectors. At all times the applicant shall be responsible for implementing and maintaining the BMPs as provided in the approved SWPPP.

725.06: <u>STORMWATER DESIGN PERFORMANCE STANDARDS</u>

A. All permanent stormwater management plans must be submitted to the City Engineer prior to the start of construction activity. Designers are expected to follow the requirements of this section to meet the volume control, water quality, and water quantity requirements of the City of Brainerd. Designs should meet the stormwater design standard of this chapter and the City of Brainerd Stormwater Engineering Design Manual. Deviations from the recommended guidance will require detailed written explanation with discretion given by the City. Stormwater facilities included as part of the final design for a permanent development shall be addressed in the design package submitted to the City and shall meet the following criteria for design and performance.

B. Cold Climate Issue Needs Engineering

All developments that incorporate either or both storage and rate control best management practices shall follow both the City of Brainerd stormwater Engineering Design Manual and the Minnesota stormwater Manual sections related to cold climate impacts on runoff management.

Small, green infrastructure best management practices within the right-of-way not part of a development or redevelopment permit may be exempt from this standard subject to City staff review.

C. Site Design and MIDS Calculator (or similar)

1. Site design process

a. Better Site Design

Whenever possible, new development projects shall be designed using the Better Site Design Techniques of the current version of the Minnesota Stormwater Manual. Better Site Design involves techniques applied early in the design process to preserve natural areas, reduce impervious cover, distribute runoff and use pervious areas to more effectively treat stormwater runoff. Site design should address open space protection, impervious cover minimization, and runoff distribution and minimization, and runoff utilization through considerations such as:

1) Open space protection and restoration

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a) conservation of existing natural areas (upland and wetland)

b) reforestation

c) re-establishment of prairies

d) restoration of wetlands

e) establishment or protection of stream, shoreline and wetland buffers

f) re-establishment of native vegetation into the landscape

2) Reduction of impervious cover

a) reduce new impervious through redevelopment of existing sites and use of existing roadways, trails etc.

b) minimize street width, parking space size, driveway length, sidewalk width

c) reduce impervious surface footprint (e.g. two story buildings, parking ramp)

3) Distribution and minimization of runoff

a) utilize vegetated areas for stormwater treatment (e.g. parking lot islands, vegetated areas along property boundaries, front and rear yards, building landscaping)

b) direct impervious surface runoff to vegetated areas or to designed treatment areas (roofs, parking, driveways drain to pervious areas, not directly to storm sewer or other conveyances)

c) encourage infiltration and soil storage of runoff through grass channels, soil compost amendment, vegetated swales, raingardens, etc.

d) plant vegetation that does not require irrigation beyond natural rainfall and runoff from the site

4) Runoff utilization

a) capture and store runoff for use for irrigation in areas where irrigation is necessary

b. Stormwater criteria

The following general criteria shall be incorporated in site design for stormwater runoff to protect surface and ground water and other natural resources by maintaining pre-development hydrological conditions:

1) Reduce impacts on water

2) Protect soils

3) Preserve vegetation

4) Decrease runoff volume

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5) Decrease erosion and sedimentation

6) Decrease flow frequency, duration, and peak runoff rates

7) Increase infiltration (groundwater recharge)

8) Maintain existing flow patterns

9) Reduce peak flows

10) Store stormwater runoff on-site

11) Avoid channel erosion

c. Erosion and sediment control criteria

The following general criteria shall be incorporated in site design for erosion and sediment control and comply with Brainerd City Code 430:

1) Minimize disturbance of natural soil cover and vegetation

2) Minimize, in area and duration, exposed soil and unstable soil conditions

3) Protect receiving water bodies, wetlands and storm sewer inlets

4) Protect adjacent properties from sediment deposition

5) Minimize off-site sediment transport on trucks and equipment

6) Minimize work in and adjacent to waterbodies and wetlands

7) Maintain stable slopes

8) Avoid steep slopes and the need for high cuts and fills

9) Minimize disturbance to the surrounding soils, root systems and trunks of trees adjacent to site activity that are intended to be left standing

10) Minimize the compaction of site soils

2. Stormwater Treatment Prioritization

Stormwater facility functioning will be chosen in the following order of preference and use the MIDS Design Sequence Flowchart to assist in the preferred best management practice that is feasible for any given site. The MIDS Design Sequence Flowchart can be found in the Minnesota Stormwater Manual.

a. Infiltration

b. Filtration

c. Sedimentation

d. Rate Control

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3. MIDS calculator (or similar)

Final site design and choice of permanent stormwater volume reduction practices shall be based on outcomes of the MIDS Calculator (or other model that shows the performance goal can be met) and shall meet the performance goals in the following sections of this ordinance.

4. Stormwater Volume Reduction and Water Quality Performance Goals

All stormwater designs must follow criteria within the City of Brainerd Stormwater Engineering Design Manual.

Volume control measures are required on projects to meet the water quality criteria of the City and to meet the requirements of the City of Brainerd's MS4 permit obligations. Except where conditions listed below are not met, stormwater runoff abstraction via infiltration, evapotranspiration, capture, and/or reuse of stormwater runoff is required to treat the water quality volume of a 1.1-inch (or 1.1-inch minus the volume of stormwater treated by another system on the site) of runoff from new impervious surfaces created by the project when a development project creates one acre or more new impervious surfaces. For wet sedimentation pond design, for new development projects, stormwater discharge volume shall result in no net increase from pre-project conditions. For redevelopment projects, stormwater discharge volume shall result in a net reduction from pre-project conditions. For all ponds, water quality runoff must be infiltrated within forty-eight (48) hours or less. To simplify the review process, no runoff will be assumed from pervious surfaces from a 1.1-inch rainfall event.

Volume reduction techniques considered shall include infiltration, reuse & rainwater harvesting, and canopy interception & evapotranspiration and/or additional techniques included in the MIDS calculator and the Minnesota Stormwater Manual.

Higher priority shall be given to BMPs that include volume reduction. Secondary preference is to employ filtration techniques, followed by sedimentation and rate control BMPs.

Infiltration systems must be prohibited when the system would be constructed in areas:

a. That receive discharges from vehicle fueling and maintenance areas, regardless of the amount of new and fully reconstructed impervious surface;

b. Where high levels of contaminants in soil or groundwater may be mobilized by the infiltrating stormwater. To make this determination, the owners and/or operators of construction activity must complete the Agency's site screening assessment checklist, which is available in the Minnesota Stormwater Manual, or conduct their own assessment. The assessment must be retained with the site plans;

c. Where soil infiltration rates are more than 8.3 inches per hour unless soils are amended to slow the infiltration rate below 8.3 inches per hour;

d. With less than three (3) feet of separation distance from the bottom of the infiltration system to the elevation of the seasonally saturated soils or the top of bedrock;

e. Of predominately Hydrologic Soil Group D (clay) soils;

f. In an Emergency Response Area (ERA) within a Drinking Water Supply Management Area (DWSMA) as defined in Minn. R. 4720.5100, Subp. 13, classified as high or very high vulnerability as defined by the Minnesota Department of Health;

g. In an ERA within a DWSMA classified as moderate vulnerability unless the permittee performs or approves a higher level of engineering review sufficient to provide a functioning treatment system and to prevent adverse impacts to groundwater;

h. Outside of an ERA within a DWSMA classified as high or very high vulnerability unless the permittee performs or approves a higher level of engineering review sufficient to provide a functioning treatment system and to prevent adverse impacts to groundwater;

i. Within 1,000 feet up-gradient or 100 feet down gradient of active karst features; or

j. That receive stormwater runoff from these types of entities regulated under NPDES for industrial stormwater: automobile salvage yards; scrap recycling and waste recycling facilities; hazardous waste treatment, storage, or disposal facilities; or air transportation facilities that conduct deicing activities.

If infiltration practices are prohibited or infeasible, a permanent water quality pond shall be used to meet water quality and rate control requirements as specified within the City of Brainerd Stormwater Engineering Design Manual.

Any applicant for a permit resulting in site disturbance that creates one or more acres of new impervious surface or fully reconstructs one or more acre of impervious surface must meet all of the following stormwater performance goals:

a. New development volume control

For new, nonlinear developments that create more than one acre of new impervious surface on sites without restrictions, stormwater runoff volumes will be controlled, and the post-construction runoff volume shall be retained on site for 1.1 inches of runoff from all impervious surfaces on the site.

a. Redevelopment volume control

Nonlinear redevelopment projects on sites without restrictions that create one or more acres of new and/or fully reconstructed impervious surfaces shall capture and retain on site 1.1 inches of runoff from the new and/or fully reconstructed impervious surfaces.

b. Linear development volume control

Linear projects on sites without restrictions that create one acre or greater of new and/or fully reconstructed impervious surfaces, shall capture and retain the larger of the following:

1) 0.55 inches of runoff from the new and fully reconstructed impervious surfaces on the site

2) 1.1 inches of runoff from the net increase in impervious area on the site

Mill and overlay and other resurfacing activities are not considered fully reconstructed.

Where the entire water quality volume cannot be treated within the existing right-of-way, a reasonable attempt to obtain additional right-of-way, easement, or other permission to treat the stormwater during the project planning process must be made. Volume reduction practices must be considered first. Volume reduction practices (e.g., infiltration or other) to retain the water quality volume on-site must be considered first when designing the permanent stormwater treatment system. The General Permit does not consider wet sedimentation basins and filtration systems to be volume reduction practices. If the General Permit prohibits infiltration other volume reduction practices, a wet sedimentation basin, or filtration basin may be considered. Volume reduction practices are not required if the practices cannot be provided cost effectively. If additional right-of-way, easements, or other permission cannot be obtained, owners of construction activity must maximize the treatment of the water quality volume prior to discharge from the MS4.

c. Flexible treatment options for sites with volume reduction restrictions (as found in the MIDS Design Sequence Flowchart).

Applicant shall fully attempt to comply with the appropriate performance goals described above. Options considered and presented shall examine the merits of relocating project elements to address varying soil conditions and other constraints across the site. If full compliance is not possible due to any of the factors listed below, the applicant must document the reason. If site constraints or restrictions limit the full treatment goal, the following flexible treatment options shall be used:

Applicant shall document the flexible treatment options sequence starting with Alternative #1. If Alternative #1 cannot be met, then Alternative #2 shall be analyzed. Applicants must document the specific reasons why Alternative #1 cannot be met based on the factors listed below. If Alternative #2 cannot be met, then Alternative #3 shall be met. Applicants must document the specific reasons why Alternative #2 cannot be met based on the factors listed below. When all of the conditions are fulfilled within an alternative, this sequence is completed.

Alternative #1: Applicant attempts to comply with the following conditions:

1) Achieve at least 0.55” volume reduction from all impervious surfaces if the site is new development or from the new and/or fully reconstructed impervious surfaces for a redevelopment site.

2) Remove 60% of the annual TP load from all impervious surfaces if the site is new development or from the new and/or fully reconstructed impervious surfaces for a redevelopment site.

3) Options considered and presented shall examine the merits of relocating project elements to address, varying soil conditions and other constraints across the site.

Alternative #2: Applicant attempts to comply with the following conditions:

1) Achieve volume reduction to the maximum extent practicable.

2) Remove 60% of the annual TP load from all impervious surfaces if the site is new development or from the new and/or fully reconstructed impervious surfaces for a redevelopment site.

3) Options considered and presented shall examine the merits of relocating project elements to address, varying soil conditions and other constraints across the site.

Alternative #3: Off-site Treatment. Mitigation equivalent to the performance of 1.1 inches of volume reduction for new development or redevelopment as described above in this section, (including banking or cash) can be performed off-site to protect the receiving water body. Off-site treatment shall be achieved in areas selected in the following order of preference:

1) Locations that yield benefits to the same receiving water that receives runoff from the original construction activity.

2) Locations within the same Department of Natural Resource (DNR) catchment area (Hydrologic Unit 08) as the original construction activity.

3) Locations within the next adjacent DNR catchment area upstream.

4) Locations anywhere within the community's jurisdiction.

Off-site treatment projects must involve the creation of new structural stormwater BMPs or the retrofit of existing structural stormwater BMPs, or the use of a properly designed regional structural stormwater BMP. Routine maintenance of structural stormwater BMPs already required by the General Permit cannot be used to meet this requirement.

Off-site treatment projects must be completed no later than 24 months after the start of the original construction activity. If the permittee determines more time is needed to complete the treatment project, the permittee must provide the reason(s) and schedule(s) for completing the project in the annual report.

If the permittee receives payment from the owner of a construction activity for off-site treatment, the permittee must apply any such payment received to a public stormwater project, and all projects must comply with the requirements above.

5. Development Site Stormwater Standard for Rate Control

All stormwater designs must follow criteria within the City of Brainerd Stormwater Engineering Design Manual.

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For all development sites (new development, redevelopment, and linear development) the site design shall provide non-winter conditions on-site treatment during construction and post-construction to ensure no increase in offsite peak discharge for the 2-year, 24-hour storm event, the 10- year, 24-hour storm event, and the 100-year, 24-hour storm event.

A reduction of the required onsite storage capacity may be granted under the following circumstances:

a. The site or any portion of the site is included as part of a larger City approved regional stormwater management plan.

b. The site is adjacent to a City-owned and maintained storm sewer system that drains to a regional stormwater storage facility and the site (or portion of) has been included as part of the contributing area for design of the system.

c. The site contains topographic features that allow stormwater storage outside of the designated stormwater storage facility without inundating wetlands, causing adverse conditions or damage to adjacent properties.

d. Other reasons as determined by the City Engineer.

The designer shall confer with the City Engineer to determine how much, if any, stormwater runoff from the site or any portion of the site has been accounted for in a pre-existing regional stormwater management plan or publicly maintained system.

6. Other Design Standards

a. City of Brainerd Stormwater Engineering Design Manual

All volume control for water quality and quantity and site design specifications shall conform to the current version of the City of Brainerd Stormwater Engineering Design Manual.

b. Site erosion and sediment control requirements

All erosion and sediment control requirements shall conform to the current requirements of NPDES/SDS Construction Stormwater General Permit and Brainerd City Code 430.

7. Limitations and Restrictions for Permanent Stormwater Management: The City may limit or restrict the construction of permanent management facilities based on the following criteria.

a. Permanent infiltration stormwater management facilities may not receive discharges from or be constructed in areas where:

b. Industrial facilities are not authorized to infiltrate industrial stormwater under an NPDES industrial stormwater permit issued by the MPCA.

c. Vehicle fueling or maintenance activities occur.

d. There is less than three feet (3') of separation between the bottom of the infiltration system to the elevation of the seasonally saturated soils or the top of bedrock.

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e. There are known groundwater contaminants or groundwater will be mobilized by the construction of infiltration BMPs.

725.07: APPLICATION REVIEW:

The City Engineer shall be responsible for reviewing the Stormwater Management Plan and the SWPPP. The MPCA shall be responsible for reviewing the MPCA Construction Stormwater Permit application. The following City permitting process is as follows.

A. Pre-application meeting: The City of Brainerd shall facilitate a pre-application meeting with the applicant, community staff (or their authorized representative), and staff of relevant partner agencies. The purposes of the meeting are to understand the general parameters of the proposed project and to convey the requirements of meeting the provisions of the ordinance.

B. Application completeness review: The City of Brainerd shall make a determination regarding the completeness of a permit application within ten (10) business days of the receipt of the application and notify the applicant in writing if the application is not complete including the reasons the application was deemed incomplete. All incomplete plans will be returned to the applicant with a written explanation of the application's deficiencies. The applicant will have the opportunity to correct the deficiencies and resubmit the application.

C. Application review: The applicant shall not commence any construction activity subject to this ordinance until a permit has been authorized by the City of Brainerd. A complete review of the permit application shall be done within ten (10) business days of the receipt of a complete permit application from the applicant. The city of Brainerd will work with the necessary state, county, and local agencies to complete the review. The City of Brainerd shall review all information in the permit application including proposed stormwater practices, hydrologic models, and design methodologies and certify compliance with this ordinance.

D. Permit authorization: If the City of Brainerd determines that the application meets the requirements of this ordinance, the City of Brainerd may issue approval authorizing the project or activity. The approval shall be valid for one year. Approval will be in written form from the City of Brainerd to the applicant

E. Permit denial: If the City of Brainerd determines the application does not meet the requirements of this ordinance the application must be denied. If the application is denied, the applicant will be notified of the denial in writing including reasons for the denial. Once denied, a new application must be resubmitted for approval before any activity may begin. All land use and building permits shall be suspended until the applicant has an authorized permit. Approval or denial shall be mailed to the applicant within fifteen (15) days of receipt of a complete application. The applicant may appeal the adverse decision within ten (10) days of receiving written notice by requesting in writing to City staff that the City Council reviews the decision. City staff will then schedule a hearing on the appeal within twenty (20) days. Notice of the public hearing need not be published in the official newspaper. All decisions by the City Council shall be final.

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F. Plan information requirements:

The minimum information requirements of the application shall be consistent with the erosion and sediment control requirements in the most recent version of the NPDES/SDS Construction Stormwater General Permit and shall include a fully completed Application Checklist. The application information must also include permanent treatment information showing the proposed project meets the MIDS performance goals.

G. Modification of permitted plans: The applicant must amend an approved Stormwater Management plan to include additional requirements such as additional or modified BMPs designed to correct problems whenever:

1. There is a change in design, construction, operation, maintenance, weather or seasonal conditions that has a significant effect on the discharge of pollutants to surface water or groundwater.

2. Inspections or investigations by site operators, local, state or federal officials indicate the plans are not effective in eliminating or significantly minimizing the discharge of pollutants to surface water or groundwater or that the discharges are causing water quality standard exceedances.

3. The plan is not achieving the general objectives of minimizing pollutants in stormwater discharges associated with construction activity.

An approved Stormwater Management Plan may be modified on submission of a written application for modification to the City, and only after written approval by the City Engineer. In reviewing such an application, the City Engineer may require additional information. No approval of any modification will be given that is inconsistent with this chapter.

Modification of the MPCA construction stormwater permit shall be made according to MPCA requirements. A copy of the amended SWPPP and application shall be sent to the City for their permanent records. The amendment shall be received by the City before the additional construction work is begun.

H. Permit completion:

The permit holder shall notify the City when a project ceases and final stabilization is reached. When a State permit exists, the State termination form will suffice. Before work under the permit is deemed complete, the permittee must submit as-builts, a long-term maintenance plan and information demonstrating that the stormwater facilities conform to design specifications. Final permit approval conditions are as follows:

1. If a permanent stormwater treatment/volume retention facility was required, the facilities must be inspected by Water Resource staff and must be determined to be in compliance with proposed specifications and all requirements identified in City Code are met prior to final inspection and the release of stormwater performance securities.

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2. The permit holder must establish permanent vegetative coverage of all impacted areas excluding paved areas or areas covered by permanent structures.

3. Vegetative coverage must consist of a uniform perennial vegetation with a density of 70% of the expected final growth.

4. All temporary pollution prevention devices must be removed, and any remediation or restoration efforts must be completed prior to final inspection and release of financial securities

I. Permit Conditions: The BMPs required by the Stormwater Management Plan and/or contained in the approved SWPPP must be implemented prior to the start of any land disturbing activity and shall be maintained in accordance with the approved plan and the requirements of this chapter. Additional conditions may be imposed by the City.

J. Fee: A fee will be charged for the Stormwater Management Plan for the issuance of the permit, and inspections. The fee will be as set forth in the annual fee schedule.

K. Costs: The applicant shall be liable at all times for the costs incurred, including costs and fines resulting from noncompliance with an approved plan.

725.08: <u>FINANCIAL SECURITY FOR PROJECTS SUBJECT TO A DEVELOPMENT AGREEMENT</u>:

A. Security Required: The City of Brainerd shall require financial securities from the applicant in an amount sufficient to cover the entirety of the estimated costs of permitted and remedial work based on the final design as established in a set financial security schedule determined by the community. If the project is proceeding under a development agreement with the City, the costs of any work required in this chapter shall be added to the letter of credit or bond.

