

CITY COUNCIL AGENDA

City of Brainerd, Minnesota
City Hall, 501 Laurel Street, Council Chambers
Monday, May 16, 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: 2484 919 8100

Attend by phone: **Personnel and Finance Committee 7:15 PM**: 1-844-992-4726 Meeting
Access Code: 2490 958 7700

Attend by phone **Safety and Public Works Committee 6:30 PM**: 1-844-992-4726 Meeting
Access Code: 2482 585 2671

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:

051622 COUNCIL AP INV REGISTER.pdf
043022 APRIL PREPAID REGISTER.pdf

B. **Approval Of Minutes**

Documents:

2022-05-02 CC Draft.pdf

C. Approval Of Licenses

Contractor Licenses- 2

Documents:

20220516 Contractor Licenses.pdf

D. Department Activity Reports

Police Chief

Finance Director

Community Development Acting Director

IT/GIS Director

Documents:

2022-04 PD Report.pdf

CDD Report - May 2022.pdf

IT-GIS Report May.pdf

6. Presentations

Bridges of Hope- Warming Shelter Update

Documents:

Warming Shelter Presentation.pdf

7. Council Committee Reports

A. Personnel And Finance Committee 7:15 PM

WebEx Teleconference Call-In Information

Call Toll-Free: 1-844-992-4726 Access Code: 2490 958 7700

Documents:

5-16 PF Agenda.pdf

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

Documents:

***PF - Ratify the Hiring of 2022 Summer Temporary Employees
5_16_2022.pdf***

2. Request From Brainerd Community Action For Independence Day Fireworks Donation

Documents:

PF - BCA Fireworks Donation.pdf

3. On-Sale Beer And Wine License- Submitted By Badeaux Restaurants LLC- DBA Slice On Oak, 625 Oak St- Contingent Upon Approvals

Documents:

PF - Liquor License - Slice on Oak.pdf

4. Update On Community Development Director Hiring Process

Documents:

PF - Update on Community Development Director Hiring Process.pdf

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

Documents:

Update on LAMC.pdf

B. Safety And Public Works Committee - 6:45 PM

WebEx Teleconference Call-In Information

Call Toll-Free: 1-844-992-4726 Access Code: 2482 585 2671

Documents:

5-16 SPW Agenda.pdf

1. Event/Street Closure Application- Submitted By DDBC For The Here For Good Market

Documents:

Event- Here for Good Market.pdf

2. Event/Street Closure Application- Independence Day Celebration

Documents:

Event- Independence Day.pdf

3. Authorize Agreement For Engineering Services With WSB For Safe Routes To School

Documents:

SRTS Agenda Request.pdf

4. Accept Bids - Improvement 20-07 - 2022 Sanitary Sewer Collection System Repairs

Documents:

SPW - Accepting Bids for Imp 20-07.pdf

5. Approve Professional Services Agreement With SEH For Construction Administration On Improvement 20-07 - 2022 Sanitary Sewer Collection System Repairs

Documents:

SPW - CSA with SEH for Imp 20-07.pdf

6. Accept Bids - Improvement 22-02 - 2022 Crack Sealing Project

Documents:

SPW - Accept Imp 22-02 Bids.pdf

7. Resolution - Accepting Bids - Improvement 21-10 - Greenwood Street Reconstruction Project

Documents:

SPW - Res - Accepting Bids for Imp 21-10.pdf

8. Resolution - Accepting Bids - Improvement 21-12 - North Brainerd Reconstruction Project

Documents:

SPW - Res - Accepting Bids for Imp 21-12.pdf

9. Resolution - Master Partnership Agreement With The State Of Minnesota For Collaborative Design, Construction, And Maintenance Projects

Documents:

SPW - Res - Master Partnership Agreement.pdf

10. Direction On Active Code Enforcement Cases

Documents:

SPW - Direction on Code Enforcement Cases.pdf

8. Unfinished Business

A. Final Reading- Proposed Ordinance 1530- An Ordinance Rezoning 1005 S. 6th St

Hold/Dispense the Final Reading

Ordinance 1530

Documents:

MA - Final Reading - Proposed Ordinance No. 1530 - Rezoning - 1005 6th St S.pdf

B. 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 – 2 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

9. New Business

A. Consideration Of Interim Use Permit For Short Term Rental - 1005 S 6th St

Documents:

MA - Consideration of Interim Use Permit for Short Term Rental 1005 S 6th ST-CD2D.pdf

B. First Reading Proposed Ordinance 1531- An Ordinance Replacing Sections 720 And 725 Brainerd City Code

Hold / Dispense with the First Reading

Set Public Hearing for 6/6/22 @ 7:30

Documents:

First Reading Ord 1531.pdf

C. Resolution - Declaring Sufficiency Of Petition And Setting A Public Hearing On A Vacation Commenced By A Majority Of Abutting Landowners - Alley Blocks M And E, West Brainerd

Documents:

MA - Res - Petition for Alley Vacation and Set PH.pdf

10. Public Forum

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

11. Staff Reports

(Verbal: Any Updates since Packet)

12. Mayor's Report

13. Council Member Reports

A. Resignation- Pritschet

Documents:

Pritschet Resignation .pdf

14. Adjourn To Closed Session Per MN Statute 13D.05 Subd. 3B Under The Attorney-Client Privilege To Discuss Gustafson Properties Of Brainerd, LLC. V. City Of Brainerd.

15. Adjourn To Planning Commission Meeting On May 18th At 6:00 P.m.

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"

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INVOICE REGISTER REPORT FOR CITY OF BRAINERD

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EXP CHECK RUN DATES 05/16/2022 - 05/16/2022

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
305563 71264	ACE HARDWARE BATTERIES/MILLS FIELD/SHOP BATTERIES 230-5200-42220	05/03/2022 pziemer	05/18/2022	26.78 26.78	26.78	Open	N 05/18/2022
305435 71275	ACE HARDWARE KWP -UNION BRASS COMP 5/8, COMPRESSI 230-5200-42220	04/27/2022 pziemer	05/18/2022	13.48 13.48	13.48	Open	N 05/18/2022
305441 71276	ACE HARDWARE KWP - FASTENERS 230-5200-42220	04/28/2022 pziemer	05/18/2022	2.10 2.10	2.10	Open	N 05/18/2022
305451 71277	ACE HARDWARE JCP - AERATOR 1.5 GPM 230-5200-42220	04/28/2022 pziemer	05/18/2022	4.49 4.49	4.49	Open	N 05/18/2022
305640 71349	ACE HARDWARE PROPANE GAS TORCH 237-3190-42220	05/05/2022 pziemer	05/18/2022	60.28 60.28	60.28	Open	N 05/18/2022
305511 71363	ACE HARDWARE HALOGEN BULBS - SHOP 230-5200-42220	05/02/2022 pziemer	05/18/2022	8.99 8.99	8.99	Open	N 05/18/2022
305671 71396	ACE HARDWARE COLLEGE DR BRIDGE - KILZ PRIMER/GRAFL 230-5200-42220	05/06/2022 pziemer	05/18/2022	53.94 53.94	53.94	Open	N 05/18/2022
305710 71398	ACE HARDWARE GRASS SEED 235-3125-42220	05/09/2022 pziemer	05/18/2022	80.99 80.99	80.99	Open	N 05/18/2022
305610 71421	ACE HARDWARE BBBA COACHES KEY SETS 230-5200-42210	05/04/2022 pziemer	05/18/2022	26.91 26.91	26.91	Open	N 05/18/2022
305688 71422	ACE HARDWARE SPRAYPAINT 230-5200-42220	05/06/2022 pziemer	05/18/2022	16.17 16.17	16.17	Open	N 05/18/2022

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305716 71423	ACE HARDWARE LMP -PLUMBING SUPPLIES 230-5200-42220	05/09/2022 pziemer	05/18/2022	14.38 14.38	14.38	Open	N 05/18/2022
305758 71425	ACE HARDWARE BATTERIES FOR GARAGE DOOR OPENERS 101-1940-42220	05/10/2022 pziemer	05/18/2022	5.39 5.39	5.39	Open	N 05/18/2022
305764 71426	ACE HARDWARE LIQUID NAILS 225-2220-42210	05/10/2022 pziemer	05/18/2022	9.88 9.88	9.88	Open	N 05/18/2022
6574211886588 71267	ADVANCE AUTO PARTS SHOP AIR HOSE FEMALE COUPLER 235-3100-42220	04/28/2022 pziemer	05/18/2022	24.29 24.29	24.29	Open	N 05/18/2022
6574211786537 71268	ADVANCE AUTO PARTS RADIAL SEAL 235-3100-42220	04/27/2022 pziemer	05/18/2022	96.56 96.56	96.56	Open	N 05/18/2022
6574211986629 71290	ADVANCE AUTO PARTS TRUCK 103 FUEL FILTER 235-3100-42220	04/29/2022 pziemer	05/18/2022	24.49 24.49	24.49	Open	N 05/18/2022
76819 71351	ADVANCED AUTO REPAIR OF BRAINERD TAHOE OIL CHANGE 225-2220-42220	05/03/2022 pziemer	05/18/2022	63.40 63.40	63.40	Open	N 05/18/2022
76803 71352	ADVANCED AUTO REPAIR OF BRAINERD C2 TRUCK OIL CHANGE 225-2220-42220	05/02/2022 pziemer	05/18/2022	63.40 63.40	63.40	Open	N 05/18/2022
5/5/22 71408	ALBERTSON, JOSEPH REFUND PARKING TICKET PAYMENT 225-2120-35102	05/05/2022 pziemer	05/18/2022	50.00 50.00	50.00	Open	N 05/18/2022
20258 71445	ALEX BRICK & STONE 912 19TH ST SE CULVERT 238-3160-42220	05/11/2022 pziemer	05/18/2022	1,637.26 1,637.26	1,637.26	Open	N 05/18/2022

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08500249 71292	AMERICAN WELDING-GAS INC WELDING GAS CYLINDER RENTAL 235-3100-42220	04/30/2022 pziemer	05/18/2022	78.72 78.72	78.72	Open	N 05/18/2022
253000133222 71269	ARAMARK UNIFORM SERVICES RUGS AND OVERALLS 235-3100-43430	04/28/2022 pziemer	05/18/2022	113.53 113.53	113.53	Open	N 05/18/2022
253000135883 71350	ARAMARK UNIFORM SERVICES RUGS AND OVERALLS 235-3100-43430	05/05/2022 pziemer	05/18/2022	81.70 81.70	81.70	Open	N 05/18/2022
2009 71354	ARFF SPECIALISTS, LLC ARFF TRAINING 225-2220-43330	04/25/2022 pziemer	05/18/2022	5,000.00 5,000.00	5,000.00	Open	N 05/18/2022
288389 71399	ASPEN MILLS UNIFORMS 225-2220-41113	05/01/2022 pziemer	05/18/2022	77.16 77.16	77.16	Open	N 05/18/2022
X05032022/PD 71300	AT&T MOBILITY ACCT 287287520356 - PD COMP SUPPORT/ 225-2120-43309 225-2120-43321	04/25/2022 pziemer	05/18/2022	1,958.29 726.37 1,231.92	1,958.29	Open	N 05/18/2022
X05032022/ADMIN 71335	AT&T MOBILITY ACCT 287292136423 ADMIN 3/26/22-4/25/22 101-1400-43321	04/25/2022 pziemer	05/18/2022	99.18 99.18	99.18	Open	N 05/18/2022
X05032022/COM DEV 71336	AT&T MOBILITY ACCT 287292136423 COM DEV 3/26/22-4/25/22 101-2400-43321	04/25/2022 pziemer	05/18/2022	99.18 99.18	99.18	Open	N 05/18/2022
X05032022/ENG 71337	AT&T MOBILITY ACCT 287292136423 ENG 3/26/22-4/25/22 101-1700-43321	04/25/2022 pziemer	05/18/2022	274.82 274.82	274.82	Open	N 05/18/2022
X05032022/IT 71338	AT&T MOBILITY AT&T IT 3/26/22-4/25/22 101-1800-43321	04/25/2022 pziemer	05/18/2022	137.41 137.41	137.41	Open	N 05/18/2022

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X05032022/PARKS							
71339	AT&T MOBILITY	04/25/2022	05/18/2022	121.01	121.01	Open	N
	ACCT 287292136423 PARKS 3/26/22-4/25/pziemer						05/18/2022
	230-5200-43321 TELEPHONE			121.01			
X05032022/STREETS							
71340	AT&T MOBILITY	04/25/2022	05/18/2022	137.41	137.41	Open	N
	ACCT 287292136423 STREETS 3/26/22-4/25/pziemer						05/18/2022
	237-3190-43321 TELEPHONE			38.23			
	235-3100-43321 TELEPHONE			99.18			
X05032022/TRANSIT							
71341	AT&T MOBILITY	04/25/2022	05/18/2022	49.59	49.59	Open	N
	ACCT 287292136423 TRANSIT 3/26/22-4/25/pziemer						05/18/2022
	203-9000-43321 TELEPHONE			49.59			
P51214593							
71353	BATTERIES PLUS	05/04/2022	05/18/2022	143.40	143.40	Open	N
	LED LIGHTS pziemer						05/18/2022
	225-2220-42210 OPERATING SUPPLIES			143.40			
P50858998							
71355	BATTERIES PLUS	04/22/2022	05/18/2022	61.20	61.20	Open	N
	LIGHTS pziemer						05/18/2022
	225-2220-42210 OPERATING SUPPLIES			61.20			
P50945642							
71356	BATTERIES PLUS	04/25/2022	05/18/2022	9.99	9.99	Open	N
	BATTERY pziemer						05/18/2022
	225-2220-42210 OPERATING SUPPLIES			9.99			
139553							
71301	BILL'S GUN SHOP & RANGE	04/28/2022	05/18/2022	200.00	200.00	Open	N
	RANGE TIME - DEPT TRAINING pziemer						05/18/2022
	225-2120-43330 PROFESSIONAL DEVELOPMENT			200.00			
138819							
71409	BILL'S GUN SHOP & RANGE	04/13/2022	05/18/2022	25.00	25.00	Open	N
	726JW - RANGE TIME pziemer						05/18/2022
	225-2120-43330 PROFESSIONAL DEVELOPMENT			25.00			
138847							
71410	BILL'S GUN SHOP & RANGE	04/14/2022	05/18/2022	200.00	200.00	Open	N
	RANGE TIME - B TEAM QUALIFICATION pziemer						05/18/2022
	225-2120-43330 PROFESSIONAL DEVELOPMENT			200.00			
42022							
71455	BLUE SKY TRANSIT	05/01/2022	05/18/2022	107,730.69	107,730.69	Open	N
	MARCH 2022 3RD PARTY TRANSIT SERVICE/pziemer						05/18/2022
	203-9000-42212 MOTOR FUELS			6,387.06			
	203-9000-43401 VEHICLE REPAIRS			13,221.28			
	203-9000-43440 TRANSIT SERVICE CONTRACT PY			88,122.35			

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003P20865 71272	BOYER TRUCKS TRUCK 109 SHOCKS 235-3100-42220	04/29/2022 pziemer	05/18/2022	134.04 134.04	134.04	Open	N 05/18/2022
150151 71397	BRAINERD GENERAL RENTAL MILLS FIELD MAINT- BOOM RENTAL 230-5200-42221	05/06/2022 pziemer	05/18/2022	210.00 210.00	210.00	Open	N 05/18/2022
23842 71285	BRAINERD HYDRAULICS/AIR GARBAGE TRUCK LIFT REPAIR 230-5200-42220	04/28/2022 pziemer	05/18/2022	352.29 352.29	352.29	Open	N 05/18/2022
23330 71406	BRAINERD HYDRAULICS/AIR PRESSURE WASHER COUPLING 235-3100-42220	05/01/2022 pziemer	05/18/2022	21.00 21.00	21.00	Open	N 05/18/2022
23179 71407	BRAINERD HYDRAULICS/AIR TRUCK 108 SANDER AUGER REBUILD 235-3125-42220	04/01/2022 pziemer	05/18/2022	385.95 385.95	385.95	Open	N 05/18/2022
7506 71360	BRAINERD LAKES SEWER, LLC SATELLITE RENTAL - ROTARY PARK 230-5200-43410	05/01/2022 pziemer	05/18/2022	230.00 230.00	230.00	Open	N 05/18/2022
APRIL 2022/CITY 71372	BRAINERD PUBLIC UTILITIES 3/24/22-4/24/22 CITY UTILITIES 101-1940-43381 101-1940-43381 101-9200-43381 101-9200-43381 236-3180-43381 401-1003-43380	05/01/2022 pziemer	05/18/2022	1,424.91 1,069.43 205.22 24.61 36.33 36.00 53.32	1,424.91	Open	N 05/18/2022
APRIL 2022/ PARKS 71373	BRAINERD PUBLIC UTILITIES 3/24-22-4/24/22 PARKS UTILITIES 230-5200-43381 230-5280-43380 230-5280-43380 230-5280-43380	05/01/2022 pziemer	05/18/2022	3,610.77 3,520.81 46.43 5.78 37.75	3,610.77	Open	N 05/18/2022
APRIL 2022/STREETS 71374	BRAINERD PUBLIC UTILITIES 3/24/22 - 4/24/22 STREET DEPT UTILITy 235-3100-43381	05/01/2022 pziemer	05/18/2022	24,253.56 24,253.56	24,253.56	Open	N 05/18/2022

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APRIL 2022/PD							
71375	BRAINERD PUBLIC UTILITIES 3/24/22 - 4/24/22 POLICE DEPT UTILITIpziemer 225-2120-43381 BPU UTILITIES	05/01/2022	05/18/2022	3,946.21	3,946.21	Open	N 05/18/2022
				3,946.21			
APRIL 2022/FD							
71376	BRAINERD PUBLIC UTILITIES 3/24/22 - 4/24/22 FIRE DEPT UTILITIEspziemer 225-2220-43381 BPU UTILITIES	05/01/2022	05/18/2022	2,287.17	2,287.17	Open	N 05/18/2022
				2,287.17			
APRIL 2022/LIBRARY							
71377	BRAINERD PUBLIC UTILITIES 3/24/22 - 4/24/22 LIBRARY UTILITIES pziemer 211-5500-43381 BPU UTILITIES	05/01/2022	05/18/2022	1,339.24	1,339.24	Open	N 05/18/2022
				1,339.24			
5/11/22							
71429	BRAINERD PUBLIC UTILITIES REMIT LOCAL SALES TAX THRU 5/10/22 pziemer 251-9360-43467 REMIT LOCAL SALES TAX COLLECT	05/11/2022	05/18/2022	116,709.00	116,709.00	Open	N 05/18/2022
				116,709.00			
28470669							
71357	CANON FINANCIAL SERVICE FD COPIER CONTRACT 225-2220-43331 LEASED PAYMENTS	04/22/2022 pziemer	05/18/2022	80.69	80.69	Open	N 05/18/2022
				80.69			
W127724							
71313	CDW GOVERNMENT, INC EPADLINK USB EPAD II 225-2120-43309 COMPUTER TECHNICAL SUPPORT	04/19/2022 pziemer	05/18/2022	153.51	153.51	Open	N 05/18/2022
				153.51			
W542938							
71381	CDW GOVERNMENT, INC MERAHI WIFI & MDM LICENSES 101-1800-43309 COMPUTER SUPPORT 101-0000-15510 PREPAID OTHER	05/01/2022 pziemer	05/18/2022	3,606.86	3,606.86	Open	N 05/18/2022
				2,254.29			
				1,352.57			
0008065050822							
71466	CHARTER COMMUNICATIONS BUSINESS TV 225-2120-43380 UTILITIES	05/08/2022 pziemer	05/18/2022	46.80	46.80	Open	N 05/18/2022
				46.80			
775							
71427	CHEF MIKE'S CATERING MAY 22 LUNCH AND LEARN CATERING pziemer 278-6515-43430 MISCELLANEOUS	05/12/2022	05/18/2022	644.74	644.74	Open	N 05/18/2022
				644.74			
226285							
71266	CIVICPLUS SOFTWARE TRAINING/CONSULTING/INITIAL pziemer 230-5200-43309 COMPUTER TECHNICAL SUPPORT 230-0000-15510 PREPAID OTHER	04/30/2022	05/18/2022	13,635.00	13,635.00	Open	N 05/18/2022
				9,090.00			
				4,545.00			

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3232637 71284	CLIFTONLARSONALLEN LLP PROGRESS BILLING 1 FOR 2021 AUDIT 101-9200-43300	04/25/2022 pziemer	05/18/2022	1,837.50 1,837.50	1,837.50	Open	N 05/18/2022
MAY 2022 71451	COMMUNITY ACTION MAY 2022 LEVY PAYMENT 101-9200-43460	05/12/2022 pziemer	05/18/2022	7,666.42 7,666.42	7,666.42	Open	N 05/18/2022
APRIL 2022 71452	COMMUNITY ACTION APRIL 2022 LEVY PAYMENT 101-9200-43460	05/12/2022 pziemer	05/18/2022	7,666.42 7,666.42	7,666.42	Open	N 05/18/2022
TRX 31 - PKS 71362	CUB FOODS - BRAINERD CONCESSIONS - BUNS, CHEESE 230-5204-42210	05/03/2022 pziemer	05/18/2022	30.99 30.99	30.99	Open	N 05/18/2022
TRX 204 FD 71400	CUB FOODS - BRAINERD MAY 2022 LNL SUPPLIES 278-6515-43430	05/09/2022 pziemer	05/18/2022	10.47 10.47	10.47	Open	N 05/18/2022
5077 71379	CWC AUDITOR-TREASURER 2022 ESRI ANNUAL LICENSING 101-1800-43309	05/06/2022 pziemer	05/18/2022	5,000.00 5,000.00	5,000.00	Open	N 05/18/2022
5066 71344	CWC HIGHWAY DEPT APRIL 2022 TRANSIT FUEL 203-9000-42212	05/01/2022 pziemer	05/18/2022	4,562.14 4,562.14	4,562.14	Open	N 05/18/2022
2022 71430	CWC HISTORICAL SOCIETY 2022 DONATION TO HISTORICAL SOCIETY 101-9200-43438	04/01/2022 pziemer	05/18/2022	500.00 500.00	500.00	Open	N 05/18/2022
5037 71369	CWC TREASURER MAY 2022 SHARED SERVICES 101-9200-43300 211-5500-42220	05/01/2022 pziemer	05/18/2022	8,050.00 7,425.00 625.00	8,050.00	Open	N 05/18/2022
1560750 71346	DAHLHEIMER BEVERAGE CLEANING SUPPLIES - TP/TOWELS 211-5500-42220	04/01/2022 pziemer	05/18/2022	186.30 186.30	186.30	Open	N 05/18/2022

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IMP 19-02 71367	DALTON, PENNY ANN IMP 19-02 TEMPORARY EASEMENT 401-1902-43430	05/09/2022 pziemer	05/18/2022	649.00 649.00	649.00	Open	N 05/18/2022
2351 71279	DIGITAL HORIZONS PEARL2 STREAMING INSTRUCTIONS 101-9200-43434	04/29/2022 pziemer	05/18/2022	155.00 155.00	155.00	Open	N 05/18/2022
2360 71432	DIGITAL HORIZONS MEMORIAL PARK WARMING HOUSE SOUND SY 400-9050-45530	05/06/2022 pziemer	05/18/2022	3,380.86 3,380.86	3,380.86	Open	N 05/18/2022
1259 71411	DTM FLEET SERVICE SQUAD REPAIRS - MULTIPLE 225-2120-42221	04/01/2022 pziemer	05/18/2022	1,271.20 1,271.20	1,271.20	Open	N 05/18/2022
R98813 71316	EAST SIDE OIL COMPANY OIL/FILTERS 227-3230-43428	04/29/2022 pziemer	05/18/2022	150.00 150.00	150.00	Open	N 05/18/2022
FBN4460675/ENG 71459	ENTERPRISE FM TRUST APRIL 2022 VEHICLE LEASES 101-1700-43331	05/04/2022 pziemer	05/18/2022	1,068.82 1,068.82	1,068.82	Open	N 05/18/2022
FBN4460675/CH 71460	ENTERPRISE FM TRUST MARCH 22 CITY HALL VEHICLE LEASES 101-1940-43331	05/04/2022 pziemer	05/18/2022	257.60 257.60	257.60	Open	N 05/18/2022
FBN4460675/CD 71461	ENTERPRISE FM TRUST APR 22 COM DEV VEHICLE LEASES 101-2400-43331	05/04/2022 pziemer	05/18/2022	357.61 357.61	357.61	Open	N 05/18/2022
FBN4460675/PD 71462	ENTERPRISE FM TRUST APR 22 POLICE DEPT VEHICLE LEASES 225-2120-43331	05/04/2022 pziemer	05/18/2022	8,157.17 8,157.17	8,157.17	Open	N 05/18/2022
FBN4460675/FD 71463	ENTERPRISE FM TRUST APR 22 FIRE DEPT VEHICLE LEASES 225-2220-42220 225-2220-43331	05/04/2022 pziemer	05/18/2022	2,125.93 652.35 1,473.58	2,125.93	Open	N 05/18/2022

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FBN4460675/PARKS							
71464	ENTERPRISE FM TRUST	05/04/2022	05/18/2022	2,331.49	2,331.49	Open	N
	APR 22 PARKS DEPT VEHICLE LEASES	pziemer					05/18/2022
	230-5200-43331	LEASE PAYMENTS		2,331.49			
FBN4460675/STRTS							
71465	ENTERPRISE FM TRUST	05/04/2022	05/18/2022	3,226.60	3,226.60	Open	N
	APR 22 STREET DEPT VEHICLE LEASES	pziemer					05/18/2022
	235-3100-43331	LEASE PAYMENTS		2,600.59			
	237-3190-43331	LEASE PAYMENTS		626.01			
MNBAX253669							
71273	FASTENAL COMPANY	04/27/2022	05/18/2022	101.34	101.34	Open	N
	HAND WIPES	pziemer					05/18/2022
	237-3190-42220	REPAIR & MAINT		101.34			
98606871							
71278	FLEETPRIDE	05/02/2022	05/18/2022	4.77	4.77	Open	N
	TRUCK 109 MAGNETIC PLUG - LESS SALES	pziemer					05/18/2022
	235-3100-42220	REPAIR & MAINT		4.77			
48707							
71382	FORUM COMMUNICATIONS COMPANY	05/01/2022	05/18/2022	359.89	359.89	Open	N
	RFB :2022 SEWER REPAIR	pziemer					05/18/2022
	401-9030-43350-22:05	LEGAL PUBLICATIONS		359.89			
50757							
71383	FORUM COMMUNICATIONS COMPANY	05/01/2022	05/18/2022	255.77	255.77	Open	N
	ORD 1524 -AMEND	pziemer					05/18/2022
	101-2400-43350	PRINTING/LEGAL PUBLICATION		255.77			
50368							
71384	FORUM COMMUNICATIONS COMPANY	05/01/2022	05/18/2022	372.13	372.13	Open	N
	ORD 1526 PROP. MAINT CODE	pziemer					05/18/2022
	101-2400-43350	PRINTING/LEGAL PUBLICATION		372.13			
51132							
71385	FORUM COMMUNICATIONS COMPANY	05/01/2022	05/18/2022	59.07	59.07	Open	N
	NOH: VARIANCE - LAUTER	pziemer					05/18/2022
	101-2400-43350	PRINTING/LEGAL PUBLICATION		59.07			
51136							
71386	FORUM COMMUNICATIONS COMPANY	05/01/2022	05/18/2022	48.26	48.26	Open	N
	NOH - SHANNONS AUTO BODY	pziemer					05/18/2022
	101-2400-43350	PRINTING/LEGAL PUBLICATION		48.26			
51140							
71387	FORUM COMMUNICATIONS COMPANY	05/01/2022	05/18/2022	59.07	59.07	Open	N
	NOH: REZONE - R. BADEAUX	pziemer					05/18/2022
	101-2400-43350	PRINTING/LEGAL PUBLICATION		59.07			

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49369 71388	FORUM COMMUNICATIONS COMPANY NOH: VACATION NOTICE - KINNEY 101-2400-43350	05/01/2022 pziemer	05/18/2022	82.05 82.05	82.05	Open	N 05/18/2022
53767 71389	FORUM COMMUNICATIONS COMPANY NOH ORD 1529 - LIQUOR 101-9200-43350	05/01/2022 pziemer	05/18/2022	90.47 90.47	90.47	Open	N 05/18/2022
51422 71390	FORUM COMMUNICATIONS COMPANY RFB 22:02 CRACK SEALING 2022 401-9030-43350-22:02	05/01/2022 pziemer	05/18/2022	53.09 53.09	53.09	Open	N 05/18/2022
49376 71391	FORUM COMMUNICATIONS COMPANY NOTICE - ANNUAL STORMWATER MTG 2022 101-9200-43350	05/01/2022 pziemer	05/18/2022	21.72 21.72	21.72	Open	N 05/18/2022
51460 71392	FORUM COMMUNICATIONS COMPANY RFB 21:10 GREENWOOD STREET 401-9030-43350-21:10	05/01/2022 pziemer	05/18/2022	212.36 212.36	212.36	Open	N 05/18/2022
51461 71393	FORUM COMMUNICATIONS COMPANY RFB IMP 21-12 NORTH BRD 401-9030-43350-21:12	05/01/2022 pziemer	05/18/2022	212.36 212.36	212.36	Open	N 05/18/2022
50578 71394	FORUM COMMUNICATIONS COMPANY ORD 1525 - RENTAL HOUSING - PAGE 1 101-2400-43350	05/01/2022 pziemer	05/18/2022	1,489.20 1,489.20	1,489.20	Open	N 05/18/2022
50587 71395	FORUM COMMUNICATIONS COMPANY ORD 1525 RENTAL HOUSING - PAGE 2 101-2400-43350	05/01/2022 pziemer	05/18/2022	1,116.90 1,116.90	1,116.90	Open	N 05/18/2022
INV-25433 71283	GOVERNMENTJOBS.COM, INC NEOGOV ONBOARD SETUP AND SUBSCRIPTION 101-1400-43309 101-0000-15510	04/01/2022 pziemer	05/18/2022	5,423.60 4,519.67 903.93	5,423.60	Open	N 05/18/2022
9303701990 71401	GRAINGER OIL ABSORBENT 225-2220-42210	05/06/2022 pziemer	05/18/2022	216.78 216.78	216.78	Open	N 05/18/2022

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9303499942 71402	GRAINGER OIL ABSORBENT 225-2220-42210	05/06/2022 pziemer	05/18/2022	176.91 176.91	176.91	Open	N 05/18/2022
2349953 71359	GUARDIAN PEST CONTROL INC COMMERCIAL PEST CONTROL 225-2220-43300	05/05/2022 pziemer	05/18/2022	59.00 59.00	59.00	Open	N 05/18/2022
42004 71380	H & L MESABI COMPANY CARBIDE BLADES 235-3100-42220	05/04/2022 pziemer	05/16/2022	2,901.21 2,901.21	2,901.21	Open	N 05/18/2022
4/30/22 71449	HEARTLAND ANIMAL RESCUE APRIL 2022 BOARDING/ADMIN FEE 225-2700-43430 225-2700-43300	04/30/2022 pziemer	05/18/2022	3,173.00 1,361.00 1,812.00	3,173.00	Open	N 05/18/2022
3032105 71442	HEARTLAND TIRE INC. SQD 444 - FOUR TIRES 225-2120-42221	05/10/2022 pziemer	05/18/2022	635.12 635.12	635.12	Open	N 05/18/2022
13231 71448	HOTSY MINNESOTA WASH BAY PRESSURE WASHER REPAIR 235-3100-42220	05/10/2022 pziemer	05/18/2022	357.30 357.30	357.30	Open	N 05/18/2022
152315 71342	HRGREEN IMP 21-11 PROF SVCS THROUGH 4/29/22 401-9030-43300-21:11	05/05/2022 pziemer	05/18/2022	3,546.00 3,546.00	3,546.00	Open	N 05/18/2022
152316 71343	HRGREEN IMP 21-15 PROF SVCS THRU 4/29/22 401-9030-43300-21:15	05/05/2022 pziemer	05/18/2022	15,195.00 15,195.00	15,195.00	Open	N 05/18/2022
IN3771371 71302	INNOVATIVE OFFICE SOLUTIONS LLC OFFICE SUPPLIES 225-2120-42200	04/29/2022 pziemer	05/18/2022	44.67 44.67	44.67	Open	N 05/18/2022
IN3771865 71303	INNOVATIVE OFFICE SOLUTIONS LLC EVIDENCE STORAGE SUPPLIES 225-2120-42210	04/29/2022 pziemer	05/18/2022	15.71 15.71	15.71	Open	N 05/18/2022