B. Release: Financial securities shall not be released until all permitted and remedial work is completed.

C. Use by Community: Financial securities may be used by the community to complete work not completed by the applicant.

D. Form of Security: The form of the securities shall be one or a combination of the following to be determined by the community:

1. Cash deposit - The first 50% of the financial security for erosion and sediment control shall be by cash deposit to the community. The cash will be held by community in a separate account.

   a. Securing deposit - Deposit, either with the community, a responsible escrow agent, or trust company, at the option of the community, either:

   b. An irrevocable letter of credit or negotiable bonds of the kind approved for securing deposits of public money or other instruments of credit from one or more financial institutions, subject to regulation by the state and federal government wherein said financial institution pledges funds are on deposit and guaranteed for payment.

c. Cash in U.S. currency.

d. Other forms and securities (e.g., disbursing agreement) as approved by the community.

E. Community Indemnity: This security shall save the community free and harmless from all suits or claims for damages resulting from the negligent grading, removal, placement or storage of rock, sand, gravel, soil or other like material within the community.

F. Maintaining the Financial Security: If at any time during the course of the work the amount falls below 50% of the required deposit, the applicant shall make another deposit in the amount necessary to restore the cash deposit to the required amount. If the applicant does not bring the financial security back up to the required amount within seven (7) days after notification by the community that the amount has fallen below 50% of the required amount the community may:

1. Withhold inspections - Withhold the scheduling of inspections and/or the issuance of a Certificate of Occupancy.

2. Revoke permits - Revoke any permit issued by the community to the applicant for the site in question or any other of the applicant's sites within the community's jurisdiction.

G. Action Against the Financial Security: The community may access financial security for remediation actions if any of the conditions listed below exist. The community shall use the security to finance remedial work undertaken by the community, or a private contractor under contract to the community, to reimburse the community for all direct costs incurred in the process of remedial work including, but not limited to, staff time and attorney's fees.

1. Abandonment - The applicant ceases land disturbing activities and/or filling and abandons the work site prior to completion of the grading plan.

2. Failure to implement the SWPPP or Stormwater Management Plan - The applicant fails to conform to the grading plan and/or the SWPPP as approved by the Community.

3. Failure to perform - The techniques utilized under the SWPPP fail within one year of installation.

4. Failure to reimburse community - The applicant fails to reimburse the community for corrective action taken.

H. Proportional Reduction of the Financial Security: When more than one-third of the applicant's maximum exposed soil area achieves final stabilization, the community can reduce the total required amount of the financial security by one-third. When more than two-thirds of the applicant's maximum exposed soil area achieves final stabilization, the community can reduce the total required amount of the financial security to two-thirds of the initial amount. This reduction in financial security will be determined by the community.

I. Returning the Financial Security: The security deposited with the community for faithful performance of the SWPPP or the ESC Plan and any related remedial work shall be released one full year after the completion of the installation of all stormwater pollution control measures as

shown on the SWPPP or ESC Plan.

J. Emergency Action: If circumstances exist such that noncompliance with this chapter poses an immediate danger to the public health, safety and welfare, as determined by the City, the City may take emergency preventative action. The City shall also take every reasonable action possible to contact and direct the applicant to take any necessary action. Any cost to the City may be recovered from the applicant's financial security.

725.09: <u>STORMWATER FACILITIES INSPECTION, MAINTENANCE AGREEMENT AND PERMIT TRANSFER</u>:

A. Private stormwater facilities

1. Maintenance Plan Required - No private stormwater facilities may be approved unless a maintenance plan is provided that defines who will conduct the maintenance, the type of maintenance and the maintenance intervals. At a minimum, all private stormwater facilities shall be inspected annually and maintained in proper condition consistent with the performance goals for which they were originally designed.

2. Facility Access - Access to all stormwater facilities must be inspected annually and maintained as necessary. The applicant shall obtain all necessary easements or other property interests to allow access to the facilities for inspection or maintenance for both the responsible party and the community.

3. Removal of Settled Materials - All settled materials including settled solids, shall be removed from ponds, sumps, grit chambers, and other devices, and disposed of properly.

4. Inspections - All stormwater facilities within the community shall be inspected by the community during construction, during the first year of operation, and at least once every five years thereafter.

B. Public stormwater facilities

1. Acceptance of Publicly Owned Facilities - Before work under the permit is deemed complete; the permittee must submit as-builts and a maintenance plan demonstrating at the time of final stabilization that the stormwater facilities conform to design specifications. A final inspection shall be required before the community accepts ownership of the stormwater facilities.

2. Inventory of Stormwater Facilities - Upon adoption of this ordinance, the community shall inventory and maintain a database for all private and public stormwater facilities within community requiring maintenance to assure compliance with this ordinance. The community shall notify owners of public and private stormwater facilities of the need for conducting maintenance on an appropriate schedule based on the stormwater management practice.

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3. Maintenance - The community shall perform maintenance of publicly owned stormwater facilities in accordance with their comprehensive stormwater management plan and other regulatory requirements.

C. Stormwater Facilities Maintenance Agreement: A Stormwater Facilities Maintenance Agreement regarding stormwater management shall be required for any project that requires a permanent stormwater management facility. The agreement shall guarantee the performance of the work described and delineated on the approved plan. In addition, the agreement will describe the City's inspection policy. Should the applicant fail to meet any of the terms of the Stormwater Facilities Maintenance Agreement, the City may proceed with the actions listed in the enforcement section of this chapter.

D. Notice To Transferee: When ownership, possession, or control of any site subject to an incomplete, approved SWPPP is transferred, the former owner (seller) shall notify the new owner (buyer) as to the current status of compliance and provide a copy of the approved SWPPP, as required by the MPCA construction permit. A copy of this notice shall be submitted to the City. A copy of the 'Modification/Transfer', 'Subdivision Registration', or 'Homeowner Transfer' forms required by the MPCA for transfers under the State required SWPPP plan shall suffice for this notice to the City.

E. Successor Liability:

1. The successor in interest to any portion of a site subject to an incomplete, approved Stormwater Management Plan or SWPPP shall be responsible for implementing the BMPs contained in the plan.

2. The successor shall be responsible for the implementation of this plan for the portion of the site transferred.

3. The successor will be subject to all regulations under this chapter.

725.10: <u>ENFORCEMENT</u>:

A. Violations: If an owner is in violation of the terms and conditions of an approved plan, SWPPP, and/or this chapter, all City approvals relating to the site shall be either withheld or suspended until the owner or contractor is again compliant. All directives, notices, and orders may be served by the City Engineer, the building official, and/or their designated staff person. Upon the issuance of directive, notice, or order, the owner or contractor shall immediately:

A. Develop a cleanup and restoration plan,

B. Obtain any necessary right-of-entry from any adjoining property owner,

C. Implement the cleanup and restoration plan within forty-eight (48) hours of any one directive, notice, order, or of obtaining the adjoining property owner's permission.

B. Notification of Failure of the Permit: The community shall notify the permit holder of the failure of the permit’s measures.

A. Initial Contact: The initial contact will be to the party or parties listed on the application and/or the SWPPP as contacts. Except during an emergency action, forty-eight (48) hours after notification by the community or seventy-two (72) hours after the failure of erosion and sediment control measures, whichever is less, the community at its discretion, may begin corrective work. Such notification should be in writing, but if it is verbal, a written notification should follow as quickly as practical. If after making a good faith effort to notify the responsible party or parties, the community has been unable to establish contact, the community may proceed with corrective work. There are conditions when time is of the essence in controlling erosion. During such a condition the community may take immediate action, and then notify the applicant as soon as possible.

B. Erosion Off-site: If erosion breaches the perimeter of the site, the applicant shall immediately develop a cleanup and restoration plan, obtain the right-of-entry from the adjoining property owner, and implement the cleanup and restoration plan within forty-eight (48) hours of obtaining the adjoining property owner's permission. In no case, unless written approval is received from the community, may more than seven (7) calendar days go by without corrective action being taken. If in the discretion of the community, the permit holder does not repair the damage caused by the erosion, the Community may do the remedial work required. When restoration to wetlands and other resources are required, the applicant should be required to work with the appropriate agency to ensure that the work is done properly.

C. Erosion into Streets, Wetlands or Water Bodies: If eroded soils (including tracked soils from construction activities) enter or appear likely to enter streets, wetlands, or other water bodies, cleanup and repair shall be immediate. The applicant shall provide all traffic control and flagging required to protect the traveling public during the cleanup operations.

C. Failure to do Corrective Work: In no case, unless written approval is received from the City, shall more than seven (7) calendar days go by without corrective action being taken. If in the discretion of the City, the applicant does not repair the damage caused by the erosion, the City may do the remedial work required and charge or assess the cost to the applicant. When restoration to wetlands and other resources are required, the applicant shall be required to work with the appropriate agency to ensure that the work is done properly. If eroded soils (including tracked soils from construction activities) enter streets, wetlands, or other water bodies, cleanup and repair shall be immediate. The applicant shall provide all traffic control and flagging required to protect the traveling public during the cleanup operations.

When an applicant fails to conform to any provision of this chapter within the time stipulated, the City Engineer may issue the following orders:

1. Issue a violation notice.
2. Withhold the scheduling of inspections and/or the issuance of a Certificate of Occupancy.
3. Permit Revocation - Revoke any permit issued by the community to the applicant for the site

in question or any other of the applicant's sites within the community's jurisdiction.

4. Direct the correction of the violation by City forces or by a separate contract. All costs incurred by the City in correcting violations must be reimbursed by the applicant.

    a. If payment is not made within thirty (30) days after costs are incurred by the City, payment will be made from any financial securities placed within the City pursuant to this chapter. The owner shall waive all rights by virtue of Minnesota Statutes 429.081 to challenge the amount of validity of assessment.

    b. If there is an insufficient financial amount in the applicant's security to cover the costs incurred by the City, the City may assess the remaining amount against the property in accordance with Minnesota Statutes 429.061.

D. Stop Work Order: Issue a stop work order, withhold the scheduling of inspections, and/or the issuance of a Certificate of Occupancy. Whenever the City finds any noncompliance with the provisions of the approved Stormwater Management Plan, SWPPP, and/or this section or any City ordinance, the City shall attempt to communicate with the owner or person performing the work to obtain immediate and voluntary compliance if such person is readily available. If the owner or person performing the work is not readily available, that person refuses to voluntarily comply immediately, or the noncompliance presents an imminent damage, or will cause or threatens to cause bodily injury or damage to off-site property, including, but not limited to off-site run-off, the City shall post in a conspicuous place on the premises a stop work order which shall cause all activity not necessary to correct the noncompliance to cease until compliance is corrected.

1. Contents: The stop work order shall contain the following information:

    a. Date of issuance.

    b. Sufficient information to identify the property.

    c. Violation(s).

2. Unauthorized Removal of Posted Notice: Any unauthorized removal of a posted stop work order shall be punishable as a misdemeanor.

3. Additional Notice: In addition to posting a stop work order, the City shall provide notification to the applicant by personal service, written notice by certified mail, or facsimile transmission.

725.11: <u>RIGHT OF ENTRY AND INSPECTION</u>:

A. By submitting a Stormwater Management Plan application to the City, the applicant hereby consents and authorizes the City and their authorized representatives, upon presentation of credentials to:

1. Enter upon the permitted site for the purpose of obtaining information, examination of records, and conducting investigations or surveys.

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2. Bring such equipment upon the permitted development as is necessary to conduct such surveys and investigations.

3. Examine and copy any books, papers, records, or memoranda pertaining to activities or records required to be kept under the terms and conditions of this chapter.

4. Inspect the stormwater pollution control measures and BMPs.

725.12: <u>ILLICIT DISCHARGE PROHIBITION</u>:

A. Applicability: This section shall apply to all water and general pollution entering the City of Brainerd's storm drain system generated on any developed and undeveloped lands unless explicitly exempted by the City.

1. Ultimate Responsibility of Polluter: The standards set forth herein and promulgated pursuant to this section are minimum standards; therefore, this section does not intend nor imply that compliance by any person will ensure that there will be no contamination, pollution, nor unauthorized discharge of pollutants into waters of the State caused by said person. This section shall not create liability on the part of the City of Brainerd, or any agent or employee thereof for any damages that result from any polluter's reliance on this section, or any administrative decision lawfully made thereunder.

B. Discharge Prohibitions:

1. Prohibition Of Illegal Discharges: No person shall discharge or cause to be discharged into the Municipal storm drain system or watercourses any materials, including but not limited to pollutants or waters containing any pollutants that cause or contribute to a violation of applicable water quality standards, other than stormwater.

No person shall throw, deposit, place, leave, maintain, or keep or permit to be thrown, placed, left, maintained or kept, any refuse, rubbish, garbage, or any other discarded or abandoned objects, articles, or accumulations, in or upon any street, alley, sidewalk, storm drain, inlet, catch basin conduit or drainage structure, business place, or upon any public or private plot of land in Brainerd, so that the same might be or become a pollutant, except in containers, recycling bags, or other lawfully established waste disposal facility.

No owner or custodian of any animal shall cause or allow such animal to soil, defile or defecate on any public property or upon any street, sidewalk, public way, play area or common grounds owned jointly by the members of a homeowners' or condominium association, or upon private property other than that of the owner, unless such owner immediately removes and disposes of all feces deposited by such animal in a sanitary manner.

It is unlawful for any person owning, keeping or harboring an animal to cause or permit said animal to be on any public property without having in his/her immediate possession a device for the removal of feces and depository for the transmission of excrement to a proper receptacle located on the property owned or possessed by such person.

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It is unlawful for any person in control of, causing or permitting any animal to be on any public property to fail to remove feces left by such animal and dispose of it properly.

Proper disposal of animal waste shall be limited to burial where lawfully permitted, flushing in the toilet, bagging for disposal in the owner or keeper's waste receptacle, and bagging for disposal in a waste receptacle in a public park or park area.

Disposal of animal waste in storm drains is prohibited.

Disposal of animal waste in public compost is prohibited.

The provisions of this section shall not apply to the ownership or use of any properly identified service animals, animals when used for police activities, or tracking animals when used by or with the permission of the appropriate authorities.

Any peace officer, animal control officer, or any duly authorized assistant should be responsible for issuing the citations.

All commercial, institutional, and non-NPDES permitted industrial facilities must meet the following salt storage requirements:

- Designated salt storage areas must be covered or indoors.
- Designated salt storage areas must be located on an impervious surface.
- Implement practices to reduce exposure when transferring material in designated salt storage areas (e.g., sweeping, diversions, and/or containment).

No person shall intentionally dispose of grass, leaves, dirt, or other landscape debris into a water resource buffer, street, road, alley, catch basin, culvert, curb, gutter, inlet, ditch, natural watercourse, flood control channel, canal, storm drain or any fabricated natural conveyance.

2. Exemptions: The commencement, conduct or continuance of any illegal discharge to the storm drain system is prohibited except as described as follows:

   a. Discharges from the following activities will not be considered a violation of this section, an illegal discharge, or a source of pollutants to the storm drain system and to waters of the State when properly managed: potable water line flushing; uncontaminated pumped groundwater and other discharges from potable water sources; landscape irrigation and lawn watering; diverted stream flows; rising groundwater; uncontaminated groundwater infiltration to the storm drain system; uncontaminated foundation and footing drains; uncontaminated water from crawl space pumps; air conditioning condensation; uncontaminated non-industrial roof drains; springs; individual residential and occasional non-commercial car washing; flows from riparian habitats and wetlands; dechlorinated swimming pool discharges; street wash waters; flows from firefighting; and any other water source not containing pollutants.

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b. Discharges specified in writing by the City of Brainerd as being necessary to protect public health and safety.

c. Dye testing is an allowable discharge but requires a verbal notification to the authorized enforcement agency prior to the time of the test.

d. The prohibition shall not apply to any non-stormwater discharge permitted under an NPDES permit, waiver, or waste discharge order issued to the discharger and administered under the authority of the MPCA or EPA, provided that the discharger is in full compliance with all requirements of the permit, waiver, or order and other applicable laws and regulations, and provided that written approval has been granted for any discharge to the storm drain system.

e. Any person subject to an industrial or construction activity NPDES stormwater discharge permit shall comply with all provisions of such permit.

3. Prohibition Of Illicit Connections:

a. The construction, use, maintenance or continued existence of illicit connections to the storm drain system is prohibited.

b. This prohibition expressly includes, without limitation, illicit connections made in the past, regardless of whether the connection was permissible under law or practices applicable or prevailing at the time of connection.

c. A person is considered to be in violation of this chapter if the person connects a line conveying sewage to the MS4 or allows such a connection to continue.

C. Requirement to Prevent, Control and Reduce Stormwater Pollutants:

1. Authorization to Adopt and Impose BMPs:

a. Any person engaged in activities or operations or owning facilities or property which will or may result in pollutants entering stormwater, the storm drain system, or waters of the State shall implement BMPs to the extent they are technologically achievable to prevent and reduce such pollutants. The owner or operator of a commercial or industrial establishment shall provide reasonable protection from accidental discharge of prohibited materials or other wastes into the Municipal storm drain system or watercourses. Facilities to prevent accidental discharge of prohibited materials or other wastes shall be provided and maintained at the owner or operator's expense.

b. Further, any person responsible for a property or premises, which is, or may be, the source of an illicit discharge, may be required to implement, at said person's expense, additional structural and non-structural BMPs to prevent the further discharge of pollutants to the MS4. Compliance with all terms and conditions of a valid NPDES permit authorizing the discharge of stormwater associated with industrial activity, to the

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maximum extent practicable, shall be deemed compliance with the provisions of this section.

c. The City may adopt requirements identifying BMPs for any activity, operation, or facility which may cause or contribute to pollution or contamination of stormwater, the storm drain system, or waters of the State as a separate BMP Guidance Policy as such information is found to be needed by the City. Where BMP requirements are required by the City or any Federal, State, or regional agency for any activity, operation, or facility which would otherwise cause the discharge of pollutants to the storm drain system or water of the State, every person undertaking such activity or operation, or owning or operating such facility shall comply with such requirements.

2. Suspension Due to Illicit Discharges in Emergency Situations: The City of Brainerd may, without prior notice, suspend MS4 discharge access to a person when such suspension is necessary to stop an actual or threatened discharge which presents or may present imminent and substantial danger to the environment, or to the health or welfare of persons, or to the MS4 or waters of the State. If the violator fails to comply with a suspension order issued in an emergency, the authorized enforcement agency may take such steps as deemed necessary to prevent or minimize damage to the MS4 or waters of the State, or to minimize danger to persons.

3. Suspension Due to The Detection of Illicit Discharge: Any person discharging to the MS4 in violation of this chapter may have their MS4 access terminated if such termination would abate or reduce an illicit discharge. The City will notify a violator of the proposed termination of its MS4 access. The violator may petition the City for a reconsideration and hearing. A person commits an offense if the person reinstates MS4 access to premises terminated pursuant to this section, without the prior approval of the City of Brainerd.

4. Watercourse Protection: Every person owning property through which a watercourse passes, or such person's lessee, shall keep and maintain that part of the watercourse within the property reasonably free of trash, debris, excessive vegetation, and other obstacles that would pollute, contaminate, or significantly retard the flow of water through the watercourse. In addition, the owner or lessee shall maintain existing privately owned structures within or adjacent to a watercourse, so that such structures will not become a hazard to the use, function, or physical integrity of the watercourse. The owner or lessee shall not remove healthy bank vegetation beyond that actually necessary for maintenance, nor remove said vegetation in such a manner as to increase the vulnerability of the watercourse to erosion. The property owner shall be responsible for maintaining and stabilizing that portion of the watercourse that is within their property lines in order to protect against erosion and degradation of the watercourse originating or contributed from their property.

5. Notification Of Spills: Notwithstanding other requirements of law, as soon as any person responsible for a facility or operation, or responsible for emergency response for a facility or operation has information of any known or suspected release of materials which are resulting

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or may result in illegal discharges or pollutants discharging into stormwater, the storm drain system, or water of the State from said facility, said person shall take all necessary steps to ensure the discovery, containment, and cleanup of such release. In the event of such a release of a hazardous material said person shall immediately notify emergency response officials of the occurrence via emergency dispatch services (911). In the event of a release of non-hazardous materials, said person shall notify the City's Public Works Department in person or by phone no later than four thirty o'clock (4:30) P.M. of the next business day. Notifications in person or by phone shall be confirmed by written notice addressed and mailed to the City's Public Works Department within three (3) business days of the phone notice. If the discharge of prohibited materials emanates from a commercial or industrial establishment, the owner or operator of such establishment shall also retain an on-site written record of the discharge and the actions taken to prevent its recurrence. Such records shall be retained for at least three (3) years.

D. Inspection And Monitoring:

1. Authority to Inspect:

a. The City shall be permitted to enter and inspect facilities subject to regulation under this section as often as may be necessary to determine compliance with this chapter. If a facility has security measures in force which require proper identification and clearance before entry into its premises, the facility shall make the necessary arrangements to allow access to representatives of the City.

b. Facility operators shall allow the City ready access to all parts of the premises for the purposes of inspection, sampling, examination and copying of records that must be kept under the conditions of an NPDES permit to discharge stormwater, and the performance of any additional duties as defined by City, State and Federal law.

c. Whenever necessary to make an inspection to enforce any provision of this section, or whenever the City Engineer has cause to believe that there exists, or potentially exists, in or upon any premises any condition which constitutes a violation of this section, the City Engineer or designated staff person may enter such premises at all reasonable times to inspect the same and to inspect and copy records related to stormwater compliance. In the event the owner or occupant refuses entry after a request to enter and inspect has been made, the City is hereby empowered to seek assistance from any court of competent jurisdiction in obtaining such entry.

2. Authority To Sample, Establish Sampling Devices and Test:

a. The City shall have the right to set up on any permitted or discharging facility such devices as are necessary in the opinion of the City to conduct monitoring and/or sampling of the facility's stormwater discharge.

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b. The City has the right to require the discharger to install monitoring equipment as necessary. The facility's sampling and monitoring equipment shall be maintained at all times in a safe and proper operating condition by the discharger at its own expense. All devices used to measure stormwater flow and quality shall be calibrated to ensure their accuracy.

c. During any inspection as provided herein, the City Engineer or designated staff person may take any samples and perform any testing deemed necessary to aid in the pursuit of the inquiry or to record site activities.

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Brainerd City Council
Agenda Request

Requested Meeting Date: May 2, 2022

Title of Item: Ord 1529-Amending Section 1200 - Intoxicating Liquor

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

Summary of Issue:

At the April 4, 2022 council meeting staff was directed to draft an ordinance to allow more than one Class 2 and Class 3 liquor licenses to be issues to a person. State Statute limits the number of off-sale liquor licenses to one but not the number of on-sale licenses. If Council adopts the proposed language changes, the City would be more restrictive that State Statute by limiting the number of Class 1 or bar licenses to one per person.

Alternatives, Options, Effects on Others/Comments:

Recommended Action/Motion:

1. Motion to conduct the final reading of Proposed Ordinance No. 1529, an ordinance amending Section 1200 of the Brainerd City Code pertaining to intoxicating liquor and dispense with the actual reading of the ordinance.

* Note: a vote to dispense with the actual reading of the ordinance must be unanimous.

2. Conduct a public hearing on Proposed Ordinance No. 1529.

3. Motion to adopt Proposed Ordinance No. 1529, an ordinance amending Section 1200 of the Brainerd City Code pertaining to intoxicating liquor.

Financial Impact:

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

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

Is this budgeted? ☐ Yes ☐ No

Please Explain:

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

The Brainerd City Council will hold a Public Hearing and Second Reading of proposed Ordinance No. 1529 regarding amending City Code section 1200 Sale of Intoxicating Liquors

Monday, May 2nd, 2022 at 7:30 P.M.

The meeting will be held via WebEx Teleconferencing. Call in information will be provided on the City website.

ANY QUESTIONS, PLEASE CALL 218-828-2307

O R D I N A N C E
NO. 1529

AN ORDINANCE AMENDING SECTION 1200 OF THE BRAINERD CITY CODE PERTAINING TO INTOXICATING LIQUOR

THE CITY COUNCIL OF THE CITY OF BRAINERD DOES ORDAIN:

SECTION ONE: That Section 1200.03 – License Required shall be amended to read:

Subd. 2. - On-Sale Licenses. On-sale licenses shall be issued only to hotels, clubs, bowling centers, restaurants, and exclusive liquor stores and permit on-sale of liquor only.

a) In order to hold an on-sale license, a restaurant must meet the requirements of Minnesota Statutes section 340A.101, subdivision 25, have facilities for serving not less than 30 guests at one time, and maintain a Category 3 food establishment license as defined in Minnesota Statutes section 157.16, subdivision 3.

b) Recipients of on-sale licenses are divided into three classes:
   i. Class 1: bars, pubs and taverns.
   ii. Class 2: restaurants.
   iii. Class 3: other (e.g., clubs, bowling centers, and hotels).

c) The number of Class 1 on-sale licenses (for bars, pubs and taverns) that may be issued by the City cannot exceed 12. No more than one Class 1 on-sale intoxicating liquor license shall be directly or indirectly issued to any one person.

d) All applicants for an on-sale license shall submit plans and specifications of their proposed building for Council approval.

SECTION TWO: That Section 1200.11 – Person Ineligible for License shall be amended to read:

1200.11 Person Ineligible for License. No license shall be granted to any person made ineligible for such license by State law. No more than ~~one on-sale and~~ one off-sale intoxicating liquor license shall be directly or indirectly issued within the City to any one person.

SECTION THREE: All other provisions of Section 1200 shall remain in full force and effect.

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

Adopted this ___ day of _____, 2022

_____
KELLY BEVANS
President of the Council

Approved this ____ day of _____, 2022

_____
DAVE BADEAUX
Mayor

ATTEST: _____
JENNIFER BERGMAN
City Administrator

Published:4/20/2022

O R D I N A N C E
NO. 1529

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SECTION THREE: All other provisions of Section 1200 shall remain in full force and effect.

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

Adopted this ___ day of _____, 2022

_____
KELLY BEVANS
President of the Council

Approved this ____ day of _____, 2022

_____
DAVE BADEAUX
Mayor

ATTEST: _____
JENNIFER BERGMAN
City Administrator

Published:

Brainerd City Council
Agenda Request

Requested Meeting Date: May 2, 2022

Title of Item: Discuss Determination of Funding for the Northland Arboretum

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

Summary of Issue:

At the March 21st City Council meeting, the Council considered the proposal from the Northland Arboretum requesting the funding for 1.5% of the previous years levy for a green space or arboretum organization in the Charter. The Council asked for clarification from the Charter Commission on the intent of the phrase "within the city limits of Brainerd" and whether or not they intended it to mean within its entirety. See attached staff report to the Charter Commission.

Alternatives, Options, Effects on Others/Comments:

The Charter Commission discussed the intent of the Charter language and determined that their intent of the language was entirely within the city limits of Brainerd. The motion was "to send back to the City Council that the Charter Commission's intent with 'within the city limits of Brainerd' means that the money levied be spent on entities fully within the City of Brainerd."

Recommended Action/Motion:

Discuss determination of funding for the Northland Arboretum.

Financial Impact:

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

What is the total cost, with tax and shipping $ 68,998

Is this budgeted? ☑ Yes ☐ No

Please Explain: The Charter provides 1.5% of the previous years levy for a green space or arboretum organization. The agreement with the Arb ended on 3/31/2022; therefore, there is a remainder of $68,998 available.

M E M O

TO: Charter Commission Members

FROM: City Administrator, Jennifer Bergman

DATE: April 15, 2022

RE: Discussion on the Intent of the Charter

The City Council approved the agreements for the Charter contributions for events/community action programs with Brainerd Community Action and senior center organizations with the Center. However, the Council had some questions regarding the contribution to an arboretum or green space organization. The Council made a motion to "send to the Charter Commission to clarify the language change instituted that said there shall be a greenspace or arboretum within the city limits."

The City received one proposal for a greenspace or arboretum organization from the Northland Arboretum (see attached). The Council discussed whether the Northland Arboretum would qualify for the funding since approximately 260 of the 420 acres are located within the city limits of Baxter including the Visitor Center (see attached maps). Also, that the Arb is requesting funding for operations and the operations of the Arb are done at the Visitor's Center which is located outside of the city limits.

Therefore, the Council did not authorize the funding for the Northland Arboretum. Instead, the City Council has asked the Charter Commission to clarify the intent of "within the city limits of Brainerd."

On April 11th, the Northland Arboretum sent a letter to members of the Charter Commission, Council and the Mayor (see attached) and they plan to attend the Charter Commission meeting.

City of Brainerd RFP: *Arboretum or Green Space Organization*
Response from Northland Arboretum (aka Paul Bunyan Arboretum)

Deadline: March 10th, 2022

1. A narrative describing the organizations mission, vision, and goals.

The Northland Arboretum has been a staple of the Brainerd community since it became a nonprofit organization in 1974. Previously a landfill, our organization has a "trash to treasure" narrative which shows the perseverance of our residents and the value the Northland Arboretum provides to the community. Over the years, the Northland Arboretum's programming has evolved with changing times but at the core, three pillars of strength remain holding the organization together: Education, Recreation, and Conservation. It is beneath these pillars that the organization has been able to endure tough times, and it is upon these pillars we will build a strong foundation as we recover from a pandemic.

With a new leadership team in place, the Northland Arboretum has recently conducted a strategic planning process resulting in a new mission and vision of our organization as well as newly defined value statements. We are dedicated to utilizing these tools to make a significant impact on the residents of Brainerd in the next several years. The overarching vision for our Arb is to be a place where the community respects and connects with the natural world. Our mission is to *be a valued community asset providing outdoor recreation and educational activities for all while protecting the natural environment.* As we move forward with our strategic plan and navigate the unknown terrain coming out of a pandemic, we lean on our identified core values:

We are stewards of the natural world.

We are a place for the community to feed the mind, body, and soul.

We are welcoming and accessible to all.

We are a place for lifelong learning.

Our strategic plan identified several gaps in our programming, infrastructure, and capacity. Each goal falls into one of seven categories and is clearly outlined with objectives and actionable items. One of our biggest lifts falls under our Education and Recreation category (Strategy II) with the goal to provide programming that creates positive connections between people and nature. The strategy behind this goal has many layers. There are proven positive trends among individuals who connect with nature on a regular basis and their mental health. We believe the Arb can significantly improve our community health by providing opportunities to be mindful in nature. In addition, we believe good stewards of our planet are grown from sparks of curiosity. Those sparks must be fed and nurtured with hands-on nature experiences for all ages so that we may make those positive connections, healing both our planet and our visitors.

One objective underneath our education goal is to enhance our nature-based programs by hiring an Education Coordinator who will develop and implement curriculum to share with groups without abundant greenspace readily available to them. We also would like to solve the transportation barrier that some groups or individuals may experience by bringing nature-based programs to them thereby helping people realize that connecting with nature can be done in their own backyard or on a neighborhood stroll. Some of the foundation for this objective is currently underway by our current GreenCorps service member who is building relationships with Harrison Elementary, Discovery Woods, and Garfield Elementary.

Improvements to our key infrastructure is a key goal that is necessary to the overall operations of the Arb. We are not able to sustain a beautiful 420-acre greenspace for the community without the proper tools and resources. One such resource in dire need of repair or replacement is the maintenance building, one of the original structures for the organization. The organization has recently grown in capacity and increased its public awareness; therefore, a secure, multi-purpose structure to serve as a shop, maintenance office, additional public restroom facility, a homebase for volunteers, and an organized and safe storage unit to keep valuable assets out of the elements is needed. This building will be a necessary component to ensuring our grounds, gardens, and trail systems provide an excellent nature experience for all who visit, including a great first impression to tourists who bring financial means to the Brainerd community.

Additional details surrounding our goals and objectives can be found in our attached 2022-2024 Strategic Plan.

2. **Describe the green space or arboretum and programs provided by your organization and how it is currently available and will be made available for Brainerd residents**

The Northland Arboretum's unique property is the most valuable asset to the organization and the most enjoyable for visitors and members. The 420 acres of greenspace provides excellent, year-round opportunities for recreation and nature observation for Brainerd residents. We provide a 12-mile trail system which converts from hiking and jogging trails in the warm weather months, to meticulously groomed cross-country ski trails in the winter. The ski trails contain 2.5 miles of lighting so skiers may have a safe and comfortable place to stay active in the winter months. For those that enjoy a quiet stroll through our snowy forests, there is a 2-mile snowshoe route separate from the ski trails that provides a less intimidating way for Brainerd residents to stay active in the winter months. During the summer, the trails are lined on either side with tall pines, maples, oaks, and elms. Walking the trails is a get-away experience conveniently located right in the center of our urban landscape. It is a place of solitude. A place to rest your mind and connect with nature.

In addition to the trail system, there are hundreds of acres of natural habitat for the community to enjoy and explore. Whether you want to feel lost in groves of spruce and pine or feel the breeze in the open prairie, there is a natural area to fit your mood. The Arb property boasts a Jack Pine Savanna, a 70-year-old Red Pine stand, prairie restoration areas and the Whiskey Creek watershed flows through the Arboretum. This special ecosystem provides habitat to beavers, otters, and a wide variety of birds while flowing into the mighty Mississippi river. Located just a few steps from the Arboretum's visitor center, the creek provides great observation to wildlife but also reminds us of human impact on critical waterways, providing opportunity for learning land stewardship. Our grounds are considered home to endangered, protected, or threatened wildlife, such as Blanding's turtle, the eastern hognose snake, rusty patched bumble bees, bald eagles, and a variety of owls. It is our protected and expertly managed habitats that have allowed the Arboretum to be identified as an Important Bird Area (IBA) by the Audubon Society and be a Certified Monarch Waystation by The Monarch Watch Organization.

Throughout the grounds, the Arboretum gardens are home to a variety of plants, including rare species like the showy pink lady slipper, pasqueflower, prickly pear cactus, and native plants for all visitors to enjoy. Spring and Summer flora bring photographers and gardeners to the Arb in search of beauty. With over a dozen designated gardens, each with their own uniqueness, visitors enjoy learning about native plants, cultivars, trees, and shrubs. Many gardens have places to sit quietly and enjoy the greenspace and a few even have water features that create an experience for all senses. Strong partnerships with the University of Minnesota Master Gardener program ensure all plants are meticulously cared for, well-marked and provide an educational component to a simple garden walk.

Our educational programming is another amazing value for Brainerd residents. Our paid staff and volunteer instructors provide vast knowledge of the natural world and assist residents in

identifying their interests and pursuing their passions. Our adult nature-based classes range from gardening to beekeeping, identifying trees and invasive species, learning how to protect pollinators, and supporting wildlife. The skills and knowledge taken from these classes are shared with others and used to improve their own properties and greenspaces, contributing to the environmental health and beautification of the City of Brainerd. Our youth-focused nature programming is a major benefit to the community as well. Children who participate in nature-based education are encouraged to take risks, play freely, practice creative thinking skills, and test themselves physically and mentally. The Arb has impacted over 100 children already this year with our youth programming, developing healthy children who will grow into resilient and conscientious adults. Without a doubt, we are significantly impacting children's health and contributing to the overall wellbeing of the Brainerd community.

The Northland Arboretum is a member-supported nonprofit and currently serves 1,100 members as well as the general public. The Arb experiences approximately 25,000 annual visits through its vast nature-based programming. Our convenient location makes the Arb a prime destination for Brainerd residents who choose to stay active outdoors all year round. We continue to keep our membership rates affordable, starting at only $15 per year for students. There are many benefits that come with a Northland Arboretum membership which Brainerd residents can take advantage of including free entrance for the full year. The Arb also supports many nonprofits by hosting their events and meetings for free. We are seen as the homebase for many organizations and groups including Brainerd Garden Club, the Master Naturalists, Master Gardeners, etc.

In addition, the Arb reaches beyond its borders to impact Brainerd residents. A partnership with the City of Brainerd Parks and Recreation department will result in a city-wide Spring clean-up day by Arboretum volunteers and city staff. Virtual workshops were conducted during COVID for local elementary classrooms. A strengthening partnership with the Crow Wing County Master Gardeners resulted in a Giving Garden which contributed an estimated 1,800 pounds of food to residents of Brainerd.

As a part of our three-year strategic plan, the Arboretum hopes to reach even more Brainerd residents by increasing the capacity of our staff and volunteer base. We will do this in partnership with the Master Gardeners, Master Naturalists, YMCA, Wondertrek, Crow Wing Energized, The Nature Network collaborative, and more. Utilizing these partnerships ensures we are using our funds in the most efficient way possible and impacting the highest number of residents. Meeting Brainerd residents where they are as well as raising awareness of the Arboretum's immense greenspace available to them while also helping them understand the health impact of being outdoors is a significant focus for us.

3. **Describe the property and facilities and how they are suited to the programs and activities offered.**

One of the greatest strengths of the Northland Arboretum has always been its location and its history. Known as the "central park" of Brainerd, the Arb is conveniently located just east of State Highway 371 and only two blocks from State Highway 210, making it a central location for Brainerd residents, and an easy-to-find destination for visitors. The pandemic significantly increased the value of the Arb as a safe, well-maintained greenspace and Brainerd residents took comfort in being able to maintain social distancing while still being physically active and maintain relationships with friends and family. The Arb has always provided a place of solitude and mindful retreat, but we have only recently come to realize the positive impact our arboretum has on our community mental health and wellbeing.

The Arboretum manages 420 acres in collaboration with Crow Wing County and The Nature Conservancy. These partnerships ensure we have excellent communication with essential players in the political and conservation spheres. Crow Wing County and the Arboretum currently have 74 years remaining on their 100-year lease agreement and are confident in the partnership and progress being made. The county has allowed the Arb to make essential improvements to the grounds which allow us to maintain a great first impression and continue to enhance our educational and recreational programming. The Nature Conservancy's partnership allows us to stay updated on conservation best practices and maintain their site appropriately so that it may be shared with future generations. Both of these partnerships ensure the Northland Arboretum's land is in its best shape for the Brainerd community and for us to perform high-quality, nature-based programming and provide a safe space for recreation.

The grounds alone have a lot to offer the residents of Brainerd. As described in Section 2, we have a vast trail system available to Brainerd residents including a fitness trail that is handicap accessible. We provide a variety of natural habitats to explore and observe including wetlands, Jack Pine Savanna, gardens, prairies, beaver pond, Red Pine stand, and more. Each ecosystem provides its own unique experience for visitors and allows us to provide a plethora of knowledge about our natural world and how to be good stewards of it. There is no other community besides Brainerd that provides this distinct combination of habitats in such condition and with such accessibility. It really is a unique asset to hold.

The property is also perfect for anticipated community events such as the Haunted Trail held annually in October, Sertoma's Winter Wonderland light display in December, and the Lumberjack Ski Race held in January. Thousands of participants and spectators get to experience this beautiful nature preserve in each season, and the residents of Brainerd are fortunate that it is just a stone's throw away. These attractions also bring in significant dollars

to Brainerd businesses by appealing to outside communities and would not be possible without our expansive Arboretum grounds, dedicated staff, and generous volunteers.

Another large asset of the Arb is the 12,000 square foot visitor center which is a multi-purpose space that serves as another source of revenue for our nonprofit. As you walk into the building you are greeted by a front desk volunteer who is knowledgeable of the trail systems, gardens and programs. Summer or winter maps are available depending on the time of your visit and specify information about the ski and trail etiquette. The lobby space is adorned with nature displays and replicas which spark interest with all visitors. For those that want to expand their knowledge, a nature library is available in our conference room and members can check out books at their leisure. A Kids Corner is a comfortable and welcoming place for children to rest from a hike around the grounds. They can color, look at nature books, or check out our new Nature Knapsack program. The visitor center's large meeting spaces make our educational programming possible by providing safe, covered spaces when there is inclement weather or when Minnesota winters force programming indoors. Within these spaces we are also able to utilize technology when we are not able to do in-person classes or workshops. During the pandemic, this virtual component to our educational programming was necessary to continue to share our mission with the Brainerd community.