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IN3780342							
71412	INNOVATIVE OFFICE SOLUTIONS LLC OFFICE SUPPLIES 225-2120-42200	05/06/2022 pziemer	05/18/2022	26.20 26.20	26.20	Open	N 05/18/2022
094682							
71263	IOWA LEAGUE OF CITIES CITY ENG/PUBLIC WORKS DIR. POSTING 101-1700-43350	05/03/2022 pziemer	05/18/2022	140.00 140.00	140.00	Open	N 05/18/2022
#SS2205							
71345	ISD #181 BRAINERD PUBLIC SCHOOLS SUMMER COMMUNITY ED GUIDE - LIBRARY 211-5501-43430	04/05/2022 pziemer	05/18/2022	275.00 275.00	275.00	Open	N 05/18/2022
3168							
71304	KELLY'S SERVICE SQD 429 - BATTERY 225-2120-42221	05/03/2022 pziemer	05/18/2022	194.95 194.95	194.95	Open	N 05/18/2022
3205							
71413	KELLY'S SERVICE SQD 444 BATTERY 225-2120-42221	05/09/2022 pziemer	05/18/2022	194.95 194.95	194.95	Open	N 05/18/2022
167537							
71441	KENNEDY & GRAVEN SERVICES THROUGH 2/28/22 295-6510-43300 295-0000-20600 295-0000-20600	05/06/2022 pziemer	05/18/2022	5,686.00 100.00 4,374.00 1,212.00	5,686.00	Open	N 05/18/2022
050922-01							
71447	KERIF NIGHT VISION SQD 437 NEW SQUAD BUILD 400-9050-45530	05/09/2022 pziemer	05/18/2022	2,800.00 2,800.00	2,800.00	Open	N 05/18/2022
4/14/22							
71348	KITCHIGAMI REGIONAL LIBRARY - CC 3/16/22 - 4/13/22 -KITCHIGAMI LIB CC 211-0000-20800	04/13/2022 pziemer	05/18/2022	192.50 192.50	192.50	Open	N 05/18/2022
PAY REQ 1 -19-02							
71419	KNIFE RIVER PAY REQ 1 19-02 NP SEGMENT THRU 5/6/ 401-1902-45530	05/05/2022 pziemer	05/18/2022	85,177.44 85,177.44	85,177.44	Open	N 05/18/2022
5/3/2022							
71361	LAKES AREA LOCK & DOOR HARDWARE, IN KEY SETS FOR BBBA COACHES 230-5200-42210	05/03/2022 pziemer	05/18/2022	252.00 252.00	252.00	Open	N 05/18/2022

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MAY 2022							
71450	LAKES AREA SENIOR CENTER MAY 22 LEVY PAYMENT 101-9200-43461	05/12/2022 pziemer	05/18/2022	7,666.42	7,666.42	Open	N 05/18/2022
	REMIT SENIOR CITIZEN LEVY			7,666.42			
7245 71446	LEAGUE MN CITIES INS TRUS LMC CA 114989 PLOW/VEHICLE 2/7/22 280-9700-43470	05/10/2022 pziemer	05/18/2022	1,000.00	1,000.00	Open	N 05/18/2022
	UNINSURED LOSSES			1,000.00			
84437 71262	LEAGUE OF WISCONSIN MUNICIPALITIES CITY ENG/PUBLIC WORKS DIR. POSTING 101-1700-43350	05/04/2022 pziemer	05/18/2022	150.00	150.00	Open	N 05/18/2022
	PRINTING/LEGAL PUBLICATION			150.00			
P41941 71270	MACQUEEN EQUIPMENT INC SEWER CAMERA SEALS 237-3190-42220	04/29/2022 pziemer	05/18/2022	17.83	17.83	Open	N 05/18/2022
	REPAIR & MAINT			17.83			
5/5/22 71366	MANN, LAWAYNE REIMBURSE - OIL DRY NEEDED FOR EMERGE 225-2220-42210	05/05/2022 pziemer	05/18/2022	129.23	129.23	Open	N 05/18/2022
	OPERATING SUPPLIES			129.23			
472066299 71458	MARCO FINANCING CITY HALL CONTRACT PAYMENT 101-1800-43331	05/06/2022 pziemer	05/18/2022	1,224.81	1,224.81	Open	N 05/18/2022
	LEASE PAYMENTS			1,224.81			
73069 71274	MENARDS - BAXTER 48" T12 BULBS FOR GGP RESTROOMS 230-5200-42220	04/19/2022 pziemer	05/18/2022	32.70	32.70	Open	N 05/18/2022
	REPAIR & MAINT			32.70			
73638 71370	MENARDS - BAXTER GALV. COUPLING 230-5200-42220	05/01/2022 pziemer	05/18/2022	9.87	9.87	Open	N 05/18/2022
	REPAIR & MAINT			9.87			
73598 71371	MENARDS - BAXTER HARDWARE CLOTH/TROWEL 230-5200-42220	05/01/2022 pziemer	05/18/2022	13.48	13.48	Open	N 05/18/2022
	REPAIR & MAINT			13.48			
74049 71456	MENARDS - BAXTER SIGNS, BREAKER, STUD	05/06/2022 pziemer	05/18/2022	203.08	203.08	Open	N 05/18/2022

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73807 71457	MENARDS - BAXTER P-TRAP, DRAIN	05/02/2022 pziemer	05/18/2022	64.84	64.84	Open	N 05/18/2022
7275 71364	MINNESOTA SOFTBALL ADULT SOFTBALL UMPIRE REGISTRATION 230-5215-42210	05/06/2022 pziemer	05/18/2022	630.00 630.00	630.00	Open	N 05/18/2022
SH45547 71312	MINNESOTA T'S SEASONAL EMPLOYEE UNIFORM TEES 230-5200-42210	04/29/2022 pziemer	05/18/2022	375.37 375.37	375.37	Open	N 05/18/2022
5/10/22 71424	MN BUREAU OF CRIM APPREHENSION BCA BACKGROUND CHECKS - QTY 2 230-5204-42210	05/10/2022 pziemer	05/18/2022	30.00 30.00	30.00	Open	N 05/18/2022
00000699778 71308	MN DEPT OF TRANSPORTATION IMP 18-13 CITY COST SHARE 401-9030-45530-18:13	05/03/2022 pziemer	05/18/2022	263,515.13 263,515.13	263,515.13	Open	N 05/18/2022
9932 71358	MN FIRE SERVICE CERTIFICATION BOARD YFPI CERTIFICATION - ROSIER 225-2220-43330	04/26/2022 pziemer	05/18/2022	120.00 120.00	120.00	Open	N 05/18/2022
5402380578 71403	MORTON SALT INC ROAD SALT 235-3125-42220	12/31/2021 pziemer	12/31/2021	5,730.07 5,730.07	5,730.07	Open	N 12/31/2021
5402382045 71404	MORTON SALT INC ROAD SALT 235-3125-42220	12/31/2021 pziemer	12/31/2021	9,581.93 9,581.93	9,581.93	Open	N 12/31/2021
5402381297 71405	MORTON SALT INC ROAD SALT 235-3125-42220	12/31/2021 pziemer	12/31/2021	9,639.95 9,639.95	9,639.95	Open	N 12/31/2021
29113 71305	MOTORS-N-MORE SQD 401 - OIL CHANGE 225-2120-42221	05/03/2022 pziemer	05/18/2022	23.00 23.00	23.00	Open	N 05/18/2022

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29117 71414	MOTORS-N-MORE SQD 429 - OIL CHANGE & AC SERVICE 225-2120-42221	05/04/2022 pziemer	05/18/2022	259.29 259.29	259.29	Open	N 05/18/2022
29120 71415	MOTORS-N-MORE SQD 430 OIL CHANGE 225-2120-42221	05/05/2022 pziemer	05/18/2022	23.00 23.00	23.00	Open	N 05/18/2022
29133 71443	MOTORS-N-MORE SQD 432 - CHECK BRAKES 225-2120-42221	05/11/2022 pziemer	05/18/2022	107.00 107.00	107.00	Open	N 05/18/2022
215738 71281	M-R SIGN CO., INC. STREET SIGNS 235-3170-42220	04/26/2022 pziemer	05/18/2022	4,180.00 4,180.00	4,180.00	Open	N 05/18/2022
215739 71282	M-R SIGN CO., INC. STREET SIGN 235-3170-42210	04/26/2022 pziemer	05/18/2022	34.88 34.88	34.88	Open	N 05/18/2022
215855 71378	M-R SIGN CO., INC. STREET SIGNS X4 235-3170-42210	05/05/2022 pziemer	05/18/2022	139.84 139.84	139.84	Open	N 05/18/2022
502099 71271	NAPA AUTO PARTS 18 & 24 IN ADJUSTABLE WRENCHES 235-3100-42240	04/28/2022 pziemer	05/18/2022	193.99 193.99	193.99	Open	N 05/18/2022
503822 71334	NAPA AUTO PARTS BLOWGUN, AIR CHUCK, BRAKE LINE 235-3100-42220	05/04/2022 pziemer	05/18/2022	44.27 44.27	44.27	Open	N 05/18/2022
MAY 2022 71453	NORTHLAND ARBORETUM MAY 2022 LEVY PAYMENT 101-9200-43462	05/12/2022 pziemer	05/18/2022	7,666.42 7,666.42	7,666.42	Open	N 05/18/2022
APRIL 2022 71454	NORTHLAND ARBORETUM APRIL 2022 LEVY PAYMENT 101-9200-43462	05/12/2022 pziemer	05/18/2022	7,666.42 7,666.42	7,666.42	Open	N 05/18/2022

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Inv Num Inv Ref#	Vendor Description GL Distribution	Inv Date Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnlized Post Date
49091 71428	NORTHLAND FIRE PROTECTION 2022 ANNUAL SERVICE/RECERT FIRE EXTING 235-3100-42220	04/29/2022 pziemer	05/18/2022	902.80 902.80	902.80	Open	N 05/18/2022
845521382 71440	NOVACARE REHABILITATION FITNESS TRAINING/POTENTIAL HIRE 225-2120-43300	04/28/2022 pziemer	05/18/2022	185.00 185.00	185.00	Open	N 05/18/2022
3251097P 71365	NUSS TRUCK & EQUIPMENT TRUCK 105 SHOCK ABSORBERS 235-3100-42220	05/09/2022 pziemer	05/18/2022	378.66 378.66	378.66	Open	N 05/18/2022
3251118P 71431	NUSS TRUCK & EQUIPMENT TRUCK 103 SHOCK ABSORBER 235-3125-42220	05/09/2022 pziemer	05/18/2022	280.62 280.62	280.62	Open	N 05/18/2022
1111324-0 71280	OFFICE SHOP KEY TAGS 230-5200-42200	05/02/2022 pziemer	05/18/2022	15.34 15.34	15.34	Open	N 05/18/2022
7284 71288	ROUTE MATCH SOFTWARE LLC ANNUAL TECH SUPPORT AND MAINTENANCE 203-9000-43309 203-0000-15510	05/02/2022 pziemer	05/18/2022	2,126.25 1,063.13 1,063.12	2,126.25	Open	N 05/18/2022
4/14/22 71306	SCHREIFELS, TROY 726 HW - USE OF FORCE & DE--ESCALATI 225-2120-43330	04/14/2022 pziemer	05/18/2022	150.00 150.00	150.00	Open	N 05/18/2022
6822 71291	SOUTH DAKOTA MUNICIPAL LEAGUE CITY ENG/PUBLIC WORKS POSTING 101-1700-43350	05/03/2022 pziemer	05/18/2022	50.00 50.00	50.00	Open	N 05/18/2022
3506672879 71416	STAPLES ADVANTAGE OFFICE & EVIDENCE SUPPLIES 225-2120-42200 225-2120-42210	04/30/2022 pziemer	05/18/2022	52.66 21.24 31.42	52.66	Open	N 05/18/2022
I1564893 71307	STREICHERS PROF EQUIP 726HW - INITIAL ISSUE 225-2120-41113	04/26/2022 pziemer	05/18/2022	156.97 156.97	156.97	Open	N 05/18/2022

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I1565903 71417	STREICHERS PROF EQUIP 726HW - BODY ARMOR/VEST 225-2121-41113	05/02/2022 pziemer	05/18/2022	1,326.00 1,326.00	1,326.00	Open	N 05/18/2022
I1566416 71418	STREICHERS PROF EQUIP 771TW - CSO UNIFORM SHIRT 225-2121-41113	05/03/2022 pziemer	05/18/2022	38.98 38.98	38.98	Open	N 05/18/2022
2160 71368	TIM THOMPSON PLUMBING LLC MMP - PUMP STATION REPAIR 230-5200-42220	05/01/2022 pziemer	05/18/2022	1,107.00 1,107.00	1,107.00	Open	N 05/18/2022
105051-00 71265	UPPER LAKES FOODS INC CONCESSIONS - CHEESE SAUCE/PICKLE SLI 230-5204-42210	05/04/2022 pziemer	05/18/2022	117.82 117.82	117.82	Open	N 05/18/2022
985913-0A 71286	UPPER LAKES FOODS INC CREDIT MEMO CONCESSIONS - PICKLES 230-5204-42210	04/25/2022 pziemer	05/18/2022	(23.50) (23.50)	(23.50)	Open	N 05/18/2022
APRIL 2022 71444	VISIT BRAINERD APRIL 22 LODGING TAX REMITTANCE 101-9200-43340	05/11/2022 pziemer	05/18/2022	2,399.09 2,399.09	2,399.09	Open	N 05/18/2022
24X01424 71293	WASTE PARTNERS INC APR 22 CITY HALL WASTE REMOVAL 101-1940-43380	04/30/2022 pziemer	05/18/2022	108.50 108.50	108.50	Open	N 05/18/2022
24X01425 71294	WASTE PARTNERS INC APR 22 DOWNTOWN WASTE REMOVAL 401-1003-43300	04/30/2022 pziemer	05/18/2022	214.66 214.66	214.66	Open	N 05/18/2022
24X01423 71295	WASTE PARTNERS INC APR 22 FIRE DEPT WASTE REMOVAL 225-2220-43380	04/30/2022 pziemer	05/18/2022	99.45 99.45	99.45	Open	N 05/18/2022
24X01426 71296	WASTE PARTNERS INC APR 22 POLICE DEPT WASTE REMOVAL 225-2120-43380	04/30/2022 pziemer	05/18/2022	124.45 124.45	124.45	Open	N 05/18/2022

Inv Num Inv Ref#	Vendor Description GL Distribution	Inv Date Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnlized Post Date
24X01421 71297	WASTE PARTNERS INC APR 22 PARKS WASTE REMOVAL 230-5200-43380	04/30/2022 pziemer	05/18/2022	432.90 432.90	432.90	Open	N 05/18/2022
24X01422 71298	WASTE PARTNERS INC APR 22 STREET DEPT WASTE REMOVAL 235-3100-43380	04/30/2022 pziemer	05/18/2022	99.45 99.45	99.45	Open	N 05/18/2022
24X01427 71299	WASTE PARTNERS INC APR 22 WASTE OIL REMOVAL 227-3230-43428	04/30/2022 pziemer	05/18/2022	64.35 64.35	64.35	Open	N 05/18/2022
23X49360 71347	WASTE PARTNERS INC MAR 2022 LIBRARY WASTE REMOVAL 211-5500-43380	04/01/2022 pziemer	05/18/2022	91.80 91.80	91.80	Open	N 05/18/2022
124576 71289	WATSON COMPANY CONCESSIONS - RETURNED PRODUCT 230-5200-42210	04/21/2022 pziemer	05/18/2022	(141.56) (141.56)	(141.56)	Open	N 05/18/2022
80516326/ADM 71433*	WEX BANK APRIL 2022 REBATE/FUEL 101-0000-36299 101-9200-43430 101-9200-43430	04/30/2022 pziemer	05/18/2022	6.68 (19.70) 26.73 (0.35)	6.68	Open	N 05/18/2022
80516326/CD 71434	WEX BANK APRIL 2022 COM DEV FUEL 101-2400-42212	04/30/2022 pziemer	05/18/2022	136.79 136.79	136.79	Open	N 05/18/2022
80516326/ENG 71435*	WEX BANK APRIL 2022 ENG FUEL 401-9030-42212 401-9030-42212	04/30/2022 pziemer	05/18/2022	62.59 63.42 (0.83)	62.59	Open	N 05/18/2022
80516326/FD 71436	WEX BANK APRIL 2022 FIRE DEPT FUEL 225-2220-42212	04/30/2022 pziemer	05/18/2022	1,012.27 1,012.27	1,012.27	Open	N 05/18/2022
80516326 71437*	WEX BANK APRIL 2022 POLICE DEPT FUEL 225-2120-42212	04/30/2022 pziemer	05/18/2022	4,660.70 4,718.83	4,660.70	Open	N 05/18/2022

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Inv Num Inv Ref#	Vendor Description GL Distribution	Inv Date Entered By	Due Date	Inv Amt	Amt Due	Status	Jrnlized Post Date
	225-2120-42212	MOTOR FUELS		(58.13)			
80516326/PARKS							
71438	WEX BANK APRIL 2022 PARKS DEPT FUEL 230-5200-42212	04/30/2022 pziemer MOTOR FUELS	05/18/2022	1,177.45 1,177.45	1,177.45	Open	N 05/18/2022
80516326/STREETS							
71439*	WEX BANK APRIL 2022 STREET DEPT FUEL 235-3100-42212 237-3190-42212 237-3190-42212	04/30/2022 pziemer MOTOR FUELS MOTOR FUELS MOTOR FUELS	05/18/2022	5,266.76 5,117.69 150.01 (0.94)	5,266.76	Open	N 05/18/2022
0001531213-IN							
71420	WEX HEALTH INC APRIL 2022 COBRA BILLING 101-9200-43300	04/30/2022 pziemer PROFESSIONAL SERVICES	05/18/2022	42.40 42.40	42.40	Open	N 05/18/2022
216759							
71287	WIDSETH SMITH NOLTING BRD PD STORAGE BUILDING 400-9050-43300-22:40	04/26/2022 pziemer PROFESSIONAL SERVICES	05/18/2022	912.50 912.50	912.50	Open	N 05/18/2022
# of Invoices:	181	# Due:	181	Totals:	826,090.22	826,090.22	
# of Credit Memos:	2	# Due:	2	Totals:	(165.06)	(165.06)	
Net of Invoices and Credit Memos:					825,925.16	825,925.16	
* 4 Net Invoices have Credits Totalling:					(79.95)		
--- TOTALS BY GL DISTRIBUTION ---							
	101-0000-15510	PREPAID OTHER		2,256.50			
	101-0000-36299	MISCELLANEOUS REVENUE		(19.70)			
	101-1400-43309	COMPUTER TECHNICAL SUPPORT		4,519.67			
	101-1400-43321	TELEPHONE		99.18			
	101-1700-43321	TELEPHONE		274.82			
	101-1700-43331	LEASE PAYMENTS		1,068.82			
	101-1700-43350	PRINTING/LEGAL PUBLICATION		340.00			
	101-1800-43309	COMPUTER SUPPORT		7,254.29			
	101-1800-43321	TELEPHONE		137.41			
	101-1800-43331	LEASE PAYMENTS		1,224.81			
	101-1940-42220	REPAIR & MAINT		5.39			
	101-1940-43331	LEASE PAYMENTS		257.60			
	101-1940-43380	UTILITIES		108.50			
	101-1940-43381	BPU UTILITIES		1,274.65			
	101-2400-42212	MOTOR FUELS		136.79			
	101-2400-43321	TELEPHONE		99.18			
	101-2400-43331	LEASE EXPENSE		357.61			
	101-2400-43350	PRINTING/LEGAL PUBLICATION		3,482.45			
	101-9200-43300	PROFESSIONAL SERVICES		9,304.90			
	101-9200-43340	LODGING TAX REMIT/PR		2,399.09			
	101-9200-43350	LEGAL PUBLICATIONS		112.19			
	101-9200-43381	BPU UTILITIES		60.94			

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Inv Ref#	Description	Entered By					Post Date
	GL Distribution						
	101-9200-43430	MISCELLANEOUS		26.38			
	101-9200-43434	MEETING BROADCAST EXPENDITURES		155.00			
	101-9200-43438	MISC SPECIAL PROJECTS		500.00			
	101-9200-43460	REMIT COMMUNITY ACTION LEVY		15,332.84			
	101-9200-43461	REMIT SENIOR CITIZEN LEVY		7,666.42			
	101-9200-43462	REMIT ARBORETUM LEVY		15,332.84			
	203-0000-15510	PREPAID OTHER		1,063.12			
	203-9000-42212	MOTOR FUELS		10,949.20			
	203-9000-43309	COMPUTER TECHINCAL SUPPORT		1,063.13			
	203-9000-43321	TELEPHONE		49.59			
	203-9000-43401	VEHICLE REPAIRS		13,221.28			
	203-9000-43440	TRANSIT SERVICE CONTRACT PY		88,122.35			
	211-0000-20800	DUE TO OTHER GOVT UNITS		192.50			
	211-5500-42220	REPAIR & MAINT		811.30			
	211-5500-43380	UTILITIES		91.80			
	211-5500-43381	BPU UTILITIES		1,339.24			
	211-5501-43430	MISC - SPECIFIED DONATION USE		275.00			
	225-2120-35102	PARKING FINES		50.00			
	225-2120-41113	UNIFORM ALLOWANCE		156.97			
	225-2120-42200	OFFICE SUPPLIES		92.11			
	225-2120-42210	OPERATING SUPPLIES		47.13			
	225-2120-42212	MOTOR FUELS		4,660.70			
	225-2120-42221	SQUAD CAR REPAIR SUPPLIES		2,708.51			
	225-2120-43300	PROFESSIONAL SERVICES		185.00			
	225-2120-43309	COMPUTER TECHNICAL SUPPORT		879.88			
	225-2120-43321	TELEPHONE		1,231.92			
	225-2120-43330	PROFESSIONAL DEVELOPMENT		575.00			
	225-2120-43331	LEASED PAYMENTS		8,157.17			
	225-2120-43380	UTILITIES		171.25			
	225-2120-43381	BPU UTILITIES		3,946.21			
	225-2121-41113	UNIFORM ALLOWANCE		1,364.98			
	225-2220-41113	UNIFORM ALLOWANCE		77.16			
	225-2220-42210	OPERATING SUPPLIES		747.39			
	225-2220-42212	MOTOR FUELS		1,012.27			
	225-2220-42220	REPAIR & MAINT		779.15			
	225-2220-43300	PROFESSIONAL SERVICES		59.00			
	225-2220-43330	PROFESSIONAL DEVELOPMENT		5,120.00			
	225-2220-43331	LEASED PAYMENTS		1,554.27			
	225-2220-43380	UTILITIES		99.45			
	225-2220-43381	BPU UTILITIES		2,287.17			
	225-2700-43300	PROFESSIONAL SERVICES		1,812.00			
	225-2700-43430	MISCELLANEOUS		1,361.00			
	227-3230-43428	USED OIL RECYCLING EXPENSE		214.35			
	230-0000-15510	PREPAID OTHER		4,545.00			
	230-5200-42200	OFFICE SUPPLIES		15.34			
	230-5200-42210	OPERATING SUPPLIES		512.72			
	230-5200-42212	MOTOR FUELS		1,177.45			
	230-5200-42220	REPAIR & MAINT		1,655.67			
	230-5200-42221	R&M-ATHLETIC FIELD MAINT		210.00			
	230-5200-43309	COMPUTER TECHNICAL SUPPORT		9,090.00			
	230-5200-43321	TELEPHONE		121.01			
	230-5200-43331	LEASE PAYMENTS		2,331.49			
	230-5200-43380	UTILITIES		432.90			
	230-5200-43381	BPU UTILITIES		3,520.81			
	230-5200-43410	RENTAL EXPENSE		230.00			
	230-5204-42210	OPERATING SUPPLIES		155.31			
	230-5215-42210	OPERATING SUPPLIES		630.00			

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Inv Ref#	Description	Entered By					Post Date
	GL Distribution						
	230-5280-43380	UTILITIES		89.96			
	235-3100-42212	MOTOR FUELS		5,117.69			
	235-3100-42220	REPAIR & MAINT		4,968.11			
	235-3100-42240	SMALL TOOLS		193.99			
	235-3100-43321	TELEPHONE		99.18			
	235-3100-43331	LEASE PAYMENTS		2,600.59			
	235-3100-43380	UTILITIES		99.45			
	235-3100-43381	BPU UTILITIES		24,253.56			
	235-3100-43430	MISCELLANEOUS		195.23			
	235-3125-42220	REPAIR & MAINT		25,699.51			
	235-3170-42210	OPERATING SUPPLIES		174.72			
	235-3170-42220	WHEN RESTRICTED SIGNS, 3 HOUR STICKERS		4,180.00			
	236-3180-43381	BPU UTILITIES		36.00			
	237-3190-42212	MOTOR FUELS		149.07			
	237-3190-42220	REPAIR & MAINT		179.45			
	237-3190-43321	TELEPHONE		38.23			
	237-3190-43331	LEASE PAYMENTS		626.01			
	238-3160-42220	REPAIR & MAINT		1,637.26			
	251-9360-43467	REMIT LOCAL SALES TAX COLLECT		116,709.00			
	278-6515-43430	MISCELLANEOUS		655.21			
	280-9700-43470	UNINSURED LOSSES		1,000.00			
	295-0000-20600	DEPOSITS PAYABLE		5,586.00			
	295-6510-43300	PROFESSIONAL SERVICES		100.00			
	400-9050-43300-22:40	PROFESSIONAL SERVICES		912.50			
	400-9050-45530	CAPITAL - OTHER		6,180.86			
	401-1003-43300	PROFESSIONAL SERVICES		214.66			
	401-1003-43380	UTILITIES		53.32			
	401-1902-43430	MISCELLANEOUS		649.00			
	401-1902-45530	PYMTS TO CONTRACTORS		85,177.44			
	401-9030-42212	MOTOR FUELS		62.59			
	401-9030-43300-21:11	PROFESSIONAL SERVICES		3,546.00			
	401-9030-43300-21:15	PROFESSIONAL SERVICES		15,195.00			
	401-9030-43350-21:10	LEGAL PUBLICATIONS		212.36			
	401-9030-43350-21:12	LEGAL PUBLICATIONS		212.36			
	401-9030-43350-22:02	LEGAL PUBLICATIONS		53.09			
	401-9030-43350-22:05	LEGAL PUBLICATIONS		359.89			
	401-9030-45530-18:13	CAPITAL-PYMTS TO CONTRACTS		263,515.13			

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--- TOTALS BY FUND ---							
	101 - GENERAL FUND			73,768.57	73,768.57		
	203 - TRANSIT FUND			114,468.67	114,468.67		
	211 - LIBRARY FUND			2,709.84	2,709.84		
	225 - PUBLIC SAFETY FUND			39,135.69	39,135.69		
	227 - RECYCLING FUND			214.35	214.35		
	230 - PARK & RECREATION FUND			24,717.66	24,717.66		
	235 - STREET & SEWER FUND			67,582.03	67,582.03		
	236 - PARKING LOT FUND			36.00	36.00		
	237 - SANITARY SEWER FUND			992.76	992.76		
	238 - STORM SEWER FUND			1,637.26	1,637.26		
	251 - LOCAL OPTION SALES TAX			116,709.00	116,709.00		
	278 - HEALTHY EMPLOYE INITIATIVE			655.21	655.21		
	280 - PACKAGE INSURANCE FUND			1,000.00	1,000.00		
	295 - EDA FUND			5,686.00	5,686.00		
	400 - CAPITAL PROJECTS FUND			7,093.36	7,093.36		
	401 - CONSTRUCTION FUND			369,250.84	369,250.84		
--- TOTALS BY DEPT/ACTIVITY ---							
	0000 -			13,623.42	13,623.42		
	1003 - 10:03 DWNTWN MAIN CNTRACT			267.98	267.98		
	1400 - ADMINISTRATION			4,618.85	4,618.85		
	1700 - ENGINEERING			1,683.64	1,683.64		
	1800 - IT/GIS			8,616.51	8,616.51		
	1902 - 19:02 CLST CONNECTION			85,826.44	85,826.44		
	1940 - CITY HALL			1,646.14	1,646.14		
	2120 - POLICE DEPARTMENT			22,861.85	22,861.85		
	2121 - COMMUNITY SERVICE			1,364.98	1,364.98		
	2220 - FIRE DEPARTMENT			11,735.86	11,735.86		
	2400 - COMMUNITY DEVL/INSPECTION			4,076.03	4,076.03		
	2700 - ANIMAL CONTROL			3,173.00	3,173.00		
	3100 - S & S MAINTENANCE			37,527.80	37,527.80		
	3125 - SNOW REMOVAL			25,699.51	25,699.51		
	3160 - STORM SEWER EXPENSE			1,637.26	1,637.26		
	3170 - TRAFFIC CONTROL			4,354.72	4,354.72		
	3180 - PARKING LOTS EXPENSE			36.00	36.00		
	3190 - SANITARY SEWER EXPENSE			992.76	992.76		
	3230 - RECYCLING EXPENSE			214.35	214.35		
	5200 - PARK MAIN/ADMINISTRATION			19,297.39	19,297.39		
	5204 - CONCESSIONS			155.31	155.31		
	5215 - ADULT SOFTBALL			630.00	630.00		
	5280 - CAMPGROUND			89.96	89.96		
	5500 - LIBRARY-BUDGETED			2,242.34	2,242.34		

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Inv Ref#	Description	Entered By					Post Date
GL Distribution							
--- TOTALS BY DEPT/ACTIVITY ---							
	5501 - SPECIFIED DONATION USE			275.00	275.00		
	6510 - ECONOMIC DEVELOPMENT AUTH			100.00	100.00		
	6515 - HEALTHY EMPLOYEE INITIATIVE			655.21	655.21		
	9000 - TRANSIT FUND			113,405.55	113,405.55		
	9030 - CONSTRUCTION PROJ-MISC			283,156.42	283,156.42		
	9050 - CAPITAL PROJECTS-MISC			7,093.36	7,093.36		
	9200 - CITY-WIDE			50,890.60	50,890.60		
	9360 - LOCAL OPTION SALES TAX			116,709.00	116,709.00		
	9700 - PACKAGE INSURANCE			1,000.00	1,000.00		

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INVOICE REGISTER REPORT FOR CITY OF BRAINERD

Page: 1/2

EXP CHECK RUN DATES 04/01/2022 - 04/30/2022

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	Jrnalized Post Date
X04032022/FD 70886	AT&T MOBILITY ACCT 287312856222 FIRE DEPT 2/26-3/pziemer 225-2220-43321	03/25/2022	04/08/2022	305.84 305.84	0.00	Paid	Y 04/08/2022
X04032022/IT 70887	AT&T MOBILITY ACCT 287292136423 IT SERVICE 2/26-3/pziemer 101-1800-43321	03/25/2022	04/08/2022	137.47 137.47	0.00	Paid	Y 04/08/2022
X04032022/ADMIN 70888	AT&T MOBILITY ACCT 287292136423 ADMIN SERVICE 2/2/pziemer 101-1400-43321	03/25/2022	04/08/2022	99.24 99.24	0.00	Paid	Y 04/08/2022
X04032022/ENG 70889	AT&T MOBILITY ACCT 287292136423 ENG DEPT SERVICE 2/pziemer 101-1700-43321	03/25/2022	04/08/2022	274.94 274.94	0.00	Paid	Y 04/08/2022
X04032022/CD 70890	AT&T MOBILITY ACCT 287292136423 COM DEV SERVICE 2/pziemer 101-2400-43321	03/25/2022	04/08/2022	99.24 99.24	0.00	Paid	Y 04/08/2022
X04032022/PARKS 70891	AT&T MOBILITY ACCT 287292136423 PARKS SERVICE 2/26-pziemer 230-5200-43321	03/25/2022	04/08/2022	121.06 121.06	0.00	Paid	Y 04/08/2022
X04032022/STRTS 70892	AT&T MOBILITY ACCT 287292136423 STREET DEPT SERVICE/pziemer 235-3100-43321 237-3190-43321	03/25/2022	04/08/2022	137.47 99.24 38.23	0.00	Paid	Y 04/08/2022
X04032022/TRANSIT 70893	AT&T MOBILITY ACCT 287292136423 TRANSIT SERVICE 2/pziemer 203-9000-43321	03/25/2022	04/08/2022	49.62 49.62	0.00	Paid	Y 04/08/2022
X04032022/PD 70898	AT&T MOBILITY ACCT 287287520356 POLICE DEPT COMP/P/pziemer 225-2120-43309 225-2120-43321	03/25/2022	04/08/2022	1,959.43 726.37 1,233.06	0.00	Paid	Y 04/08/2022
4/11/22 70913	LANDSBURG LANDSCAPE NURSERY INC DEPOSIT FOR DOWNTOWN LANDSCAPE - BAS/pziemer 401-1003-43430	04/11/2022	04/13/2022	964.31 964.31	0.00	Paid	Y 04/13/2022

05/11/2022 11:08 AM

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INVOICE REGISTER REPORT FOR CITY OF BRAINERD

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EXP CHECK RUN DATES 04/01/2022 - 04/30/2022

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BOTH OPEN AND PAID

Inv Num	Vendor	Inv Date	Due Date	Inv Amt	Amt Due	Status	Jrnlized
Inv Ref#	Description	Entered By					Post Date
	GL Distribution						

EST. 3 - FINAL

70955	RYAN CONTRACTING CO.	12/08/2021	04/14/2022	26,905.58	0.00	Paid	Y
	#2021-8 WATER SEWER EXT - FINAL	pziemer					12/31/2021
	450-9010-45530-21:50	CAPITAL-LOCAL SHARE		26,905.58			

# of Invoices:	11	# Due:	0	Totals:	31,054.20	0.00
# of Credit Memos:	0	# Due:	0	Totals:	0.00	0.00

Net of Invoices and Credit Memos:		31,054.20	0.00
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--- TOTALS BY GL DISTRIBUTION ---

101-1400-43321	TELEPHONE	99.24
101-1700-43321	TELEPHONE	274.94
101-1800-43321	TELEPHONE	137.47
101-2400-43321	TELEPHONE	99.24
203-9000-43321	TELEPHONE	49.62
225-2120-43309	COMPUTER TECHNICAL SUPPORT	726.37
225-2120-43321	TELEPHONE	1,233.06
225-2220-43321	TELEPHONE	305.84
230-5200-43321	TELEPHONE	121.06
235-3100-43321	TELEPHONE	99.24
237-3190-43321	TELEPHONE	38.23
401-1003-43430	MISCELLANEOUS	964.31
450-9010-45530-21:50	CAPITAL-LOCAL SHARE	26,905.58

--- TOTALS BY FUND ---

101 - GENERAL FUND	610.89	0.00
203 - TRANSIT FUND	49.62	0.00
225 - PUBLIC SAFETY FUND	2,265.27	0.00
230 - PARK & RECREATION FUND	121.06	0.00
235 - STREET & SEWER FUND	99.24	0.00
237 - SANITARY SEWER FUND	38.23	0.00
401 - CONSTRUCTION FUND	964.31	0.00
450 - AIRPORT CIP FUND	26,905.58	0.00

--- TOTALS BY DEPT/ACTIVITY ---

1003 - 10:03 DWNTWN MAIN CNTRACT	964.31	0.00
1400 - ADMINISTRATION	99.24	0.00
1700 - ENGINEERING	274.94	0.00
1800 - IT/GIS	137.47	0.00
2120 - POLICE DEPARTMENT	1,959.43	0.00
2220 - FIRE DEPARTMENT	305.84	0.00
2400 - COMMUNITY DEVL/INSPECTION	99.24	0.00
3100 - S & S MAINTENANCE	99.24	0.00
3190 - SANITARY SEWER EXPENSE	38.23	0.00
5200 - PARK MAIN/ADMINISTRATION	121.06	0.00
9000 - TRANSIT FUND	49.62	0.00
9010 - AIRPORT CIP PROJ-MISC	26,905.58	0.00

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: Erickson, O'Day, Stunek, Johnson, Pritschet, Stenglein, and Bevans. Mayor Badeaux was also noted as present.