We make full use of our large meeting spaces and grounds by renting them out for parties and events. Not only does this provide an extra source of revenue for our mission, but we are able to raise awareness of our nonprofit. It has also been a way for us to support other nature-focused or nonprofit organizations in Brainerd community. For example, the Brainerd Garden Club uses the Arb as a homebase for their monthly meetings, Smiles for Jake hosts committee meetings, Brainerd Master Naturalists hold their certification courses from our lower level, and Central Lakes College utilizes our grounds for research and observation.

In addition, the visitor center serves as a great trailhead to the Paul Bunyan State Trail which sees a lot of traffic throughout the year. Regardless of whether those visitors are utilizing the Arb's property, the visitor center is open to them as a place to rest from the elements, fill up water bottles, and use the restroom facilities. These are just a few examples of how our organization is utilized by the Brainerd community. Without the Northland Arboretum the Brainerd community would simply not be the same.

4. Describe how your organization will market and reach out to Brainerd residents

Through our strategic planning process, the Arb leadership team identified a strengths and gaps in our marketing strategies. One of our goals was to install signage at the corner of Conservation Drive and Excelsior that would allow residents to be more aware of our programming and year-round recreational opportunities. This project was made possible by a

private donor and installed in October of 2021. We also identified opportunities with our online marketing including our social media platforms and website. The Northland Arboretum has developed a Marketing Committee made up of Arboretum Board members and marketing professionals to meet our goals going forward. (See Committee Roster attached)

Some of our marketing and outreach strategies involve an Education and Outreach Coordinator role we hope to add to our team. This person would serve in an outreach capacity and ensure we have great communication with our members, partners and organizations we serve. This person will also give us the capacity to have a dedicated Arb staff attend Brainerd events, festivals, and markets and stay face-to-face with residents. Currently, we have a dedicated Membership Coordinator on staff whose responsibility is to develop great relationships with Arboretum members, notify them of upcoming events and workshops, discuss needs, and provide an overall excellent experience for them. The Membership Coordinator is also responsible for recruiting and sustaining our Business Memberships, consisting of supportive Brainerd businesses like Mickey's Pizza & Subs, Ascensus, and Atek. The extra outreach capacity would help us reach beyond our immediate membership.

The Arb will continue using existing marketing and outreach strategies to reach Brainerd residents. Many supportive local businesses post event flyers on their community boards. Staff post activities, workshops and events in the Community Education publication in partnership with the school district. We also utilize the schools when appropriate to reach more children and families. Building connections within the schools with principals, teachers, and Parent-Teacher Associations has proven very beneficial in our outreach goals.

The most successful way to reach the whole community has been increasing our engagement and dedication to social media platforms and investing in the organization's website. Facebook has been a great way to share events and answer participant questions quickly. We have seen a significant increase in engagement on our social platforms which proves there is an interest in our mission and services. Our website now has an option for people to subscribe to our e-newsletter, so they are aware of what is happening at the Arb. A revamped membership page has also helped provide a seamless way to renew Arb memberships or start one. Our boost in membership over the last year has shown that this has been a great service to the community.

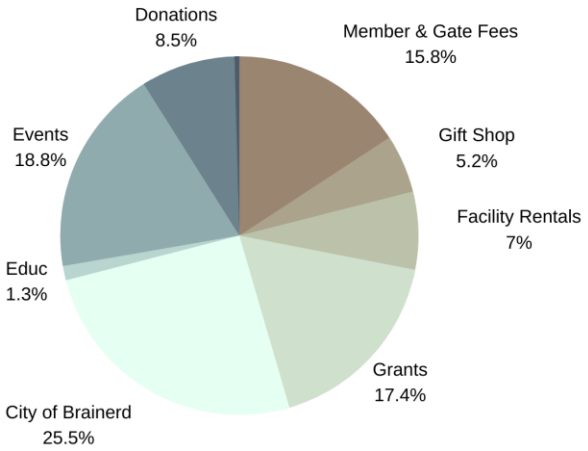
Our thriving partnerships have also helped us reach and serve more Brainerd residents and use our funds efficiently. Our collaboration with the Brainerd YMCA has been essential in understanding needs, providing outdoor space for children, and providing quality nature-based programming for additional residents. (See support letter from YMCA Executive Director attached) The YMCA also shares our events and activity information and collaborates with us on youth programming, reaching even more people in the Brainerd community. Our partners also help make our community events possible. Free events, such as our upcoming Arbor Day event,

attract many people to our grounds so we may build a relationship with more Brainerd residents and share the benefits of nature and our organization.

5. Describe how the funding from the City of Brainerd will be used

We have been very grateful for the City of Brainerd funding, especially during the pandemic when significant revenue streams were taken away from us. For the most part, Brainerd funding is used to keep our visitor center accessible to Brainerd residents and visitors and provides staff capacity so that we may create great recreational and educational experiences surrounding nature. Maintaining a 12,000 square-foot visitor center is no easy feat. Most organizations have seen an increase in utilities, insurance, general maintenance and supplies. Not to mention the current job market and having to retain excellent staff while competing with wages and benefits that are beyond any nonprofit capabilities. Being able to depend on City of Brainerd funding provided by Brainerd residents has meant we can budget our staff, maintenance, and educational programming appropriately regardless of how the pandemic affected other revenue streams.

The graph below shows the Arboretum's income for the 2020-21 fiscal year which was provided to the City Council as a part of our annual presentation. As you can see, the City of Brainerd funds make up about 25% of our operational budget. We hope to continue a positive relationship with the City of Brainerd and its residents by targeting our nature-based youth programming to Brainerd elementary schools, maintaining a great partnership with the Brainerd YMCA, fostering a stronger relationship with Brainerd Parks and Recreation, and staying involved in Brainerd hosted events and activities. We are proud to be a part of this community and believe your funds will help us continue to climb, recover from the pandemic and grow our programming for our residents to enjoy and learn.



FISCAL YEAR 2020-2021

TOTAL REVENUE $360,970.15

6. Provide a narrative describing the organizations experience in providing programs

Historically, the Northland Arboretum has done an excellent job evolving and enhancing programming to meet community needs throughout its nearly 50-year footprint in the community. When it was established, the Northland Arboretum was simply a nature preserve meant to bring beauty and enjoyment to Brainerd residents after the land was tormented by landfill usage. As the community rallied behind our nonprofit, structured activities began to form led by the Director (as the only staff member at the time) and volunteers. Throughout the 1970's and 80's, programming focused primarily on gardening and preservation. Sharing skills like canning to preserve nature's bounty was an essential skill and made a significant impact on families who did not have steady income or resources.

As the organization grew and more land was acquired, our curriculum topics evolved, more staff and volunteers came onboard, and an additional conservation focus was brought to the forefront. As naturalists and conservationists, the founders of the Arb realized that if this beautiful nature preserve was to be protected, there needed to be advocates and partners engaged in its mission. Teaching conservational practices means we can operate as a strong nonprofit and foster environmental stewardship within the participants of our programming.

Currently, our nature-based curriculum varies depending on participant and member feedback. Our Education Committee meets monthly to discuss topics, participation, attendance, and success of each program we provide. This community involvement ensures our staff and volunteers are making the most impact. Popular topics have included beginner classes which spark curiosity and encourage involvement in nature's process. Adult workshops focused on beekeeping, maple syrup harvesting, mushroom cultivation, straw bale gardening,

and winter sowing all build confidence and prepare the participants for the next step of their journey. Another layer to our programming is the element of helping individuals and families become self-sufficient. Learning to grow produce encourages families to eat healthier and spend less on groceries. Teaching someone about beekeeping sparks an entrepreneurial spirit to produce another source of income for their family. Classes on native plants inspire landowners to grow less lawn and plant prairie habitats on their own property which encourages wildlife.

We also focus on nature-based programming for youth; however, this is an area that we would like to grow as an organization. We currently operate nature camps which encourage children to spend time outdoors. The most recent nature camp was held during winter break for children grades K-4th grade. It was a very successful program that impacted 18 kids by encouraging free play, imagination, nature-immersion and creative thinking. Over half of those children were Brainerd residents, which showed that our marketing was successful in reaching Brainerd families. Looking ahead, we have partnered with the Master Gardeners again to host Gardening 101 classes for youth and adults. We also have a summer nature camp planned for each Thursday from June to August 2022. New programming to encourage young women and girls to get outdoors and build confidence is also on the horizon.

Our partners and volunteers are a key part of our program's success. We are very confident in our nature-based curriculum because of our long-standing partnerships that provide us with high-quality instructors. These partnerships include the Brainerd Lakes Master Naturalists, Crow Wing County Master Gardeners, Bee-Nay-She Bird Council, University of Minnesota Extension, Brainerd YMCA, Brainerd Garden Club, local business professionals, and more! Feedback from participants has also helped our programs thrive and ensure our nature education is making an impact on Brainerd residents. We will continue to survey our participants and use that feedback to grow and enhance our programs.

See attached a full list of the programs we have provided in the last year as well as the ones planned through Summer of 2022.

7. **Identify the principal staff and team members that will be providing services, their role, and their experience, training, qualifications, and availability.**

The Northland Arboretum is led by a Board of Directors who meet regularly to discuss the organization at a high level. The Board of Directors is currently 8-people strong with professional experience in forestry, conservation, administration, marketing, fundraising, human resources, legal, and financial management. Each Board member also sits on a specific sub-committee targeted at their professional sphere which helps the organization meet specific strategic objectives. For example, we have sub-committees for our educational programming, special events and fundraising, and ground maintenance. (See attached Board Roster and

Committee Roster) Half of our current Board are residents of Brainerd and understand the needs and importance of reaching this significant community.

At the helm of our organization is our Executive Director, Candice Zimmermann, who began her role with the Arb in March of 2020. Since that time she has helped diversify and strengthen funding streams, grown programming, managed ground improvements, coordinated a strategic planning process and improved internal operations for efficiency of funds. The Director position is a full-time role and Zimmermann continues to serve with an "open door" mentality which makes her accessible to all stakeholders including staff, Board members, volunteers, community partners, and donors. Zimmermann holds a Bachelors in Sociology and a Masters in Nonprofit Management. Her professional background includes 6 years in retail operations, logistics, and management and 5 years in nonprofit development, grant writing, program development and nonprofit budgeting.

The Northland Arboretum employs two other full-time staff and 6 part-time staff. One of the incredible full-time staff is the Administrative Assistant, Kelly Hughes. Hughes has been with the organization for six years and in true nonprofit form, she wears many hats. She fully manages the Arboretum gift shop including inventory, procurement, budgeting, and vendor relations. She is responsible for supporting the Board of Directors when necessary and acting as a liaison for certain sub-committee meetings. She communicates wonderfully with volunteers, stakeholders and donors. She handles the coordination of programs, including reaching out to instructors, coordinating class supply lists, and participant registrations. She is also responsible for most procurement of office and building supplies and identifying and communicating any facility issues or improvements. Hughes also operates as the marketing and graphic design specialists within the organization. She manages the Arb's social media accounts, designs flyers and marketing collateral for events, communicates with professional printers and advertisers, and ensures our website (which is managed by a Board member) is up to date. Hughes is currently the most tenured staff member on the team apart from a few key volunteers.

Rick Hines, Maintenance Supervisor is the other full-time staff member who is responsible for the Arboretum grounds and ensures the facilities are safe and fully functional for all visitors. Hines has been with the Arb for 2.5 years and has decades of experience doing handyman work, motor and vehicle repair, and equipment maintenance. He is a Brainerd native who understands the needs of the community and can personally testify to the importance of the Arboretum on residents who are struggling financially. His main focus is maintaining a great first impression for all who visit so they may enjoy a safe, peaceful place to be outdoors. The Arboretum is also a destination for visitors outside our immediate area and when we provide a good experience it reflects well not just on the organization but on the entire City of Brainerd. Hines has done great work in his short time with the Arb and will continue to make a positive impact.

The Arboretum's part-time staff include a Bookkeeper, Membership Coordinator, Volunteer Coordinator and Front Desk staff. On average, each position works about 10 hours per week and availability varies. These positions are essential for the overall operations and are the "face" of the Arb. When they walk into the Arb, residents can be certain they will be greeted with a friendly face. Our staff are also trained to know about the grounds, the best trails for your level of experience, Arb memberships, and provide details on the activities and events coming up at the Arb. Without these staff, this experience would be limited and our visitor center would not remain open seven days a week for Brainerd residents.

8. Describe the past performance of key team members and firm to deliver quality work within the time constraints and budget.

The Northland Arboretum team is small but incredibly efficient and responsive to community needs. Arboretum staff have experience managing grants, both from an implementation level and from a financial perspective. Grant reporting has been made more efficient with the onboarding of a new bookkeeper and a dedicated grant committee helps keep grant outcomes, milestones, and deadlines at the forefront of our operations. Within the last few years, the Arb has been awarded several new grants to grow programs and meet greater needs in the community. One such project has been the Nature Knapsack program which has allowed the organization to encourage children to get outside and learn more about observation and research of our natural world. Another program that has grown with the result of local grant funds includes the Giving Garden program in partnership with the Master Gardeners. These success stories show that the Arboretum is fully capable of using our lean staff and resources efficiently to provide quality programming. Although our staff capacity may seem limited, they are mission-focused and determined to thrive as an organization and make significant contributions to the Brainerd community. The Arboretum is prepared to meet all expectations of the Brainerd funding and to highlight our impact on Brainerd residents.

A significant amount of effort is contributed by our volunteers. Volunteers provide high-quality and efficient work for the Arboretum including gardening, administrative work, ground maintenance, special projects, fundraising, and participation in educational activities. Volunteers are, for the most part, self-sufficient but our Volunteer Coordinator acts as a bridge for communication between volunteers and Arb staff and helps recruit and retain volunteers. Of our 40 core volunteers, 52% are Brainerd residents. We also have volunteers that rally during our biggest fundraiser, the Haunted Trail, in which we have nearly 200 volunteers helping to make the event possible. If there is ever a time throughout the year to signify the high performance and efficiency of the Northland Arboretum team, it is during Haunted Trail season.

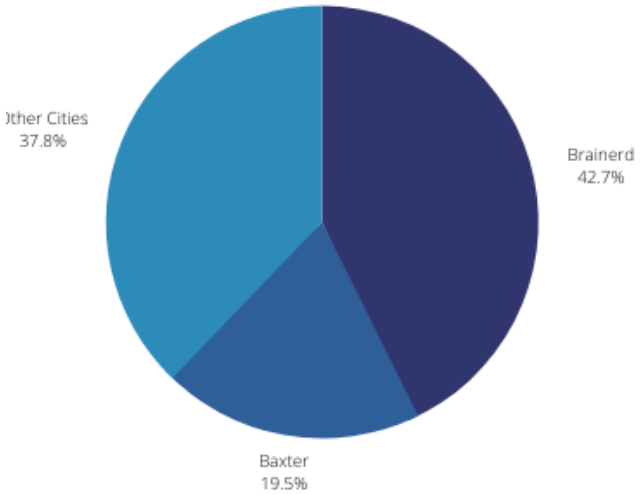
9. Provide a copy of the organizations budget listing revenues and expenses

See attached copy of the Northland Arboretum budget for FY2022.

10. Any other specific experience, knowledge, or abilities that uniquely quality your firm and team for providing the selected services

The Arb is at a unique point in its history as it approaches its 50th nonprofit anniversary. The pandemic certainly highlighted the importance of greenspaces on surrounding communities and Brainerd residents take pride in the Arboretum's beauty, progress and impact. The stories of how each local is connected to the Arb make our impact even stronger. In just a short timeframe, our organization evolved from a landfill where residents remember throwing away junk to standing on that same point today and breathing in fresh air, observing wildlife, and walking under towering pines. It is a community story to be told and shared with future generations.

The Arb's individual components could be found scattered throughout the Lakes region; however, it is the combination of recreation, education, and conservation elements that make this a unique and irreplaceable gift for Brainerd residents. Our membership is broken into the following graphic to show the comparison of utilization by city. It is important to note, Brainerd residents consist of approximately 43% of the current utilization, followed by Baxter at 19%. The next highest utilization rate is the city of Nisswa at 3%. The remaining piece of the pie is a culmination of other cities, including those outside our county and the state.



This data also reveals that the Arb is a destination for people, bringing in outside revenue and positively impacting our local economy. With Brainerd residents being the most likely to visit the Arb and take part in our programming, we are taking strategic measures to serve the population appropriately and meet them where they are. Based on anecdotal data, most residents utilize the Arb for recreation compared to education or conservation purposes. This

means the most significant impact we are currently making is on the community's physical health and wellbeing. This data motivates us as a nature-based nonprofit to concentrate on maintaining the grounds so Brainerd residents may have the opportunity improve their overall health while being surrounded by the healing powers of nature.

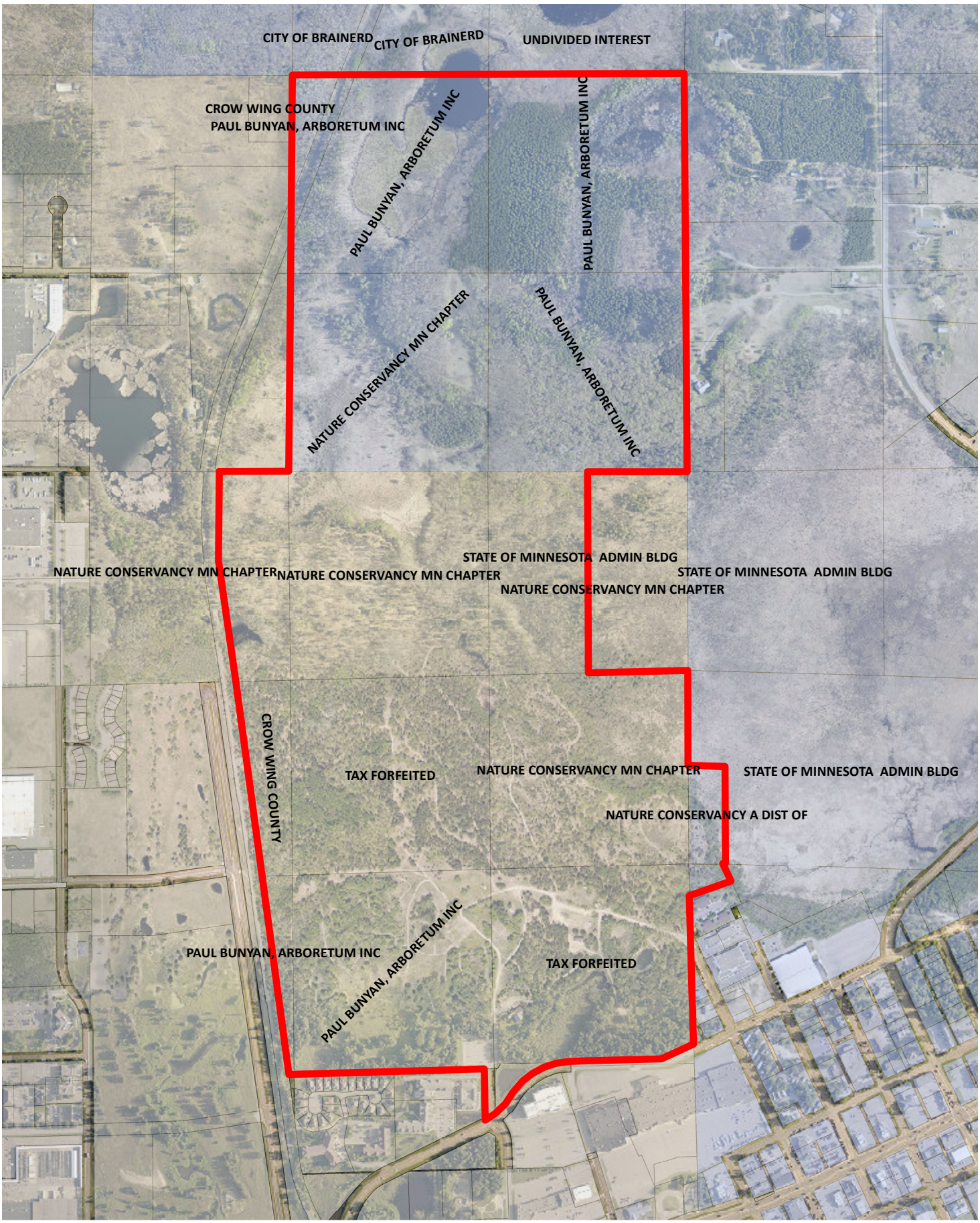
We would like to reiterate that the Northland Arboretum is truly a unique asset to the Brainerd community. We are proud to serve our residents, members, and visitors and improve their overall well-being and connections to nature. We are the homebase for many organizations that do not have a space to meet, practice and socialize, such as the Brainerd Public Schools Cross-Country Ski team, Brainerd Noon Sertoma Club, Brainerd Nordic Ski Club, Brainerd Garden Club, Brainerd Lakes Master Naturalists, Girl Scouts, Sandpipers 4-H club and more. Because of our mission and our proud history, we are engrained in so many Brainerd resident's lives, and we hope to continue to serve the community with the city's support and trust. We thank you for the opportunity to respond to this proposal.

Attachments:

i. Letters of Support
ii. Strategic Plan
iii. FY 2022 Budget
iv. Board Roster and Committee Roster
v. Calendar of Events

City of Brainerd

Northland Arboretum



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Print Date
3/21/2022

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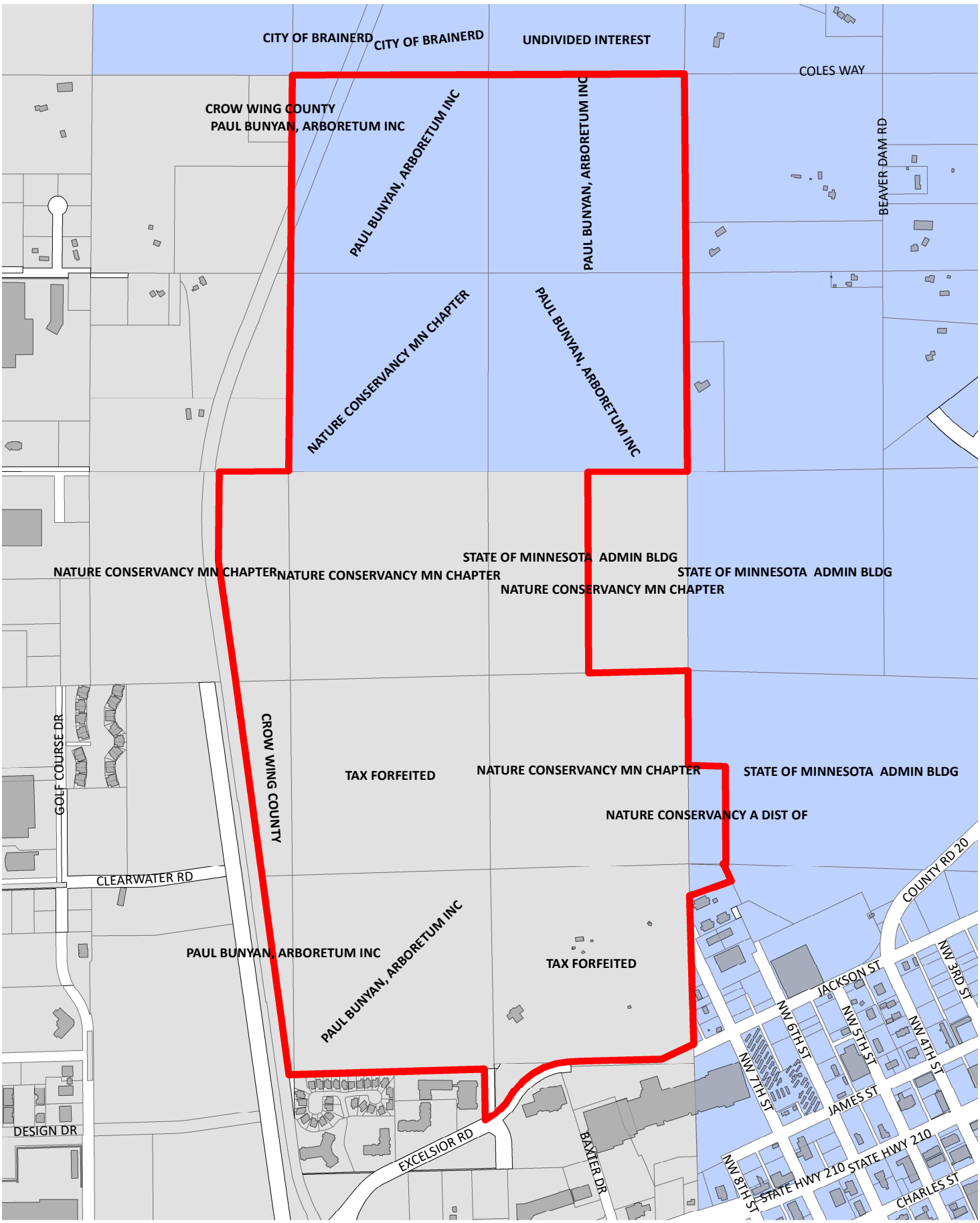
City of Brainerd

Northland Arboretum



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April 10, 2022

Re: Request for Proposal from the Northland Arboretum and City Charter Amendment

Dear Brainerd Charter Commission Members,

We are writing in regard to the establishment of the Northland Arboretum (Arboretum), the Request For Proposal (RFP) for an arboretum or outdoor green space, and the value the Arboretum has as the outdoor recreation space to Brainerd residents, neighboring communities, and area visitors. We feel some clarity over land ownership and management of the Arboretum may be helpful.

As you may know, the Paul Bunyan Arboretum (aka Northland Arboretum) was founded by Rudy Hillig as a nonprofit entity in 1974 upon the closure of the Brainerd landfill in 1973. The old city landfill property (approximately 45 acres of the current 420 acres) has always been located in the city limits of Baxter but managed by Brainerd until an easement of the land was granted to the Arboretum and stewardship fell to our nonprofit organization. For nearly 50 years, Arboretum staff and volunteers have been "gatekeepers" of that retired Brainerd landfill, managing what could have been a potential eyesore and burden to the community, and helped it evolve into a fully functional and beautiful space for the residents of Brainerd.

It is important to note, at the time the ½ Mill Levy referendum was passed by Brainerd residents in the early 1980's, the main area of the Arboretum was within Baxter city limits, yet Brainerd residents still voted to pass the referendum. Currently, the northern areas of the Arboretum lie within the city limits of Brainerd. The recent amendment by the Charter Commission to the City Charter removed a specific reference to the Arboretum as a recipient of a portion of the levy in favor of allowing the City to grant funds to a greenspace "…within the city limits of Brainerd". The Arboretum does in fact lie within the city limits of Brainerd while also providing significant value to residents.

What the Arboretum provides the residents of Brainerd is not always tangible but the amount of impact our organization continues to make cannot be denied. We are the homebase for the Brainerd Nordic Ski Club, Brainerd High School XC running and XC ski teams, Sertoma's Winter Wonderland, Lumberjack Jaunt Ski Race, American Red Cross Blood Drives, and more. We also provide a central location for compost drop off and pick up. In just this past year, the Arboretum's educational programming provided over 80 classes and activities for adults and

children to be connected to the outdoors, improve their physical and mental health, and explore nature. Not to mention the economic impact that over 25,000 site visits to the Arboretum has on local businesses. We strongly believe that although our property shares ownership with the city of Baxter, the impact we make on Brainerd residents far exceeds the reach we have in neighboring cities.

From an operational perspective, the Arboretum is six months into our fiscal year which begins in October. We did not expect the funding from the ½ Mill Levy would be in jeopardy. We are fostering conversations with other government agencies and organizations about potential support to expand programs and opportunities for area residents. We want our relationship with the City of Brainerd to be a true partnership, highlighting this extremely unique property while making a lasting impact.

The Northland Arboretum and its Board of Directors are grateful to the residents of Brainerd who chose to support the Arboretum with their tax dollars, and we are also grateful to the Charter Commission and the City Council for their longstanding support of the Arboretum over the years. Dedicated funding is crucial for the Arboretum to maintain programs and expand opportunities for Brainerd residents. It is our sincere hope that you continue to provide the full amount of levy funds allowed to the Northland Arboretum to serve Brainerd residents and for the Arboretum to flourish during these recent trying times.

Sincerely,

Bryan Pike	Dan Lee	Candice Zimmermann
Board President	Board Vice President	Executive Director

CC: Brainerd City Council Members
Dave Badeaux - Mayor of Brainerd
Jennifer Bergman - City Administrator

Brainerd City Council
Agenda Request

Requested Meeting Date: May 2, 2022

Title of Item: PH and Res-Petition to Vacate Alley Submitted by My Neighbor to Love

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

Summary of Issue:

City staff received a petition from Vicky Kinney in whom represents My Neighbor to Love, LLC for the vacation of two platted alley right-of-ways in Blocks M and E in West Brainerd. These alleys lie between NW 2nd and NW 3rd Street from Jackson Street to James Street. The alleys are not improved, and consist of originally platted alley right-of-way.

Alternatives, Options, Effects on Others/Comments:

The City Engineer and City Attorney reviewed this request for vacation in detail, and are recommending that the City Council, based upon the testimony received tonight, vacate these alley right-of-ways per the request. There is currently no utility infrastructure in these right-of-ways, and a general rule of thumb for these types of requests is that if the proposed vacation makes the properties more marketable in the future or easier to develop based on the current zoning, whether it is the proposed development or something potentially in the future, then the elected body should consider the vacation of these right of ways, especially when there are no public improvements on the right-of-way being proposed for vacation.

Recommended Action/Motion:

1. Staff recommends opening a public hearing to head testimony for or against the proposed vacation as submitted.
2. Staff recommends adoption of the attached resolution, in which vacates the alleys lying within blocks M and E, West Brainerd while reserving rights to an easement for utility purposes.

Financial Impact:

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

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

Is this budgeted? ☐ Yes ☐ No

Please Explain:

PETITION FOR STREET OR ALLEY VACATION

Date: March 14, 2022

Brainerd, Minnesota

To the City Council of Brainerd, Minnesota:

We, the undersigned, owners of real estate abutting on the following described street or alley hereby petition

that such alley be vacated as follows:

That part of the alley located within Block E and Block M, WEST BRAINERD, according to the recorded plat thereof, Section 4, Township 133 North, Range 28 West, Crow Wing County Minnesota, which lies southerly of the southerly line of Jackson Street, and which lies northerly of the northerly line of James Street.

in accordance with the provisions of Brainerd City Code Section 810.

NAME	ADDRESS	LOTS	BLK	ADDN	SIGNATURE
My Neighbor to Love Coalition	8660 Fernmont Road Lake Shore, MN 56468	3-10	E	West Brd	Vicky Kinney
My Neighbor to Love Coalition	8660 Fernmont Road Lake Shore, MN 56468	1-12	M	West Brd	Vicky Kinney
Gustafson Properties of Brainerd, LLC	424 NW 3rd Street Brainerd, MN 56401	11-12 1-2	E	West Brd	

STATE OF MINNESOTA }
} ss
COUNTY OF CROW WING }

Vicky Kinney, being duly sworn on oath, deposes and says that he/she is the property owner or authorized representative in regard to the above entitled petition; that he/she has read the foregoing petition which includes the signatures of abutting property owners and knows the contents and signatures thereof; and that the same are true of his own knowledge, save and except as to those matters therein stated on information and belief, and to such matters, he/she believes it to be true.

Vicky Kinney
Signature

Board Chair / Executive Director
Title

Subscribed and sworn to before me
this 19th day of March, 2022

Notary Public

RUSS J HALE
NOTARY PUBLIC - MINNESOTA
MY COMMISSION EXPIRES 01/31/25

NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that the City of Brainerd has received a petition from Vicky Kinney for the vacation of alleys in Blocks M and E, West Brainerd, according to the plat thereof and legally described below:

That part of the alley located within Block E and Block M, WEST BRAINERD, according to the recorded plat thereof, Section 4, Township 133 North, Range 28 West, Crow Wing County Minnesota, which lies southerly of the southerly line of Jackson Street, and which lies northerly of the northerly line of James Street.

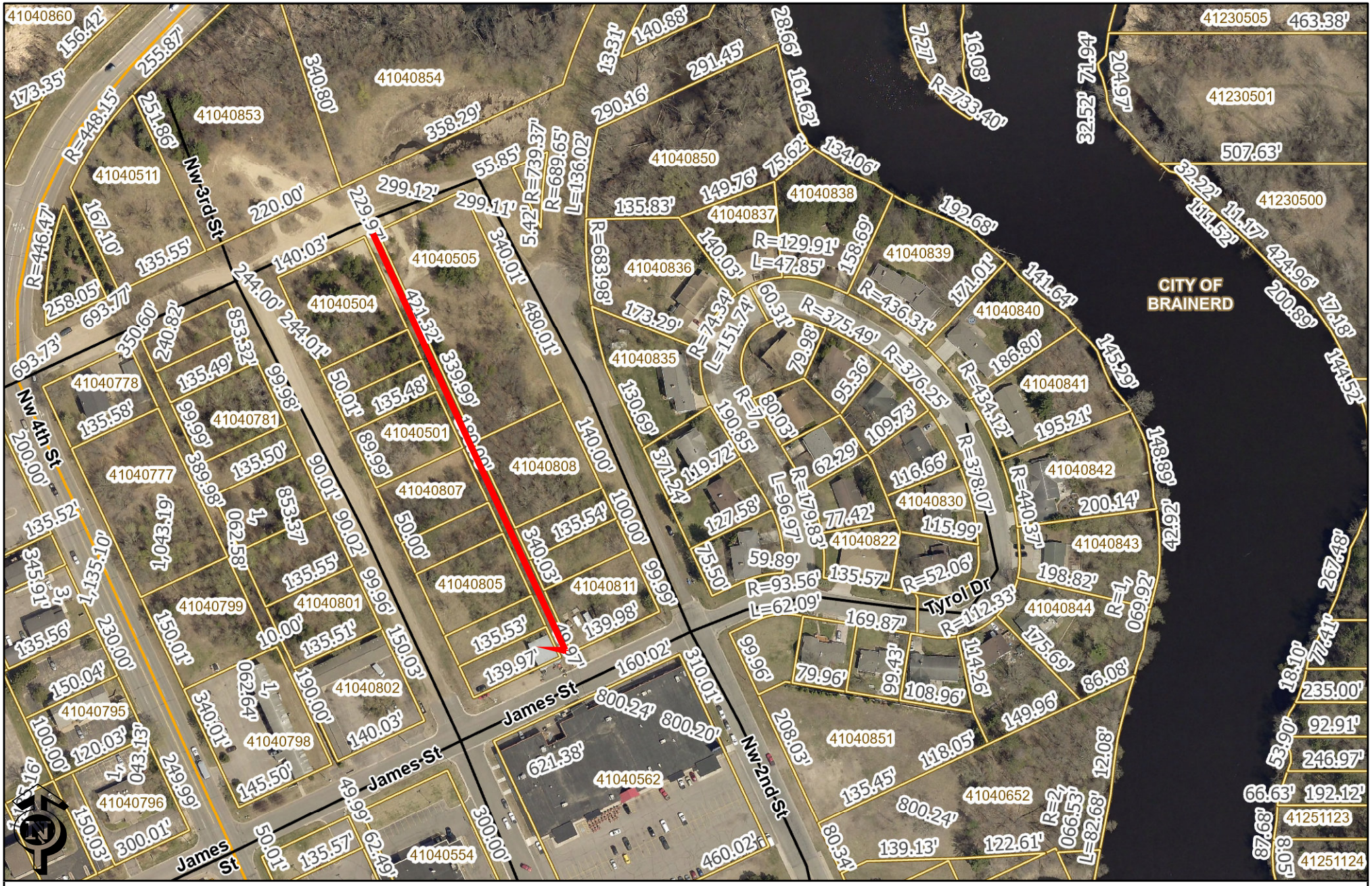
Notice is further given that the City Council of Brainerd will meet in the Council Chambers of the City Hall at Brainerd, Minnesota, at 7:30 p.m. on Monday, May 2, 2022 to conduct a Public Hearing to consider said Vacation.

Such persons as desire to be heard with reference to the proposed vacation of said street will be heard at this meeting.

Dated this 4th day of April, 2022

Jennifer Bergman
City Administrator

Publish - 2 times on
April 6, 2022 and April 13, 2022



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

Proposed Alley Right-Of-Way Vacation

Paul Sandy

Date: 4/11/2022 Time: 3:40:54 PM

CROW WING COUNTY MINNESOTA

RESOLUTION
NO 13:22

A RESOLUTION DECLARING SUFFICIENCY OF PETITION AND SETTING A PUBLIC HEARING ON A VACATION COMMENCED BY A PETITION OF A MAJORITY OF ABUTTING LANDOWNERS

WHEREAS, a petition signed by the majority of property owners abutting the alley in Blocks M and E, WEST BRAINERD in the City of Brainerd and was received by the City Clerk on the 14th day of March 2022; and

WHEREAS, the petition requested that the City Council, pursuant to Minnesota Statute §412.851 and City Code Section 810, vacate alley ways legally described as the following:

That part of the alley located within Block E and Block M, WEST BRAINERD, according to the recorded plat thereof, Section 4, Township 133 North, Range 28 West, Crow Wing County Minnesota, which lies southerly of the southerly line of Jackson Street, and which lies northerly of the northerly line of James Street.

WHEREAS, the City Clerk has reviewed and examined the signatures on said petition and determined that such signatures constitute a majority of the landowners abutting upon the portion of each alley to be vacated; and

WHEREAS, a copy of said petition is attached hereto.

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

The Council will consider the vacation of such alley and a public hearing shall be held on such proposed vacation on the 2nd day of May 2022, before the City Council in the City Hall located at 501 Laurel Street, Brainerd, MN 56401 at 7:30 p.m. and;

BE IT FURTHER RESOLVED that the City Clerk is hereby directed to give published, posted and mailed notice of such hearing as required by law.

Adopted this 4th day of April 2022

KELLY BEVANS
President of the Council

Approved this 5th day of April 2022

DAVE BADEAUX
Mayor

ATTEST:
JENNIFER BERGMAN
City Administrator

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

RESOLUTION VACATING ALLEY

WHEREAS, a hearing was duly held on May 2, 2022, for the proposed vacation of the following described alley:

That part of the alley located within Block E and Block M, WEST BRAINERD, according to the recorded plat thereof, Section 4, Township 133 North, Range 28 West, Crow Wing County Minnesota, which lies southerly of the southerly line of Jackson Street, and which lies northerly of the northerly line of James Street.

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

1. That the alley as previously described is hereby vacated.

2. The City of Brainerd, however, specifically reserves unto itself an easement for utilities over, under, and upon said portion of the vacated streets.

Adopted this ____ day of May 2022.

_____
KELLY BEVANS
President of the Council

Approved this ____ day of May 2022

_____
DAVE BADEAUX
Mayor

ATTEST: _____
JENNIFER BERGMAN
City Administrator

Brainerd City Council
Agenda Request

Requested Meeting Date: May 2, 2022

Title of Item: Conditional Use Permit for Auto Body Shop - 124 8th Ave NE

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

Summary of Issue:

Jesse Hopkins has submitted a request on behalf of Shannon's Auto Body at 124 8th Ave NE (Parcel Number 41190512) for a Conditional Use Permit to operate an auto body shop in the B-4 (General Business) District.

Alternatives, Options, Effects on Others/Comments:

The Planning Commission considered this CUP request during their regular meeting on April 20th. Planning Commission voted unanimously to recommend approval of this CUP request without adding any conditions.

Recommended Action/Motion:

Motion to approve a Conditional Use Permit to operate an auto body shop at 124 8th Ave NE (Parcel Number 41190512).