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

MOVED AND SECONDED BY COUNCIL MEMBERS PRITSCHET AND STUNEK, DULY CARRIED, TO APPROVE THE AGENDA WITH MOVING THE COMMUNITY MEMBER OF THE MONTH AFTER THE CONSENT CALENDAR AND MOVING THE DETERMINATION FOR FUNDING FOR THE ARBORETUM AFTER THE PRESENTATIONS.

MOVED AND SECONDED BY COUNCIL MEMBERS ERICKSON AND O'DAY TO APPROVE THE CONSENT CALENDAR.

- A. Approval of Bills- Approved**
- B. Approval of Minutes of the Regular City Council Meeting held on April 18th, 2022- Approved**
- C. Approval of Licenses- Approved**
- D. Department Activity Reports- Approved**

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.

Community Member of the Month

Mayor Badeaux recognized the Snow Shovel Brigade comprised of the Troop 43 BSA, Brainerd Junior Jaycees, and private citizens as Community Members of the Month for May. These service groups and citizens stepped up to serve community members who were physically unable to shovel their sidewalks.

Presentations

Camp Ripley Community Brief 2022

The Chair recognized Senior Commander Lowell Kruse, who presented Camp Ripley's 2022 Community Brief. He explained the mission of Camp Ripley is to provide superior customer service, facilities, and resources empowering organizations to train in a realistic environment while fostering positive community relations and being the best neighbor, they can be. He reviewed a background of the current leadership staff; the 2021 economic impact and the efforts being taken due to COVID-19 and for Ukraine. He gave a brief overview of the 2022 training schedule, community outreach events and the environmental partnerships. The Council had the opportunity to ask questions and the Chair thanked Senior Commander Kruse for his presentation.

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

The Chair recognized City Engineer/ Public Works Director Sandy who presented the Municipal Separate Storm Sewer (MS4) permit presentation. Mr. Sandy gave an overview of the City of Brainerd's storm sewer system and updated the community on the status of compliance with the permit.

The Chair opened the public hearing at 8:10 p.m.

No one came forward.

The Chair closed the public hearing at 8:11 p.m.

Discuss Determination of Funding for the Northland Arboretum

The Chair stated that the clarification of the intent of the Charter amendment by the Charter Commission was that the levied dollars be designated to organizations fully within the city limits.

The Chair opened the floor for public comment at 8:11 p.m.

Candice Zimmerman, 10246 County Road 44, Executive Director of the Northland Arboretum, thanked the Council for the opportunity for herself and members of the Arboretum to speak. She spoke to the impact of the Northland Arboretum on the community which has 1,122 members 40% of which are Brainerd residents, 40% of the property lies within the Brainerd city limits. She stated that the process of amending the Charter and the City choosing not to fund the Northland Arboretum has divided the community.

The following area citizens spoke in opposition of the Charter Commission's determination of intent of the Charter language "within city limits". All who spoke were concerned about the demise of the Northland Arboretum without funding from the Charter contributions and expressed their passions for the arboretum.

Dan Lee, 5994 Ojibwa Rd., Brainerd
Bryan Pike, 15872 Jordan Rd., Brainerd
Amy Gray 1725 Graydon Ave, Brainerd
Chuck Albrecht, 10326 E Shore Dr., Merrifield
Eleanor Burkett, 757 Holton Ave., Brainerd
Jennifer Lee, 5994 Ojibwa Rd., Brainerd
Brian Twamley, 15685 Patterson Rd., Brainerd
Chris Schucker 915 Blair Cir., Brainerd
Charles Johnson, 1104 8th St. S., Brainerd
Louis Anderson, 1211 10th Ave. NE, Brainerd
Becky Miller, 13163 Plott Rd., Deerwood
Peggy Seraui, 4612 Michelle Cir., Baxter
April Suudhoff, 12329 71st Ave. SW, Motley
Sally Bergerud, 1248 26th Ave. SW, Backus

MOVED AND SECONDED BY COUNCIL MEMBERS STENGLEIN AND PRITSCHET TO AUTHORIZE STAFF TO ENTER INTO AN AGREEMENT TO PROVIDE THE CHARTER DESIGNATED FUNDS FOR AN ARBORETUM OR GREENSPACE WITH THE NORTHLAND ARBORETUM THROUGH DECEMBER 2023.

Council Member Pritschet stated that a work group is a necessary step for a long-term solution.

MOVED AND SECONDED BY COUNCIL MEMBERS STUNEK AND JOHNSON, DULY CARRIED, TO AMEND THE MOTION TO INCLUDE THE FORMATION OF A WORKING GROUP BETWEEN THE CITIES OF BRAINERD AND BAXTER, CROW WING COUNTY, AND THE NORTHLAND ARBORETUM TO WORK TOGETHER TO STRATEGIZE A SOLUTION.

Council Member Johnson stated that he will be voting no because he believes it violates State law, violates the Charter, and is an illegal donation to a non-profit organization. He quoted the RFP submitted by the Northland Arboretum. He stated in response to the RFP that the City is funding a multimillion-dollar event center in the City of Baxter.

Council Member Erickson stated that as a steward of Brainerd public funds, he will not support the motion. The City needs to get out of the business of funding select non-profits.

Council Member Pritschet stated that he respects what other Council Members have said, but it is a risk that he is willing to take in funding an organization that may or may not violate statute and the Charter.

Council Member O'Day stated that he does not think that the Arboretum is in Brainerd and does not think that the Arboretum will disappear if the City of Brainerd funding is lost. Creativity from the people present is needed to figure out how to fund the Arboretum in the future. There are spaces in Brainerd that need attention.

Mayor Badeaux stated that the RFP process was stressful, and he understands how difficult it is to find funding. He challenged the Board of Directors of the Northland Arboretum to understand what the City Council was asking for in the proposal and to pay closer attention to what's happening when an agreement for one-quarter of your funding comes due. The City Council and Mayor have a responsibility to the Brainerd taxpayers to be fiducially responsible.

MOVED AND SECONDED BY COUNCIL MEMBERS STENGLEIN AND PRITSCHET TO AUTHORIZE STAFF TO ENTER INTO AN AGREEMENT WITH THE NORTHLAND ARBORETUM THROUGH DECEMBER 2023; FUTHER TO FORM A WORKING GROUP BETWEEN THE CITIES OF BRAINERD AND BAXTER, CROW WING COUNTY, AND THE NORTHLAND ARBORETUM TO WORK TOGETHER TO STRATEGIZE A SOLUTION.

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

Council Committee Reports

Personnel and Finance Committee

Ratify the Hiring of 2022 Summer Temporary Employees

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

Accept Community Service Officer Resignation

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK DULY CARRIED, TO ACCEPT CSO JANEY ZIEGLER'S RESIGNATION AND AUTHORIZE FILLING THE VACANCY AT THE CURRENT RATE OF \$16.00 PER HOUR.

Ratify the Hiring of Community Service Officer Richard Berry

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STENGLEIN, DULY CARRIED, TO RATIFY THE HIRING OF COMMUNITY SERVICE OFFICER RICHARD BERRY, STARTING AT \$16.00, WITH AN EFFECTIVE DATE OF APRIL 29, 2022.

Accept Retirement of Water Plant Operator Lynn Germann

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO ACCEPT THE RESIGNATION OF WATER PLANT OPERATOR LYNN GERMANN EFFECTIVE JUNE 30, 2022; FURTHER, TO AUTHORIZE STAFF TO BACKFILL THE POSITION.

Council Member Johnson stated that the Public Utility Commission already approved this matter, and as a matter of process routine items that have been discussed by the commission can be put on the consent calendar.

MOVED AND SECONDED BY COUNCIL MEMBER JOHNSON AND STENGLEIN, DULY CARRIED, THAT ANY ROUTINE BRAINERD PUBLIC UTILITY DEPARTMENT PERSONNEL ACTIONS SUCH AS BACKFILLING OR RETIREMENTS THAT HAVE BEEN REVIEWED AND RECOMMENDED BY THE COMMISSION OR ITS PERSONNEL COMMITTEE CAN BE PLACED ON THE CONSENT CALENDAR.

Consider Reinstatement of Vacant Water Plant Relief Operator/Laborer Position

Committee Chair Johnson stated that this is a position the Public Utilities had previously, there is a large amount of overtime being accumulated with additional tasks needing to be performed that the reinstatement with help to reduce.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO APPROVE THE ATTACHED WATER PLANT RELIEF OPERATOR/ LABORER JOB DESCRIPTION AS PRESENTED; DIRECT STAFF TO SUBMIT THE WATER PLANT RELIEF OPERATOR/LABORER JOB DESCRIPTION TO DDA TO DETERMINE PAY EQUITY POINTS; DIRECT STAFF TO BEGIN WAGE NEGOTIATIONS WITH THE IBEW LOCAL NO. 31 BRAINERD PUBLIC UTILITIES UNION FOR THIS POSITION.

Approve Personal Leave of Absence for BPU Accountant 1 Chelsey Fischer

Committee Chair Johnson stated that this employee has not been working for the City long enough to qualify for FMLA.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STENGLEIN, DULY CARRIED, 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.

Update on City Engineer/ Public Works Director Hiring Process

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, 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 CITY ENGINEER PUBLIC WORKS DIRECTOR INTERVIEW PANEL.

Consider Proposal to Provide Professional Engineering Services from WSB

Committee Chair Johnson stated that the Interim City Engineer will be contracted through WSB will be filled by the departing City Engineer/ Public Works Director Sandy. Under the contract WSB will provide 40 hours per month of Mr. Sandy's time at a cost of \$18,000 if the hiring timeline is held. The amount will be covered by the cost of wages saved from the vacancy.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STENGLEIN, DULY CARRIED, TO AUTHORIZE STAFF TO ENTER INTO AN AGREEMENT WITH WSB FOR PROFESSIONAL ENGINEERING SERVICES FOR AN INTERIM CITY ENGINEER.

Consideration of School Resource Officer (SRO) Contract with School District 181

Committee Chair Johnson stated that the rates in the contract are getting closer to what it actually costs the City to provide a School Resource Officer to the ISD 181. The school board has already approved the contract.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STENGLEIN, DULY CARRIED, TO 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.

Consideration of Assessment for Pay Year 2022 & Discussion of Deferment Policy

Committee Chair Johnson stated that the applicant is a fully disabled Veteran who is exempt from property taxes, but not exempt from street assessments. Staff will bring suggestions for updating the policy.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO DEFER THE ASSESSMENT PAYABLE IN 2022 FOR PID 41250875.

Update on the 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.

Safety and Public Works

Approve Event/ Street Closure Application- Memorial Day Parade and Ceremonies

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND ERICKSON, DULY CARRIED, TO APPROVE THE ATTACHED APPLICATION UNDER THE CONDITIONS LISTED IN THE ATTACHED EVENT APPLICATION.

Approve Event Application- Corpus Christi Procession

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND PRITSCHET, DULY CARRIED, TO APPROVE THE ATTACHED APPLICATION UNDER THE CONDITIONS LISTED ON THE APPLICATION.

Approve Event/ Street Closure Application- Jaycees Street Fest

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND ERICKSON, DULY CARRIED, TO APPROVE THE EVENT/STREET CLOSURE APPLICATION UNDER THE CONDITIONS LISTED IN THE APPLICATION.

Approve Bids for Improvement 22-07-East River Road Improvements

Committee Chair O'Day stated this is the portion of East River Road to make parking near the Mississippi Trailhead Landing Park diagonal. This project will be in conjunction with the park project and begin after the 4th of July.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND PRITSCHET, DULY CARRIED, TO APPROVE THE BID FROM CUSTOM BUILDERS, INC. IN THE TOTAL ROADWAY COST OF \$517,619 AND AUTHORIZING PROPER SIGNATURES ON THE AGREEMENT DOCUMENTS WITH CUSTOM BUILDERS, INC FOR THE PROPOSED CONSTRUCTION.

Approve Bridge Inspection Proposal from Bolton and Menk

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND ERICKSON, DULY CARRIED, TO APPROVE 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.

Approve Contract Towing Bid from Collins Brothers Towing of Brainerd

Committee Chair O'Day stated that the two bids that were received were from Collins Brothers Towing of Brainerd and West Brainerd Auto. Bids from 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 resident and would save a resident about \$20 per tow.

Chair Bevans stated that he will vote against the motion as the bids are similar in cost he will vote in favor of the Brainerd business. Also, he stated that it is the responsibility of the bidder to honor their contract on the rate of services which he stated they did not do.

Committee Chair O'Day stated that he will vote against his own motion in light of new information.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND PRITSCHET TO APPROVE THE BID FROM COLLINS BROTHERS TOWING OF BRAINERD AND

AUTHORIZING SIGNATURES ON THE AGREEMENT WITH COLLINS BROTHERS FOR THE PROPOSED SCOPE OF SERVICES.

Upon roll call Council Member Johnson voted “aye”. Council Members Erickson, O’Day, Stunek, Pritschet, Stenglein, and Bevans voted “nay”. The Chair declared the motion failed.

MOVED AND SECONDED BY COUNCIL MEMBERS O’DAY AND PRITSCHET, DULY CARRIED, TO APPROVE THE BID FROM WEST BRAINERD AUTO AND AUTHORIZE SIGNATURES ON THE AGREEMENT WITH WEST BRAINERD AUTO FOR THE PROPOSED SCOPE OF SERVICES.

Update on State Park Road Grant Application

Committee Chair O’Day stated that this is project that the City submitted a grant request through the State Park Road Account. The grant was approved at full cost \$143,000.

MOVED AND SECONDED BY COUNCIL MEMBERS O’DAY AND ERICKSON, DULY CARRIED, TO AUTHORIZE STAFF TO SOLICIT AN RFP FOR THE PROJECT, WORK WITH MNDOT STATE AID, AND SEEK CROW WING COUNTY SPONSORSHIP AS A PART OF THE GRANT REQUIREMENTS.

Direction on Active Code Enforcement Cases

Committee Chair O’Day stated the property at 1306 Oak St. has not gone through the citation process, however, due to a health and safety hazard the Council can abate without going through the entire process.

Member Johnson stated that he will vote no on the motion due to violating the City’s own ordinance it just passed regardless of the health and safety hazard that it does risk.

Interim Community Development Director Kramvik stated that the process due to the safety and public health risk the Council can bypass the typical process and abate immediately and change the citation amount,

MOVED AND SECONDED BY COUNCIL MEMBERS O’DAY AND PRITSCHET, DULY CARRIED, TO IMMEDIATELY ABATE THE GARBAGE AT 1306 OAK ST AND CHANGE THE CITATION COST OF HEALTH AND SAFETY HAZARDS TO \$300.

Council Members Erickson, O’Day, Stunek, Pritschet, Stenglein, and Bevans voted “aye”. Council Member Johnson voted “nay”. The Chair declared the motion carried.

Content Review of Proposed Section 725 of Brainerd City Code

City Engineer/ Public Works Director Sandy reviewed the changes proposed to the storm water codes. The general content of the code does not change. The new language deals specifically with performance requirements for post construction stormwater infrastructure, illicit discharge detection and reporting, and stormwater management/stormwater pollution and prevention plans.

Committee Chair O’Day stated that the committee instructed staff to come back with an ordinance at the next meeting.

Unfinished Business

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

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, 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.

The Chair opened the public hearing at 9:43 p.m.

No one came forward.

The Chair closed the public hearing at 9:44 p.m.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND O'DAY TO ADOPT ORDINANCE 1529- AN ORDINANCE AMENDING SECTION 1200 OF THE BRAINERD CITY CODE PERTAINING TO INTOXICATING LIQUOR.

ORDINANCE 1529

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 Hearing and Resolution- Petition to Vacate Alley Submitted by My Neighbor to Love – Alley Blocks M & E, West Brainerd

City Engineer/ Public Works Director Sandy stated he and the 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 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.

The Chair opened the public hearing at 9:45 p.m.

No one came forward.

The Chair closed the public hearing at 9:46 p.m.

Member O'Day asked for clarification on why staff has changed their view of the vacation.

City Engineer/ Public Works Director Sandy stated that after review with Attorney Langel it was determined that the vacation would make the property more developable in the current zoning code. It would be good practice to vacate property to encourage development.

City Attorney Langel stated that due no improvement or utility having previously been done or planned, it would make the land more attractive to development.

Members Johnson, Erickson, and O'Day stated that they will be voting no due to no plan in place as a vacation is permanent.

MOVED AND SECONDED BY COUNCIL MEMBERS PRITSCHET AND STENGLEIN TO ADOPT THE ATTACHED RESOLUTION WHICH VACATES THE ALLEYS LYING WITHIN BLOCKS M AND E, WEST BRAINERD WHILE RESERVING RIGHTS TO AN EASEMENT FOR UTILITY PURPOSES.

Council Members Pritschet, Stenglein, and Bevans voted "aye". Council Members Erickson, O'Day, Stunek, and Johnson voted "nay". The Chair declared the motion failed.

Committee Recommendations

Mayor Badeaux recommended David Haines to the Rental Dwelling License Board of Appeals.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND PRITSCHET, DULY CARRIED, TO CONFIRM DAVID HAINES TO THE RENTAL DWELLING LICENSE BOARD OF APPEALS.

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 – 2 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

Consideration of Conditional Use Permit- 124 8th Ave NE

Acting Community Development Director Kramvik stated that the property is located in a B-4 district, meaning that a Conditional Use Permit is required to operate an autobody shop. The applicant is proposing façade and interior improvements. The applicant will screen any damaged vehicles with a fence. The Planning Commission unanimously approved the application without any conditions.

Member Johnson asked about disruption to other businesses and properties.

Acting Community Development Director Kramvik stated that notice of the hearing did go out to all surrounding properties and businesses without comment. There will be review from MPCA and should not have disruption.

MOVED AND SECONDED BY COUNCIL MEMBERS ERICKSON AND JOHNSON, DULY CARRIED, TO APPROVE THE CONDITIONAL USE PERMIT FOR 124 8TH AVE NE.

Consideration of Variance from Lot Split Standards- PID 41290732

Acting Community Development Director Kramvik stated that 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.

MOVED AND SECONDED BY COUNCIL MEMBERS ERICKSON AND PRITSCHET, DULY CARRIED, TO APPROVE BOTH VARIANCE REQUESTS AT PIN 41290732 WITH THE CONDITION THAT CROW WING COUNTY APPROVES A SEPTIC DESIGN PRIOR TO THE LOT SPLIT.

First Reading- Proposed Ordinance 1530- Rezoning- 1005 S. 6th St

Acting Community Development Director Kramvik stated that 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.

MOVED AND SECONDED BY COUNCIL MEMBERS STUNEK AND ERICKSON, DULY CARRIED, 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.

Public Forum

The Chair opened public forum at 10:00 p.m.

No one came forward.

The Chair closed public forum at 10:01 p.m.

Staff Report

Acting Community Development Director Kramvik stated that he personally spent 10 hours reviewing the zoning change, there were several properties that would be nonconforming that needed review by the Planning Commission. The Planning Commission reviewed those properties at their April 20th meeting the review was a useful exercise. The properties on Brook St discussion surrounded protecting the residential neighborhood from heavier industrial uses. Discussion will continue surrounding this at the next planning meeting on May 25th. The Community Development Department did send letters to all affected properties. The Planning Commission will also discuss the Town Center district at its next meeting. There is a tentative schedule in place for the future of the zoning code.

City Engineer/ Public Works Director Sandy stated that there will be a visual quality meeting for the 210 project on May 4th. He thanked Council and Staff for making the City an enjoyable place to work, he's happy to continue the relationships he has made in the future. He thanked his staff especially for all of their work.

Finance Director Hillman stated that the Notice of Offices will be filed for the City General Election. The filings open on Tuesday May 17th at 7:30 a.m. and close at 5:00 p.m. on May 31st. Those offices on the ballot are Council Member, Second Ward, Fourth Ward, At-Large, and the Mayor.

IT/GIS Director Strong stated that the installation of broadcast equipment is starting this week, the tentative plan is to be on cable by the middle of June.

City Administrator Bergman stated that she will be at the MCMA conference the end of the week. She asked the Council to review the spreadsheet of all the tasks that the City Engineer/ Public Works Director and Community Development Director have coming up for the summer. Finally, she thanked City Engineer/ Public Works Director Sandy for his time at the City, he will be missed, but looking forward to working with him in the future.

Council Member Reports

All of the Council Members thanked City Engineer/ Public Works Director Sandy for his hard work, patience, and service to the City of Brainerd.

Member O'Day stated that something good has come out of the arboretum discussion, he hopes that there will be solid solutions in the future.

Member Johnson thanked Interim Community Development Director Kramvik for his attention to the non-conforming properties. He stated he is a big supporter of enlarging the Town Center.

Mayors Report

Mayor Badeaux added his thanks to City Engineer/ Public Works Director Sandy. He stated that Planning Commission is on the right track further review of the zoning code. Finally, the Fourth of July Festivities will look a little different again this year due to construction on 5th St.

Adjourn

MOVED AND SECONDED BY COUNCIL MEMBERS STENGLEIN AND STUNEK,
DULTY CARRIED, TO ADJOURN THE MEETING.

The Chair adjourned the meeting at 10:15 p.m.

Jennifer Bergman
City Administrator

J R FERCHE INC

Address	Licensee Type	Status	State License	License Expire Date	Local License	License Expire Date
13265 25TH AVE NW	Excavator	Active	PB644059	12/31/2023	2022-0019	12/31/2022

SUPERIOR HOME BUILDERS LLC

Address	Licensee Type	Status	State License	License Expire Date	Local License	License Expire Date
14473 FIVE MILE RD	Carpentry	Active		12/31/2022	2022-0001	12/31/2022

Total Licensees2

Population: All Records
Licensee.DateRegistered Between 4/29/2022 12:00:00 AM AND 5/12/2022 12:00:00 AM



BRAINERD POLICE DEPARTMENT MONTHLY REPORT



BESTUL'S BOOYAH AWARD

While actively patrolling the downtown district around bar closing time, Officer Kostreba was approached by a female in distress. The female initially reported that her vehicle ran out of gas and Kostreba noticed an abrasion near her eye. Kostreba continued to investigate and learned that the female was the victim of a domestic. Kostreba observed a photo of the suspect on the female's phone.

A male pulled up near Kostreba and he immediately recognized the male matched the photo of the suspect on the victim's phone. Kostreba learned that there was probable cause from another agency to arrest the male for felony domestic assault and kidnapping. The male was arrested by Kostreba. Kostreba's intuition with reading a situation and making smart choices led to the arrest of a dangerous criminal with no resistance. **BOOYAH!**

While Kostreba received two Booyah nominations for the arrest noted above, he also received a separate nomination for the teamwork he has shown throughout the FTO process. He continues to be a great resource and willingly shares his knowledge of policework to mentor his younger partners beyond the fourth phase of the FTO process. Keep up the great work Travis! **BOOYAH!**

STAFFING & ASSIGNMENTS

Officer Hunter Williams started with the department on April 11th. Hunter is originally from Albertville, Minnesota. He worked for three other agencies prior to coming to Brainerd – the Howard Lake Police Department, Winnebago Public Safety, and the Sherburn-Welcome Police Department.

Hunter joined the Wright County Sheriff's Office as a Law Enforcement Explorer in 2011 and graduated from STMA High School in 2014. After joining the explorers, he knew he wanted a career in law enforcement. He then went to Alex Tech and obtained his Degree in Law Enforcement, graduating in 2017. Hunter enjoys hunting and fishing, and the outdoors. He also enjoys spending time in McGregor at the cabin with his family and friends on the lake.



Richard Berry, our newest Community Service Officer, started with the department on April 29th.

Richard is from Belgrade, Minnesota. He is currently attending Central Lakes College working towards an AAS in Criminal Justice. Richard would like to work for a local law enforcement agency after graduation.

Bringing Richard on board will help fill the gap as two of our current CSOs will be attending the skills program this summer.

POLICE CANINE UNIT

Several officers from the Brainerd and Baxter Police Departments are members of the United States Police Canine Association (USPCA) and volunteered to host the 2022 Narcotics Detection Trials for Region 12. This year's event took place on April 2nd and 3rd, with events at the Lakewood Church, Lake Region Christian School, Mills Ford, The Bodyworks, Riverside Elementary, and Central Lakes College. As part of this annual certification, 53 narcotic canines and five DNR Game Detector canines were tested on Saturday and Sunday. We are pleased to report that all 5 DNR teams (dog and handler) and 52 narcotic teams passed their certification and will be out serving in our state and region.

Staff from the Brainerd Police Department that worked to coordinate this event were Sergeant Dooley and Officer Kostreba (USPCA members). Additional Brainerd Police Department staff that assisted were Miranda Halverson and Alex Korte from Records (who helped with scoring), and Sergeant Rosier and Officers Myers, Houle, and Johnson (who assisted with site security on Sunday). We are all happy with how it went, happier that it is over now, and happiest that we received a nice plaque for the lobby! Thank you for allowing us the time and staff to get this certification completed.



Chief Judge Pat Pickar; Baxter K-9 Officer Halverson; Baxter Assistant Chief Maier; Brainerd Sergeant Dooley; Brainerd Officer Kostreba; Nisswa K-9 Officer Collette.



Sergeant Dooley and Officer Kostreba with the BPD Recognition Plaque.



Miranda is hooked into becoming an official scorekeeper and gets trained.



Alex checks numbers in the scorekeeper room.



Squads at Central Lakes College



Awards Meeting

BIKE PATROL

The Brainerd Police Department updated the bicycle fleet with the purchase of two Trek Marlin 5s from Easy Rider's in Brainerd. Additional equipment purchased included two new helmets for officers assigned to bicycle patrol, new gear racks, and bike bags. In the new bike bags, officers will have access to medical supplies, stickers, and tattoos for the kids.

Officers are looking forward to being visible on bicycle patrol this summer in the parks and on the roadways.



Officer Bryce Johnson



New Bicycles & Equipment

JOB FAIR

Fon du Lac Tribal and Community College (FDLTCC) Job Fair

The Brainerd Police Department attended the 2022 Job Fair at Fond du Lac Tribal and Community College (FDLTCC) on April 20th. There were approximately 50 vendors who attended, representing multiple law enforcement entities throughout the area.

The job fair was open to the students at FDLTCC, three area high schools, and specifically the Law Enforcement program at the college.

Officer Host and Sergeant Rosier were able to speak with several students that expressed an interest in the Brainerd Police Department and requested further information about current openings within our department.



Officer Host with our new backdrop & table cover.

TRAINING & STAFF DEVELOPMENT

MN Chiefs of Police Association 2022 Executive Training Institute

In April, Chief Bestul attended the Executive Training Institute in Duluth. Breakout sessions included Politics, Protests and Calls for Accountability: Surviving and Thriving in the Current Climate; Hiring & Retention Challenges; Managing the Media Onslaught in the 21st Century; Use of Force Data Shows Proven Results; Best Practices; Police Mental Health Crisis Responses; Discipline and Grievances; Wellness and Resiliency in Law Enforcement; Post Updates; and Use of Force in Minnesota: Impacts of George Floyd and Kim Potter.

TRAINING & STAFF DEVELOPMENT**Internal Affairs Investigations**

Deputy Chief Davis, Lt. Kulzer, and Investigator Runde attended the Internal Affairs training that was hosted by the Brainerd Police Department on April 4th and 5th.

Citizens should be provided a fair and effective avenue for redress of their legitimate grievances against members of the department. At the same time, the department also has the responsibility to protect members of their agency from false allegations. This course offered a global perspective of the internal affairs process in a systematic framework designed to provide for informed decisions.



Ed Wade, Tacoma Washington Deputy Police Chief & contracted instructor with Law Enforcement Seminars, was the presenter.

Rescue Task Force: Public Safety's Current Jedi Mind Trick

Officer Drew Selvestra attended this Rescue Task Force webinar provided by the National Tactical Officers Association.

Since the 1999 tragedy at Columbine High School, law enforcement agencies throughout the United States and Canada have been training on the "contact team and extraction team" approach to threat and casualty management during active assailant incidents. This is mainly attributed to the historical reluctance of conventional fire department and Emergency Medical Services personnel to enter the warm zones of such environments and Tactical Emergency Medical Support (TEMS) providers not always being readily available.

However, given the growing acceptance and utilization of rescue task forces, many law enforcement agencies are now falling into a dangerous trap by deemphasizing the critical roles point of wounding care by law enforcement officers, extraction teams, and unconventional transportation play during future critical incidents. Given the extraordinary amount of time the presenter has spent studying such events, visiting affected communities, and interviewing countless emergency responders and survivors involved, many past and recent examples of extraction teams contributing to casualty survival were referenced in the training.

Information was also be provided that will arm command officers with reasonable expectations and help perimeter personnel, contact teams, extraction teams, rescue task forces, conventional fire service/emergency medical services personnel, SWAT officers, and hospital providers work together simultaneously.

Labor Contracts & Negotiations

Deputy Chief Davis attended a training session on labor contracts and negotiations that was hosted by the Crow Wing County Sheriff's Office on April 6th and 7th. The course provided senior level leadership professionals in law enforcement, a greater understanding of employer and employee rights and the laws that govern unions and union members. Students had hands-on practice as negotiators on both sides of the collective bargaining process.

Budgeting and Staffing

On April 13th and 14th, Deputy Chief Davis attended a virtual training session on budgeting and staffing. The two-day course targets senior law enforcement managers and provides participants with ways that effectively develop, convey, and implement modifications to current organizational structure, policy, and procedures within their departments.

EVOC & PIT

In April, Sgt. Reed, Officer Boggs, Officer Larson, and Officer Middleton attended EVOC and PIT refresher training at the MN Highway Safety and Research Center in St. Cloud. This course meets and exceeds the minimum standards of the POST Board 5-year licensing requirement.

TRAINING & STAFF DEVELOPMENT

Blue Ox Business Academy

The Blue Ox Business Academy is a program designed for business owners, leaders and managers; newly promoted supervisors; and those pursuing new ideas and techniques to develop the skills and confidence needed to manage high performing teams. Records Lead Miranda Halverson attended the first two sessions in April. The first session included leadership traits and styles, supervising diverse teams and former peers, and management vs. peer leadership. The second session covered effective recruiting, interviewing, supervision for increased accountability, recognition and retention strategies. She will attend the last two sessions in May.

MNJIS Two-Day Basic

On April 20th and 21st, Records Lead Miranda Halverson and Records Technician Alex Korte attended the MNJIS Two-Day Basic Operator course through the BCA in Bemidji. This course covers Criminal Justice Data Communications Network (CJDN) policies and procedures related to access to and dissemination of data, as well as additional specialized training designed for full-access operators who run queries and enter records into the Minnesota and NCIC hot files.

Body Camera Data 101

Records Lead Miranda Halverson and Administrative Supervisor Julie McCullough attended a free webinar offered by the Minnesota Data Practices Office. The webinar offered a brief overview of Minnesota Statutes, section 13.825, which governs body camera data. The instructors discussed some of the most frequently asked questions their office receives about body camera data and included a live Q&A session.

Grant Writing

Officer Jay Personius attended a Grant Writing class hosted by the St. Paul Police Department on April 19th and 20th. The class taught attendees how to find funding sources and write winning grant proposals (where the money is and how to get it).

Basic Financial Crimes Investigations

On April 12th and 13th, the BCA provided Basic Financial Crimes Investigations training in Brainerd at no cost. Investigator Palcher attended this training, learning the fundamentals of addressing contemporary financial crime scams and how banking institutions can assist in investigations. The training also focused on the victimology of those targeted for financial exploitation.

Advanced Financial Crimes Investigations

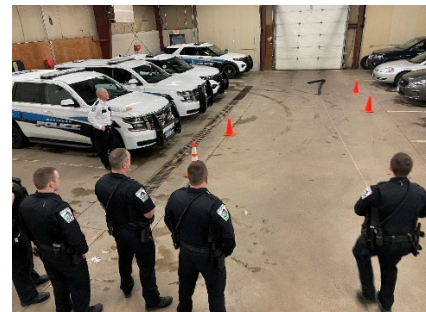
The BCA returned to Brainerd on April 26th and 27th, providing Advanced Financial Crimes Investigation training to agencies at no cost. Investigator Palcher and Investigator Myers attended the training, which is designed for those who have completed the Basic Financial Crimes training and want to develop skills investigating larger-scale financial cases. The training was hands-on and required attendees to bring a laptop.

Department Training

April department training days included firearms qualifications, defensive tactics, and stop stick training.



Sgt. Rosier and Officer Houle taught department Defensive Tactics Training.