Financial Impact:

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

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

Is this budgeted? ☐ Yes ☐ No

Please Explain:

M E M O

TO: Planning Commission

FROM: James Kramvik, Assistant Planner

DATE: April 15, 2022

RE: Conditional Use Permit for Auto Body Shop - 124 8th Ave NE

Jesse Hopkins has submitted a request on behalf of Shannon's Auto Body at 124 8th Ave NE (PID 41190512) for a Conditional Use Permit to operate an auto body shop in the B-4 (General Business) District.

Findings of Fact

1. 124 8th Ave NE is located in B-4 (General Business) District. The operation of an auto body shop in a B-4 District requires a Conditional Use permit per Section 515-63-6.B of the Zoning Code provided that it meets the following criteria.
    a. The entire area other than occupied by buildings or structures or planting shall be surfaced with bituminous or concrete which will control dust and drainage. The entire area shall have a perimeter curb barrier, a storm water drainage system and is subject to the approval of the City Engineer.
        i. The entire parking surface in an improved surface. The parking area does not have a perimeter curb barrier but will be subjected to review by the City Engineer as part of the building permit submittal. The applicant is not proposing any changes to the existing parking lot.
    b. All painting shall be conducted in an approved paint booth. All paint booths and all other activities of the operation shall thoroughly control the emission of fumes, dust or other particulated matter so that the use shall be in compliance with the State of Minnesota Pollution Control Standards, Minnesota Regulation APC 1-15, as amended.
        i. The Building Official and City Engineer will review the paint booths as part of the building permit submittal and will ensure that it meets all MPCA regulations.
    c. The emission of odor by a use shall be in compliance with and regulated by the State of Minnesota Pollution Control Standards, Minnesota regulations APC, as amended.
        i. The Building Official will review mitigation measures for odor emissions as part of the building permit review and ensure that it meets all MPCA regulations.
    d. All flammable materials, including liquids and rags, shall conform with the applicable provisions of the Minnesota Uniform Fire Code.
        i. The Fire Marshall will review the storage of flammable liquids and rags and ensure that it meets the provisions of the Minnesota Uniform Fire Code.

e. All outside storage shall be prohibited except for customer automobiles and trucks awaiting repair.
    i. The applicant is proposing to screen any inoperable vehicles awaiting repair behind a chain link fence with privacy slats. The screened areas are depicted on the attached site plan.

As of this writing no one has contacted the Community Development Department with concerns about the Conditional Use Permit application for the proposed auto body shop.

<u>Staff Opinion</u>
Staff recommends approval of the Conditional Use Permit for the operation of an auto body shop at 124 8th Ave NE (PID 41190512).

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

Receipt # _____
Check # _____
Date Paid: _____

LAND USE APPLICATION

	RESIDENTIAL	COMMERCIAL
CONDITIONAL USE PERMIT	☐ **($250.00)**	☑ **($400.00 + $500.00 escrow deposit)**
REZONING	☐ **($300.00)**	☐ **($500.00)**
VARIANCE	☐ **($250.00)**	☐ **($400.00 + $500.00 escrow deposit)**
ZONING TEXT AMENDMENT	☐ **($250.00)**	☐ **($400.00)**
PLANNED UNIT DEVELOPMENT	☐ **($250.00 + $1,000.00 escrow deposit)**	☐ **($400.00 + $1,000.00 escrow deposit)**

PROPERTY ADDRESS: 124 8th Ave.

LEGAL DESCRIPTION: Lot(s): 3 Block: 1 Addition: Bakken's Addition
(attach description if lengthy)

Property Owner Name: Shannon's Auto Body
Street Address: 13540 Ironwood **City:** Brainerd **State:** MN **Zip Code** 56401
Phone Number: 218-829-6764 **Fax:** _____ **E-mail:** shannon@shannonsautobody.com
Applicant Name: (If different than Property Owner) Nor-Son, Inc.
Street Address: 7900 Hastings Rd. **City:** Baxter **State:** MN **Zip Code:** 56425
Phone Number: 218-851-6766 **Fax:** _____ **E-mail:** jesse.hopkins@nor-son.com

Description of Request: Convert existing building to Auto Body Repair Shop.
Gut interior remodel, building exterior upgrades, and limited site improvements (fencing and parking lot striping).

_____ 3/22/22
Property Owner Signature **Date**

Shannon Christian
(Please print name)

_____ 3/25/22
Applicant Signature **Date**

Jesse Hopkins
(Please print name)

(OVER)

PARKING SUMMARY: TABLE 1106.1 (BRAINERD CITY CODE - VERIFY WITH LOCAL JURISDICTION)

EXISTING PARKING STALLS = XX
PROPOSED NEW STALL = 130

TOTAL NUMBER OF STALLS REQUIRED= 2 PER SERVICE BAY (43) + 1 PER EMPLOYEE = **128 PARKING STALLS**
TOTAL NUMBER OF STALLS PROVIDED = 130

TOTAL NUMBER OF H.C. STALLS REQUIRED: XX
TOTAL PARKING SPACES PROVIDED IN PARKING FACILITY [RANGE: 76 to 100] = XX
TOTAL NUMBER OF H.C. STALLS PROVIDED = 1

TOTAL NUMBER OF H.C. VAN STALLS REQUIRED: XX
TOTAL NUMBER OF H.C. VAN STALLS PROVIDED = 1

SITE & LANDSCAPE LEGEND

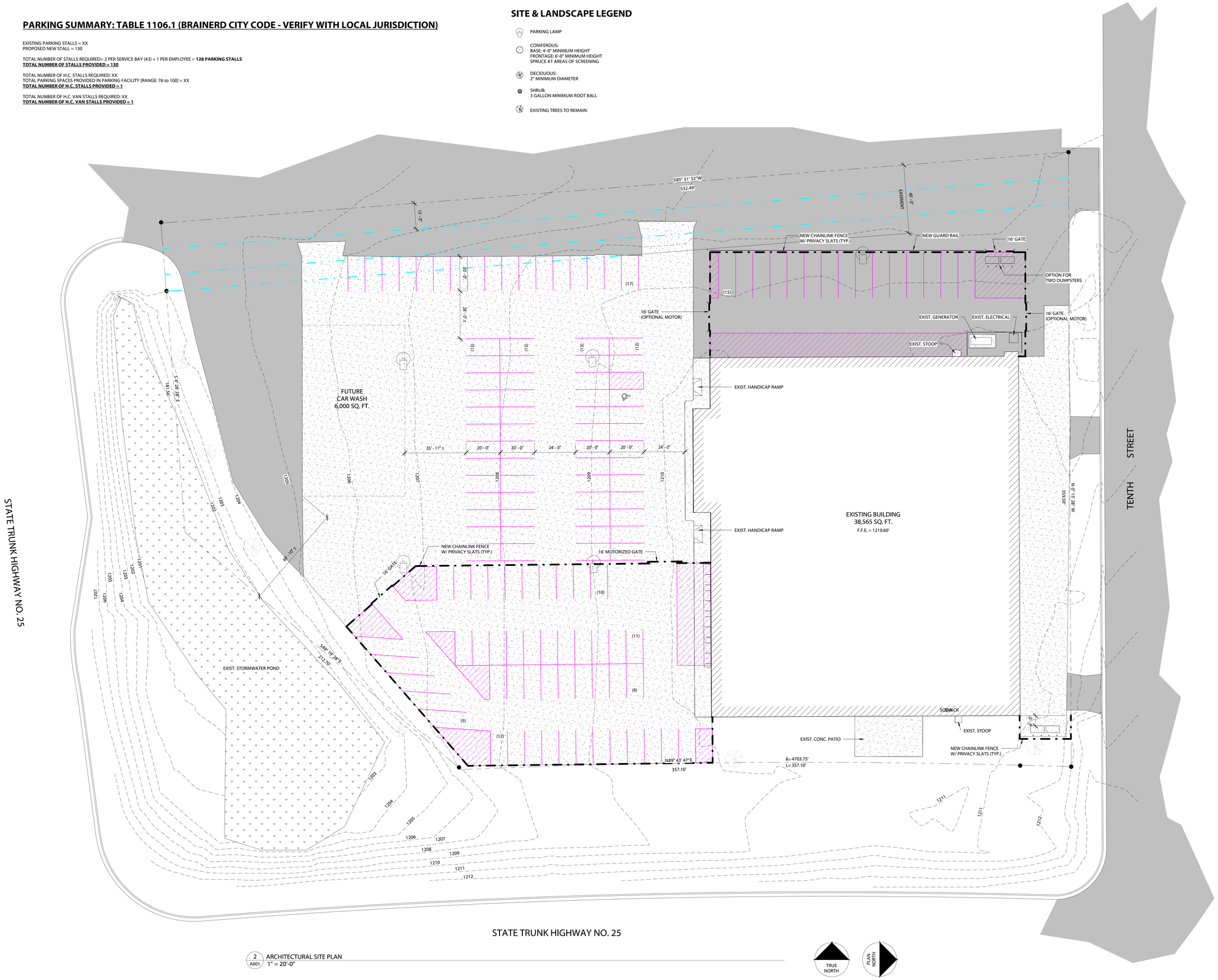
PARKING LAMP

CONIFEROUS:
BASE: 4'-0" MINIMUM HEIGHT
FRONTAGE: 6'-0" MINIMUM HEIGHT
SPRUCE AT AREAS OF SCREENING

DECIDUOUS:
2" MINIMUM DIAMETER

SHRUB:
3 GALLON MINIMUM ROOT BALL

EXISTING TREES TO REMAIN:



2 A001 ARCHITECTURAL SITE PLAN
1" = 20'-0"

NOR-SON CONSTRUCTION

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SHANNON'S AUTO BODY

124 8TH AVE
BRAINERD, MN 56401

PRELIMINARY

PRINTED: **3/25/2022 1:04:12 PM**

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Architect under the laws of the State of Minnesota.

PROJECT NUMBER: 3905
ISSUED:

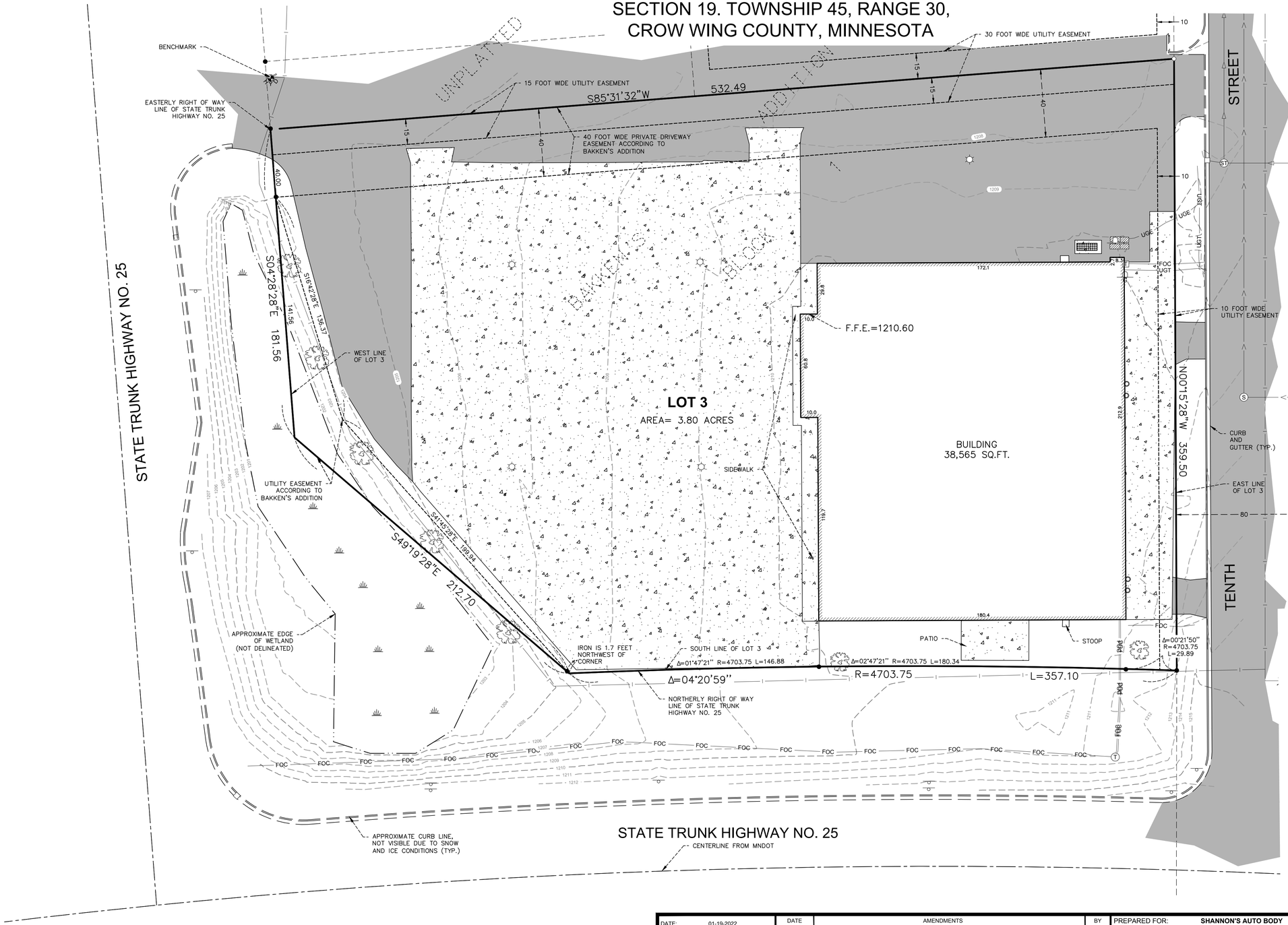
#	REVISION	DATE

ARCHITECTURAL SITE PLAN

A001

CERTIFICATE OF SURVEY

LOT 3, BLOCK 1,
BAKKEN'S ADDITION,
SECTION 19. TOWNSHIP 45, RANGE 30,
CROW WING COUNTY, MINNESOTA



NORTH

0 30 60
SCALE (IN FEET)

ORIENTATION OF THIS BEARING SYSTEM IS BASED ON THE CROW WING COUNTY COORDINATE DATABASE NAD 83

ELEVATIONS ARE BASED ON THE NORTH AMERICAN VERTICAL DATUM OF 1988

BENCHMARK IS THE TOP NUT OF A FIRE HYDRANT ON THE NORTH SIDE OF THE ENTRANCE TO THE WEST ELEV=1208.12

- = DENOTES FOUND IRON MONUMENT
- = DENOTES 1/2 INCH DIAMETER BY 18 INCH LONG IRON PIPE MONUMENT SET AND MARKED RLS # 41643
- = DENOTES WETLAND
- = DENOTES SIGN
- = DENOTES GUARD POST
- = DENOTES STORM CATCH BASIN
- = DENOTES STORM MANHOLE
- = DENOTES SANITARY MANHOLE
- = DENOTES FIRE HRDRANT
- = DENOTES CULVERT APRON
- = DENOTES LIGHT POLE
- = DENOTES ELECTRIC TRANSFORMER
- = DENOTES GAS METER
- = DENOTES TELEPHONE PEDESTAL
- = DENOTES TELEPHONE MANHOLE
- = DENOTES ELECTRIC METER
- = DENOTES DECIDUOUS TREE
- = DENOTES GENERATOR
- UGT = DENOTES UNDERGROUND TELEPHONE
- UGE = DENOTES UNDERGROUND ELECTRIC
- = DENOTES WATER LINE
- FOC = DENOTES UNDER GROUND FIBER OPTIC CABLE
- = DENOTES UNDER GROUND SANITARY SEWER LINE
- = DENOTES UNDER GROUND STORM SEWER LINE
- = DENOTES BITUMINOUS SURFACE
- = DENOTES CONCRETE SURFACE

SURVEYORS NOTES:

THE PID FOR THE SUBJECT PROPERTY IS 41190512

THIS SURVEY WAS COMPLETED WITHOUT THE BENEFIT OF A TITLE COMMITMENT OR OPINION. THERE MAY BE EASEMENTS OR OTHER LIMITING FACTORS NOT SHOWN ON THIS SURVEY WHICH AFFECT THE SUBJECT PROPERTY.

THE UTILITIES SHOWN ON THIS SURVEY ARE ACCORDING TO VISIBLE EVIDENCE ONLY AND GOPHER STATE ONE CALL TICKET #220040773. WIDSETH ASSUMES NO RESPONSIBILITY FOR THE COMPLETENESS AND ACCURACIES OF THE LOCATIONS. FURTHER LOCATIONS AND VERIFICATIONS ARE RECOMMENDED BEFORE ANY CONSTRUCTION OR EXCAVATION.

AT THE TIME OF THE FIELD SURVEY, THE GROUND WAS COVERED WITH A CONSIDERABLE AMOUNT OF SNOW AND ICE. REASONABLE EFFORTS WERE MADE TO LOCATE THE VISIBLE SITE IMPROVEMENTS. UNDER NORMAL CONDITIONS THERE MAY BE ADDITIONAL SITE IMPROVEMENTS THAT WERE NOT VISIBLE AND ARE NOT SHOWN ON THIS SURVEY

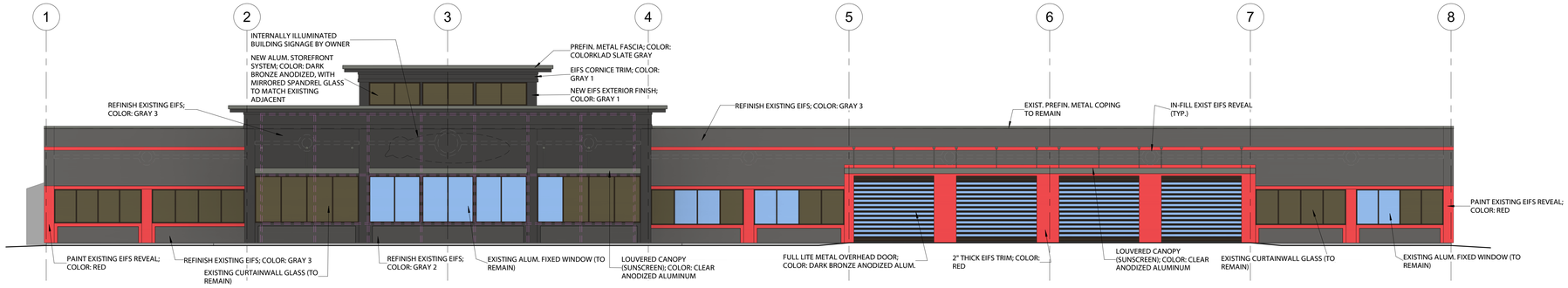
EXISTING LEGAL DESCRIPTION ACCORDING TO DOCUMENT NO. 108980:

LOT THREE (3) OF BLOCK ONE (1) OF BAKKEN'S ADDITION TO THE RECORDED PLAT THEREOF ON FILE AND OF RECORD IN THE OFFICE OF THE REGISTER OF TITLES IN AND FOR SAID COUNTY AND STATE,