Stop Stick Training

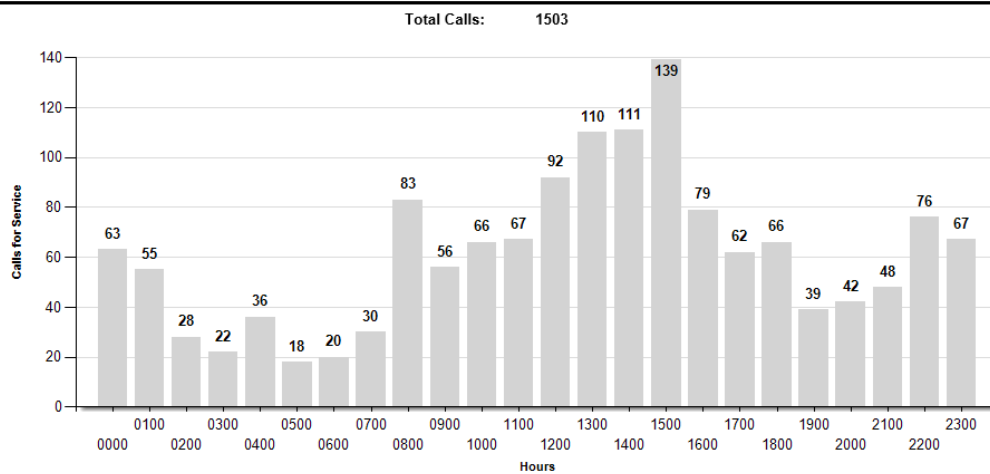
OVERALL CALLS FOR SERVICE

April	2022	2021
Number of Calls for Service	1475	1523



Calls for Service Hourly

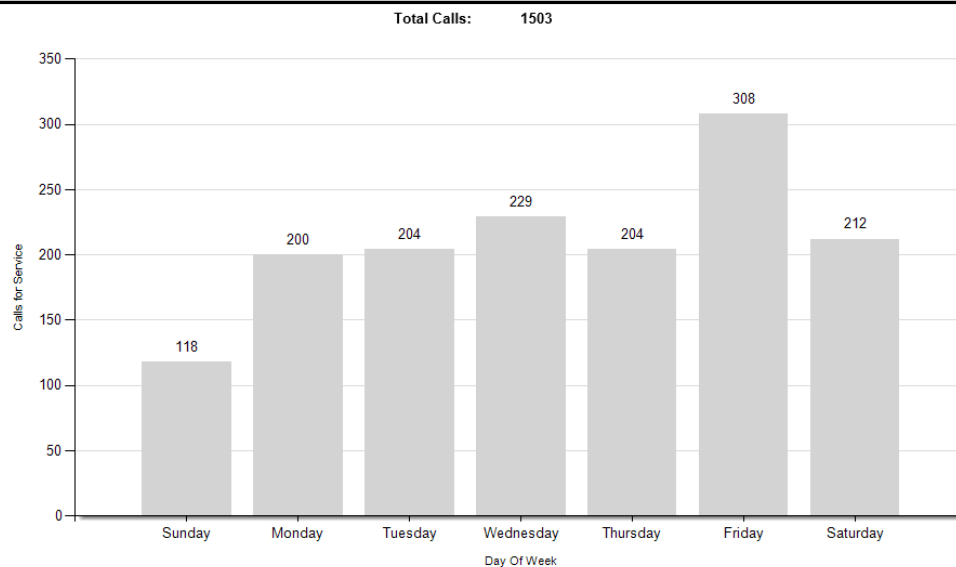
4/1/2022 to 4/30/2022



Calls for Service Day Of Week

Start Date: 4/1/2022

End Date: 4/30/2022



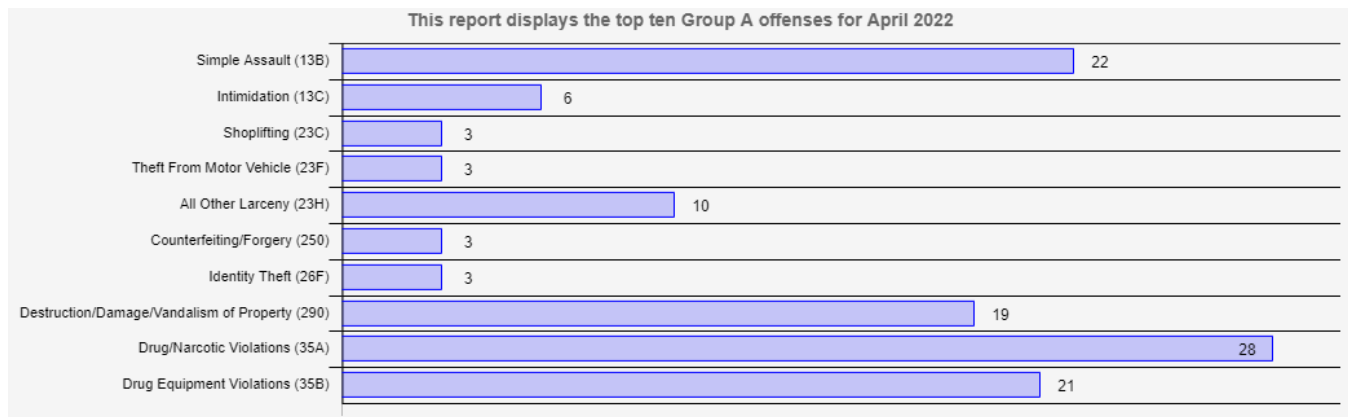
CRIME STATISTICS

April	2022	2021
Group A Offenses Known or Reported to Police	447	531
Group A and B Arrests	267	234

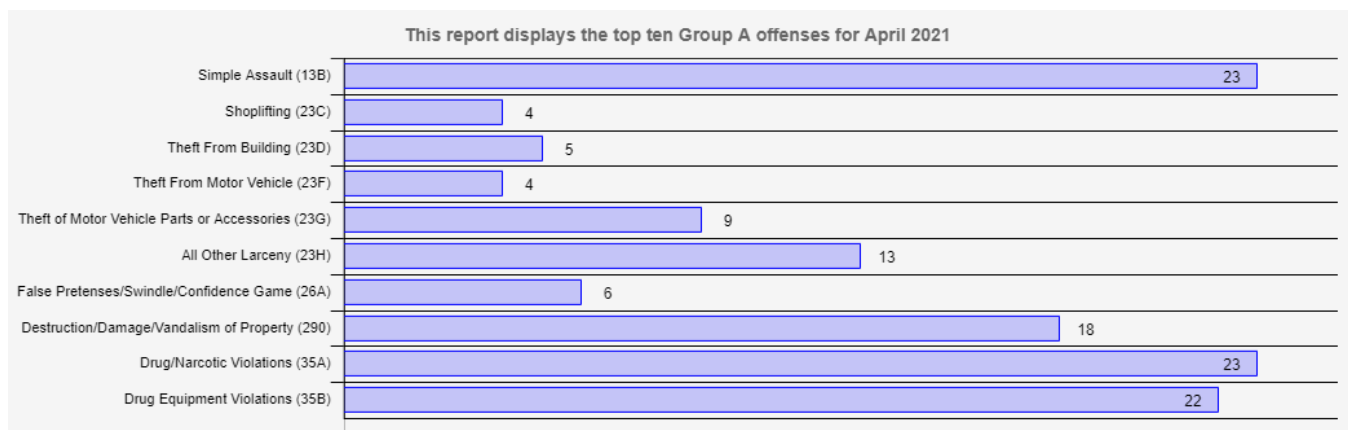
** Note: 2022 totals do not include case files that have not yet been coded.

TOP 10 GROUP A OFFENSES

April 2022

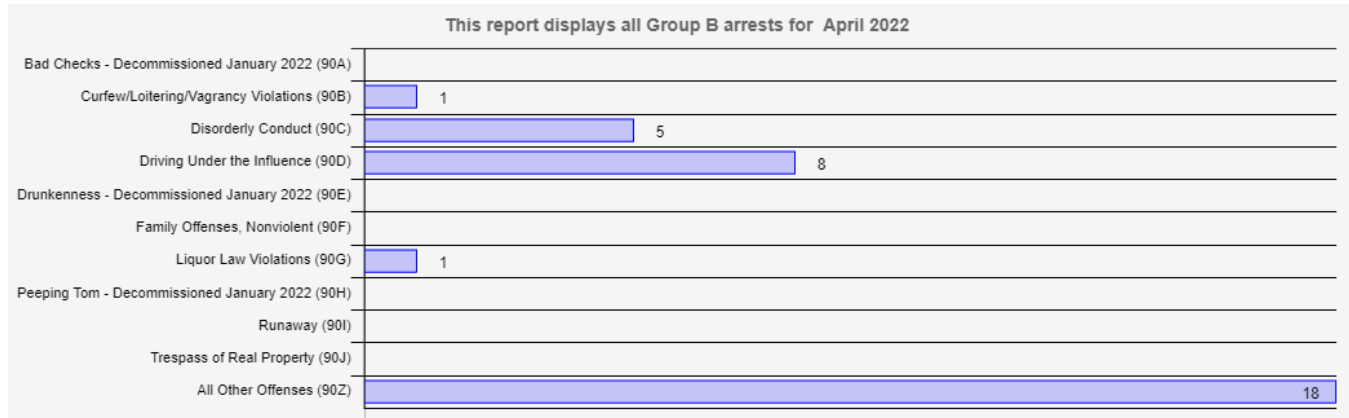


April 2021

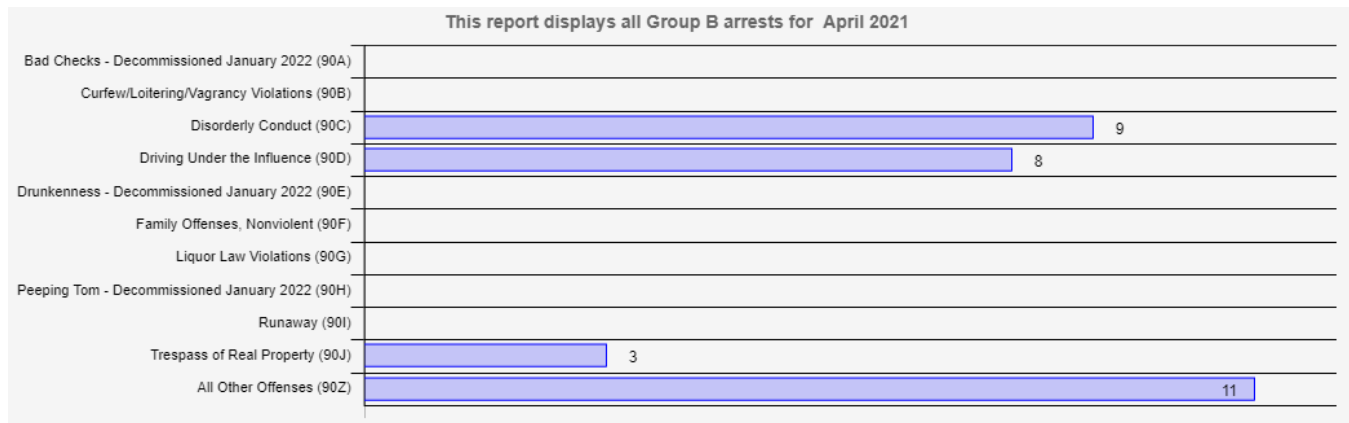


GROUP B ARREST DATA

April 2022



April 2021



CITATIONS, PARKING TICKETS, & WRITTEN WARNINGS

April	2022	2021
Citations (Inc. Parking Tickets & Written Warnings)	308	205

152 parking tickets were issued in the month of April, with the following dispositions.

8	Dismissed
107	Paid in Full
1	Partial Payments Received
36	No Payment Received

Revenue Recapture Receipts:

2021 Total:	\$ 8,528.62
2022 To Date:	\$ 4,194.00

CONDUCT ON PREMISES ACTIVITY REPORT

ICR	Date Reported	Title	Address	Summary
22005337	04/27/22	Conduct on Premises	223 4 th Ave NE	Conduct on premises.

BODY WORN CAMERA DATA REPORT

Month	Number of Videos	Hours of Video	GB of Videos	Average MB per Video	Average Time Length of Videos	Average Number of Videos Per Day
April	1687	355	621	377	12.64 Minutes	56



COMMUNITY OUTREACH

Police Department Tours

The Police Department has resumed hosting tours of the department. On April 1st, a home school group of approximately 15 children (ages 6 – 13) came for a tour. The tour started out with an officer in the meeting room. There were a variety of handouts for everyone, and the younger children received police hats and badges. The tour finished up in the garage with a look at the squad cars.

Safetypup®

The National Child Safety Council (NCSC) is a non-profit organization dedicated to the safety of children. The NCSC provides local law enforcement agencies with the most extensive resource of safety education materials in the world that are designed for all age groups, including books, games, live assembly programs, stickers, and other safety materials.

For many years the Brainerd Police Department has partnered with local businesses to bring these important educational materials to our community. Businesses donate money each year to help cover the costs of age-appropriate learning materials that are handed out at the schools and local events, including our Halloween Safety Event and tours of the police department.

This year the funding supplied the Brainerd Police Department with a Safetypup® costume. Safetypup, the NCSC Safety Mascot, was created to be a special friend to all children. He makes learning about safety issues fun, entertaining, and non-threatening. Safetypup® has become familiar to children all over the country who view Safetypup® as a trusted friend. Law Enforcement Departments use the Safetypup costume for various public functions, including school assemblies, grand openings, promotions, festivals and fairs, classroom discussions, parades, hospitals, and other community events. We are very excited to have Safetypup® as a member of our team.



MEMO



TO: Mayor and City Council

FROM: James Kramvik, Acting Community Development Director

DATE: May 16, 2022

RE: Acting Community Development Director Report

Building

The Community Development Department issued 87 building permits with a total project valuation of \$11,160,722 in the month of April. However, it should be noted that \$9,364,967 of that valuation was for another phase of the Brainerd High School remodel project. Nonetheless, 2 permits for new single-family homes were issued in April.

Within the River-to-Rail incentive corridor, 8 permits were issued in April with a total project valuation of \$57,096 and \$1,530 in permit fees were waived.

*Note: project valuation does not include all projects as some permits, such as residential mechanical permits, have a flat fee and are not based on valuation. Therefore, the listed total project valuation is solely based on the permits whose fees are determined by valuation.

Code Enforcement

The Community Development Department conducted 60 code enforcement inspections in April.

With the adoption of Ordinance No. 1524 on April 4, Community Development staff have officially moved to complaint driven enforcement only. Community Development Staff is working with the IT Department to redo workflows and citations within the BS&A software program.

Planning & Zoning

With the failure of Proposed Ordinance No. 1527 on April 4th, the Council directed the Planning Commission to look at properties that would have a significant zoning change between the current zoning map and the proposed zoning map. Planning Commission discussed 73 parcels and made recommendations for proposed zoning districts. Additionally, Staff sent out eight letters to property owners that may not be aware of significant zoning changes. The agenda for the May 18th Planning Commission Meeting will include discussion of four additional properties that owners have concerns about their proposed zoning change. The Brook St industrial area will be discussed as well. Staff is presenting two options to the Planning Commission for the existing businesses to remain conforming. Lastly, staff will present additional options for the Town Center District to

preserve existing commercial buildings while encouraging new high density residential construction.

On the May 18th Planning Commission agenda there are no zoning request applications.



City of Brainerd
IT/GIS Department Monthly Report
April 2022

Projects

- Continued installation of new computers, most of city hall and police dept complete.
- Preparations for arrival of summer interns – users, computers, applications, etc
- PEG (cable TV) – meeting regularly with CLC and vendors to maintain forward progress. Items being worked on - contract language, naming, branding, promotion.
- Initial discussions and decision regarding park software replacement – from RecNet to CivicRec

Software

- BS&A: support, reports, workflows, calendar syncing, etc
- Initial phases of separating most BPU data out of Laserfiche, BPU will be using the document storage components of their new version of their finance software. HR employee files will likely stay in Laserfiche and continue to be shared with BPU.
- SharePoint: continued development of sharepoint/onedrive cloud storage for department files. Created special events calendar for Police Dept to track area events.

Hardware

- Plotter (large format printer/scanner) replaced print head, ink, other maintenance

Other

- Technical support for numerous meetings – City Council, Park Board, Planning, HRA, EDA, etc

Statistics

Emails sent: 8,498 (283/day) received 29,990 (1,000/day)

Cisco Secure Endpoint: 4.23M files scanned, 736K IPs scanned

YouTube – City of Brainerd channel 5,745 views, 270 hours watched

Staff: added Police Officer, CSO – removed Police Officer, CSO, Comm Dev Director

Brainerd Area Warming Shelter

est.2021

Jana Shogren
Executive Director

Ann Hunnicutt
Shelter Director





Protective Sheltering
was sunseting



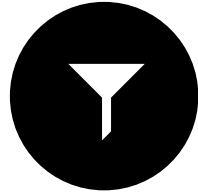
Data



The right people at
the table



Focus



Filter



Follow-through

June 2021: The start of the
conversation...again

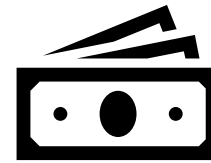
Committees still engaged



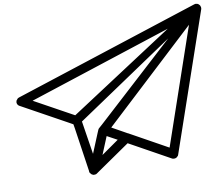
Location



Model/Operations



Funding



Public Relations



Shelter Director
Perspective



942 nights of sleep



78 unique guests

In area vs.
out of area

Results



Brent's Story





SHARING BREAD SOUP
KITCHEN



OUR PLACE



CWC TRANSIT



\$81 >>> \$28



EFFICIENCY



BROADENING
RESOURCES-
CHURCHES/SBSK



FAMILIES

Partnerships

Finances

Next Steps



Questions?

Jana Shogren

jana@bridgesofhopemn.org

Ann Hunnicutt

ann@bridgesofhopemn.org

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

May 16th, 2022

7:15 PM

WebEx Teleconference Call-In Information

Call Toll-Free: 1-844-992-4726

Access Code: 2490 958 7700

1. Ratify the Hiring of 2022 Interns and Temporary/Seasonal Employees
2. Request from Brainerd Community Action for Independence Day Fireworks Donation
3. On-Sale Beer and Wine License- Submitted by Badeaux Restaurants LLC- DBA
Slice on Oak, 625 Oak St- Contingent Upon Approvals
4. Update on Community Development Director Hiring Process
5. Update on Request for Funds to be Returned from Lakes Area Media Collaborative



Brainerd City Council Agenda Request

Requested Meeting Date: May 16, 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 1 st Reading <i>*provide copy of published hearing notice</i>
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: <i>Is there a cost associated with this request:</i> ☒ Yes ☐ No <i>What is the total cost, with tax and shipping</i> \$ _____ <i>Is this budgeted?</i> ☒ Yes ☐ No <i>Please Explain:</i> The wages for these positions are included in the 2022 budget.	

2022 Interns/Temporary Employee List

<u>Name</u>	<u>Job Title</u>	<u>Date of Hire</u>	<u>Hourly Rate</u>	<u>Budgeted Wage</u>	<u>Eligible for Sourcewell Funding</u>
1 Micah Wood	Community Development/Code Compliance Intern	5/16/2022	\$14.00	\$14-\$16	Yes-App Submitted
2 Denny Moore	Adult Softball Umpire	5/10/2022	\$30/Game	\$30/Game	No
3 Audrey Breen	Concessions	TBD	\$14.50	\$14-\$16	No
4 Cole Kubesh	Parks Seasonal Maintenance	5/16/2022	\$15.00	\$14-\$16	No

Submitted for Consideration for the May 16, 2022 Council Meeting



Brainerd City Council Agenda Request

Requested Meeting Date: May 16, 2022

Title of Item: Request from BCA for Independence Day Fireworks Donation

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☒ P&F COMMITTEE ☐ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Connie Hillman	Department: Finance
Presenter (Name & Title): Executive Director of BCA Dave Badeaux/City Staff	Estimated Time Needed: 5 Minutes
Summary of Issue: Please see the attached 4th of July celebration update from Brainerd Community Action's Executive Director. Staff inquired of BCA Executive Director what Baxter's contribution has been in recent years and were told it was \$8,000.	
Alternatives, Options, Effects on Others/Comments: Historically we have used the special projects budget line item for the fireworks/celebration donation. Below is a history of the donations: 2021 - \$8,000; 2020 - \$8,000; 2019 - \$8,000; 2018 - \$8,000; 2017 - \$8,000; 2016 - \$8,000; 2015 - \$7,500; 2014 - \$8,500; 2013 - \$8,000; 2012 - \$5,000; 2011 - \$5,000; 2010 - \$0. There was \$28,000 budgeted for special projects in 2022. \$500 of the budgeted has been authorized to be spent as of May 1st - \$500 to historical society. The City will be getting an invoice in 2022 from Visit Brainerd for the sesquicentennial banners that were not sold as well.	
Recommended Action/Motion: Approve the request from Brainerd Community Action for a donation for Independence Day fireworks.	
Financial Impact: <i>Is there a cost associated with this request:</i> ☒ Yes ☐ No <i>What is the total cost, with tax and shipping</i> \$ _____ <i>Is this budgeted?</i> ☒ Yes ☐ No <i>Please Explain:</i> The funds budgeted for under special projects.	



May 11, 2022

Dear City Officials,

Each year Brainerd Community Action hosts numerous annual events that attract thousands of people into The Brainerd Lakes Area and throughout our communities. We are in the midst of our planning season and continuing to prepare for the 2022 Fourth of July firework display.

What we learned over the last few years is that the firework portion of the day was a huge success even with the change in format from previous years. Continuing to shoot from a centralized location and doing so with the goal of shooting as high as possible has proven very popular with both cities and has allowed people to view the show from a wider area than in years past. Because of this Brainerd Community Action will be using this as a basis for our event and building from there to help bring people back together to celebrate our nation's birth.

What we ask of both our cities, Brainerd and Baxter, is that they continue to support the fireworks portion of this important event for our area.

Brainerd Community Action will continue to evaluate how we can best present this patriotic moment for our community, and as always, our goal will be to provide a celebration that is both appropriate for and worthy of the title of Minnesota's 4th of July Capital right here in the Brainerd Lakes.

Thank you for your continued community support.

A handwritten signature in blue ink, appearing to read "Dave Badeaux".

Dave Badeaux
Executive Director
Brainerd Community Action



Brainerd City Council Agenda Request

Requested Meeting Date: May 16, 2022

Title of Item: New On-Sale Beer, Wine & Sunday License - Slice On Oak

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☒ P&F COMMITTEE ☐ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Connie Hillman	Department: Finance
Presenter (Name & Title): Finance Director Hillman	Estimated Time Needed:
Summary of Issue: The City received a new On-Sale Beer, Wine, and Sunday License application from Badeaux Restaurant LLC dba Slice on Oak operating at 625 Oak Street. The previous owner of Slice On Oak closed the business and Badeaux Restaurant LLC is reopening the business under the same name. Since it is under new operations, a new liquor license needs to be issued. The applicant for the license is hoping to open for business yet this month. Staff is working with the applicant and the State, but it is more likely than not that Slice On Oak will not be able to serve alcohol at the time of the opening if able open by the end of the month.	
Alternatives, Options, Effects on Others/Comments: The Police Chief and Fire Chief still need to review the application. Staff wanted to put it on the agenda to get the process rolling for the applicants.	
Recommended Action/Motion: Approve the On-Sale Beer, Wine, and Sunday License application for Badeaux Restaurants LLC dba Slice On Oak, contingent upon approval the Police Chief and Fire Chief's approval.	
Financial Impact: Is there a cost associated with this request: ☐ Yes ☒ No What is the total cost, with tax and shipping \$ _____ Is this budgeted? ☐ Yes ☒ No <u>Please Explain:</u>	



Brainerd City Council Agenda Request

Requested Meeting Date: May 16, 2022

Title of Item: Update on Community Development 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 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: CDD Work Group	Department: Human Resources
Presenter (Name & Title): Kris Schubert, HR Director	Estimated Time Needed: 2 minutes
Summary of Issue: We received eight applications for the Community Development Director position. The Community Development Director Hiring Process Work Group will meet on Monday, May 16th to review the applications, select the finalists for interviews and determine the interview process. An update relative to this process will be provided at the Personnel & Finance Committee meeting.	
Alternatives, Options, Effects on Others/Comments:	
Recommended Action/Motion: No action needed - this is an update on the hiring process.	
Financial Impact: Is there a cost associated with this request: ☐ Yes ☒ No What is the total cost, with tax and shipping \$ _____ Is this budgeted? ☐ Yes ☐ No <u>Please Explain:</u>	



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 1 st Reading <i>*provide copy of published hearing notice</i>
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 <u>Please Explain:</u>	

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



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 16th, 2022

6:45 PM

WebEx Teleconference Call-In Information Call Toll-

Free: 1-844-992-4726

Access Code: 2482 585 2671

1. Event/Street Closure- Submitted by DDBC for the Here for Good Market
2. Event/Street Closure- Independence Day Celebrations
3. Authorize Agreement for Engineering Services with WSB for the Safe Routes to School
4. Accept Bids- Improvement 20-07- 2022 Sanitary Sewer Collection System Repairs
5. Approve Professional Services Agreement with SEH for Construction Administration on Improvement 20-07- 2022 Sanitary Sewer Collection System Repairs
6. Accept Bids- Improvement 22-02 2022 Crack Sealing Project
7. Resolution- Accepting Bids- Improvement 21-10- Greenwood Street Reconstruction Project
8. Resolution- Accepting Bids- Improvement 21-12- North Brainerd Reconstruction Project
9. Resolution- Master Partnership Agreement with the State of Minnesota for Collaborative Design, Construction, and Maintenance Projects
10. Direction on Active Code Enforcement Cases

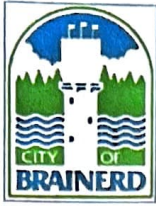


Brainerd City Council Agenda Request

Requested Meeting Date: May 16, 2022

Title of Item: Event/Street Closure Application- Submitted by DDBC for the Here for Good Market

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☒ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) <i>*provide copy of published hearing notice</i> ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading
Submitted by: Administration	Department: Engineering
Presenter (Name & Title):	Estimated Time Needed: 5 Minutes
Summary of Issue: Attached to this request is the event/street closure application for the Here for Good Market by the DDBC to take place Tuesdays from 1 pm-8:30 pm starting 6/8/2022 and ending 8/31/22. This is a street closure request for 7th St between Front and Laurel.	
Alternatives, Options, Effects on Others/Comments: This event is a market type event where vendors will sell goods as well as live music and demos by local businesses. The applicant has requested electrical usage and use of amplified sound for the event. The applicant also indicates there will be signs and banners for the event in and around the downtown. The applicant has requested the closure of S 7th Street from Laurel Street to Front Street.	
Recommended Action/Motion: Staff recommends approval of the application with the proposed conditions 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 <u>Please Explain:</u>	



SPECIAL EVENT APPLICATION

Date of Application: 5/2/2022

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
Other _____

Name of event: Here For Good Market - Presented by the DBBL

Organizer Information

Organizer's Name:

Destination Downtown Brainerd Coalition

Organizer's Address:

Po Box 1216 Brainerd, MN 56401

Event Contact Person:

Rylie Weber

Event Contact Daytime Phone:

218-831-4870

Event Contact E-mail Address:

rylie@downtownbrainerd.org

Contact Name/Number Day of Event:

Rylie Weber

For Profit/Nonprofit Status (type):

Non Profit

Applicant information (if different from the event organizer):

Applicant Name:

Same

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
Tuesdays 6/7 - 8/30	1pm	7pm	St. Closure on 7th St. Between front of Laurel

☒ 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:

weekly farmers market with vendors selling goods as well as live music & art demonstrations

Site Information

Electrical usage

☒

Yes

☐

No

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

Electrical Hookup for speakers. Previously have used the
light pole in front of open city Thrift.

Amplified Sound

☒

Yes

☐

No

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

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:

Sandwich boards on each side of Street Closure, no parking
signs on light poles

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):

South Seventh St Between front & Laurel.

Date and time for beginning of street closures: Tuesdays 6/17 - 8/30 1pm

Date and time for reopening of streets: Tuesdays 6/17 - 8/30 7pm

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.

Vendor's Stations will be set up on proposed closed street leaving
Sidewalks clear for pedestrian flow for patrons & residents.

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:

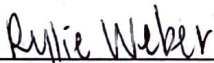
- Minimum of \$1,000,000 in commercial general liability insurance.
- Applicant's insurance shall be primary.
- Insurance shall cover liability for injury death and property damage including coverage for alcohol related claims if alcohol will be served.
- The insurance policy must be issued by an insurance 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



Print Name

For Official Use Only

Department Sign-offs Required

Department	Date/Initials	Comments
Brainerd Public Utilities	_____	No issues. Using light pole outlet.
City Administration	_____	_____
Engineering Department	_____	Coordinate with Street Dept- Traffic Control
Fire Department	_____	_____
Fire Support/EMS	_____	_____
Parks Department	_____	_____
Planning Department	_____	Remove signs immediately after event.
Police Department	_____	No issues. Will spend addt'l time in downtown.

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

Coordinate with Street Department, Police Department, and BPU as needed. Remove signs immediately after events. Submit Certificate of Liability Insurance.

Certification of Street Closure Approval

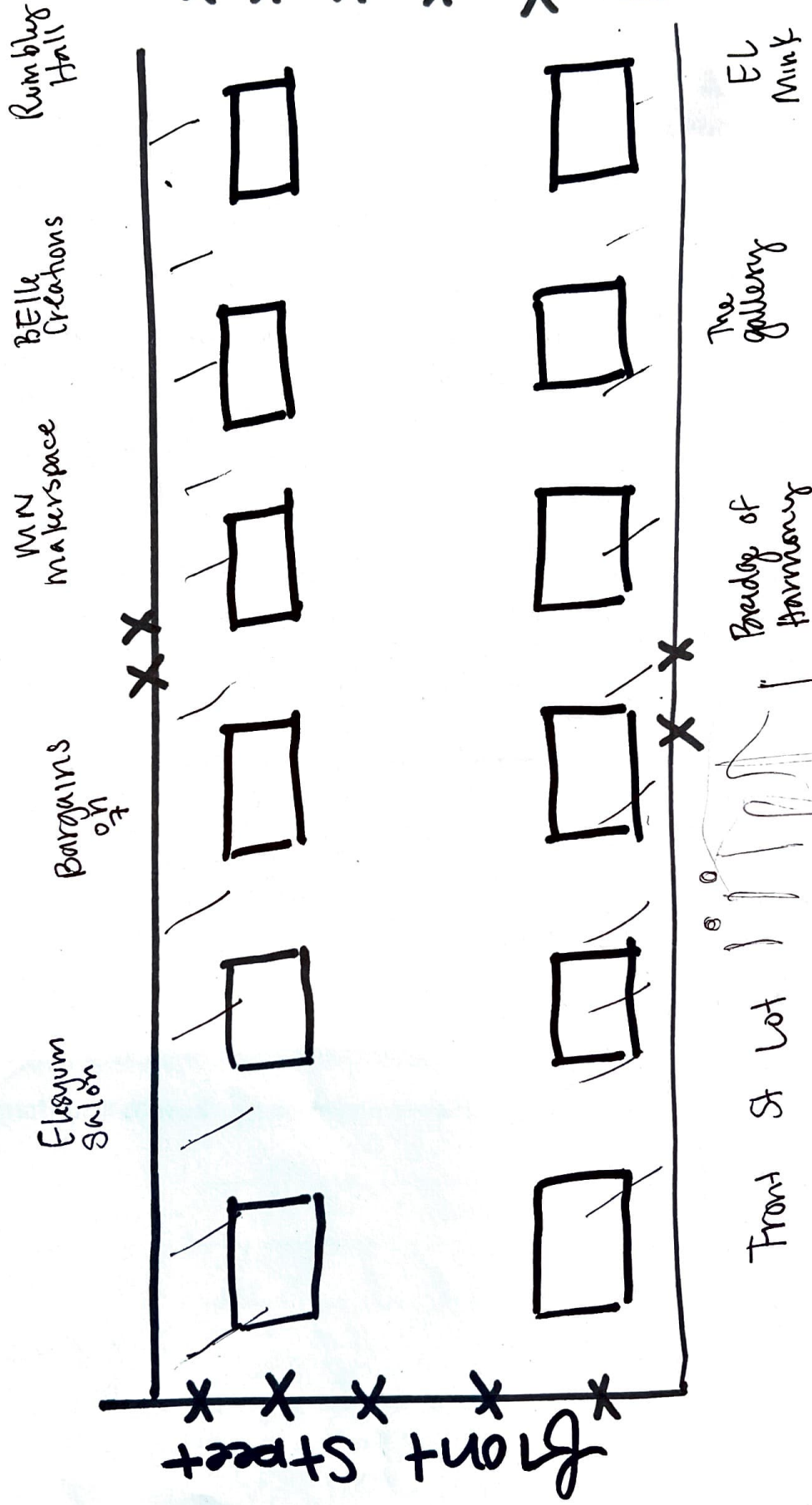
The street closure request as described herein was approved by the City Council at their _____, 20__ meeting. Approval is subject to the following condition(s):

X = barricades to City Streets

* Side walks will be open for foot traffic

* 12-20 10x16 Foot prints for vendors

* 6ft+ between Vendor Stations



DDBC Market Drawing - For Question, Contact Rajlie 218-831-4870



Brainerd City Council Agenda Request

Requested Meeting Date: 05/16/2022

Title of Item: Event/Street Closure Application- Independence Day Celebration

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☒ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☐ Adopt Resolution (attach draft) <i>*provide copy of published hearing notice</i> ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading
Submitted by: Brainerd Community Action	Department: Engineering
Presenter (Name & Title): Paul Sandy, City Engineer/ Public Works Director	Estimated Time Needed: 5 minutes
Summary of Issue: Attached to this request is an event/street closure application for the 4th of July Celebration to be held on July 4th, 2022 from 6 pm - 11 pm for the parade and fireworks display.	
Alternatives, Options, Effects on Others/Comments: Staging for the parade will be at the High School Upper Parking Lot, Parade route will follow S. 5th street to Laurel. Turn left and continue to East River Rd. Turn left and make its way down East River Rd to the lower high school parking lot. A list of requested barricades, signs, and cones is attached. There will be an announcer booth and the applicant has indicated it will be at the end of the route. Music will be broadcast at the high school football field along with hosting the booth and EMCEE. 65 restrooms will be provided near Don Adamson Field. Banners will be placed along the fencing at the football field and on the stage. Waste Partners is contracted for waste. The applicant is requesting the closure per the attached map in the application. All businesses along the route are closed that day, but advertising for the event will be via print, social media, online calendar, and PSA's. The police department has indicated that there has been issues in the past of not having enough traffic control, so the street department will drop off additional devices at the police department for their use if need be.	
Recommended Action/Motion: Staff recommends approval of the attached event/street closure application under the conditions the applicant remove any banners and signs after the event, apply for a permit for the fireworks through the Fire Department, and that the applicant ensures to coordinate the activities for the day regarding traffic control, etc. with the police department.	
Financial Impact: <i>Is there a cost associated with this request:</i> ☐ Yes ☐ No <i>What is the total cost, with tax and shipping</i> \$ _____ <i>Is this budgeted?</i> ☐ Yes ☐ No <i>Please Explain:</i>	



SPECIAL EVENT APPLICATION

Date of Application: 5/11/22

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

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

Name of event: 4th of July Celebration

Organizer Information

Organizer's Name: Brainerd Community Action
Organizer's Address: 321 S. 7th St. Suite 105
Event Contact Person: Dave Badeaux - Executive Director
Event Contact Daytime Phone: 218-829-5278
Event Contact E-mail Address: info@BrainerdCOmmunityAction.org
Contact Name/Number Day of Event: _____
For Profit/Nonprofit Status (type): Nonprofit

Applicant information (if different from the event organizer):

Applicant Name: Dave Badeaux
Applicant Address: Same
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
7/4/2022	6pm	11pm	Brainerd High School Lower Site

☐ 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:

Parade - 6pm (see map)

Family activities (sack races, relays, various competitions) 8pm

Fireworks - 10:15 sharp

Site Information

Electrical usage

☐

Yes

☒

No

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

Food vendors and broadcast trailer will all use generators

Amplified Sound

☒

Yes

☐

No

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

Hubbard Radio will be broadcasting over the stadium PA as well as from a

small staged location at the end of the parade route

Restrooms provided

☒

Yes

☐

No

If yes, how many **65** (a ratio of 1 for every 100-150 people is recommended)

Company contracted for restrooms: **Blakeman Pumping**

(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:

Sponsorship banners will be placed along the fencing of the football stadium

and flyers and posters will be located through out town advertising the event

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):

Parade route will follow S. 5th street to Laurel. Turn left and continue to East River Rd. Turn left and make its way down

East River Rd to the lower high school parking lot. A list of requested barricades, signs, and cones is attached.

Date and time for beginning of street closures: 5 pm

Date and time for reopening of streets: 8pm or after parade has concluded

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

This year access to college drive will not be blocked and traffic will be allowed to continue as needed.

The largest area of disruption will be the section of S. 5th St. that is being blocked off for the High School Construction.

That is not a part of our event, but has shifted our parade route into a more manageable and less disruptive pattern.

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

Dave Badeaux

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

Parade Staging/Route

 Parade Route

 Registration

 Barricade

 Restrooms

 Emcee

 Parking

 Staging Area

 Concessions

 Construction Zone



The following use of barricades, cones and no parking signs are being requested for the Community 4th of July Celebration:

Barricades:

- 6th & Oak
- 5th & Norway
- 5th & Maple
- 5th & Laurel (East and North)
- 4th & Laurel
- 2nd & Laurel
- E. River Road & Laurel – Police & Fire Dept.
- E. River Road & College Dr.

Cones:

- 10 cones High School Parking lot North of Itchy Zebra
- 10 cones High School Lower Parking lot South of Stadium

No Parking Signs:

- Along parade route

Thank you,

Dave Badeaux

Executive Director

Brainerd Community Action

For Official Use Only

Department Sign-offs Required

Department	Date/Initials	Comments
Brainerd Public Utilities	_____	_____
City Administration	_____	_____
Engineering Department	_____	_____
Fire Department	_____	Apply for permit for fire works.
Fire Support/EMS	_____	_____
Parks Department	_____	_____
Planning Department	_____	Remove signs and banners after event.
Police Department	_____	Coordinate activities with the Police Department.

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

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 16, 2022

Title of Item: Authorize Agreement for Engineering Services with WSB for Safe Routes to School

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☒ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Assistant City Engineer Fladung	Department: Engineering
Presenter (Name & Title): Assistant City Engineer Fladung	Estimated Time Needed: 5 minutes
Summary of Issue: The City of Brainerd received four proposals for design and construction administration of the Harrison Elementary Oak Street Safe Routes to School Project. The four proposals received included submissions from Bolton and Menk, SEH, SRF, and WSB in the amounts of \$100,913.00, \$123,000, \$84,985, \$48,942 respectively.	
Alternatives, Options, Effects on Others/Comments: The proposals were scored on a scale from one to twenty in five categories: Project Narrative - Understanding Scope of the Project, Work Plan - Layout of Project Steps, Project Team - Availability and Familiarity, City Staff Requirements, and Estimated Fees. Based on the scoring that was completed, WSB had the highest total score of 92 out of a possible 100. The total project fee is \$48,942.00. Design and Construction Engineering fees are not eligible costs under the \$500,000 MnDOT SRTS grant. The fees are State Aid reimbursable as Oak Street is a State Aid street.	
Recommended Action/Motion: Staff recommends the approval of the WSB proposal for Design and Construction Services with a project fee of \$48,942.00.	
Financial Impact: <i>Is there a cost associated with this request:</i> ☒ Yes ☐ No <i>What is the total cost, with tax and shipping</i> \$ 48,942.00 <i>Is this budgeted?</i> ☒ Yes ☐ No <i>Please Explain:</i> \$500,000 was awarded to the City of Brainerd for the construction of these improvements. Engineering is a reimburseable expense, being on a State Aid route, the City can elect to be reimbursed through its State Aid account.	



Brainerd City Council Agenda Request

Requested Meeting Date: May 16, 2022

Title of Item: Accept Bids - Imp 20-07 - 2022 Sanitary Sewer Collection System Repairs

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☒ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Interim City Engineer Paul Sandy	Department: Engineering
Presenter (Name & Title): Interim City Engineer Paul Sandy	Estimated Time Needed: 5 Minutes
Summary of Issue: Bids were received for improvement 20-07 - 2022 Sanitary Sewer Collection System Repairs on May 10, 2022.	
Alternatives, Options, Effects on Others/Comments: In total, 3 bids were received from Michels Corporation, SJ Louis Companies, and Insituform Technologies at costs of \$367,550.00, \$631,572.00, and \$654,794.30 respectively. Engineer's opinion of probable cost for the project was \$435,500.00, in which represents a bid cost of \$67,450 under engineer's estimate (15.5% under estimate). The city has been budgeted \$400,000/year in sanitary sewer repairs/projects for some time and not constructing projects due to needing to study the system to get a full understanding of repair priorities. This project came out as the major repair priority from the on-going studies, and therefore, staff and SEH are recommending moving forward with the project as bid. This project may be a great opportunity for use of ARPA money, and which may be discussed at a Council meeting in the near future.	
Recommended Action/Motion: Staff recommends acceptance of the bids and awarding the contract for Improvement 20-07 to Michels Corporation in the total contract amount of \$367,550 and authorizing proper signatures on the agreement as submitted.	
Financial Impact: <i>Is there a cost associated with this request:</i> ☒ Yes ☐ No <i>What is the total cost, with tax and shipping</i> \$ 367,550 <i>Is this budgeted?</i> ☒ Yes ☐ No <i>Please Explain:</i> As stated above, the City has been budgeting for \$400,000 for sanitary sewer repairs in the 5-year CIP for some time, however, projects were never constructed until studies were complete. This may also be a great project for ARPA funding.	



Building a Better World
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May 10, 2022

RE: Brainerd, Minnesota
2022 Sanitary Sewer Repairs - Rotary Riverside Park
SEH No. BRDMN 156034 14.00

Honorable Mayor and City Council
c/o James Fladung, Assistant City Engineer
City of Brainerd
501 Laurel Street
Brainerd, MN 56401

Dear Mr. Fladung:

Bids were opened via QuestCDN at 11:00 a.m. on Tuesday, May 10, 2022, for the above-referenced improvement. The low bid was submitted by Michels Corporation of Brownsville, WI. A complete tabulation of bids is enclosed.

We recommend the project should be awarded to the low bidder in the total amount of \$367,550.00.

Please contact me if you have any questions.

Sincerely,

Spencer Cossalter
Project Manager

mrh

Enclosure: Bid Tabulation
c: Scott Hedlund, SEH

x:\ae\b\brdmn\156034\1-gen\14-corr\2022.05.10 | city recommendation.docx

Engineers | Architects | Planners | Scientists

Short Elliott Hendrickson Inc., 2351 Connecticut Avenue, Suite 300, Sartell, MN 56377-2485

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TABULATION OF BIDS

PROJECT NO.: **BRDMN 156034**
 NAME: **2022 SANITARY SEWER REPAIRS - ROTARY RIVERSIDE PARK**
 OWNER: **CITY OF BRAINERD**
 BID DATE: **11:00 A.M., TUESDAY, MAY 10, 2022**

ITEM	QUANTITY	UNIT	DESCRIPTION	ENGINEER'S ESTIMATE		1 MICHELS CORPORATION		2 S.J. LOUIS COMPANIES		3 INSITUFORM TECHNOLOGIES	
				UNIT COST	TOTAL	UNIT COST	TOTAL	UNIT COST	TOTAL	UNIT COST	TOTAL
1	1.00	LS	MOBILIZATION, TRAFFIC CONTROL, AND SITE SAFETY	\$30,000.00	\$30,000.00	\$20,728.00	\$20,728.00	\$150,000.00	\$150,000.00	\$84,754.60	\$84,754.60
2	1.00	LS	TEMPORARY FLOW CONVEYANCE	\$70,000.00	\$70,000.00	\$40,000.00	\$40,000.00	\$125,000.00	\$125,000.00	\$41,485.70	\$41,485.70
3	2,560.00	LF	SANITARY SEWER CLEANING AND CCTV INSPECTION	\$8.00	\$20,480.00	\$8.00	\$20,480.00	\$23.00	\$58,880.00	\$6.40	\$16,384.00
4	43.00	EA	SANITARY SEWER CHEMICAL GROUTING	\$750.00	\$32,250.00	\$850.00	\$36,550.00	\$900.00	\$38,700.00	\$834.10	\$35,866.30
5	2,560.00	LF	18-IN SANITARY SEWER CIPP LINING	\$90.00	\$230,400.00	\$75.00	\$192,000.00	\$80.00	\$204,800.00	\$166.90	\$427,264.00
6	2,560.00	KF	CONTINUOUS TEMPERATURE MONITORING AND DATA COLLECTION	\$2.00	\$5,120.00	\$3.00	\$7,680.00	\$1.20	\$3,072.00	\$1.70	\$4,352.00
7	72.00	FT	SANITARY SEWER MANHOLE LINING	\$575.00	\$41,400.00	\$577.00	\$41,544.00	\$600.00	\$43,200.00	\$542.00	\$39,024.00
8	9.00	EA	INSTALL MANHOLE FRAME SEAL	\$650.00	\$5,850.00	\$952.00	\$8,568.00	\$880.00	\$7,920.00	\$629.30	\$5,663.70
GRAND TOTAL BID					\$435,500.00		\$367,550.00		\$631,572.00		\$654,794.30

X:\AE\B\BRDMN\156034\6-bid-const\Bidding\Bid Tabulation.xlsx\BIDTAB



Brainerd City Council Agenda Request

Requested Meeting Date: May 16, 2022

Title of Item: Approve PSA with SEH for Construction Administration on Imp 20-07

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☒ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Interim City Engineer Paul Sandy	Department: Engineering
Presenter (Name & Title): Interim City Engineer Paul Sandy	Estimated Time Needed: 5 Minutes
Summary of Issue: Attached to this request is a letter proposal from SEH to perform construction administration services for Improvement 20-07, in which was acted on to or not to award bids in the last item.	
Alternatives, Options, Effects on Others/Comments: SEH has been working under contract with the City since 2020 on the sewer I and I investigation and flow monitoring to study the City's sanitary sewer system and look for sources of clean stormwater entering the system. Improvement 20-07 came from the recommendations in the I and I Investigation report as the highest priority project for the City to complete. SEH's scope of services does not continue past this point, and staff is asking the committee and Council to continue using SEH for construction administration on this project for consistency as they have completed the study and have done the design. SEH is also continuing the investigations with a flow monitoring study currently underway. SEH proposes a fee for construction administration of \$36,500, in which is about 10% of the construction cost. Staff finds that the 10% number is reasonable for construction administration, as total engineering with design and construction costs are typically between 20-25% of construction costs.	
Recommended Action/Motion: Staff recommends approval of the attached scope of services with SEH for construction administration for Improvement 20-07 in a fee not to exceed \$36,500.	
Financial Impact: <i>Is there a cost associated with this request:</i> ☒ Yes ☐ No <i>What is the total cost, with tax and shipping</i> \$ 36,500 <i>Is this budgeted?</i> ☒ Yes ☐ No <i>Please Explain:</i> Fees become part of the project cost, and as stated previously, the City has budgeted \$400,000 in sanitary sewer system repairs in 2022.	



Building a Better World
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May 10, 2022

RE: City of Brainerd, Minnesota
Proposal for Professional Engineering Services
Construction Administration, 2022 Sanitary
Sewer Repair – Rotary Riverside Park
SEH No. BRDMN 156034 14.00

Honorable Mayor and City Council
c/o James Fladung, Assistant City Engineer
City of Brainerd
501 Laurel Street
Brainerd, MN 56401

Dear Mr. Fladung:

Thank you for the opportunity to submit this proposal for professional services to the City of Brainerd for construction administration services associated with the 2022 Sanitary Sewer Repairs – Rotary Riverside Park Project. This letter serves as our understanding of the project scope and schedule.

SCOPE OF WORK

The work scope for completing this project will include the following tasks. Our staff understands that the success of a program of this nature requires the work to be performed as an extension of City staff and to be respectful of City property and the entire surrounding community.

Task 1.0 – Project Management

SEH will carefully manage the day-to-day budget, schedule, and decision-making process in order to avoid delays and keep the project moving forward. Our project management team leaders are available and committed to your project for the duration.

SEH will support the City throughout the project, including responding to unanticipated project related issues and will work in close cooperation with the City. A key component of project management will include QA/QC of all deliverables. Our QA/QC procedures will be implemented at every stage of the project, and all deliverables will go through a quality review prior to being delivered to City or the Contractor. In addition, SEH will support City with unanticipated project-related issues such as informal discussions with interested citizens, civic organizations, environmental groups, or the press.

SEH will conduct the Preconstruction Meeting for the project with City staff, the Contractor and other project stakeholders invited to the meeting by the City. SEH will review project schedules, shop drawings, test results, requests for substitutions, and other documentation the Contractor is required to submit over the course of the project.

Engineers | Architects | Planners | Scientists

Short Elliott Hendrickson Inc., 3535 Vadnais Center Drive, St. Paul, MN 55110-5196

SEH is 100% employee-owned | **sehinc.com** | 651.490.2000 | 800.325.2055 | 888.908.8166 fax

SEH will review Contractor developed change orders and Applications for payment for the project and will prepare and issue field orders and change orders as necessary. SEH will review Contractor pricing on change orders and when acceptable, recommend for payment. The scope of services assumes the processing of up to 3 change orders. SEH will also review Contractor's applications for payment and make recommendations to the Owner. The scope of services assumes up to 6 payment applications will be processed.

Task 2.0 – On-Site Resident Project Representative

SEH will provide up to 200 hours of Resident Project Representative (RPR) time on-site and expenses during construction activity, representing five (5) full weeks of construction. Additional hours will be considered additional services. The RPR will review schedules, attend meetings with the Contractor, conduct on-site observations of the work in progress, verify that quality control tests are conducted, keep a log book of construction activities and weather, review pay applications noting the work completed, and conduct final inspections prior to completion of the project. The RPR will act as a liaison between the City and the Contractor for construction related issues.

Task 3.0 – Project Meetings

SEH will coordinate regular meetings with the Contractor and City staff throughout the project. The SEH Project Manager and design staff will make visits to the site at intervals appropriate to the various stages of construction for observation and will attend a variety of meetings. The SEH RPR will attend meetings in person and the Project Manager and other design staff will attend via teleconference for most meetings. Select meetings will be attended in person by the Project Manager and other design staff as required throughout the project.

Task 3.0 – Project Closeout

SEH will assist City with the Standard Form of Agreement and Notice to Proceed Documents.

At substantial completion of the project, SEH will perform a site walkthrough, prepare a final punch list for the contractor, and verify completeness of contractor's assembled information as it pertains to required contractor submittals including warranties, bonds, certificates, insurance requirements, certificates of inspection, tests and approvals, shop drawings and any other documentation required by the contract documents. Once all documentation has been submitted by the contractor, SEH will prepare a letter of acceptance and recommend final payment to close out the contract. Once completed, an Engineering Certification will be prepared stating that the project was built according to the Contract Documents.

PROJECT ASSUMPTIONS

The Owner's responsibilities related to the construction administration services to be provided by SEH are:

1. Assist SEH by furnishing all available information pertinent to the services to be provided by SEH.
2. Give prompt notice to SEH whenever the Owner observes or otherwise becomes aware of any changes in the project or wishes to make changes in the project.
3. Furnish all test results and other special items pertinent to the project.
4. Promptly examine all studies, reports, sketches, cost estimates, and other documents presented by SEH, and render the necessary decisions and instructions,
5. Act promptly to review and approve or reject all proposed Change Orders

PROJECT SCHEDULE

We have estimated that the project will involve approximately five (5) weeks of active construction, likely to be completed in two (2) distinct phases. Contractor schedules vary, however preliminary coordination indicates that construction will likely commence in early August 2022. The contract documents outline that substantial completion must be achieved prior to November 30, 2022.

COMPENSATION

The estimated project cost for the total scope of work outlined above would be \$36,500. Compensation will be on an hourly basis, based on the actual hours worked for SEH personnel assigned to the project, plus reimbursable expenses. SEH will invoice the project on a monthly basis and will not exceed the overall project estimate without a review of the current budget and approval from the City prior to conducting the current or any future work tasks.

If you have any questions or comments related to this project, please feel free to call me at 651.318.0350. We look forward to working with the City of Brainerd on this important project.

Sincerely,

SHORT ELLIOTT HENDRICKSON INC.

A handwritten signature in black ink, appearing to read "Spencer Cossalter", written over a faint horizontal line.

Spencer Cossalter
Project Manager / Design Leader

c: Scott Hedlund, SEH



Brainerd City Council Agenda Request

Requested Meeting Date: May 16, 2022

Title of Item: Accept Bids - Improvement 22-02 - 2022 Crack Sealing Project

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☒ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☒ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Interim City Engineer Paul Sandy	Department: Engineering
Presenter (Name & Title): Interim City Engineer Paul Sandy	Estimated Time Needed: 5 Minutes
Summary of Issue: Attached to this request is the bid results for Improvement 22-02 - 2022 Crack Sealing Project.	
Alternatives, Options, Effects on Others/Comments: In total, 7 bids were received from contractors including Midwest Asphalt Maintenance, MP Asphalt Maintenance, LLC, Roadway Services, Inc., Lot Pros, Inc., Fahrner Asphalt Sealers, LLC - Eau Claire, Precision Roadway Services, LLC, and Northwest Asphalt and Maintenance in the total amounts of \$14,823.90, \$15,602.00, \$28,282.60, \$28,863.70, \$30,573.15, \$31,503.75, and \$39,324.40 respectively. Total improvement cost, with the purchase of the crack filling material by the City (\$8,212.50) is \$23,036.40. The City budgets \$25,000 in crack sealing annually.	
Recommended Action/Motion: Staff recommends approval of the bids and awarding the contract for Improvement 22-02 to Midwest Asphalt Maintenance in the total bid amount of \$14,823.90 and authorizing proper signatures on the agreement documents.	
Financial Impact: <i>Is there a cost associated with this request:</i> ☒ Yes ☐ No <i>What is the total cost, with tax and shipping</i> \$ <u>23,036.40</u> <i>Is this budgeted?</i> ☒ Yes ☐ No <i>Please Explain:</i> The City budgets \$25,000 in crack sealing annually in the 5-year street and sewer capital improvement plan.	

Contract 2022-04 - Bid Abstract

Report Date	Contract Name	Contract Number	Local	Release Date	Bid opening
5/6/2022	2022 Crack Sealing Project	2022-04	22-02	4/5/2022	5/6/2022, 10:00 AM

Base Bid

Uncategorized																
			Midwest Asphalt Maintenance		MP Asphalt Maintenance LLC		Roadway Services, Inc.		Lot Pros Inc.		Fahrner Asphalt Sealers, LLC - Eau Claire		Precision Roadway Services, LLC		Northwest Asphalt & Maintenance	
Line	Item	Quantity	Price	Total	Price	Total	Price	Total	Price	Total	Price	Total	Price	Total	Price	Total
1	2021.501 MOBILIZATION (LS)	1	\$1.00	\$1.00	\$0.00	\$0.00	\$6,000.00	\$6,000.00	\$0.00	\$0.00	\$5,000.00	\$5,000.00	\$750.00	\$750.00	\$2,500.00	\$2,500.00
2	2331.603 CRACK SEALING (L F)	39,005	\$0.38	\$14,821.90	\$0.40	\$15,602.00	\$0.52	\$20,282.60	\$0.74	\$28,863.70	\$0.63	\$24,573.15	\$0.75	\$29,253.75	\$0.88	\$34,324.40
3	2563.601 TRAFFIC CONTROL (LS)	1	\$1.00	\$1.00	\$0.00	\$0.00	\$2,000.00	\$2,000.00	\$0.00	\$0.00	\$1,000.00	\$1,000.00	\$1,500.00	\$1,500.00	\$2,500.00	\$2,500.00
			<u>Total</u>		<u>Total</u>		<u>Total</u>		<u>Total</u>		<u>Total</u>		<u>Total</u>		<u>Total</u>	
			\$14,823.90		\$15,602.00		\$28,282.60		\$28,863.70		\$30,573.15		\$31,503.75		\$39,324.40	

Base Bid Totals

Midwest Asphalt Maintenance: \$14,823.90
MP Asphalt Maintenance LLC: \$15,602.00
Roadway Services, Inc : \$28,282.60
Lot Pros Inc : \$28,863.70
Fahrner Asphalt Sealers, LLC - Eau Claire: \$30,573.15
Precision Roadway Services, LLC: \$31,503.75
Northwest Asphalt & Maintenance: \$39,324.40

Totals

Midwest Asphalt Maintenance: \$14,823.90
MP Asphalt Maintenance LLC: \$15,602.00
Roadway Services, Inc : \$28,282.60
Lot Pros Inc : \$28,863.70
Fahrner Asphalt Sealers, LLC - Eau Claire: \$30,573.15
Precision Roadway Services, LLC: \$31,503.75
Northwest Asphalt & Maintenance: \$39,324.40

I hereby certify that this is an exact reproduction of bids received.

License Number:

Signature:

Date:



Brainerd City Council Agenda Request

Requested Meeting Date: May 16, 2022

Title of Item: Res - Accepting Bids - Imp 21-10 - Greenwood Street Reconstruction

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☒ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☒ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Interim City Engineer Paul Sandy	Department: Engineering
Presenter (Name & Title): Interim City Engineer Paul Sandy	Estimated Time Needed: 5 Minutes
Summary of Issue: Attached to this request is the bid abstract and resolution in which accepts the bids for improvement 21-10 - Greenwood Street Reconstruction Project.	
Alternatives, Options, Effects on Others/Comments: In total, two bids were received from Anderson Brothers Construction of Brainerd, LLC and Knife River Corporation in the amounts of \$93,546.90 and \$112,429.00 respectively. Engineers opinion of probable cost for the project is \$103,556.00. The low bid represents	
Recommended Action/Motion: Staff recommends adopting the attached resolution in which accepts the bids and awards the contract to Anderson Brothers Construction of Brainerd, LLC in the total contract cost of \$93,546.90 and authorizing proper signatures on the agreement documents.	
Financial Impact: <i>Is there a cost associated with this request:</i> ☒ Yes ☐ No <i>What is the total cost, with tax and shipping</i> \$ <u>93,546.90</u> <i>Is this budgeted?</i> ☒ Yes ☐ No <i>Please Explain:</i> This project is part of the 5-year street and sewer capital plan and is reimbursable through the city State Aid account. This project will be constructed along with the MnDOT reconstruction of S 6th Street and the re-alignment of Greenwood Street.	

Contract 2022-02 - Bid Abstract

Report Date	Contract Name	Contract Number	Local	State	Release Date	Bid opening	Addendum 1
5/6/2022	Greenwood Street Construction	2022-02	21-10	SAP 108-137-002	4/7/2022	5/6/2022, 11:00 AM	4/15/2022

Base Bid

Uncategorized

Anderson Brothers Construction Company of Brainerd LLC					KNIFE RIVER	
Line	Item	Quantity	Price	Total	Price	Total
1	2021.501 MOBILIZATION (LS)	1	\$6,560.25	\$6,560.25	\$10,000.00	\$10,000.00
2	2101.505 CLEARING (ACRE)	0.05	\$5,900.00	\$295.00	\$18,000.00	\$900.00
3	2101.505 GRUBBING (ACRE)	0.05	\$5,900.00	\$295.00	\$18,000.00	\$900.00
4	2104.503 SAWING BITUMINOUS PAVEMENT (FULL DEPTH) (L F)	55	\$3.55	\$195.25	\$6.00	\$330.00
5	2104.503 REMOVE CONCRETE CURB (L F)	60	\$2.95	\$177.00	\$25.00	\$1,500.00
6	2104.504 REMOVE BITUMINOUS PAVEMENT (S Y)	525	\$2.90	\$1,522.50	\$4.00	\$2,100.00
7	2106.507 EXCAVATION - COMMON (P) (C Y)	415	\$6.85	\$2,842.75	\$21.00	\$8,715.00
8	2130.523 WATER (MGAL)	10	\$35.30	\$353.00	\$50.00	\$500.00
9	2211.509 AGGREGATE BASE CLASS 5 (TON)	422	\$24.65	\$10,402.30	\$23.00	\$9,706.00
10	2221.509 SHOULDER BASE AGGREGATE CLASS 1 (TON)	148	\$31.65	\$4,684.20	\$33.00	\$4,884.00
11	2360.509 TYPE SP 9.5 WEARING COURSE MIXTURE (2,C) (TON)	567	\$83.00	\$47,061.00	\$97.00	\$54,999.00
12	2531.503 CONCRETE CURB AND GUTTER DESIGN D412 (L F)	60	\$44.35	\$2,661.00	\$42.00	\$2,520.00
13	2563.601 TRAFFIC CONTROL (LS)	1	\$1,585.00	\$1,585.00	\$1,500.00	\$1,500.00
14	2563.602 RAISED PAVEMENT MARKER TEMPORARY (EACH)	30	\$1.50	\$45.00	\$2.50	\$75.00
15	2573.501 STABILIZED CONSTRUCTION EXIT (LS)	1	\$1,176.00	\$1,176.00	\$1,000.00	\$1,000.00
16	2573.502 STORM DRAIN INLET PROTECTION (EACH)	4	\$158.40	\$633.60	\$150.00	\$600.00
17	2573.503 SILT FENCE, TYPE HI (L F)	750	\$2.15	\$1,612.50	\$2.00	\$1,500.00
18	2574.507 COMMON TOPSOIL BORROW (C Y)	173	\$37.15	\$6,426.95	\$42.00	\$7,266.00
19	2575.501 TURF ESTABLISHMENT (LS)	1	\$2,640.20	\$2,640.20	\$2,500.00	\$2,500.00
20	2575.523 RAPID STABILIZATION METHOD 3 (MGAL)	1.5	\$105.60	\$158.40	\$100.00	\$150.00
21	2582.503 4" BROKEN LINE MULTI-COMPONENT (L F)	100	\$22.20	\$2,220.00	\$7.84	\$784.00
				Total		Total
				\$93,546.90		\$112,429.00

Base Bid Totals

Anderson Brothers Construction Company Of Brainerd LLC: \$93,546.90

KNIFE RIVER: \$112,429.00

Totals

Anderson Brothers Construction Company Of Brainerd LLC: \$93,546.90

KNIFE RIVER: \$112,429.00

I hereby certify that this is an exact reproduction of bids received.

License Number: _____

Signature: _____

Date: _____

RESOLUTION
NO _____

RESOLUTION ACCEPTING BID

WHEREAS, pursuant to an advertisement for bids for the improvements of the following described improvements:

IMPROVEMENT 21-10

Street Reconstruction

Greenwood Street – Woodland Hills Lane to S 6th Street (Trunk Highway 371B)

Bids were received, opened and tabulated according to law and the following bids were received complying with the advertisement:

<u>NAME OF BIDDER</u>	<u>AMOUNT OF BID</u>
Anderson Brothers Construction of Brainerd, LLC	\$93,546.90
Tri-City Paving, Incorporated	\$112,429.00

AND WHEREAS, Anderson Brothers Construction of Brainerd, Minnesota, LLC is the lowest responsible bidder; and

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

1. The Mayor and the City Administrator are hereby authorized and directed to enter into a contract with Anderson Brothers Construction of Brainerd, Minnesota, LLC for the amount of its said bid in the name of the City of Brainerd for the improvements above described according to the plans and specifications therefore approved by the City Council and of record in the office of the City Administrator.
2. The City Administrator is hereby authorized and directed to return forthwith to all bidders the deposits made with their bids, except that the deposits of the successful bidder and the next lowest bidder shall be retained until a contract has been signed.

Adopted this _____ day of _____, 2022

KELLY BEVANS
President of the Council

Approved this _____ day of _____, 2022

DAVE BADEAUX
Mayor

ATTEST: _____
JENNIFER BERGMAN
City Administrator



Brainerd City Council Agenda Request

Requested Meeting Date: May 16, 2022

Title of Item: Res - Accepting Bids - Improvement 21-12 - North Brainerd Reconstruction

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☒ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☒ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Interim City Engineer Paul Sandy	Department: Engineering
Presenter (Name & Title): Interim City Engineer Paul Sandy	Estimated Time Needed: 5 Minutes
Summary of Issue: Attached to this request is the bid results and a resolution accepting those results for Improvement 21-12 - North Brainerd Reconstruction Project.	
Alternatives, Options, Effects on Others/Comments: In total, 5 bids were received from DeChantal Excavating, LLC, Anderson Brothers Construction of Brainerd, LLC, JR Ferche, Kraemer Trucking and Excavating, Inc., and RL Larson, Inc in the total bids amounts of \$3,942,248.75, \$3,972,052.40, \$4,048,503.87, \$4,201,532.45, and \$4,993,954.62 respectively. Engineer's opinion of probable costs for the improvement is \$3,852,548. The low bid from DeChantal Excavating represents a cost that is 89,700.75 over engineer's estimate (2.28% over engineer's estimate). Bids that are received that are plus or minus 5% of the engineer's estimate are typically considered acceptable, and given the current state of price volatility and how tight all of the contractors bids were, staff feels these prices are what it costs to construct the improvements. Material shortages and supply chain issues are coming into play with this project, and it is anticipated that the project will not start until 2023. Staff continues to work with the contractor to see if there is any opportunity to construct one of the phases (if there is time) in 2022 and materials are available.	
Recommended Action/Motion: Staff recommends adopting the attached resolution in which accepts the bids and awards the contract to DeChantal Excavating in the total contract amount of \$3,942,248.75 and authorize proper signatures on the agreement documents.	
Financial Impact: <i>Is there a cost associated with this request:</i> ☒ Yes ☐ No <i>What is the total cost, with tax and shipping</i> \$ 3,942,248.75 <i>Is this budgeted?</i> ☒ Yes ☐ No <i>Please Explain:</i> This is a local project to be funded through construction fund 401. It is anticipated the City will need to issue debt for these improvements for the street portions of the project. Utility costs will be funded through respective utility funds (storm, sanitary, water).	