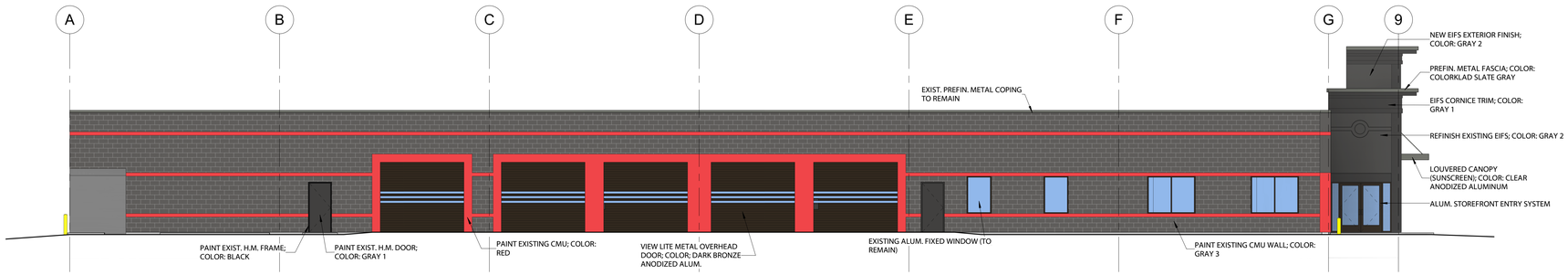
© 2022 WIDSETH

DATE:	01-19-2022	DATE	AMENDMENTS	BY	PREPARED FOR: SHANNON'S AUTO BODY
SCALE:	AS SHOWN				I HEREBY CERTIFY THAT THIS SURVEY, PLAN, OR REPORT WAS PREPARED BY ME OR UNDER MY DIRECT SUPERVISION AND THAT I AM A DULY LICENSED LAND SURVEYOR UNDER THE LAWS OF THE STATE OF MINNESOTA
DRAWN BY:	ABS				
CHECKED BY:	CMC				
FILE NUMBER:	2021-12241				CHAD M. CONNER DATE: 3-07-2022 LIC. NO. 41643

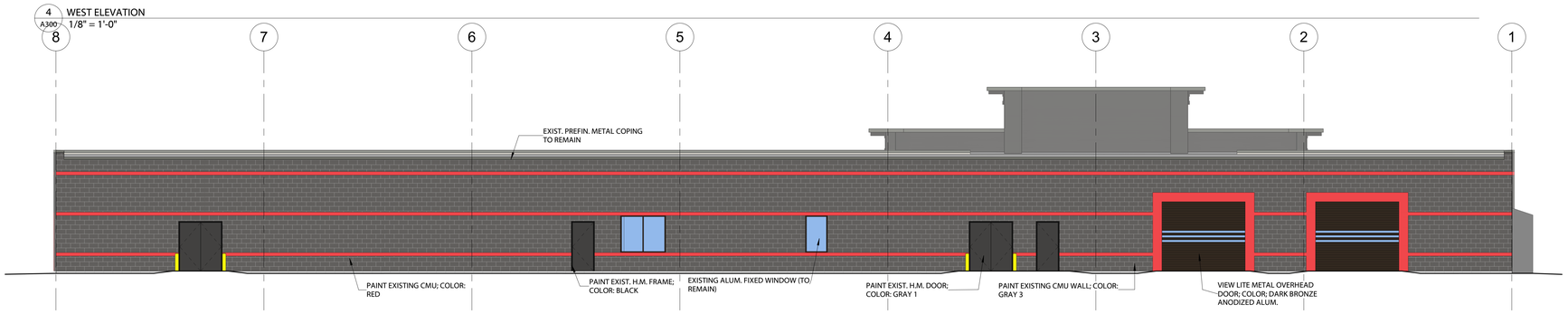
WIDSETH
ARCHITECTS ▪ ENGINEERS ▪ SCIENTISTS ▪ SURVEYORS



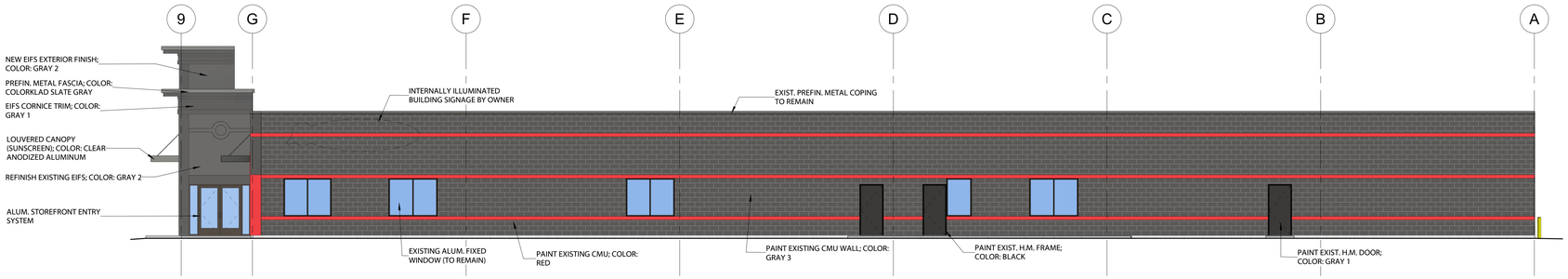
3 A300 SOUTH ELEVATION
1/8" = 1'-0"



4 A300 WEST ELEVATION
1/8" = 1'-0"



1 A300 NORTH ELEVATION
1/8" = 1'-0"



2 A300 EAST ELEVATION
1/8" = 1'-0"

NOR-SON CONSTRUCTION

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SHANNON'S AUTO BODY

124 8TH AVE
BRAINERD, MN 56401

PRELIMINARY

PRINTED: 3/25/2022 1:10:40 PM

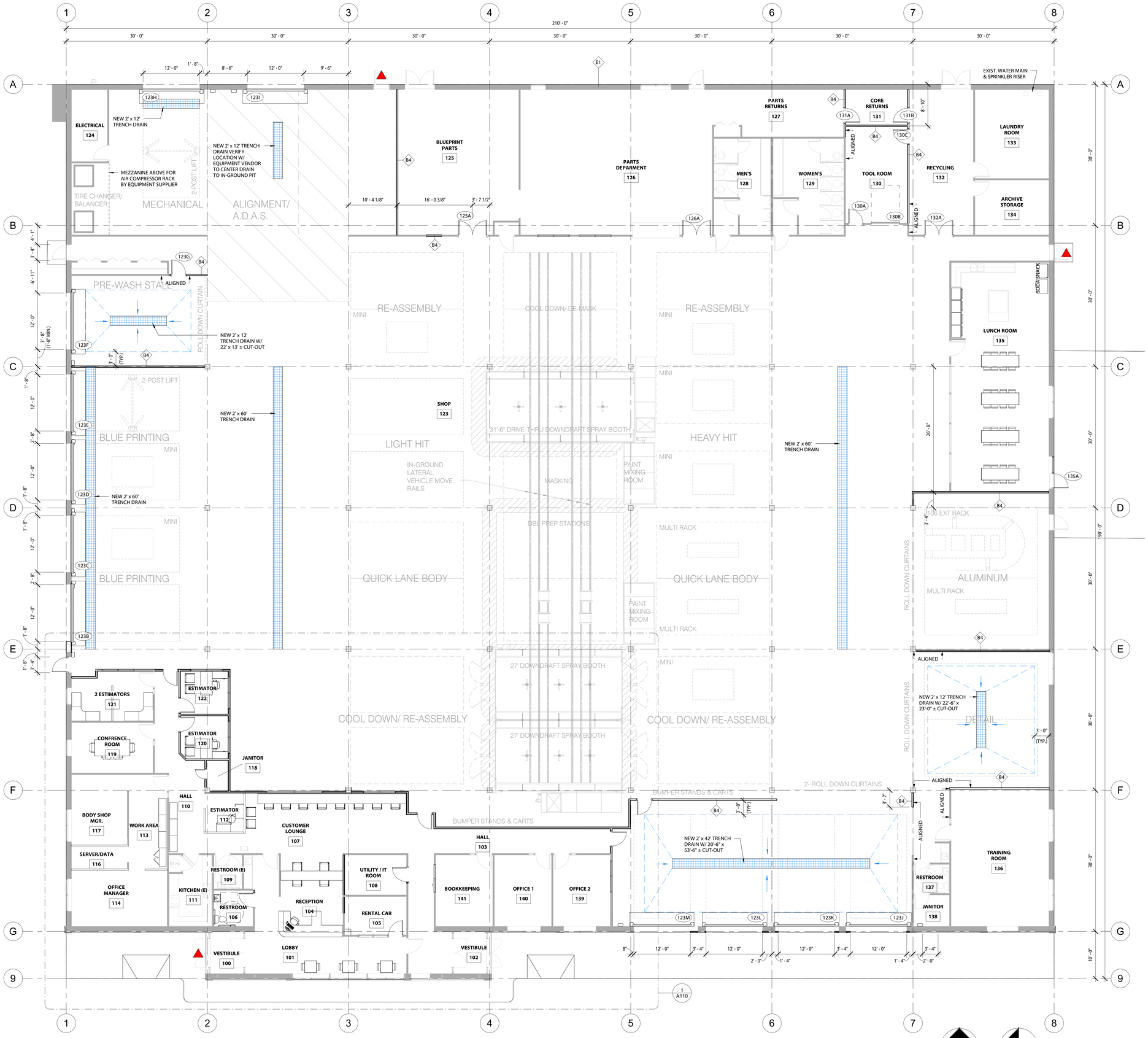
I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Architect under the laws of the State of Minnesota.

PROJECT NUMBER: 3905
ISSUED:

#	REVISION	DATE

BUILDING ELEVATIONS

A300



1 / A100 LEVEL 01 NEW FLOOR PLAN
1/8" = 1'-0"

NOR-SON CONSTRUCTION

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SHANNON'S AUTO BODY

124 8TH AVE
BRAINERD, MN 56401

PRELIMINARY

PRINTED: 3/24/2022 1:13:18 PM

I hereby certify that this plan, specification, or report was prepared by me or under my direct supervision and that I am a duly Licensed Architect under the laws of the State of Minnesota.

PROJECT NUMBER: 3905
ISSUED:

#	REVISION	DATE

OVERALL FLOOR PLAN

A100

NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that Shannon Christian has submitted a request on behalf of Shannon's Auto Body for a Conditional Use Permit to operate an auto body repair shop at 124 8th Ave NE. The property included in this application is described as:

LOT 3 BLOCK 1 EXCEPT MINERALS
BAKKEN'S ADDITION
P.I.N. 41190512
Section 19, Township 45, Range 30

The property is zoned B-4 (General Business) District, and Zoning Ordinance Section 63-6.(B) allows for the operation of an auto body repair shop as a Conditional Use in B-4 Districts, provided it meets the required provisions as listed under 63-6(B). A copy of the proposed site plan is on file for review at the Community Development Department.

A Public Hearing will be conducted by the Brainerd Planning Commission at 6:00 p.m. Wednesday, April 20, 2022 in the Council Chambers at Brainerd City Hall, 501 Laurel Street, to consider the Conditional Use Permit request.

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

Dated this 6th day of April 2022

David C. Chanski, MPA
Community Development Director

Publication Date: April 10, 2022

Brainerd City Council
Agenda Request

Requested Meeting Date: May 2, 2022

Title of Item: Variance Request from Lot Split Standards - PIN 41290732

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

Summary of Issue:

Jacob Lauter has submitted a request for two variances for a proposed lot split at PIN 41290732 along Wise Rd., Brainerd, MN 56401. This property is currently zoned R-R (Rural Residential) District.
- The first variance request for the proposed lot split is from Zoning Code Section 515- 52-7.A Minimum Lot Area and Setback Requirements. The RR District currently allows for a maximum lot size of one acre. The applicant is requesting the creation of two parcels, which would be 2.58 acres and 3.54 acres in size.
- The second variance request is from Subdivision Ordinance Section 500-7-4.F. Lot Frontage. All lots shall have frontage on a public street that provides the required lot width at the minimum front yard setback. The applicant is proposing the creation of a 30-foot wide easement on the east side of the property for access to proposed Parcel A, which would not have frontage on a public street.

Alternatives, Options, Effects on Others/Comments:

The Planning Commission considered the variance requests during its regular meeting on April 20th. The Commission discussed the two variance requests and believed that it is consistent with the Comprehensive Plan.
The Fire Marshall indicated that there are no code requirements for the access driveway to Parcel A. However, the Fire Marshall did recommend a minimum driveway width of 16 feet and a Class 5 compaction rating that would support the weight of a fire truck. The applicant indicated that it will be constructed to meet the needs of fire emergency vehicles.
The Commission voted unanimously to recommend granting the requested variances with the condition that Crow Wing County approves the septic designs prior to the administrative lot split.

Recommended Action/Motion:

Motion to approve both variance requests at PIN 41290732 with the condition that Crow Wing County approves a septic design prior to the lot split.

Financial Impact:

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

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

Is this budgeted? ☐ Yes ☐ No

Please Explain:

M E M O

TO: Planning Commission

FROM: James Kramvik, Assistant Planner

DATE: April 15, 2022

RE: Variance from Lot Split Standards –PID 41290732

Jacob Lauter has submitted a request for two variances for a proposed lot split at PID 41290732 along Wise Rd., Brainerd, MN 56401.

Findings of Fact

1. The property with PID 41290732 is currently zoned RR (Rural Residential) District. The applicant was waiting for the new proposed zoning code and zoning map for this lot split request. The proposed future zoning for this parcel is RL-2 (Rural Living 2) District. The purpose of RL-2 Districts is for lands served by private well and septic and there are no plans for future expansion of Urban Services to the property.
    a. This property is located on the north side of Wise Rd. which does not have access to City of Brainerd sewar and water services and there are no plans for future services to this parcel.
2. The applicant is requesting the creation of two parcels, which would be 2.58 acres and a 3.54 acres in size. Parcel A would not have frontage on a public street. Access to the proposed lot would be through a 30-foot wide easement on the east side of the property. The applicant is proposing in the future to build a single family home on each parcel if the variance request for the lot split is approved.
3. The first variance request for the proposed lot split is from Zoning Code Section 515-52-7.A Minimum Lot Area and Setback Requirements.
    a. The RR District requires that all parcel created shall have a maximum lot size of one acre. The applicant is requesting a variance from this requirement.
        i. *The property's new proposed zoning district RL-2 has a lot minimum requirement of 0.75 acres with a lot density maximum of 1 dwelling unit per acre. This variance request would not be necessary under the proposed zoning code.*
        ii. *All other lot size standards for length and width are compliant with both the current Zoning Code and the future proposed zoning code.*
4. The second variance request is from Subdivision Ordinance Section 500-7-4.F. Lot Frontage. All lots shall have frontage on a public street that provides the required lot width at the minimum front yard setback. Flag lots are prohibited.
    a. The applicant is proposing the creation of a 30-foot wide easement on the east side of the property for access to proposed Parcel A.
        i. *Proposed Parcel A meets the required lot width minimum standard of 100 feet for the RR District. However, Parcel A does not have direct frontage on Wise Rd.*

        ii. *The City of Brainerd Police Chief and Fire Marshall have reviewed the proposed easement. The Police Chief did not have any concerns with access to Parcel A. The Fire Marshall indicated that there are no code requirements for the access road to Parcel A. However, the Fire Marshall did recommend a minimum driveway width of 16 feet and a Class 5 compacted rating that would support the weight of a fire truck.*
5. Section 515-7-2, Subdivision 3A – Variances shall only be permitted:
    a. When they are in harmony with the general purposes and intent of the ordinance
        i. The purpose of a RR (Rural Residential) District is to "provide for large lot single family residential uses and open space areas in environmentally sensitive and high natural amenity areas. Developments in the R-R District are required to connect to City water and sewer service. Developments to which municipal utilities cannot be extended are prohibited.
            1. *Staff believes this variance request supports the purpose and intent of the RR District. The applicant is proposing the creation of two large lots for the purpose of constructing two single family homes.*
    b. When the variances are consistent with the Comprehensive Plan
        i. *Staff believes this variance request is supported by Goal 1 of Chapter 3 of the Comprehensive plan which states, "Provide a diverse mix of housing choices for all stages of life, income ranges, and ownership/rental preferences."*
            1. *Policy 1 under Goal 1 states, "Complement Brainerd's entry-level and affordable housing options by encouraging other move-up and mid to upper-end, market-rate housing options."*
6. Section 515-7-2, Subdivision 3B & Subdivision 4 – Variances may be granted when the applicant for the variances establishes that there are practical difficulties in complying with the Zoning Ordinance.
    a. The property owner proposes to use the property in a reasonable manner not permitted by the Zoning Ordinance.
        i. Single-family dwellings are a permitted use within RR districts.
    b. The plight of the landowner is due to circumstances unique to the property not created by the landowner.
        i. *The parcel does have a large wetland area on the west side, delineated on the attached survey, that would make it difficult to split this lot in in a different way than what is currently proposed by the applicant.*
    c. The variance, if granted, will not alter the essential character of the locality.
        i. *The property is currently vacant. The applicant is proposing to construct two single family homes in the future if the variance is approved.*

As of this writing, no one has contacted the Community Development Department with concerns about the two variance requests.

Staff Opinion

Staff recommends approval of the two variance requests as staff believes the requested variances meets the requirements as outlined in Section 515-7 of the Code of Ordinances and is supported by the Comprehensive Plan.

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

Receipt # _____
Check # _____
Date Paid: _____

LAND USE APPLICATION

	RESIDENTIAL	COMMERCIAL
CONDITIONAL USE PERMIT	☐ ($250.00)	☐ ($400.00 + $500.00 escrow deposit)
REZONING	☐ ($300.00)	☐ ($500.00)
VARIANCE	☒ ($250.00)	☐ ($400.00 + $500.00 escrow deposit)
ZONING TEXT AMENDMENT	☐ ($250.00)	☐ ($400.00)
PLANNED UNIT DEVELOPMENT	☐ ($250.00 + $1,000.00 escrow deposit)	☐ ($400.00 + $1,000.00 escrow deposit)

PROPERTY ADDRESS: SEC: 29, TWP: 134, Range: 28, Acres 6.1

LEGAL DESCRIPTION: Lot(s): _____ Block: _____ Addition: RP41290732
(attach description if lengthy)

Property Owner Name: Jacob Lauter
Street Address: 4407 Harbor Drive ~~[illegible]~~ **City:** ~~[illegible]~~ Nisswa **State:** MN **Zip Code** ~~[illegible]~~ 56468
Phone Number: 530-448-9493 **Fax:** _____ **E-mail:** jplTahoe@yahoo.com
Applicant Name: (If different than Property Owner) _____
Street Address: _____ **City:** _____ **State:** ____ **Zip Code:** _____
Phone Number: _____ **Fax:** _____ E-mail: _____

Description of Request: Split Lot as mentioned Above

[signature] — **Property Owner Signature** — 2-23-22 **Date**
Jacob Lauter
(Please print name)
[signature] — **Applicant Signature** — 2-23-22 **Date**
Jacob Lauter
(Please print name)

(OVER)