Contract 2022-03 - Bid Abstract

Report Date	Contract Name	Contract Number	Local	Release Date	Bid opening	Addendum 3	Addendum 2	Addendum 1	Addendum 4
5/6/2022	North Brainerd Reconstruction	2022-03	21-12	4/8/2022	5/6/2022, 10:00 AM	4/29/2022	4/20/2022	4/8/2022	5/3/2022
Base Bid									
Uncategorized									

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		DeChantal Excavating LLC			Anderson Brothers Construction Company of Brainerd LLC		J.R. Ferche, Inc.		Kraemer Trucking & Excavating Inc.		RL Larson Excavating, Inc.	
Line	Item	Quantity	Price	Total	Price	Total	Price	Total	Price	Total	Price	Total
1	2021.501 MOBILIZATION (LS)	1	\$181,833.00	\$181,833.00	\$96,031.60	\$96,031.60	\$112,668.47	\$112,668.47	\$312,029.50	\$312,029.50	\$462,000.00	\$462,000.00
2	2101.524 CLEARING (TREE)	18	\$475.00	\$8,550.00	\$865.60	\$15,580.80	\$950.00	\$17,100.00	\$500.00	\$9,000.00	\$750.00	\$13,500.00
3	2101.524 GRUBBING (TREE)	54	\$125.00	\$6,750.00	\$206.10	\$11,129.40	\$225.00	\$12,150.00	\$250.00	\$13,500.00	\$600.00	\$32,400.00
4	2104.502 REMOVE SHRUB (EACH)	24	\$25.00	\$600.00	\$57.75	\$1,386.00	\$65.00	\$1,560.00	\$25.00	\$600.00	\$170.00	\$4,080.00
5	2104.502 REMOVE CONCRETE STEPS (EACH)	11	\$85.00	\$935.00	\$115.60	\$1,271.60	\$130.00	\$1,430.00	\$100.00	\$1,100.00	\$500.00	\$5,500.00
6	2104.502 REMOVE MANHOLE OR CATCH BASIN (EACH)	60	\$415.00	\$24,900.00	\$686.15	\$41,169.00	\$650.00	\$39,000.00	\$425.00	\$25,500.00	\$600.00	\$36,000.00
7	2104.502 REMOVE CASTING (EACH)	23	\$85.00	\$1,955.00	\$115.60	\$2,658.80	\$225.00	\$5,175.00	\$100.00	\$2,300.00	\$200.00	\$4,600.00
8	2104.502 REMOVE GATE VALVE & BOX (EACH)	13	\$200.00	\$2,600.00	\$686.15	\$8,919.95	\$650.00	\$8,450.00	\$200.00	\$2,600.00	\$542.50	\$7,052.50
9	2104.502 REMOVE CURB STOP & BOX (EACH)	54	\$150.00	\$8,100.00	\$211.15	\$11,402.10	\$200.00	\$10,800.00	\$150.00	\$8,100.00	\$362.00	\$19,548.00
10	2104.502 REMOVE HYDRANT (EACH)	2	\$250.00	\$500.00	\$686.15	\$1,372.30	\$650.00	\$1,300.00	\$250.00	\$500.00	\$542.50	\$1,085.00
11	2104.502 SALVAGE HYDRANT (EACH)	4	\$1,500.00	\$6,000.00	\$950.05	\$3,800.20	\$900.00	\$3,600.00	\$1,500.00	\$6,000.00	\$542.50	\$2,170.00
12	2104.503 SAWING CONCRETE PAVEMENT (FULL DEPTH) (L F)	1,749	\$4.00	\$6,996.00	\$3.50	\$6,121.50	\$4.00	\$6,996.00	\$5.00	\$8,745.00	\$4.00	\$6,996.00

DeChantal Excavating LLC					Anderson Brothers Construction Company of Brainerd LLC		J.R. Ferche, Inc.		Kraemer Trucking & Excavating Inc.		RL Larson Excavating, Inc.	
Line	Item	Quantity	Price	Total	Price	Total	Price	Total	Price	Total	Price	Total
13	2104.503 SAWING BITUMINOUS PAVEMENT (FULL DEPTH) (L F)	1,912	\$1.90	\$3,632.80	\$2.30	\$4,397.60	\$2.60	\$4,971.20	\$4.00	\$7,648.00	\$2.50	\$4,780.00
14	2104.503 REMOVE WATER MAIN (L F)	1,937	\$5.00	\$9,685.00	\$4.25	\$8,232.25	\$4.00	\$7,748.00	\$6.00	\$11,622.00	\$16.00	\$30,992.00
15	2104.503 REMOVE SEWER PIPE (SANITARY) (L F)	55	\$5.00	\$275.00	\$21.15	\$1,163.25	\$20.00	\$1,100.00	\$5.00	\$275.00	\$50.00	\$2,750.00
16	2104.503 REMOVE SEWER PIPE (STORM) (L F)	2,464	\$10.35	\$25,502.40	\$19.00	\$46,816.00	\$18.00	\$44,352.00	\$8.50	\$20,944.00	\$31.00	\$76,384.00
17	2104.503 REMOVE CURB & GUTTER (L F)	13,603	\$3.10	\$42,169.30	\$3.10	\$42,169.30	\$3.50	\$47,610.50	\$2.15	\$29,246.45	\$3.90	\$53,051.70
18	2104.503 SALVAGE FENCE (L F)	60	\$16.00	\$960.00	\$23.10	\$1,386.00	\$26.00	\$1,560.00	\$30.00	\$1,800.00	\$25.00	\$1,500.00
19	2104.503 SALVAGE METAL RAILING (L F)	6	\$35.00	\$210.00	\$23.10	\$138.60	\$26.00	\$156.00	\$150.00	\$900.00	\$50.00	\$300.00
20	2104.503 REMOVE LANDSCAPE EDGER (L F)	720	\$0.85	\$612.00	\$2.30	\$1,656.00	\$2.50	\$1,800.00	\$3.00	\$2,160.00	\$4.40	\$3,168.00
21	2104.503 REMOVE WATER SERVICE PIPE (L F)	2,167	\$3.00	\$6,501.00	\$3.20	\$6,934.40	\$3.00	\$6,501.00	\$4.00	\$8,668.00	\$8.60	\$18,636.20
22	2104.504 REMOVE CONCRETE DRIVEWAY PAVEMENT (S Y)	1,452	\$4.65	\$6,751.80	\$7.45	\$10,817.40	\$8.50	\$12,342.00	\$5.00	\$7,260.00	\$12.00	\$17,424.00
23	2104.504 REMOVE CONCRETE PAVEMENT (S Y)	14,944	\$7.85	\$117,310.40	\$8.55	\$127,771.20	\$9.50	\$141,968.00	\$6.00	\$89,664.00	\$8.00	\$119,552.00
24	2104.504 REMOVE BITUMINOUS DRIVEWAY PAVEMENT (S Y)	834	\$3.50	\$2,919.00	\$3.55	\$2,960.70	\$4.00	\$3,336.00	\$4.50	\$3,753.00	\$12.00	\$10,008.00
25	2104.504 REMOVE BITUMINOUS PAVEMENT (S Y)	29,818	\$2.45	\$73,054.10	\$1.80	\$53,672.40	\$2.00	\$59,636.00	\$3.50	\$104,363.00	\$3.50	\$104,363.00
26	2104.518 REMOVE LANDSCAPE MULCH (S F)	2,739	\$1.00	\$2,739.00	\$1.00	\$2,739.00	\$1.10	\$3,012.90	\$1.00	\$2,739.00	\$2.20	\$6,025.80
27	2104.518 REMOVE LANDSCAPE ROCK (S F)	113	\$1.65	\$186.45	\$1.00	\$113.00	\$1.10	\$124.30	\$1.00	\$113.00	\$22.10	\$2,497.30
28	2104.518 REMOVE CONCRETE SIDEWALK (S F)	40,051	\$0.85	\$34,043.35	\$1.00	\$40,051.00	\$1.10	\$44,056.10	\$0.65	\$26,033.15	\$1.10	\$44,056.10
29	2104.618 REMOVE STONE PAVERS (S F)	2,678	\$0.85	\$2,276.30	\$1.25	\$3,347.50	\$1.35	\$3,615.30	\$0.75	\$2,008.50	\$6.60	\$17,674.80
30	2104.618 SALVAGE STONE PAVERS (S F)	452	\$9.95	\$4,497.40	\$10.50	\$4,746.00	\$11.00	\$4,972.00	\$9.95	\$4,497.40	\$11.10	\$5,017.20
31	2105.504 GEOTEXTILE FABRIC TYPE 5 (S Y)	284	\$2.95	\$837.80	\$3.15	\$894.60	\$4.00	\$1,136.00	\$2.95	\$837.80	\$2.60	\$738.40

DeChantal Excavating LLC					Anderson Brothers Construction Company of Brainerd LLC		J.R. Ferche, Inc.		Kraemer Trucking & Excavating Inc.		RL Larson Excavating, Inc.	
Line	Item	Quantity	Price	Total	Price	Total	Price	Total	Price	Total	Price	Total
32	2105.507 COMMON EXCAVATION (C Y)	7,249	\$12.75	\$92,424.75	\$17.45	\$126,495.05	\$19.50	\$141,355.50	\$12.50	\$90,612.50	\$46.50	\$337,078.50
33	2105.507 STABILIZING AGGREGATE (C Y)	850	\$8.00	\$6,800.00	\$24.60	\$20,910.00	\$15.50	\$13,175.00	\$10.00	\$8,500.00	\$7.50	\$6,375.00
34	2130.523 WATER (MGAL)	170	\$65.00	\$11,050.00	\$52.00	\$8,840.00	\$52.00	\$8,840.00	\$50.00	\$8,500.00	\$52.40	\$8,908.00
35	2211.509 AGGREGATE BASE CLASS 5 (TON)	6,136	\$20.40	\$125,174.40	\$20.40	\$125,174.40	\$22.00	\$134,992.00	\$18.50	\$113,516.00	\$22.00	\$134,992.00
36	2360.509 TYPE SP 9.5 WEARING COURSE MIX (2,C) (TON)	3,541	\$90.00	\$318,690.00	\$90.00	\$318,690.00	\$95.00	\$336,395.00	\$90.00	\$318,690.00	\$95.30	\$337,457.30
37	2411.502 CONCRETE STAIRWAY (EACH)	10	\$1,200.00	\$12,000.00	\$1,266.75	\$12,667.50	\$1,500.00	\$15,000.00	\$1,200.00	\$12,000.00	\$1,330.00	\$13,300.00
38	2503.503 12" CP PIPE SEWER (SMOOTH) (L F)	30	\$30.75	\$922.50	\$47.50	\$1,425.00	\$45.00	\$1,350.00	\$60.00	\$1,800.00	\$65.00	\$1,950.00
39	2503.503 12" RC PIPE SEWER DES 3006 CL III (L F)	1,496	\$51.40	\$76,894.40	\$67.55	\$101,054.80	\$64.00	\$95,744.00	\$68.00	\$101,728.00	\$57.75	\$86,394.00
40	2503.503 15" RC PIPE SEWER DES 3006 CL III (L F)	2,372	\$60.90	\$144,454.80	\$78.15	\$185,371.80	\$74.00	\$175,528.00	\$76.00	\$180,272.00	\$68.70	\$162,956.40
41	2503.503 18" RC PIPE SEWER DES 3006 CL III (L F)	520	\$64.80	\$33,696.00	\$89.75	\$46,670.00	\$85.00	\$44,200.00	\$82.00	\$42,640.00	\$72.10	\$37,492.00
42	2503.503 24" RC PIPE SEWER DES 3006 CL III (L F)	53	\$88.15	\$4,671.95	\$147.80	\$7,833.40	\$140.00	\$7,420.00	\$99.00	\$5,247.00	\$90.30	\$4,785.90
43	2503.503 27" RC PIPE SEWER DES 3006 CL III (L F)	22	\$110.20	\$2,424.40	\$184.75	\$4,064.50	\$175.00	\$3,850.00	\$125.00	\$2,750.00	\$119.00	\$2,618.00
44	2503.503 3" PVC PIPE SEWER (L F)	4	\$56.45	\$225.80	\$52.80	\$211.20	\$50.00	\$200.00	\$90.00	\$360.00	\$171.50	\$686.00
45	2503.503 6" PVC PIPE SEWER (L F)	54	\$66.75	\$3,604.50	\$68.60	\$3,704.40	\$65.00	\$3,510.00	\$77.00	\$4,158.00	\$120.00	\$6,480.00
46	2503.503 8" PVC PIPE SEWER (L F)	98	\$82.25	\$8,060.50	\$68.60	\$6,722.80	\$65.00	\$6,370.00	\$86.00	\$8,428.00	\$88.00	\$8,624.00
47	2503.602 ADJUST SANITARY SEWER CLEAN- OUT (EACH)	1	\$175.00	\$175.00	\$316.70	\$316.70	\$300.00	\$300.00	\$300.00	\$300.00	\$624.00	\$624.00
48	2503.602 CONSTRUCT BULKHEAD (EACH)	16	\$440.00	\$7,040.00	\$475.00	\$7,600.00	\$450.00	\$7,200.00	\$600.00	\$9,600.00	\$843.50	\$13,496.00
49	2503.602 6" PIPE CAP (SANITARY) (EACH)	2	\$86.70	\$173.40	\$158.35	\$316.70	\$150.00	\$300.00	\$512.00	\$1,024.00	\$120.00	\$240.00
50	2503.602 4" PIPE PLUG (WATERMAIN) (EACH)	2	\$236.00	\$472.00	\$369.50	\$739.00	\$350.00	\$700.00	\$640.00	\$1,280.00	\$220.00	\$440.00
51	2503.602 6" PIPE PLUG (WATERMAIN) (EACH)	16	\$428.00	\$6,848.00	\$422.25	\$6,756.00	\$400.00	\$6,400.00	\$480.00	\$7,680.00	\$268.00	\$4,288.00
52	2503.602 CONNECT TO EXISTING SANITARY SEWER (EACH)	1	\$2,500.00	\$2,500.00	\$5,278.00	\$5,278.00	\$5,000.00	\$5,000.00	\$2,516.00	\$2,516.00	\$3,330.00	\$3,330.00

DeChantal Excavating LLC					Anderson Brothers Construction Company of Brainerd LLC		J.R. Ferche, Inc.		Kraemer Trucking & Excavating Inc.		RL Larson Excavating, Inc.	
Line	Item	Quantity	Price	Total	Price	Total	Price	Total	Price	Total	Price	Total
53	2503.603 FILL & ABANDON PIPE (L F)	4,043	\$5.95	\$24,055.85	\$5.50	\$22,236.50	\$5.20	\$21,023.60	\$6.00	\$24,258.00	\$11.00	\$44,473.00
54	2503.604 4" INSULATION (S Y)	176	\$50.05	\$8,808.80	\$58.10	\$10,225.60	\$55.00	\$9,680.00	\$50.00	\$8,800.00	\$47.70	\$8,395.20
55	2504.601 TEMPORARY WATER SERVICE (LS)	1	\$45,000.00	\$45,000.00	\$42,224.00	\$42,224.00	\$40,000.00	\$40,000.00	\$50,000.00	\$50,000.00	\$39,000.00	\$39,000.00
56	2504.602 WATER SERVICE TAP & HOOKUP SPECIAL (EACH)	5	\$2,056.00	\$10,280.00	\$2,639.00	\$13,195.00	\$2,500.00	\$12,500.00	\$2,557.00	\$12,785.00	\$1,580.00	\$7,900.00
57	2504.602 WATER SERVICE TAP & HOOKUP (EACH)	49	\$1,332.00	\$65,268.00	\$865.60	\$42,414.40	\$820.00	\$40,180.00	\$1,369.00	\$67,081.00	\$975.00	\$47,775.00
58	2504.602 CONNECT TO EXISTING WATER MAIN (EACH)	18	\$1,600.00	\$28,800.00	\$1,583.40	\$28,501.20	\$1,500.00	\$27,000.00	\$2,010.00	\$36,180.00	\$3,500.00	\$63,000.00
59	2504.602 HYDRANT (EACH)	6	\$6,625.00	\$39,750.00	\$6,439.15	\$38,634.90	\$6,100.00	\$36,600.00	\$6,650.00	\$39,900.00	\$6,870.00	\$41,220.00
60	2504.602 ADJUST VALVE BOX-WATER (EACH)	2	\$250.00	\$500.00	\$369.50	\$739.00	\$350.00	\$700.00	\$250.00	\$500.00	\$507.50	\$1,015.00
61	2504.602 INSTALL PLUG (EACH)	18	\$425.00	\$7,650.00	\$422.25	\$7,600.50	\$400.00	\$7,200.00	\$200.00	\$3,600.00	\$159.50	\$2,871.00
62	2504.602 6" GATE VALVE & BOX (EACH)	31	\$3,022.00	\$93,682.00	\$2,955.70	\$91,626.70	\$2,800.00	\$86,800.00	\$2,675.00	\$82,925.00	\$2,450.00	\$75,950.00
63	2504.602 TURN OFF CURB STOP (EACH)	1	\$1,000.00	\$1,000.00	\$686.15	\$686.15	\$650.00	\$650.00	\$1,000.00	\$1,000.00	\$542.50	\$542.50
64	2504.602 8" GATE VALVE & BOX (EACH)	10	\$3,505.00	\$35,050.00	\$3,958.50	\$39,585.00	\$3,750.00	\$37,500.00	\$3,509.00	\$35,090.00	\$3,120.00	\$31,200.00
65	2504.602 ADJUST CURB BOX (EACH)	4	\$225.00	\$900.00	\$369.50	\$1,478.00	\$350.00	\$1,400.00	\$500.00	\$2,000.00	\$659.00	\$2,636.00
66	2504.603 1" TYPE K COPPER PIPE (L F)	1,839	\$45.40	\$83,490.60	\$47.50	\$87,352.50	\$45.00	\$82,755.00	\$50.00	\$91,950.00	\$32.40	\$59,583.60
67	2504.603 2" TYPE K COPPER PIPE (L F)	84	\$68.70	\$5,770.80	\$95.00	\$7,980.00	\$90.00	\$7,560.00	\$80.00	\$6,720.00	\$85.60	\$7,190.40
68	2504.603 6" WATERMAIN DUCTILE IRON CL 52 (L F)	4,563	\$65.05	\$296,823.15	\$62.30	\$284,274.90	\$59.00	\$269,217.00	\$69.00	\$314,847.00	\$64.00	\$292,032.00
69	2504.603 8" WATERMAIN DUCTILE IRON CL 52 (L F)	1,352	\$82.40	\$111,404.80	\$78.10	\$105,591.20	\$74.00	\$100,048.00	\$84.00	\$113,568.00	\$77.50	\$104,780.00
70	2504.608 DUCTILE IRON FITTINGS (LB)	4,863	\$15.40	\$74,890.20	\$13.75	\$66,866.25	\$13.00	\$63,219.00	\$15.50	\$75,376.50	\$24.00	\$116,712.00
71	2506.502 CONSTRUCT DRAINAGE STRUCTURE DES 4007 (EACH)	1	\$4,553.00	\$4,553.00	\$6,544.75	\$6,544.75	\$6,200.00	\$6,200.00	\$4,107.00	\$4,107.00	\$7,550.00	\$7,550.00
72	2506.502 CASTING ASSEMBLY (EACH)	22	\$1,155.00	\$25,410.00	\$950.05	\$20,901.10	\$900.00	\$19,800.00	\$1,500.00	\$33,000.00	\$909.00	\$19,998.00
73	2506.502 ADJUST FRAME & RING CASTING (EACH)	1	\$550.00	\$550.00	\$443.35	\$443.35	\$420.00	\$420.00	\$750.00	\$750.00	\$582.00	\$582.00

DeChantal Excavating LLC					Anderson Brothers Construction Company of Brainerd LLC		J.R. Ferche, Inc.		Kraemer Trucking & Excavating Inc.		RL Larson Excavating, Inc.	
Line	Item	Quantity	Price	Total	Price	Total	Price	Total	Price	Total	Price	Total
74	2506.602 PLUG DRAINAGE STRUCTURE (EACH)	1	\$1,475.00	\$1,475.00	\$1,583.40	\$1,583.40	\$1,500.00	\$1,500.00	\$1,500.00	\$1,500.00	\$950.00	\$950.00
75	2506.602 CONNECT INTO EXISTING DRAINAGE STRUCTURE (EACH)	1	\$1,860.00	\$1,860.00	\$2,639.00	\$2,639.00	\$2,500.00	\$2,500.00	\$2,000.00	\$2,000.00	\$1,670.00	\$1,670.00
76	2506.502 CONST DRAINAGE STRUCTURE DESIGN G OR H (EACH)	21	\$3,718.00	\$78,078.00	\$2,744.55	\$57,635.55	\$2,600.00	\$54,600.00	\$3,450.00	\$72,450.00	\$3,540.00	\$74,340.00
77	2506.502 CONST DRAINAGE STRUCTURE DES 48-4020 (EACH)	46	\$4,411.00	\$202,906.00	\$3,377.90	\$155,383.40	\$3,200.00	\$147,200.00	\$4,150.00	\$190,900.00	\$4,270.00	\$196,420.00
78	2506.502 CONST DRAINAGE STRUCTURE DES 60-4020 (EACH)	4	\$6,572.00	\$26,288.00	\$4,222.40	\$16,889.60	\$4,000.00	\$16,000.00	\$6,300.00	\$25,200.00	\$7,140.00	\$28,560.00
79	2506.502 CONST DRAINAGE STRUCTURE DES 72-4020 (EACH)	1	\$8,767.00	\$8,767.00	\$7,917.00	\$7,917.00	\$7,500.00	\$7,500.00	\$8,000.00	\$8,000.00	\$10,000.00	\$10,000.00
80	2506.602 CONNECT INTO EXISTING STORM SEWER (EACH)	17	\$1,275.00	\$21,675.00	\$1,055.60	\$17,945.20	\$1,000.00	\$17,000.00	\$1,260.00	\$21,420.00	\$1,260.00	\$21,420.00
81	2506.602 SEAL DRAINAGE STRUCTURE (EACH)	27	\$197.00	\$5,319.00	\$448.65	\$12,113.55	\$425.00	\$11,475.00	\$700.00	\$18,900.00	\$400.00	\$10,800.00
82	2506.602 CONCRETE COLLAR (EACH)	9	\$1,200.00	\$10,800.00	\$791.70	\$7,125.30	\$750.00	\$6,750.00	\$500.00	\$4,500.00	\$942.50	\$8,482.50
83	2506.603 SUPPORT DRAINAGE PIPE (SANITARY) (EACH)	2	\$750.00	\$1,500.00	\$2,111.20	\$4,222.40	\$2,000.00	\$4,000.00	\$1,000.00	\$2,000.00	\$1,880.00	\$3,760.00
84	2521.518 4" CONCRETE WALK (S F)	24,179	\$5.60	\$135,402.40	\$5.90	\$142,656.10	\$6.00	\$145,074.00	\$6.20	\$149,909.80	\$6.60	\$159,581.40
85	2521.518 6" CONCRETE WALK (S F)	19,986	\$10.75	\$214,849.50	\$11.35	\$226,841.10	\$12.00	\$239,832.00	\$11.35	\$226,841.10	\$12.00	\$239,832.00
86	2521.618 4" CONCRETE WALK SPECIAL (S F)	1,670	\$9.85	\$16,449.50	\$10.40	\$17,368.00	\$11.00	\$18,370.00	\$10.45	\$17,451.50	\$11.10	\$18,537.00
87	2521.618 6" CONCRETE WALK SPECIAL (S F)	171	\$11.75	\$2,009.25	\$12.40	\$2,120.40	\$13.00	\$2,223.00	\$12.35	\$2,111.85	\$13.10	\$2,240.10
88	2531.503 CONCRETE CURB & GUTTER DESIGN B618 (L F)	14,690	\$16.50	\$242,385.00	\$17.45	\$256,340.50	\$18.00	\$264,420.00	\$16.50	\$242,385.00	\$19.10	\$280,579.00
89	2531.503 CONCRETE CURB & GUTTER, DES V6 (L F)	103	\$40.00	\$4,120.00	\$42.25	\$4,351.75	\$45.00	\$4,635.00	\$40.00	\$4,120.00	\$44.00	\$4,532.00
90	2531.503 CONCRETE CURB & GUTTER DESIGN B624 (L F)	562	\$19.75	\$11,099.50	\$20.85	\$11,717.70	\$22.00	\$12,364.00	\$19.75	\$11,099.50	\$22.50	\$12,645.00
91	2531.504 7" CONCRETE DRIVEWAY PAVEMENT (S Y)	2,612	\$65.75	\$171,739.00	\$69.40	\$181,272.80	\$72.00	\$188,064.00	\$70.25	\$183,493.00	\$72.70	\$189,892.40

DeChantal Excavating LLC					Anderson Brothers Construction Company of Brainerd LLC		J.R. Ferche, Inc.		Kraemer Trucking & Excavating Inc.		RL Larson Excavating, Inc.	
Line	Item	Quantity	Price	Total	Price	Total	Price	Total	Price	Total	Price	Total
92	2531.618 TRUNCATED DOME (RED) (S F)	1,320	\$50.00	\$66,000.00	\$52.78	\$69,669.60	\$55.00	\$72,600.00	\$50.00	\$66,000.00	\$52.90	\$69,828.00
93	2540.602 SALVAGE & REINSTALL MAILBOX (EACH)	10	\$200.00	\$2,000.00	\$105.55	\$1,055.50	\$115.00	\$1,150.00	\$200.00	\$2,000.00	\$106.00	\$1,060.00
94	2540.602 TEMPORARY MAILBOX SUPPORT (LS)	72	\$35.00	\$2,520.00	\$21.10	\$1,519.20	\$35.00	\$2,520.00	\$75.00	\$5,400.00	\$31.80	\$2,289.60
95	2540.603 LANDSCAPE EDGER (L F)	478	\$5.00	\$2,390.00	\$5.30	\$2,533.40	\$6.00	\$2,868.00	\$5.00	\$2,390.00	\$21.20	\$10,133.60
96	2540.618 INSTALL STONE PAVERS (S F)	391	\$29.50	\$11,534.50	\$31.15	\$12,179.65	\$33.00	\$12,903.00	\$29.50	\$11,534.50	\$15.90	\$6,216.90
97	2541.601 RELOCATE HISTORIC MARKER (LS)	1	\$2,000.00	\$2,000.00	\$101.70	\$101.70	\$120.00	\$120.00	\$500.00	\$500.00	\$627.50	\$627.50
98	2557.603 INSTALL RAILING (L F)	6	\$50.00	\$300.00	\$115.55	\$693.30	\$130.00	\$780.00	\$100.00	\$600.00	\$159.00	\$954.00
99	2557.603 INSTALL FENCE (L F)	65	\$20.00	\$1,300.00	\$46.25	\$3,006.25	\$50.00	\$3,250.00	\$50.00	\$3,250.00	\$42.30	\$2,749.50
100	2563.601 TRAFFIC CONTROL (LS)	1	\$7,950.00	\$7,950.00	\$8,392.00	\$8,392.00	\$9,000.00	\$9,000.00	\$18,000.00	\$18,000.00	\$8,880.00	\$8,880.00
101	2571.524 DECIDUOUS TREE 2" CAL B&B (TREE)	89	\$895.00	\$79,655.00	\$944.75	\$84,082.75	\$900.00	\$80,100.00	\$995.00	\$88,555.00	\$714.52	\$63,592.28
102	2571.525 DECIDUOUS SHRUB 4' HT B&B (SHRB)	21	\$195.00	\$4,095.00	\$205.85	\$4,322.85	\$250.00	\$5,250.00	\$195.00	\$4,095.00	\$476.35	\$10,003.35
103	2572.602 TREE PRUNING (EACH)	8	\$200.00	\$1,600.00	\$115.60	\$924.80	\$350.00	\$2,800.00	\$500.00	\$4,000.00	\$793.91	\$6,351.28
104	2573.501 STABILIZED CONSTRUCTION EXIT (LS)	1	\$25,000.00	\$25,000.00	\$14,595.25	\$14,595.25	\$20,000.00	\$20,000.00	\$15,000.00	\$15,000.00	\$42,600.00	\$42,600.00
105	2573.501 EROSION CONTROL SUPERVISOR (LS)	1	\$2,000.00	\$2,000.00	\$100.00	\$100.00	\$10,000.00	\$10,000.00	\$2,500.00	\$2,500.00	\$5,000.00	\$5,000.00
106	2573.502 STORM DRAIN INLET PROTECTION (EACH)	125	\$150.00	\$18,750.00	\$158.35	\$19,793.75	\$275.00	\$34,375.00	\$150.00	\$18,750.00	\$169.37	\$21,171.25
107	2573.503 SEDIMENT CONTROL LOG TYPE STRAW (L F)	200	\$4.50	\$900.00	\$4.75	\$950.00	\$5.50	\$1,100.00	\$4.50	\$900.00	\$5.29	\$1,058.00
108	2574.507 COMMON TOPSOIL BORROW (LV) (C Y)	2,512	\$36.00	\$90,432.00	\$34.45	\$86,538.40	\$35.00	\$87,920.00	\$28.50	\$71,592.00	\$30.00	\$75,360.00
109	2575.501 TURF ESTABLISHMENT (LS)	1	\$39,150.00	\$39,150.00	\$41,326.75	\$41,326.75	\$45,000.00	\$45,000.00	\$39,510.00	\$39,510.00	\$88,500.00	\$88,500.00
110	2575.523 RAPID STABILIZATION METHOD 3 (MGAL)	20	\$45.00	\$900.00	\$47.50	\$950.00	\$50.00	\$1,000.00	\$45.00	\$900.00	\$1,058.55	\$21,171.00
111	2575.604 MULCH MATERIAL TYPE SPECIAL (S Y)	1,832	\$9.95	\$18,228.40	\$10.50	\$19,236.00	\$11.00	\$20,152.00	\$9.95	\$18,228.40	\$12.70	\$23,266.40

			DeChantal Excavating LLC		Anderson Brothers Construction Company of Brainerd LLC		J.R. Ferche, Inc.		Kraemer Trucking & Excavating Inc.		RL Larson Excavating, Inc.	
Line	Item	Quantity	Price	Total	Price	Total	Price	Total	Price	Total	Price	Total
112	2575.607 LANDSCAPE ROCK (C Y)	24	\$125.00	\$3,000.00	\$131.95	\$3,166.80	\$150.00	\$3,600.00	\$125.00	\$3,000.00	\$338.74	\$8,129.76
				Total \$3,942,248.75	Total \$3,972,052.40		Total \$4,048,503.87		Total \$4,201,532.45		Total \$4,993,954.62	

Base Bid Totals

DeChantal Excavating LLC: \$3,942,248.75
Anderson Brothers Construction Company Of Brainerd LLC: \$3,972,052.40
J R Ferche, Inc : \$4,048,503.87
Kraemer Trucking & Excavating Inc : \$4,201,532.45
RL Larson Excavating, Inc : \$4,993,954.62

Totals

DeChantal Excavating LLC: \$3,942,248.75
Anderson Brothers Construction Company Of Brainerd LLC: \$3,972,052.40
J R Ferche, Inc : \$4,048,503.87
Kraemer Trucking & Excavating Inc : \$4,201,532.45
RL Larson Excavating, Inc : \$4,993,954.62

I hereby certify that this is an exact reproduction of bids received.

License Number:

Signature:

Date:

RESOLUTION
NO _____

RESOLUTION ACCEPTING BID

WHEREAS, pursuant to an advertisement for bids for the improvements of the following described improvements:

IMPROVEMENT 21-12

Street Reconstruction

Juniper Street – N 2nd Street to N 10th Street
N 3rd Street – Washington Street to Holly Street
N 6th Street – Washington Street to Juniper Street
N 7th Street – Kingwood Street to Holly Street

Bids were received, opened and tabulated according to law and the following bids were received complying with the advertisement:

<u>NAME OF BIDDER</u>	<u>AMOUNT OF BID</u>
DeChantal Excavating, LLC	\$3,942,248.75
Anderson Brothers Construction of Brainerd, LLC	\$3,972,052.40
J.R. Ferche	\$4,048,503.87
Kraemer Trucking and Excavating, Inc.	\$4,201,532.45
R.L. Larson Excavating, Inc.	\$4,993,954.62

AND WHEREAS, DeChantal Excavating, LLC is the lowest responsible bidder; and

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

1. The Mayor and the City Administrator are hereby authorized and directed to enter into a contract with DeChantal Excavating, LLC for the amount of its said bid in the name of the City of Brainerd for the improvements above described according to the plans and specifications therefore approved by the City Council and of record in the office of the City Administrator.
2. The City Administrator is hereby authorized and directed to return forthwith to all bidders the deposits made with their bids, except that the deposits of the successful bidder and the next lowest bidder shall be retained until a contract has been signed.

Adopted this _____ day of _____, 2022

KELLY BEVANS
President of the Council

Approved this _____ day of _____, 2022

DAVE BADEAUX
Mayor

ATTEST: _____
JENNIFER BERGMAN
City Administrator



Brainerd City Council Agenda Request

Requested Meeting Date: May 16, 2022

Title of Item: Res - Master Partnership Contract with State of Minnesota

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☒ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☒ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Interim City Engineer Paul Sandy	Department: Engineering
Presenter (Name & Title): Interim City Engineer Paul Sandy	Estimated Time Needed: 5 Minutes
Summary of Issue: The City of Brainerd has long had a master partnership contract with MnDOT to allow both agencies to effectively collaborate efficiently without having to enter into an agreement for every project.	
Alternatives, Options, Effects on Others/Comments: The Master Partnership Contract allows for governmental agencies to purchase services from the other party, which may include sharing of facilities, equipment, data, testing, etc. The area the City uses this the most is for materials testing quality assurance testing, such as concrete and bituminous plant inspections and other general quality assurance testing required on State Aid and Federal construction projects. There is a list of services included in the document in Exhibit A, if the committee and council are interested. In order to continue the agreement, the City Council needs to adopt the attached resolution in which enters into the agreement with the State of Minnesota and allowing proper signatures on the document.	
Recommended Action/Motion: Staff recommends adopting the attached resolution in which enters into the Master Partnership Contract with MnDOT.	
Financial Impact: Is there a cost associated with this request: ☐ Yes ☒ No What is the total cost, with tax and shipping \$ _____ Is this budgeted? ☐ Yes ☐ No <u>Please Explain:</u>	

**STATE OF MINNESOTA
MASTER PARTNERSHIP CONTRACT**

This master contract is between the State of Minnesota, acting through its Commissioner of Transportation in this contract referred to as the “State” and the Brainerd City, acting through its City Council, in this contract referred to as the “Other Party.”

Recitals

1. The parties are authorized to enter into this contract pursuant to Minnesota Statutes, §§15.061, 471.59 and 174.02.
2. Minn. Stat. § 161.20, subd. 2, authorizes the Commissioner of Transportation to make arrangements with and cooperate with any governmental authority for the purposes of constructing, maintaining and improving the trunk highway system.
3. Each party to this contract is a “road authority” as defined by Minn. Stat. §160.02, subd. 25.
4. Minn. Stat. § 161.39, subd. 1, authorizes a road authority to perform work for another road authority. Such work may include providing technical and engineering advice, assistance and supervision, surveying, preparing plans for the construction or reconstruction of roadways, and performing roadway maintenance.
5. Minn. Stat. §174.02, subd. 6, authorizes the Commissioner of Transportation to enter into contracts with other governmental entities for research and experimentation; for sharing facilities, equipment, staff, data, or other means of providing transportation-related services; or for other cooperative programs that promote efficiencies in providing governmental services, or that further development of innovation in transportation for the benefit of the citizens of Minnesota.
6. Each party wishes to occasionally purchase services from the other party, which the parties agree will enhance the efficiency of delivering governmental services at all levels. This Master Partnership Contract (MPC) provides a framework for the efficient handling of such requests. This MPC contains terms generally governing the relationship between the parties. When specific services are requested, the parties will (unless otherwise specified) enter into a “Work Order” contracts.
7. After the execution of this MPC, the parties may (but are not required to) enter into “Work Order” contracts. These Work Orders will specify the work to be done, timelines for completion, and compensation to be paid for the specific work.
8. The parties are entering into this MPC to establish terms that will govern all of the Work Orders subsequently issued under the authority of this Contract.

Contract

1. Term of Master Partnership Contract; Use of Work Order Contracts; Survival of Terms

- 1.1. **Effective Date:** This contract will be effective on July 1st, 2022, or upon the date last signed by all State officials as required under Minn. Stat. § 16C.05, subd. 2, whichever occurs last. The Other Party must not begin work under this Contract until ALL required signatures have been obtained and the Other Party has been notified in writing to begin such work by the State’s Authorized Representative.
- 1.2. **Expiration Date.** This Contract will expire on June 30, 2027.
- 1.3. **Exhibits.** Exhibit A is attached and incorporated into this agreement.
- 1.4. **Work Order Contracts.** A work order contract must be negotiated and executed (by both the State and the Other Party) for each particular engagement, except for Technical Services provided by the State to the Other Party as specified in Article 2. The work order contract must specify the detailed scope of work and deliverables for that project. A party must not begin work under a work order until the work order is fully

executed. The terms of this MPC will apply to all work orders contracts issued, unless specifically varied in the work order. The Other Party understands that this MPC is not a guarantee of any payments or work order assignments, and that payments will only be issued for work actually performed under fully-executed work orders.

- 1.5. **Survival of Terms.** The following clauses survive the expiration or cancellation of this master contract and all work order contracts: 12. Liability; 13. State Audits; 14. Government Data Practices and Intellectual Property; 17. Publicity; 18. Governing Law, Jurisdiction, and Venue; and 22. Data Disclosure. All terms of this MPC will survive with respect to any work order contract issued prior to the expiration date of the MPC.
- 1.6. **Sample Work Order.** A sample work order contract is available upon request from the State.
- 1.7. **Definition of “Providing Party” and “Requesting Party”.** For the purpose of assigning certain duties and obligations in the MPC to work order contracts, the following definitions will apply throughout the MPC. “Requesting Party” is defined as the party requesting the other party to perform work under a work order contract. “Providing Party” is defined as the party performing the scope of work under a work order contract.

2. Technical Services

- 2.1. Technical Services include repetitive low-cost services routinely performed by the State for the Other Party. If requested and authorized by the Other Party, these services may be performed by the State for the Other Party without the execution of a work order, as these services are provided in accordance with standardized practices and processes and do not require a detailed scope of work. Exhibit A – Table of Technical Services is attached.
 - 2.1.1. Every other service not falling under the services listed in Exhibit A will require a work order contract (If you have questions regarding whether a service is covered under 2.1.1, please contact Contract Management).
- 2.2. The Other Party may request the State to perform Technical Services in an informal manner, such as by the use of email, a purchase order, or by delivering materials to a State lab and requesting testing. A request may be made via telephone, but will not be considered accepted unless acknowledged in writing by the State.
- 2.3. The State will promptly inform the Other Party if the State will be unable to perform the requested Technical Services. Otherwise, the State will perform the Technical Services in accordance with the State’s normal processes and practices, including scheduling practices taking into account the availability of State staff and equipment.
- 2.4. **Payment Basis.** Unless otherwise agreed to by the parties prior to performance of the services, the State will charge the Other Party the State’s then-current rate for performing the Technical Services. The then-current rate may include the State’s normal and customary additives. The State will invoice the Other Party upon completion of the services, or at regular intervals not more than once monthly as agreed upon by the parties. The invoice will provide a summary of the Technical Services provided by the State during the invoice period.

3. Services Requiring a Work Order Contract

- 3.1. **Work Order Contracts:** A party may request the other party to perform any of the following services under individual work order contracts.
- 3.2. **Professional and Technical Services.** A party may provide professional and technical services upon the request of the other party. As defined by Minn. Stat. §16C.08, subd. 1, professional/technical services “means services that are intellectual in character, including consultation, analysis, evaluation, prediction, planning, programming, or recommendation; and result in the production of a report or completion of a task.” Professional and technical services do not include providing supplies or materials except as incidental to performing such services. Professional and technical services include (by way of example and without limitation) cultural resources, engineering services, surveying, foundation recommendations and reports, environmental documentation, right-of-way assistance (such as performing appraisals or providing

relocation assistance, but excluding the exercise of the power of eminent domain), geometric layouts, final construction plans, graphic presentations, public relations, and facilitating open houses. A party will normally provide such services with its own personnel; however, a party's professional/technical services may also include hiring and managing outside consultants to perform work provided that a party itself provides active project management for the use of such outside consultants.

- 3.3. **Roadway Maintenance.** A party may provide roadway maintenance upon the request of the other party. Roadway maintenance does not include roadway reconstruction. This work may include but is not limited to snow removal, ditch spraying, roadside mowing, bituminous mill and overlay (only small projects), seal coat, bridge hits, major retaining wall failures, major drainage failures, and message painting. All services must be performed by an employee with sufficient skills, training, expertise or certification to perform such work, and work must be supervised by a qualified employee of the party performing the work.
- 3.4. **Construction Administration.** A party may administer roadway construction projects upon the request of the other party. Roadway construction includes (by way of example and without limitation) the construction, reconstruction, or rehabilitation of mainline, shoulder, median, pedestrian or bicycle pathway, lighting and signal systems, pavement mill and overlays, seal coating, guardrail installation, and channelization. These services may be performed by the Providing Party's own forces, or the Providing Party may administer outside contracts for such work. Construction administration may include letting and awarding construction contracts for such work (including state projects to be completed in conjunction with local projects). All contract administration services must be performed by an employee with sufficient skills, training, expertise or certification to perform such work.
- 3.5. **Emergency Services.** A party may provide aid upon request of the other party in the event of a man-made disaster, natural disaster or other act of God. Emergency services includes all those services as the parties mutually agree are necessary to plan for, prepare for, deal with, and recover from emergency situations. These services include, without limitation, planning, engineering, construction, maintenance, and removal and disposal services related to things such as road closures, traffic control, debris removal, flood protection and mitigation, sign repair, sandbag activities and general cleanup. Work will be performed by an employee with sufficient skills, training, expertise or certification to perform such work, and work must be supervised by a qualified employee of the party performing the work. If it is not feasible to have an executed work order prior to performance of the work, the parties will promptly confer to determine whether work may be commenced without a fully-executed work order in place. If work commences without a fully-executed work order, the parties will follow up with execution of a work order as soon as feasible.
- 3.6. When a need is identified, the State and the Other Party will discuss the proposed work and the resources needed to perform the work. If a party desires to perform such work, the parties will negotiate the specific and detailed work tasks and cost. The State will then prepare a work order contract. Generally, a work order contract will be limited to one specific project/engagement, although "on call" work orders may be prepared for certain types of services, especially for "Technical Services" items as identified section 2.1.. The work order will also identify specific deliverables required, and timeframes for completing work. A work order must be fully executed by the parties prior to work being commenced. The Other Party will not be paid for work performed prior to execution of a work order contract and authorization by the State.

4. Responsibilities of the Providing Party

- 4.1. **Terms Applicable to ALL Work Order Contracts.** The terms in this section 4.1 will apply to ALL work order contracts.
 - 4.1.1. Each work order will identify an Authorized Representative for each party. Each party's authorized representative is responsible for administering the work order, and has the authority to make any decisions regarding the work, and to give and receive any notices required or permitted under this MPC or the work order.
 - 4.1.2. The Providing Party will furnish and assign a publicly employed licensed engineer (Project Engineer), to be in responsible charge of the project(s) and to supervise and direct the work to be performed under each work order contract. For services not requiring an engineer, the Providing Party will

furnish and assign another responsible employee to be in charge of the project. The services of the Providing Party under a work order contract may not be otherwise assigned, sublet, or transferred unless approved in writing by the Requesting Party's authorized representative. This written consent will in no way relieve the Providing Party from its primary responsibility for the work.

- 4.1.3. If the Other Party is the Providing Party, the Project Engineer may request in writing specific engineering and/or technical services from the State, pursuant to Minn. Stat. Section 161.39. The work order Contract will require the Other Party to deposit payment in advance. The costs and expenses will include the current State additives and overhead rates, subject to adjustment based on actual direct costs that have been verified by audit.
- 4.1.4. Only the receipt of a fully executed work order contract authorizes the Providing Party to begin work on a project. Any and all effort, expenses, or actions taken by the Providing Party before the work order contract is fully executed are considered unauthorized and undertaken at the risk of non-payment.
- 4.1.5. In connection with the performance of this contract and any work orders issued, the Providing Agency will comply with all applicable Federal and State laws and regulations. When the Providing Party is authorized or permitted to award contracts in connection with any work order, the Providing Party will require and cause its contractors and subcontractors to comply with all Federal and State laws and regulations.
- 4.2. **Additional Terms for Roadway Maintenance.** The terms of section 4.1 and this section 4.2 will apply to all work orders for Roadway Maintenance.
 - 4.2.1. Unless otherwise provided for by contract or work order, the Providing Party must obtain all permits and sanctions that may be required for the proper and lawful performance of the work.
 - 4.2.2. The Providing Party must perform maintenance in accordance with MnDOT maintenance manuals, policies and operations.
 - 4.2.3. The Providing Party must use State-approved materials, including (by way of example and without limitation), sign posts, sign sheeting, and de-icing and anti-icing chemicals.
- 4.3. **Additional Terms for Construction Administration.** The terms of section 4.1 and this section 4.3 will apply to all work order contracts for construction administration.
 - 4.3.1. Contract(s) must be awarded to the lowest responsible bidder or best value proposer in accordance with state law.
 - 4.3.2. Contractor(s) must be required to post payment and performance bonds in an amount equal to the contract amount. The Providing Party will take all necessary action to make claims against such bonds in the event of any default by the contractor.
 - 4.3.3. Contractor(s) must be required to perform work in accordance with the latest edition of the Minnesota Department of Transportation Standard Specifications for Construction.
 - 4.3.4. For work performed on State right-of-way, contractor(s) must be required to indemnify and hold the State harmless against any loss incurred with respect to the performance of the contracted work, and must be required to provide evidence of insurance coverage commensurate with project risk.
 - 4.3.5. Contractor(s) must pay prevailing wages pursuant to applicable state and federal law.
 - 4.3.6. Contractor(s) must comply with all applicable Federal, and State laws, ordinances and regulations, including but not limited to applicable human rights/anti-discrimination laws and laws concerning the participation of Disadvantaged Business Enterprises in federally-assisted contracts.
 - 4.3.7. Unless otherwise agreed in a work order contract, each party will be responsible for providing rights of way, easement, and construction permits for its portion of the improvements. Each party will, upon the other's request, furnish copies of right of way certificates, easements, and construction permits.

- 4.3.8. The Providing Party may approve minor changes to the Requesting Party's portion of the project work if such changes do not increase the Requesting Party's cost obligation under the applicable work order contract.
- 4.3.9. The Providing Party will not approve any contractor claims for additional compensation without the Requesting Party's written approval, and the execution of a proper amendment to the applicable work order contract when necessary. The Other Party will tender the processing and defense of any such claims to the State upon the State's request.
- 4.3.10. The Other Party must coordinate all trunk highway work affecting any utilities with the State's Utilities Office.
- 4.3.11. The Providing Party must coordinate all necessary detours with the Requesting Party.
- 4.3.12. If the Other Party is the Providing Party, and there is work performed on the trunk highway right-of-way, the following will apply:
 - a. The Other Party will have a permit to perform the work on the trunk highway. The State may revoke this permit if the work is not being performed in a safe, proper and skillful manner, or if the contractor is violating the terms of any law, regulation, or permit applicable to the work. The State will have no liability to the Other Party, or its contractor, if work is suspended or stopped due to any such condition or concern.
 - b. The Other Party will require its contractor to conduct all traffic control in accordance with the Minnesota Manual on Uniform Traffic Control Devices.
 - c. The Other Party will require its contractor to comply with the terms of all permits issued for the project including, but not limited to, National Pollutant Discharge Elimination System (NPDES) and other environmental permits.
 - d. All improvements constructed on the State's right-of-way will become the property of the State.

5. Responsibilities of the Requesting Party

- 5.1. After authorizing the Providing Party to begin work, the Requesting Party will furnish any data or material in its possession relating to the project that may be of use to the Providing Party in performing the work.
- 5.2. All such data furnished to the Providing Party will remain the property of the Requesting Party and will be promptly returned upon the Requesting Party's request or upon the expiration or termination of this contract (subject to data retention requirements of the Minnesota Government Data Practices Act and other applicable law).
- 5.3. The Providing Party will analyze all such data furnished by the Requesting Party. If the Providing Party finds any such data to be incorrect or incomplete, the Providing Party will bring the facts to the attention of the Requesting Party before proceeding with the part of the project affected. The Providing Party will investigate the matter, and if it finds that such data is incorrect or incomplete, it will promptly determine a method for furnishing corrected data. Delay in furnishing data will not be considered justification for an adjustment in compensation.
- 5.4. The State will provide to the Other Party copies of any Trunk Highway fund clauses to be included in the bid solicitation and will provide any required Trunk Highway fund provisions to be included in the Proposal for Highway Construction, that are different from those required for State Aid construction.
- 5.5. The Requesting Party will perform final reviews and inspections of its portion of the project work. If the work is found to have been completed in accordance with the work order contract, the Requesting Party will promptly release any remaining funds due the Providing Party for the Project(s).
- 5.6. The work order contracts may include additional responsibilities to be completed by the Requesting Party.

6. Time

- 6.1. In the performance of project work under a work order contract, time is of the essence.

7. Consideration and Payment

- 7.1. **Consideration.** The Requesting Party will pay the Providing Party as specified in the work order. The State's normal and customary additives will apply to work performed by the State, unless otherwise specified in the work order. The State's normal and customary additives will not apply if the parties agree to a "lump sum" or "unit rate" payment.
- 7.2. **State's Maximum Obligation.** The total compensation to be paid by the State to the Other Party under all work order contracts issued pursuant to this MPC will not exceed \$100,000.00.
- 7.3. **Travel Expenses.** It is anticipated that all travel expenses will be included in the base cost of the Providing Party's services, and unless otherwise specifically set forth in an applicable work order contract, the Providing Party will not be separately reimbursed for travel and subsistence expenses incurred by the Providing Party in performing any work order contract. In those cases where the State agrees to reimburse travel expenses, such expenses will be reimbursed in the same manner and in no greater amount than provided in the current "MnDOT Travel Regulations" a copy of which is on file with and available from the MnDOT District Office. The Other Party will not be reimbursed for travel and subsistence expenses incurred outside of Minnesota unless it has received the State's prior written approval for such travel.
- 7.4. **Payment**
 - 7.4.1. **Generally.** The Requesting Party will pay the Providing Party as specified in the applicable work order, and will make prompt payment in accordance with Minnesota law.
 - 7.4.2. **Payment by the Other Party.**
 - a. The Other Party will make payment to the order of the Commissioner of Transportation.
 - b. IMPORTANT NOTE: PAYMENT MUST REFERENCE THE "MNDOT CONTRACT NUMBER" SHOWN ON THE FACE PAGE OF THIS CONTRACT AND THE "INVOICE NUMBER" ON THE INVOICE RECEIVED FROM MNDOT.
 - c. Remit payment to the address below:
MnDOT
Attn: Cash Accounting
RE: MnDOT Contract Number 1050306W[XX] and Invoice Number: 00000[#####]
(see note above)
Mail Stop 215
395 John Ireland Blvd
St. Paul, MN 55155
 - 7.4.3. **Payment by the State.**
 - a. Generally. The State will promptly pay the Other Party after the Other Party presents an itemized invoice for the services actually performed and the State's Authorized Representative accepts the invoiced services. Invoices must be submitted as specified in the applicable work order, but no more frequently than monthly.
 - b. Retainage for Professional and Technical Services. For work orders for professional and technical services, as required by Minn. Stat. § 16C.08, subd. 2(10), no more than 90 percent of the amount due under any work order contract may be paid until the final product of the work order contract has been reviewed by the State's authorized representative. The balance due will be paid when the State's authorized representative determines that the Other Party has satisfactorily fulfilled all the terms of the work order contract.

8. Conditions of Payment

- 8.1. All work performed by the Providing Party under a work order contract must be performed to the Requesting Party's satisfaction, as determined at the sole and reasonable discretion of the Requesting Party's Authorized Representative and in accordance with all applicable federal and state laws, rules, and

regulations. The Providing Party will not receive payment for work found by the Requesting Party to be unsatisfactory or performed in violation of federal or state law.

9. State's Authorized Representative and Project Manager

- 9.1. The State's Authorized Representative for this master contract is the District State Aid Engineer, who has the responsibility to monitor the State's performance.
- 9.2. The State's Project Manager will be identified in each work order contract.

10. Other Party's Authorized Representative and Project Manager

- 10.1. The Other Party's Authorized Representative for administering this master contract is the Other Party's Engineer, and the Engineer has the responsibility to monitor the Other Party's performance. The Other Party's Authorized Representative is also authorized to execute work order contracts on behalf of the Other Party without approval of each proposed work order contract by its governing body.
- 10.2. The Other Party's Project Manager will be identified in each work order contract.

11. Assignment, Amendments, Waiver, and Contract Complete

- 11.1. **Assignment.** Neither party may assign or transfer any rights or obligations under this MPC or any work order contract without the prior consent of the other and a fully executed Assignment Contract, executed and approved by the same parties who executed and approved this MPC, or their successors in office.
- 11.2. **Amendments.** Any amendment to this master contract or any work order contract must be in writing and will not be effective until it has been executed and approved by the same parties who executed and approved the original contract, or their successors in office.
- 11.3. **Waiver.** If a party fails to enforce any provision of this master contract or any work order contract, that failure does not waive the provision or the party's right to subsequently enforce it.
- 11.4. **Contract Complete.** This master contract and any work order contract contain all negotiations and contracts between the State and the Other Party. No other understanding regarding this master contract or any work order contract issued hereunder, whether written or oral may be used to bind either party.

12. Liability

- 12.1. Each party will be responsible for its own acts and omissions to the extent provided by law. The Other Party's liability is governed by Minn. Stat. chapter 466 and other applicable law. The State's liability is governed by Minn. Stat. section 3.736 and other applicable law. This clause will not be construed to bar any legal remedies a party may have for the other party's failure to fulfill its obligations under this master contract or any work order contract. Neither party agrees to assume any environmental liability on behalf of the other party. A Providing Party under any work order is acting only as a "Contractor" to the Requesting Party, as the term "Contractor" is defined in Minn. Stat. §115B.03 (subd. 10), and is entitled to the protections afforded to a "Contractor" by the Minnesota Environmental Response and Liability Act. The parties specifically intend that Minn. Stat. §471.59 subd. 1a will apply to any work undertaken under this MPC and any work order issued hereunder.

13. State Audits

- 13.1. Under Minn. Stat. § 16C.05, subd. 5, the party's books, records, documents, and accounting procedures and practices relevant to any work order contract are subject to examination by the parties and by the State Auditor or Legislative Auditor, as appropriate, for a minimum of six years from the end of this MPC.

14. Government Data Practices and Intellectual Property

- 14.1. **Government Data Practices.** The Other Party and State must comply with the Minnesota Government Data Practices Act, Minn. Stat. Ch. 13, as it applies to all data provided by the State under this MPC and any work order contract, and as it applies to all data created, collected, received, stored, used, maintained, or disseminated by the Other Party under this MPC and any work order contract. The civil remedies of Minn. Stat. § 13.08 apply to the release of the data referred to in this clause by either the Other Party or the State.
- 14.2. **Intellectual Property Rights**

14.2.1. Intellectual Property Rights. The Requesting Party will own all rights, title, and interest in all of the intellectual property rights, including copyrights, patents, trade secrets, trademarks, and service marks in the Works and Documents created and paid for under work order contracts. Works means all inventions, improvements, discoveries (whether or not patentable), databases, computer programs, reports, notes, studies, photographs, negatives, designs, drawings, specifications, materials, tapes, and disks conceived, reduced to practice, created or originated by the Providing Party, its employees, agents, and subcontractors, either individually or jointly with others in the performance of this master contract or any work order contract. Works includes "Documents." Documents are the originals of any databases, computer programs, reports, notes, studies, photographs, negatives, designs, drawings, specifications, materials, tapes, disks, or other materials, whether in tangible or electronic forms, prepared by the Providing Party, its employees, agents, or contractors, in the performance of a work order contract. The Documents will be the exclusive property of the Requesting Party and all such Documents must be immediately returned to the Requesting Party by the Providing Party upon completion or cancellation of the work order contract. To the extent possible, those Works eligible for copyright protection under the United States Copyright Act will be deemed to be "works made for hire." The Providing Party Government assigns all right, title, and interest it may have in the Works and the Documents to the Requesting Party. The Providing Party must, at the request of the Requesting Party, execute all papers and perform all other acts necessary to transfer or record the Requesting Party's ownership interest in the Works and Documents. Notwithstanding the foregoing, the Requesting Party grants the Providing Party an irrevocable and royalty-free license to use such intellectual property for its own non-commercial purposes, including dissemination to political subdivisions of the state of Minnesota and to transportation-related agencies such as the American Association of State Highway and Transportation Officials.

14.2.2. Obligations with Respect to Intellectual Property.

- a. **Notification.** Whenever any invention, improvement, or discovery (whether or not patentable) is made or conceived for the first time or actually or constructively reduced to practice by the Providing Party, including its employees and subcontractors, in the performance of the work order contract, the Providing Party will immediately give the Requesting Party's Authorized Representative written notice thereof, and must promptly furnish the Authorized Representative with complete information and/or disclosure thereon.
- b. **Representation.** The Providing Party must perform all acts, and take all steps necessary to ensure that all intellectual property rights in the Works and Documents are the sole property of the Requesting Party, and that neither Providing Party nor its employees, agents or contractors retain any interest in and to the Works and Documents.

15. Affirmative Action

- 15.1. The State intends to carry out its responsibility for requiring affirmative action by its Contractors, pursuant to Minn. Stat. §363A.36. Pursuant to that Statute, the Other Party is encouraged to prepare and implement an affirmative action plan for the employment of minority persons, women, and the qualified disabled, and submit such plan to the Commissioner of the Minnesota Department of Human Rights. In addition, when the Other Party lets a contract for the performance of work under a work order issued pursuant to this MPC, it must include the following in the bid or proposal solicitation and any contracts awarded as a result thereof:
- 15.2. **Covered Contracts and Contractors.** If the Contract exceeds \$100,000 and the Contractor employed more than 40 full-time employees on a single working day during the previous 12 months in Minnesota or in the state where it has its principle place of business, then the Contractor must comply with the requirements of Minn. Stat. § 363A.36 and Minn. R. Parts 5000.3400-5000.3600. A Contractor covered by Minn. Stat. § 363A.36 because it employed more than 40 full-time employees in another state and does not have a certificate of compliance, must certify that it is in compliance with federal affirmative action requirements.

- 15.3. **Minn. Stat. § 363A.36.** Minn. Stat. § 363A.36 requires the Contractor to have an affirmative action plan for the employment of minority persons, women, and qualified disabled individuals approved by the Minnesota Commissioner of Human Rights ("Commissioner") as indicated by a certificate of compliance. The law addresses suspension or revocation of a certificate of compliance and contract consequences in that event. A contract awarded without a certificate of compliance may be voided.
- 15.4. **Minn. R. Parts 5000.3400-5000.3600.**
- 15.4.1. **General.** Minn. R. Parts 5000.3400-5000.3600 implement Minn. Stat. § 363A.36. These rules include, but are not limited to, criteria for contents, approval, and implementation of affirmative action plans; procedures for issuing certificates of compliance and criteria for determining a contractor's compliance status; procedures for addressing deficiencies, sanctions, and notice and hearing; annual compliance reports; procedures for compliance review; and contract consequences for non-compliance. The specific criteria for approval or rejection of an affirmative action plan are contained in various provisions of Minn. R. Parts 5000.3400-5000.3600 including, but not limited to, parts 5000.3420-5000.3500 and 5000.3552-5000.3559.
- 15.4.2. **Disabled Workers.** The Contractor must comply with the following affirmative action requirements for disabled workers:
- The Contractor must not discriminate against any employee or applicant for employment because of physical or mental disability in regard to any position for which the employee or applicant for employment is qualified. The Contractor agrees to take affirmative action to employ, advance in employment, and otherwise treat qualified disabled persons without discrimination based upon their physical or mental disability in all employment practices such as the following: employment, upgrading, demotion or transfer, recruitment, advertising, layoff or termination, rates of pay or other forms of compensation, and selection for training, including apprenticeship.
 - The Contractor agrees to comply with the rules and relevant orders of the Minnesota Department of Human Rights issued pursuant to the Minnesota Human Rights Act.
 - In the event of the Contractor's noncompliance with the requirements of this clause, actions for noncompliance may be taken in accordance with Minn. Stat. Section 363A.36, and the rules and relevant orders of the Minnesota Department of Human Rights issued pursuant to the Minnesota Human Rights Act.
 - The Contractor agrees to post in conspicuous places, available to employees and applicants for employment, notices in a form to be prescribed by the commissioner of the Minnesota Department of Human Rights. Such notices must state the Contractor's obligation under the law to take affirmative action to employ and advance in employment qualified disabled employees and applicants for employment, and the rights of applicants and employees.
 - The Contractor must notify each labor union or representative of workers with which it has a collective bargaining agreement or other contract understanding, that the Contractor is bound by the terms of Minn. Stat. Section 363A.36, of the Minnesota Human Rights Act and is committed to take affirmative action to employ and advance in employment physically and mentally disabled persons.
- 15.4.3. **Consequences.** The consequences for the Contractor's failure to implement its affirmative action plan or make a good faith effort to do so include, but are not limited to, suspension or revocation of a certificate of compliance by the Commissioner, refusal by the Commissioner to approve subsequent plans, and termination of all or part of this contract by the Commissioner or the State.
- 15.4.4. **Certification.** The Contractor hereby certifies that it is in compliance with the requirements of Minn. Stat. § 363A.36 and Minn. R. Parts 5000.3400-5000.3600 and is aware of the consequences for noncompliance.

16. Workers' Compensation

- 16.1. Each party will be responsible for its own employees for any workers compensation claims. This MPC, and any work order contracts issued hereunder, are not intended to constitute an interchange of government employees under Minn. Stat. §15.53. To the extent that this MPC, or any work order issued hereunder, is determined to be subject to Minn. Stat. §15.53, such statute will control to the extent of any conflict between the contract and the statute.

17. Publicity

- 17.1. **Publicity.** Any publicity regarding the subject matter of a work order contract where the State is the Requesting Party must identify the State as the sponsoring agency and must not be released without prior written approval from the State's Authorized Representative. For purposes of this provision, publicity includes notices, informational pamphlets, press releases, research, reports, signs, and similar public notices prepared by or for the Other Party individually or jointly with others, or any subcontractors, with respect to the program, publications, or services provided resulting from a work order contract.
- 17.2. **Data Practices Act.** Section 17.1 is not intended to override the Other Party's responsibilities under the Minnesota Government Data Practices Act.

18. Governing Law, Jurisdiction, and Venue

- 18.1. Minnesota law, without regard to its choice-of-law provisions, governs this master contract and all work order contracts. Venue for all legal proceedings out of this master contract or any work order contracts, or the breach of any such contracts, must be in the appropriate state or federal court with competent jurisdiction in Ramsey County, Minnesota.

19. Prompt Payment; Payment to Subcontractors

- 19.1. The parties must make prompt payment of their obligations in accordance with applicable law. As required by Minn. Stat. § 16A.1245, when the Other Party lets a contract for work pursuant to any work order, the Other Party must require its contractor to pay all subcontractors, less any retainage, within 10 calendar days of the prime contractor's receipt of payment from the Other Party for undisputed services provided by the subcontractor(s) and must pay interest at the rate of one and one-half percent per month or any part of a month to the subcontractor(s) on any undisputed amount not paid on time to the subcontractor(s).

20. Minn. Stat. § 181.59.

- 20.1. The Other Party will comply with the provisions of Minn. Stat. § 181.59 which requires: Every contract for or on behalf of the state of Minnesota, or any county, city, town, township, school, school district, or any other district in the state, for materials, supplies, or construction shall contain provisions by which the Contractor agrees: (1) That, in the hiring of common or skilled labor for the performance of any work under any contract, or any subcontract, no contractor, material supplier, or vendor, shall, by reason of race, creed, or color, discriminate against the person or persons who are citizens of the United States or resident aliens who are qualified and available to perform the work to which the employment relates; (2) That no contractor, material supplier, or vendor, shall, in any manner, discriminate against, or intimidate, or prevent the employment of any person or persons identified in clause (1) of this section, or on being hired, prevent, or conspire to prevent, the person or persons from the performance of work under any contract on account of race, creed, or color; (3) That a violation of this section is a misdemeanor; and (4) That this contract may be canceled or terminated by the state, county, city, town, school board, or any other person authorized to grant the contracts for employment, and all money due, or to become due under the contract, may be forfeited for a second or any subsequent violation of the terms or conditions of this contract.

21. Termination; Suspension

- 21.1. **Termination by the State for Convenience.** The State or commissioner of Administration may cancel this MPC and any work order contracts at any time, with or without cause, upon 30 days written notice to the Other Party. Upon termination, the Other Party and the State will be entitled to payment, determined on a pro rata basis, for services satisfactorily performed.
- 21.2. **Termination by the Other Party for Convenience.** The Other Party may cancel this MPC and any work order contracts at any time, with or without cause, upon 30 days written notice to the State. Upon termination,

the Other Party and the State will be entitled to payment, determined on a pro rata basis, for services satisfactorily performed.

- 21.3. **Termination for Insufficient Funding.** The State may immediately terminate or suspend this MPC and any work order contract if it does not obtain funding from the Minnesota legislature or other funding source; or if funding cannot be continued at a level sufficient to allow for the payment of the services covered here. Termination or suspension must be by written or fax notice to the Other Party. The State is not obligated to pay for any services that are provided after notice and effective date of termination or suspension. However, the Other Party will be entitled to payment, determined on a pro rata basis, for services satisfactorily performed to the extent that funds are available. The State will not be assessed any penalty if the master contract or work order is terminated because of the decision of the Minnesota legislature or other funding source, not to appropriate funds. The State must provide the Other Party notice of the lack of funding within a reasonable time of the State's receiving that notice.

22. Data Disclosure

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

23. Defense of Claims and Lawsuits

- 23.1. If any lawsuit or claim is filed by a third party (including but not limited to the Other Party's contractors and subcontractors), arising out of trunk highway work performed pursuant to a valid work order issued under this MPC, the Other Party will, at the discretion of and upon the request of the State, tender the defense of such claims to the State or allow the State to participate in the defense of such claims. The Other Party will, however, be solely responsible for defending any lawsuit or claim, or any portion thereof, when the claim or cause of action asserted is based on its own acts or omissions in performing or supervising the work. The Other Party will not purport to represent the State in any litigation, settlement, or alternative dispute resolution process. The State will not be responsible for any judgment entered against the Other Party, and will not be bound by the terms of any settlement entered into by the Other Party except with the written approval of the Attorney General and the Commissioner of Transportation and pursuant to applicable law.