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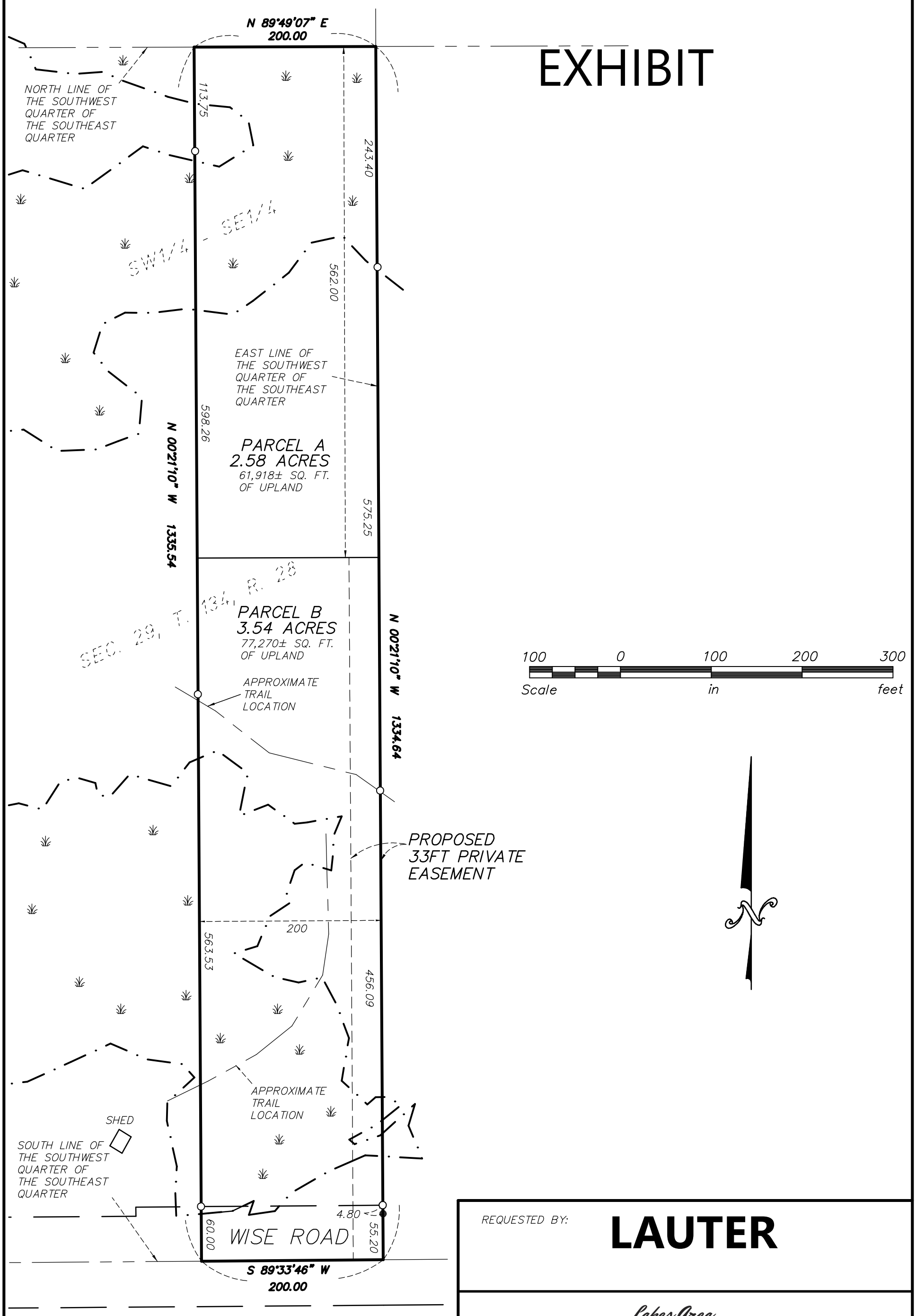
EXHIBIT



REQUESTED BY: **LAUTER**

Lakes Area SURVEYING LLC.
24314 Smiley Road, Suite C
Nisswa, MN 56468
Office (218) 961-0090

Drawn by:	Date:	Job No:
PDH	05/25/21	21-054

NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that Jacob Lauter has submitted a request for two variances at Parcel Number 41290732 along Wise Rd., Brainerd, MN 56401. The property is legally described as:

E 200 FT OF SW1/4 OF SE1/4 OF P.I.N. 41290732
P.I.N. 41290732
Section 29, Township 134, Range 28

The property is zoned RR (Rural Residential) District. The first requested variance is from Subdivision Ordinance Section 500-7-4(F): Lot Frontage. The applicant is requesting a lot split in which one of the proposed lots would not have frontage on a public street. Access to the proposed lot would be through a 30-foot wide easement on the east side of the property. The second variance request is from Zoning Code Section 515-52-7(A): Minimum Lot Area Setback Requirements. The applicant is requesting the creation of a two parcels, which would be 2.58 acres and a 3.54 acres in size. Parcels created in the RR District cannot exceed 1 acre per Section 515-52-7(A). A copy of the proposed lot split is on file for review with the Community Development Department.

A Public Hearing will be conducted by the Brainerd Planning Commission at 6:00 p.m. Wednesday, April 20, 2022, in the City Council Chambers at Brainerd City Hall, 501 Laurel Street, to consider the variance request.

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

Dated this 6th day of April 2022

David C. Chanski, MPA
Community Development Director

Publication Date: April 10th, 2022

Brainerd City Council
Agenda Request

Requested Meeting Date: May 2, 2022

Title of Item: First Reading - Proposed Ordinance No. 1530 - Rezoning - 1005 S. 6th St

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

Summary of Issue:

Rick Badeaux has submitted a rezoning request for the property at 1005 S 6th St. The applicant proposes a rezoning from B-2 (Neighborhood Business) District to R-2 (Medium Density Residential) District. The purpose of the rezoning is to allow the applicant to apply for an Interim Use Permit to operate a short term rental at 1005 S 6th St.

Alternatives, Options, Effects on Others/Comments:

1005 S 6th St. is currently located in a B-2 (Neighborhood Business) District. The B-2 District does not allow short-term rentals. Per section 515-56-4.A of the Zoning Code, short term rentals are an Interim Use in the R-2 District. There is no longer a moratorium in place for changes to the Zoning Code. Rezoning the property from B-2 to R-2 will not add any nonconformities to the property. Rezoning the property to R-2 will not affect the future proposed zoning designation for this property.
Planning Commission voted unanimously to recommend approval of this rezoning request.

Recommended Action/Motion:

Motion to hold the first reading of Proposed Ordinance No. 1530, an Ordinance Amending Ordinance No. 812 Pertaining to the Zoning in the City of Brainerd and dispense with the actual reading.

Financial Impact:

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

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

Is this budgeted? ☐ Yes ☐ No

Please Explain:

O R D I N A N C E
NO. 1530

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

THE CITY COUNCIL OF THE CITY OF BRAINERD DOES ORDAIN:

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

PIN 41240594
LOTS 15 AND 16 BLOCK 269 AND N. 12 1/2 FT OF LOT 17 BLOCK 269
TOWN OF BRAINERD & FIRST ADDITION TO BRAINERD
Section 24, Township 45, Range 31

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

Adopted this _____day of _____, 2022

_____
KELLY BEVANS
President of the Council

Approved this____ day of _____, 2022

_____
DAVE BADEAUX
Mayor

ATTEST: _____
JENNIFER BERGMAN
City Administrator

Published: One Time, _____, 2022

M E M O

TO: Planning Commission

FROM: James Kramvik, Assistant Planner

DATE: April 15, 2022

RE: Rezoning – 1005 S. 6th St.

Rick Badeaux has submitted a rezoning request for the property at 1005 S 6th St. The applicant proposes a rezoning from B-2 (Neighborhood Business) District to R-2 (Medium Density Residential) District. The purpose of the rezoning is to allow the applicant to apply for an Interim Use Permit to operate a short term rental at 1005 S 6th St.

Findings of Fact

1. 1005 S 6th St. is currently located in a B-2 (Neighborhood Business) District. The B-2 District does not allow short-term rentals. The applicant proposes to rezone this parcel from a B-2 District to a R-2 (Medium Density Residential) District. Per section 515-56-4.A of the Zoning Code, short term rentals are an Interim Use in the R-2 District.
    a. 1005 S 6th St. will be located in TN-2 (Traditional Neighborhood 2) District upon adoption of the proposed zoning code and zoning map. Short term rentals will also be an Interim Use in the TN-2 District. The applicant approached staff about adding a short term rental designation to this property in December of 2021. At that time the City of Brainerd had a moratorium in place for Zoning Code changes and rezonings of the Zoning Map. The applicant was unable to apply for an interim use to operate a short term rental at 1005 S 6th St because the B-2 District does not allow for that use. We did inform the applicant in March of 2022 that his parcel was proposed to be rezoned TN-2 which allows for short term rentals as an interim use. After City Council chose not to make a motion to adopt the new proposed zoning code and zoning map on April 4th, 2022, the applicant asked staff what the options were for the property. The options for the property were to wait for City Council to approve the revisions of the proposed new zoning code and zoning map or apply for a rezoning and interim use under the current Zoning Code. Since there is no longer a moratorium in place, the applicant would like to expedite the short-term rental process through the rezoning request.
2. Per section 515-61-1 of the Zoning Code the purpose of the B-2 District is to provide for areas that are a mix of residential uses and limited, convenient, office and retail businesses that serve nearby residential neighborhoods.
3. Per section 515-56-1 of the Zoning code the purpose of the Medium Density Residential District is to provide for low to medium density housing through the mixture of one and two unit dwellings and medium density multiple family dwellings as well as directly related complementary uses.

4. The property located at 1005 S 6th St. is a registered 4 unit rental with the City of Brainerd and does not contain any commercial uses. Four-unit dwellings are a permitted use in the R-2 District per section 515-56-2.C of the Zoning Code and also aligns with the purpose and intent of the R-2 district.
5. For multifamily housing, the lot width minimum standard of 100 feet and lot size requirement of 2,200 square feet per unit are identical for the B-2 District & R-2 District. A non-conformity in lot width and lot size would not be added to the property as part of the proposed rezoning.
6. The front yard, side yard, and rear yard setbacks are identical for residential uses in the B-2 District and R-2 District.
7. The B-2 District Zoning Code requirements do not list an impervious surface limit and is therefore regulated by the City Code for stormwater management. The R-2 district has an impervious surface limit of sixty percent for residential uses per section 515-56-10.A of the Zoning Code. The applicant has not proposed any additional impervious surface on the property.
8. The adjacent properties to the north and south of 1005 S 6th St. are currently zoned B-2. The adjacent properties located east on the same block are zoned R-2.

As of this writing, one party has contacted the Community Development Department with concerns about the Interim Use Permit application for the operation of a short term rental that is contingent upon this rezoning. The party did not directly voice a concern to the rezoning.

<u>Staff Opinion</u>
Staff recommends approval of rezoning 1005 S 6th Street from B-2 (Neighborhood Business) District to R-2 (Medium Density Residential) District. This proposed rezoning for 1005 S 6th Street does not impact the current use on the property and will not impact the future proposed zoning designation for this property.

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

Receipt # _____
Check # _____
Date Paid: _____

LAND USE APPLICATION

	RESIDENTIAL	COMMERCIAL
CONDITIONAL USE PERMIT	☐ ($250.00)	☐ ($400.00 + $500.00 escrow deposit)
REZONING	☑ ($300.00)	☐ ($500.00)
VARIANCE	☐ ($250.00)	☐ ($400.00 + $500.00 escrow deposit)
ZONING TEXT AMENDMENT	☐ ($250.00)	☐ ($400.00)
PLANNED UNIT DEVELOPMENT	☐ ($250.00 + $1,000.00 escrow deposit)	☐ ($400.00 + $1,000.00 escrow deposit)

PROPERTY ADDRESS: 1005 S 6th street

LEGAL DESCRIPTION: Lot(s): 15&16 Block: 269 Addition: Lots 15 and 16 block 269 and N 12 1/2 ft of lot 17
(attach description if lengthy)

Property Owner Name: Rick Badeaux
Street Address: 19868 159th st **City:** elk river **State:** mn **Zip Code** 55330
Phone Number: 7636071523 **Fax:** _____ **E-mail:** propertylogick@gmail.com

Applicant Name: (If different than Property Owner) _____
Street Address: _____ **City:** _____ **State:** ____ **Zip Code:** _____
Phone Number: _____ **Fax:** _____ **E-mail:** _____

Description of Request: We are requesting consideration to switch our current property from a B2 to a R2 zoned property.
This will allow us to open one of our 4 units into a short term rental property through the IUP process

_____ 04/04/2022
Property Owner Signature **Date**

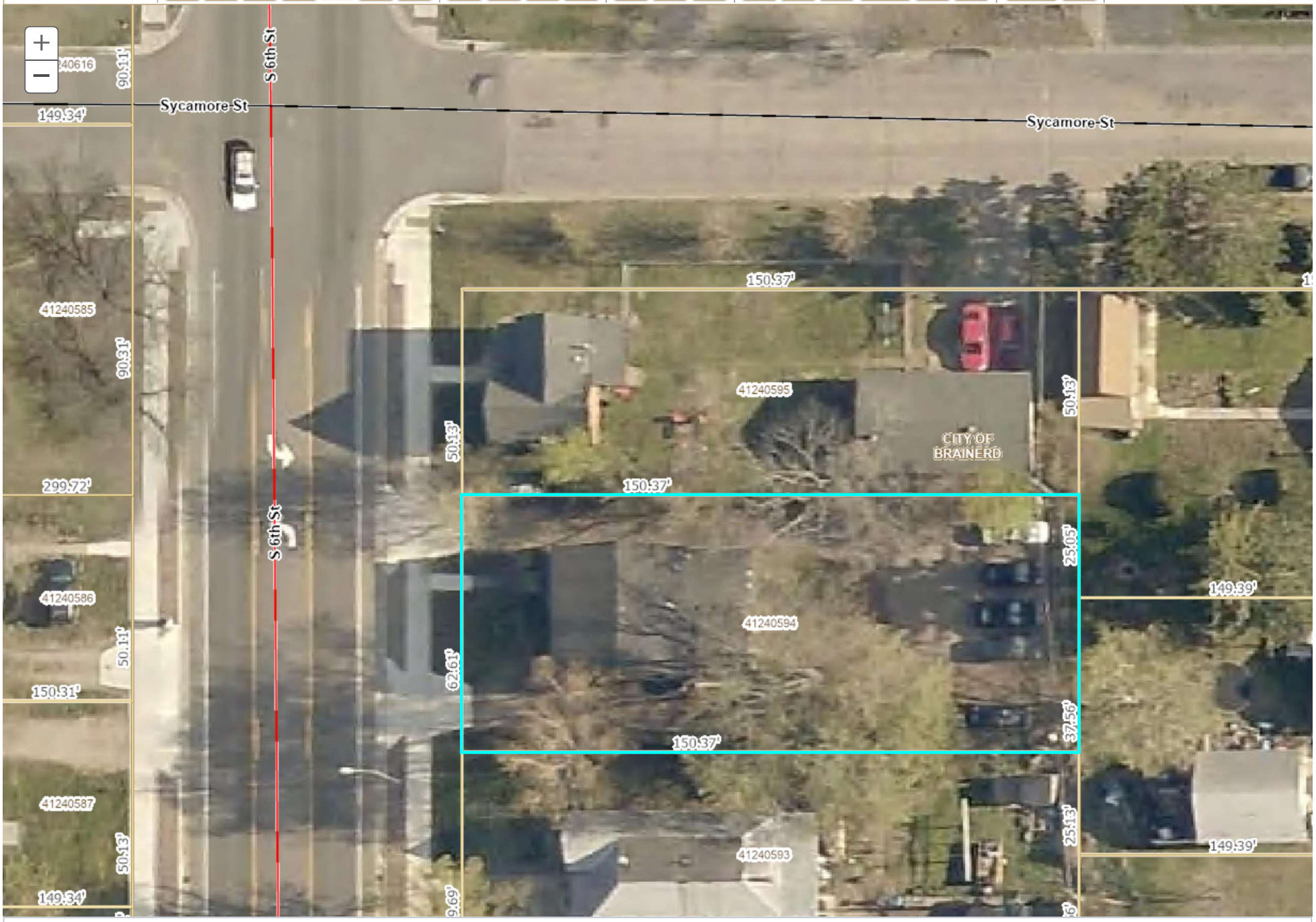
Rick Badeaux
(Please print name)

_____ _____
Applicant Signature **Date**

_____
(Please print name)

(OVER)

Crow Wing County



Scale 1: 300

NOTICE OF HEARING

TO WHOM IT MAY CONCERN:

Notice is hereby given that Rick Badeaux has submitted a request for a rezoning from B-2 (Neighborhood Business) District to R-2 (Medium Density Residential) District at 1005 S 6th St. The applicant has also submitted a request for an Interim Use Permit to operate a short term rental at 1005 S 6th St. The property included in this application is described as:

LOTS 15 AND 16 BLOCK 269 AND N. 12 1/2 FT OF LOT 17 BLOCK 269
TOWN OF BRAINERD & FIRST ADDITION TO BRAINERD
P.I.N. 41240594
Section 24, Township 45, Range 31

The property is zoned B-2, which does not allow for the operation of short term rentals. The applicant has requested a rezoning to R-2, which permits the operation of short term rentals as an Interim Use. Zoning Code Section 515-56-4(A): Interim Uses permits the operation of short term rentals provided that they meet the required provisions as listed under 56-4(A). Information on the proposed short-term rental is on file for review at the Community Development Department.

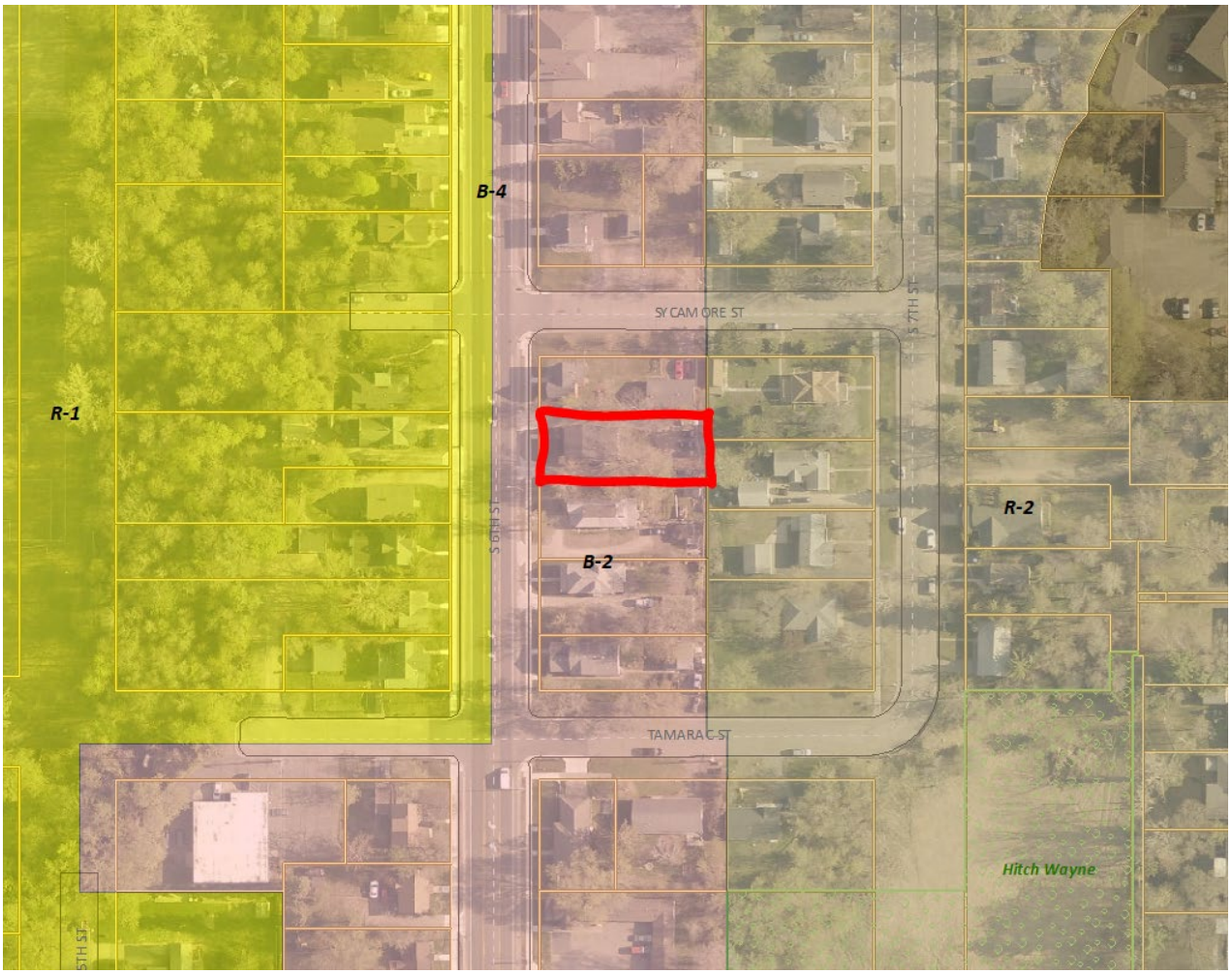
A Public Hearing will be conducted by the Brainerd Planning Commission at 6:00 p.m. Wednesday, April 20, 2022 in the Council Chambers at Brainerd City Hall, 501 Laurel Street, to consider the rezoning & Interim Use Permit request.

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

Dated this 6th day of April 2022

David C. Chanski, MPA
Community Development Director

Publication Date: April 10th, 2022


B-4
SYCAMORE ST
S 7TH ST
R-1
R-2
S 6TH ST
B-2
TAMARAC ST
Hitch Wayne