24. Additional Provisions

- 24.1. NONE

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OTHER PARTY

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

By: _____

Title: _____

Date: _____

By: _____

Title: _____

Date: _____

COMMISSIONER OF TRANSPORTATION

By: _____

Date: _____

Title: _____

COMMISSIONER OF ADMINISTRATION

By: _____

Date: _____

Exhibit A – Table of Technical Services
Master Partnership Contract Program FY 2023-2027

Date: 3/28/2022

Source Code	Title	Description
1735	Bituminous Plant Inspection	Performing QA/QC physical testing at the plant; sampling and transporting of materials from the plant to the lab for lab testing, plant reviews, and operations; investigating plant discrepancies; and other technical services in the plant or office associated with bituminous plant inspection.
2830	Bridge Bearing Assemblies	All tasks related to the repair and maintenance of fixed or expansion-bearing assemblies on bridges. Includes related traffic
2819	Bridge Curb, Walk And Railing	Repairing and maintaining bridge curb, walk, rail, coping, and fencing connected to the rail. Includes glare screen and median barriers on bridges. Includes related traffic control.
2820	Bridge Deck	Work associated with bridge deck and slab repair regardless of removal depth or type of material used for patching. Includes deck or slab overlays and replacements and underside deck delamination. Includes related traffic control.
2838	Bridge Deck Crack Sealing	All tasks related to deck crack sealing. Includes related traffic control.
2827	Bridge Expansion, Relief Joints	All maintenance tasks associated with bridge expansion joints, except joint reestablishment. Includes tightening expansion device bolts and replacing seal glands. Includes related traffic control.
2855	Bridge Inspection Direct Support	Activities that support bridge inspection, but are not direct production (i.e., leadership, technical, administrative assistance.
2828	Bridge Inspection-Federal Fund	All bridge inspection tasks for non-MnDOT bridges funded by the federal Fracture-Critical Bridge Program (Project Code will begin with TSL and with the local bridge number). Includes related inspection reports. For MnDOT Trunk Highway bridges (Project Code begins with TSO followed by the bridge number) and local and Department of Natural Resources (DNR) (bridge number begins with 9A follow by bridge number) bridge inspections to be billed to the local government or Department of Natural Resources (DNR) use Source Code 2824.
2824	Bridge Inspection-Non-Federal	All tasks related to inventory, inspection, and load capacity rating work done on trunk highway bridges to meet the requirements of the National Bridge Inspection System and/or Minnesota Bridge Safety Inspection Program or for billing to local governments. Includes related inspection reports and deck condition surveys.
1421	Bridge Management System Operation/Administration/Data	Use for tasks related to the Bridge Management System, including operations, administration, or data entry.
2847	Bridge Poured/ Relief Joint Seal	All tasks associated with resealing bridge construction joints. Includes related traffic control. Related source type codes: Activities that support bridge inspection, but are not direct production (i.e., leadership, technical, administrative assistance).
2829	Bridge Superstructure	All tasks to repair any bridge component above the bridge seat that is not included in other source codes. Includes repairs to all types of bridge superstructure elements such as girders, beams, floor beams, trusses, stringers, t-beams, precast channels, and box girders. Includes related traffic control.
2316	Brush & Tree Removal	Maintaining, watering, trimming, and removing highway right of way tree and brush. Includes chipping of tree limbs and stump removal/grinding. Includes related traffic control.
0032	Business Unit Management	All expenses of business/office managers for general management and administration of support functions. includes administering central facilities maintenance and facilities capital budgets.
3000	Class Of Frequency Coordination	Use for frequency coordination done with APCO, AASHTO or FCCA.

Source Code	Title	Description
1733	Concrete Plant Inspections	Performing QA/QC physical testing at the plant; sampling and transporting of materials from the plant to the lab for lab testing, plant reviews, and operations; investigating plant discrepancies; and other technical services in the plant or office associated with stationary concrete plants or mobile concrete paving plant inspection.
1734	Construction Materials Inspections	Performing construction phase material inspection and engineering, for structural steel, precast and pre-stressed concrete, reinforcement steel, and electrical products and related technical services in the field and office for materials to be used in multiple projects. Includes travel time, sampling, and sample delivery. Includes tasks related to reviewing shop drawings furnished by suppliers or fabricators and contractor working drawings or calculations, and for tasks related to structural metals inspection (materials surveys, physical and chemical laboratory testing, material inspection and engineering, and technical services in the field and offices).
1802	Construction Surveying	Use for surveys to provide staking for the contractor's operations and for any other construction phase surveying
2106	Crack Sealing	All surface crack sealing, crack filling, or rout and seal operations. Includes related materials, hauling, stockpiling, and traffic control.
3023	Elec Comm Eq Rep - Miles	
0400	Equipment Calibration-Mat Insp	Use when performing periodic equipment calibration for equipment used in the materials lab or on construction projects.
1800	Field Inspection	All construction project field inspection (not cyclical inspection of assets), including preparatory plans & spec review, measurement, and verification other than environmental monitoring. Includes field inspection of materials such as gradations, densities/DCP, proctors, compaction, slump tests, and field air tests. Witnessing claims, determination and computation of pay quantities, materials control and certification for progress vouchers, but not for final payments. Includes collecting and transporting samples for lab tests, but not the actual laboratory verifications. Includes all construction phase project related activities for project and resident engineers such as problem resolution, guidance and direction to field technicians. Includes all miscellaneous field engineering expenses used by district offices such as space rental, utilities, or other costs charged to the construction project Includes all work associated with evaluation of implementation of intelligent compaction devices to determine if construction contract terms have been met.
1040	Final Design Surveys	All district field and office tasks needed to respond to supplemental "Requests for Survey Data" and add the data to the surveys base map or DTM.
0601	Gen Training Preparation - Delivery	Use for time, materials, and travel expenses when developing or delivering training. includes course preparation, designing materials, and managing training records.
2210	Guardrail-Install/Repair/Maintenance	Install, repair, or maintain low tension cable, plate beams, and end treatments; cable tension adjustments; and reflector replacement. includes related traffic control.
2624	Indirect Expense	Indirect shop expenses and shop equipment. Allocate to mobile equipment.
1871	Lighting Maintenance & Utilities	All work related to installing, maintaining, restoring, or removing highway lighting systems and fixtures. Includes repairing, maintaining, or replacing supports necessary for roadway lighting luminaries. Includes patrol highway lighting, inspect lighting structures, electrical service for highway lighting, re-lamping, pump stations, anti-icing systems, truck roll-over warning systems and electrical repairs. Includes traffic control in support of roadway lighting activities. Use for tasks related to public inquiries/complaints, review utility billings, provide data, and conduct field reviews.

Source Code	Title	Description
1875	Locate One Call	Finding and marking locations of buried conduit, cables, hand holes, loops, etc. in order to maintain or repair the traffic management system, signal systems, or roadway lighting systems.
1732	Material Testing & Inspection	Performing construction phase and research physical and chemical laboratory testing, and related technical services in the districts and central labs, and for performing research and construction phase non-destructive testing materials surveys, and related technical services in the field and offices. Includes detour surveys. Non-destructive tests include, skid resistance and falling weight deflectometer (FWD) testing.
2660	Misc Revenue	Used only by Office of Financial Management for billing and deposit transactions and to record payments to the department for gravel sold to contractors and others.
2822	Miscellaneous Bridge Maintenance	Miscellaneous maintenance tasks performed on a specific bridge or structure not covered by other source codes. Includes work on items such as stairways, drains, fencing, light bases, transient guards, and access doors. Includes transient removal, ordering materials, and picking up equipment. Includes related traffic control.
3049	On Call Electronic Communications Infrastructure Maintenance	To be used by Statewide Radio Communications personnel to record on-call time.
2142	Overhead Sign Panel Maintenance	Work related to the repair and replacement of overhead sign panels, extruded sign panels mounted on I-beams, and overhead sign structures. Includes related cable locates and traffic control. Does not include structural work.
2102	Patching	Related source type codes: 2103-Heavy patching, 2104-Bituminous paving, 2105-Blow patching
1520	Pavement Management System	For tasks related to the operation of the pavement management system, including development and maintenance/technical support. Includes tasks to meet needs external to MnDOT.
2406	Plowing & Material Application	Shoulder to shoulder snow removal operation, winging back, snow blowing drifts, and the application of de-icing chemicals using mobile equipment. Includes changing cutting edges during event and related traffic control.
3005	Radio - Mobile Equipment	Use for the repair and preventative maintenance of all equipment associated with wireless two-way radio communications systems (includes mobile radios, portable radios, base stations, console workstations, recorders, etc.). Non-MnDOT equipment - Must use Project number assigned to requesting agency (State Patrol, DNR, BCA, Fire Marshall). See OSRC Project Code list.
3027	Radio Programming	Creating or modifying radio frequency programs and programming mobile and portable radios. Does not include mobile radios used as fixed base radios as part of the Inter-OP System (Use 3009).
3002	Radio/Electronic Infrastructure	Use for the repair and preventative maintenance of all equipment associated with wireless two-way radio communications systems (includes mobile radios, portable radios, base stations, console workstations, recorders, etc.). Non-MnDOT equipment - Must use Project number assigned to requesting agency; Department of Public Safety (DPS) includes State Patrol (SP) Bureau of Criminal Apprehension (BCA), Fire Marshall); does not include Department of Natural Resources (DNR). See OSRC Project
3007	Radio/Electronic System Engineering	Use for design of microwave, radio and miscellaneous electronic systems.
3009	Radio/Electronic System Upgrade & Installation	Use for the installation and other services needed to provide major system upgrades or improvements to wireless or electronic systems. Use for all work performed to correct or repair deficiencies found in a new installation.
1716	Record Sampling	Used by Materials and Research Section and district materials staff to verify inspector" sampling and testing procedures and checking inspectors' equipment during project construction as required by FHWA. Use when performing field tests on split sample.

Source Code	Title	Description
2222	Sign/Delineation/Marker Repair	Replacing, repairing, and washing signs (including temporary stop signs). Includes re-sequencing intersection signing and repair/replace overhead and extrude signs mounted on I-beams. Includes related cable locates and traffic control.
1182	Soils/Foundation Field/Laboratory Tests	All laboratory testing necessary to provide geotechnical information to complete roadway soils recommendations and approvals for use in the development of Final Design Plans and Special Provisions. Lab work includes R-value, resilient modulus, soil classification, gradation, proctor testing, unconfined compression, consolidation, direct simple shear, direct shear, permeability and triaxial tests.
1879	State Furnished Materials	Use to record labor hours, equipment usage, and material costs to supply state furnished materials to a state road construction project with federal participation.
1738	State Project - Specific Materials Inspection	Performing material inspection and engineering for materials designated for a specific construction project (SP). Generally applies to inspection of such things as structural steel, prestressed concrete items, and most precast concrete items and related technical services in the field and offices when related to a particular SP. Use for SP specific tasks related to performing the review of shop drawings furnished by suppliers or fabricators and contractor working drawings or calculations, and for tasks related to structural metals inspection (materials surveys, physical and chemical laboratory testing, material inspection and engineering and technical services in the field and offices).
1434	Structural Metals Inspection-Non DOT	Reviewing shop drawings furnished by suppliers, fabricators, and contractors (working drawing or calculations), and for tasks related to structural metals inspection (materials surveys, physical and chemical laboratory testing, material inspection and engineering, and technical services in the field and offices) for local agency projects.
2629	Supplies & Small Tools	Shop tools, small equipment, and supplies that cannot be directly charged to a mobile equipment unit.
0152	Support Services	Work that supports general office management, system management such as entering data into SWIFT, PPMS, PUMA and other MnDOT systems, attending staff meetings and other indirect support activities.
1312	Tech Assist-Outside MnDOT	Use when providing technical assistance to an organization external to MnDOT.
3025	Tower/Building Maintenance	Use for all tasks related to the maintenance of a tower building or site. Includes towers, buildings, generators, LP system, fencing, landscaping, grounding, ice bridge, cable management, climbing ladders, card key systems, and HVAC.
1876	Traffic Counting	Use to record labor, equipment usage, and material costs for activities related to traffic counts made for statewide traffic monitoring or traffic operations. Includes all activities related to traffic counting, such as taking requests, assigning priorities, collecting field data, processing data, and developing new techniques for collection.
1501	Traffic Management System (TMS)	Used by traffic operations staff for all tasks that support the RTMC's operations center (or TOCC) providing traveler information, managing incidents and monitoring the FMS. Includes dynamic message sign maintenance, ramp meter maintenance, camera maintenance, and loop detection activities. Includes maintenance activities related to any ITS or TMS device such as RTMC cables, monitor wall, switchers, routers, or modems. Use to record all costs for maintenance activities related to traffic management fiber optics. Use for tasks related to maintaining traffic operations software including minor software enhancements and fixes. Use when providing traffic operations technical assistance external to MnDOT. Use with

Source Code	Title	Description
1513	Traffic Management System (TMS) Integration	For tasks associated with the incorporation of new and existing TMS devices (cameras, loops, DMS, and other ITS devices) into existing infrastructure to ensure proper operation. Use with the Construction/Program Delivery Appropriation.
1500	Traffic Mgt System Maintenance	Used by staff to maintain various Intelligent Transportation System (ITS) devices such as dynamic message signs, ramp meters, cameras, detection, cables, RICWS, video wall monitors, switches, routers or modems. Used to record all costs for maintenance activities related to traffic management fiber optics. Not to be used for Lighting or Traffic Signal maintenance.
1721	Traffic Sign Work Orders	Use for work involved in preparing work orders for traffic signs. Use only with Maintenance Operations appropriation (T790081).
2863	Traffic Signal Inspection	Work related to cyclical structural and electrical inspection and preventive maintenance checks of traffic signal systems/structures. Includes labor, equipment, materials, and traffic control.
1870	Traffic Signal Maintenance	Work related to the structural repair and replacement of traffic signal system structures and all electrical maintenance for traffic signal systems including electrical power, labor, equipment materials, GSOC locates, traffic control and responses to public inquiries.
2834	Waterway Maintenance	All tasks related to waterway maintenance for deck bridges. Includes debris removal, waterway cleanup, channel repair, and channel protection repair that is not part of slope protection. Includes related traffic control.

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

MASTER PARTNERSHIP AGREEMENT WITH THE STATE OF MINNESOTA

WHEREAS, The Minnesota Department of Transportation wishes to cooperate closely with local units of government to coordinate the delivery of transportation services and maximize the efficient delivery of such services at all levels of government; and;;

WHEREAS, MnDOT and local governments are authorized by Minnesota Statutes sections 471.59, 174.02, and 161.20, to undertake collaborative efforts for the design, construction, maintenance and operation of state and local roads; and;

WHEREAS: the parties wish to able to respond quickly and efficiently to such opportunities for collaboration and have determined that having the ability to write "work orders" against a master contract would provide the greatest speed and flexibility in responding to identified needs.

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

1. That the City of Brainerd enter into a Master Partnership Contract with the Minnesota Department of Transportation, a copy of which was before the City Council of the City of Brainerd.
2. That the proper City officers are authorized to execute such contract, and any amendments thereto.
3. That the City of Brainerd City Engineer is authorized to negotiate work order contracts pursuant to the Master Contract, which work order contracts may provide for payment to or from MnDOT, and that the City of Brainerd City Engineer may execute such work order contracts on behalf of the City of Brainerd without further approval by this City Council.

Adopted this _____ day of _____, 2022

KELLY BEVANS
President of the Council

Approved this _____ day of _____, 2022

DAVE BADEAUX
Mayor

ATTEST: _____
JENNIFER BERGMAN
City Administrator



Brainerd City Council Agenda Request

Requested Meeting Date: May 16, 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 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Acting Community Development Director	Department: Community Development
Presenter (Name & Title): James Kramvik, Acting Community Development Director	Estimated Time Needed: 15 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 8 properties (7 new) before the Committee for review. Staff is looking for direction from the Council as how to proceed with the cases..	
Alternatives, Options, Effects on Others/Comments: Attached are case files for 1889 Graydon Ave, 423 Bluff Ave, 924 7th Ave NE, 1720 Laurel St, 508 9th St N, 408 2nd Ave NE, 214 4th Ave NE, 503 2nd Ave NE. 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: See attached memo for recommended actions.	
Financial Impact: <i>Is there a cost associated with this request:</i> ☐ Yes ☒ No <i>What is the total cost, with tax and shipping</i> \$ _____ <i>Is this budgeted?</i> ☐ Yes ☐ No <i>Please Explain:</i>	

MEMO



TO: Mayor and City Council

FROM: James Kramvik, Assistant Planner

DATE: May 16, 2022

RE: Recommendations for Code Enforcement Cases

Staff recommends the following actions for the active code enforcement cases brought before the City Council:

- **1889 Graydon Ave (Improper Vehicle Parking):** Send another 10-day order to correct violation letter and begin working with the City Attorney for abatement of the vehicle.
 - o Received 3 notice of violation letters in 2018 for improper parking.
 - Citation case closed
 - o Received 1 notice of violation and 3 citations in 2019 for improper parking.
 - Citation case closed
 - o (Open Case) Received 2 notice of violation letters and 12 citations in 2021 for improper parking.
 - First Violation Letter 07/28/2021 – Last Citation 12/20/2021
 - Property owner has not contacted the City of Brainerd since issuance of the first citation in the open code enforcement case.
 - \$1,200.00 in open citations
- **423 Bluff Ave (Unlicensed Vehicle):** Send another 10-day order to correct violation letter and begin working with the City Attorney for abatement of the vehicle.
 - o Received 1 notice of violation and 3 citations
 - First Violation Letter 3/25/2022 – Last Citation 4/25/2022
 - \$300.00 in open citations
 - Property owner has not contacted the City of Brainerd
- **924 7th Ave NE (Garbage):** Abate the property immediately for all garbage.
 - o 23 separate code enforcement cases since 2018
 - o (Open Case) Received 1 notice of violation and 3 citations
 - First Violation Letter 4/8/2022 – Last Citation 5/2/2022
 - \$300 in open citations for garbage

- **1720 Laurel St (Roof):** Issue a new 30-day Notice of Violation for the primary structure roof.
 - o First Notice of Violation sent 3/7/2016
 - o Obtained a roofing permit 6/24/2016
 - citations halted
 - Roofing materials were ordered and delivered; no work done; permit expired
 - o Obtained a roofing permit 5/22/2020
 - citations halted
 - No work was done; permit expired
 - o \$600 in open citations for 2021 - primary structure roof
 - o Order to correct accessory structure was sent 05/09/2022 after neighbor complaint

- **508 9th St N (Roof):** Issue a new 30-day Notice of Violation.
 - o \$300 in citations for 2021 were assessed to the property
 - Last citation 6/29/2021
 - o Community Development Director Chanski was in contact with the property owner's daughter in 2021.
 - o Since last year, no permits have been applied for and no one has reached out to city staff.

- **408 2nd Ave NE (Roof):** Issue a new 30-day Notice of Violation.
 - o \$900 in open citations for 2021
 - o First violation letter 5/13/2021 – Last citation 11/4/2021
 - o Property owner has not contacted city staff
 - o Original notice of violation letter sent in 2013

- **214 4th Ave NE (Roof):** Issue a new 30-day Notice of Violation.
 - o \$600 in open citations for 2021 (22 total citations)
 - o First violation letter 4/4/2019 – Last citation 11/8/2021
 - o Building Official Chuck Arvidson attempted to work with the property owners prior to the 2021 citations

- **503 2nd Ave NE (Roof):** Issue a new 30-day Notice of Violation.
 - o \$900 in open citations for 2021
 - o Notice of violation 8/2/2021 – Last citation 11/4/2021
 - o Property owner indicated to city staff that he was not going to fix the roof

April 22, 2022

BOKRY, JOSEPH A
1889 GRAYDON AVE
BRainerd, MN 56401

ORDER TO CORRECT ADMINISTRATIVE VIOLATION

Dear Property Owner(s),

A zoning code violation for off street parking was brought before Brainerd City Council on April 18th, 2022. Brainerd City Council approved that corrective action is required within 10 days from the date of this letter. If compliance does not occur within 10 days, the issue shall be brought back before the Safety & Public Works Committee for further review. Such actions may include but are not limited to abatement, issuance of further administrative citations in an amount determined by the Committee, or legal action. The determination of the Safety & Public Works Committee shall then be referred as a recommendation to the City Council for final approval.

Property Address: 1889 GRAYDON AVE
Real Estate Code: 41360945

Violation: Off-Street Parking

Ordinance: Section 515-22-5.E

Description: Parking in a yard that fronts a street as well as along an interior side of a house is required to be on improved surfaces. These surfaces include asphalt, concrete, pavers, or brick. Parking is permitted on an improved and unimproved surface in the rear yard.

These vehicles must be removed from their current locations and properly parked.

To review City Codes on the web, go to www.ci.brainerd.mn.us/212/Zoning-Code.

Action should be taken on or before 05/02/2022

If you are unable to make the corrections by the date above 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 Community Development Director James Kramvik at 218/454-3408 if you have questions.**

Respectfully,
By Order of:
THE CITY OF BRAINERD



March 25, 2022

MCKNIGHT, LARRY S
423 BLUFF AVE
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: 423 BLUFF AVE
Real Estate Code: 41230513

Violation: Unlicensed/Inoperable Vehicle
Ordinance: 2011

Description: Ord 2011 - 2011.03 Storing, parking or leaving dismantled or other such motor vehicles declared nuisance exceptions. The presence of an abandoned, wrecked, dismantled, inoperative, unlicensed, junked, or partially dismantled motor vehicle or a motor vehicle lacking vital component parts or parts of a motor vehicle on private or public property is a public nuisance. Corrective action is required; 14 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 04/08/2022

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



03/25/2022 08:52

April 08, 2022

GOTTWALT, MATTHEW & ERICA
6571 160TH AVE
ROYALTON, MN 56373

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: 924 7TH AVE NE
Real Estate Code: 41190885

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 04/15/2022

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



04/08/2022 13:33

September 02, 2021

PARKER, ROY C
1720 LAUREL 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: 1720 LAUREL ST
Real Estate Code: 41300794

Violation: Exterior Structure

Ordinance: 450

Description: Ord 450.31 Subd. 2. Protective Treatment. All exterior surfaces, including but not limited to, doors, door and window frames, cornices, porches, trim, balconies, decks, and fences shall be maintained in good condition. Exterior wood surfaces, other than decay resistant woods, shall be protected from the elements and decay by painting or other protective covering or treatment. Peeling, flaking and chipped paint shall be eliminated and surfaces repainted. All siding and masonry joints as well as those between the building envelope and the perimeter of windows, doors, and skylights shall be maintained weather resistant and water tight. All metal surfaces subject to rust or corrosion shall be coated to inhibit such rust and corrosion and all surfaces with rust or corrosion shall be stabilized and coated to inhibit future rust and corrosion. Oxidation stains shall be removed from exterior surfaces. Surfaces designed for stabilization by oxidation are exempt from this requirement. NOTE: Siding and roofing permits are required in the City of Brainerd. Corrective action is required; thirty (30) 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 10/02/2021

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











City of Brainerd

501 Laurel Street, Brainerd, MN 56401

Phone: (218) 828-2307 Fax:

Res - BLDG - Roofing Permit

PERMIT #: P20-0126

ISSUED: 05/22/2020

EXPIRES: 11/18/2020

LOCATION:	OWNER:	CONTRACTOR:
1720 LAUREL ST 41300794 Zoning:	PARKER, ROY C 1720 LAUREL ST BRAINERD MN 56401- Phone:	Phone:

Work Description: House Structure - Asphalt Shingles - 2/12 to 4/12 pitch - Spaced Boards

Stipulations:

Project Valuation: 0.00

Fee Description	Fee Category	Quantity	Item Total
Residential Re-Roof Only	Standard Item	1.00	0.00
Residential State Surcharge - Flat	State Surcharge	1.00	1.00
Fee Total:			\$71.00
Amount Paid:			\$1.00
Balance Due:			\$0.00

REQUIRED INSPECTIONS:

Call (218) 828-2307 to request an inspection. Requests must be placed the day BEFORE the desired date of inspection.

AGREEMENT AND SWORN STATEMENT

I hereby certify that I have read and examined this application and know the same to be true and correct. All provisions of laws and ordinances governing this type of work will be complied with whether specified herein or not. The granting of a permit does not presume to give authority to violate or cancel the provisions of any other state or local law regulating construction or the performance of construction.

This permit becomes null and void if construction authorized is not commenced within 180 days, or if construction is suspended for a period of 180 days at any time after work is commenced.

SEPARATE PERMITS REQUIRED FOR WORK OTHER THAN DESCRIBED ABOVE

Permits MUST be posted on all job sites and the permit must be placed so as to be visible from the road



City of Brainerd
501 Laurel Street, Brainerd, MN 56401
Phone: (218) 828-2307 Fax:
Building Permit

PERMIT #: P2016-00413

ISSUED: 06/24/2016

EXPIRES: 12/27/2016

LOCATION:	OWNER:	CONTRACTOR:
1720 LAUREL ST 41300794 Zoning:	PARKER, ROY C 1720 LAUREL ST BRAINERD MN 56401- Phone:	Phone:

Work Description: ATR

Stipulations:

HOUSE STRUCTURE ONLY - TO CORRECT PMC VIOLATION

Project Valuation: 0.00

Fee Description	Fee Category	Quantity	Item Total
ROOFING PERMIT FEE	Permit Fees	1.00	70.00
STATE SURCHARGE, OTHER/FLAT	Permit Fees	1.00	1.00
Fee Total:			\$71.00
Amount Paid:			\$71.00
Balance Due:			\$0.00

REQUIRED INSPECTIONS:

Call (218) 828-2307 to request an inspection. Requests must be placed the day BEFORE the desired date of inspection.

--

03/07/2016

ROY C PARKER
1720 LAUREL ST
BRainerd, MN 56401-



www.ci.brainerd.mn.us

ORDER TO CORRECT ADMINISTRATIVE VIOLATION

Dear Property Owner(s),

The City of Brainerd has embarked on a program of concentrated code enforcement. The program is a positive effort to improve property values and quality of life in our neighborhoods. It has been noted that a City Code violation has occurred on the property located at:

Property Address: 1720 LAUREL ST
Real Estate Code: 091640010020009

Violation: Damaged Roof
Ordinance: 450.31
Description: The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

Corrective action is required; thirty (30) days are allowed from the date of this letter.

To review City Codes on the web, go to www.ci.brainerd.mn.us Administration/Documents/City Codes.

Action must be taken on or before 04/07/2016. Failure to make the corrections can result in a citation with a fine of \$100.00. Per above-mentioned code section, failure to comply with this ordinance will result in a citation and corrective action by the City to abate the nuisance at the expense of the owner.

If you are unable to make the corrections in the required time or believe this violation is in error, you will need to call this office to make other arrangements. Office hours are 7:30 to 4:30, Monday through Friday. Please contact Jason at 218/454-3416 if you have questions.

Respectfully,

By Order of:

THE CITY OF BRAINERD



05/02/2022 14:29



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 – 218/828-2309

PM2015-00094

Date of Violation: 07/17/2015

Parcel ID: 091640010020009

Violator(s): ROY C PARKER
1720 LAUREL ST
BRainerd, MN 56401-

*Repaint and scrape off all peeling flaking
or chipped paint by 8/17/15 to
avoid additional citations.*

Location/Address of Violation: **1720 LAUREL ST**

VIOLATION

Section	Subdivision, Chapter or Article	Complaint	Fine
450.31	Exterior Structure	Property Maintenance Violation	\$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: 08/17/2015

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.** 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. 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.

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: Tim Caughey, City Building Official

Date: 7/17/15

Representative's Signature: Tim Caughey

(served via first class mail)



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 – 218/828-2309

PM2014-00192

Date of Violation: 10/09/2014

Parcel ID: 091640010020009

Violator(s): ROY C PARKER
1720 LAUREL ST
BRAINERD, MN 56401

Location/Address of Violation: **1720 LAUREL ST**

VIOLATION

Section	Subdivision, Chapter or Article	Complaint	Fine
450.31	Exterior Structure	Property Maintenance Violation	\$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: 10/23/2014

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.** 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. 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.

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: Tim Caughey, City Building Official

Date: 10/9/14

Representative's Signature: _____

(served via first class mail)

May 13, 2021

OSBORNE, JOAN M
508 9TH ST N
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: 508 9TH ST N
Real Estate Code: 41240942

Violation: Damage Roof

Ordinance: 450

Description: Ord 450.31 - The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance. Corrective action is required; thirty (30) 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 06/12/2021

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



05/02/2022 13:31

03/03/2020

JOAN M OSBORNE
508 9TH ST N
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: 508 9TH ST N
Real Estate Code: 09196142021Z009

Violation: Damaged Roof
Ordinance: 450.31

Description: The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

Corrective action is required; thirty (30) days are allowed from the date of this letter.

To review City Codes on the web, go to [www.ci.brainerd.mn.us Administration/Documents/City Codes](http://www.ci.brainerd.mn.us/Administration/Documents/City%20Codes).

Action should be taken on or before 04/03/2020

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

May 13, 2021

VEITH, STEVEN H
9797 LEGIONVILLE RD
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: 408 2ND AVE NE
Real Estate Code: 41191616

Violation: Damage Roof

Ordinance: 450

Description: Ord 450.31 - The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance. Corrective action is required; thirty (30) 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 06/12/2021

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



05/02/2022 13:37



www.ci.brainerd.mn.us

Mayor

(218) 828-2308
Fax (218) 828-2316

City Administrator

(218) 828-2307
Fax (218) 828-2316
admin@ci.brainerd.mn.us

Civil Attorney

411 Front Street
P.O. Box 367
(218) 828-2775
Fax (218) 828-9768

Criminal Attorney

510 Norwood Street
(218) 828-2311
Fax (218) 825-8922

City Engineer

(218) 828-2309
Fax (218) 828-2316
engineer@ci.brainerd.mn.us

Chief of Police

225 East River Road
(218) 829-2805
Fax (218) 825-3489

Fire Chief

23 Laurel Street
(218) 828-2312
Fax (218) 828-2331
fire@ci.brainerd.mn.us

City Planner

(218) 828-2310
Fax (218) 828-2316
planning@ci.brainerd.mn.us

Director of Parks & Recreation

1619 Washington Street N.E.
(218) 828-2320
Fax (218) 828-2791
parks@ci.brainerd.mn.us

Public Utilities

P.O. Box 373
Business
(218) 829-8726 • fax (218) 829-4703
Service
(218) 829-2193 • fax (218) 829-2308
email@bpu.org

Equal Opportunity Employer



Printed on Recycled Paper

08/27/2013

STEVEN H VEITH
9797 LEGIONVILLE RD
BRAINERD, MN 56401-

ORDER TO CORRECT ADMINISTRATIVE VIOLATION

Dear Property Owner(s),

It has been noted that a City Code violation has occurred on the property located at:

Property Address: 408 2ND AVE NE
Real Estate Code: 091280140080009

Violation: Damaged Roof

Ordinance: 450.31

Description: The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

To review City Codes on the web, go to www.ci.brainerd.mn.us Administration/Documents/City Codes.

Action must be taken on or before 09/27/2013. Failure to make the corrections can result in a citation with a fine of \$100.00. Per above-mentioned Code Section, Failure to comply with this ordinance will result in a citation and corrective action by the City to abate the nuisance at the expense of the owner.

If you are unable to make the corrections in the required time, you will need to call this office to make other arrangements. Office hours are 7:30 to 4:30, Monday through Friday. Please contact Laura at 218/454-3414 if you have questions.

Respectfully,

By Order of:

THE CITY OF BRAINERD

*Steven - Can you tell me
when you have scheduled to
replace the roof?
Also, now that it has rained,
please take care of the grass.
Thanks -
Laura*



September 02, 2021

DOUCETTE, DORIS D
214 4TH AVE NE
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: 214 4TH AVE NE
Real Estate Code: 41191769

Violation: Damage Roof

Ordinance: 450

Description: Ord 450.31 - The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance. Corrective action is required; thirty (30) 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 10/02/2021

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



04/04/2019

DORRIS DOUCETTE
214 4TH AVE NE
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: 214 4TH AVE NE
Real Estate Code: 091220080030009

Violation: Damaged Roof
Ordinance: 450.31

Description: The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

Corrective action is required; thirty (30) days are allowed from the date of this letter.

To review City Codes on the web, go to [www.ci.brainerd.mn.us Administration/Documents/City Codes](http://www.ci.brainerd.mn.us/Administration/Documents/City%20Codes).

Action should be taken on or before 05/04/2019

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

May 12, 2021

FINNEGAN, SARA J & ETHAN K MILLER
503 2ND AVE NE
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: 503 2ND AVE NE
Real Estate Code: 41191556

Violation: Damage Roof

Ordinance: 450

Description: Ord 450.31 - The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance. Corrective action is required; thirty (30) 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 06/11/2021

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



05/02/2022 13:34

06/29/2017

SARA J FINNEGAN & ETHAN K MILLER
503 2ND AVE NE
BRainerd, MN 56401-

ORDER TO CORRECT ADMINISTRATIVE VIOLATION

Dear Property Owner(s),

The City of Brainerd has embarked on a program of concentrated code enforcement. The program is a positive effort to improve property values and quality of life in our neighborhoods. It has been noted that a City Code violation has occurred on the property located at:

Property Address: 503 2ND AVE NE
Real Estate Code: 091280200060009

Violation: Damaged Roof

Ordinance: 450.31

Description: The roof and flashing shall be sound, tight and not have defects that admit rain. Roof drainage shall be adequate to prevent dampness or deterioration in the walls or interior portion of the structure. Roof drains, gutters and downspouts shall be maintained in good repair and free from obstructions. Roof water shall not be discharged in a manner that creates a public nuisance.

Corrective action is required; thirty (30) days are allowed from the date of this letter.

To review City Codes on the web, go to www.ci.brainerd.mn.us Administration/Documents/City Codes.

Action must be taken on or before 07/29/2017

Failure to make the corrections can result in a citation with a fine of \$100. Per above-mentioned code section, failure to comply with this ordinance will result in a citation and corrective action by the City to abate the nuisance at the expense of the owner.

If you are unable to make the corrections in the required time or believe this violation is in error, you will need to call this office to make other arrangements. Office hours are 7:30 to 4:30, Monday through Friday. Please contact Jason at 218/454-3416 if you have questions.

Respectfully,

By Order of:

THE CITY OF BRAINERD



Brainerd City Council Agenda Request

Requested Meeting Date: May 16, 2022

Title of Item: Final 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 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Acting Community Development Director	Department: Community Development
Presenter (Name & Title): James Kramvik, Acting Community Development Director	Estimated Time Needed: 2 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: 1) Motion to hold the final 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. 2) Motion to adopt Proposed Ordinance No. 1530, an Ordinance Amending Ordinance No. 812	
Financial Impact: Is there a cost associated with this request: ☐ Yes ☒ No What is the total cost, with tax and shipping \$ _____ Is this budgeted? ☐ Yes ☐ No <u>Please Explain:</u>	

**ORDINANCE
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

MEMO



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.

Staff Opinion

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

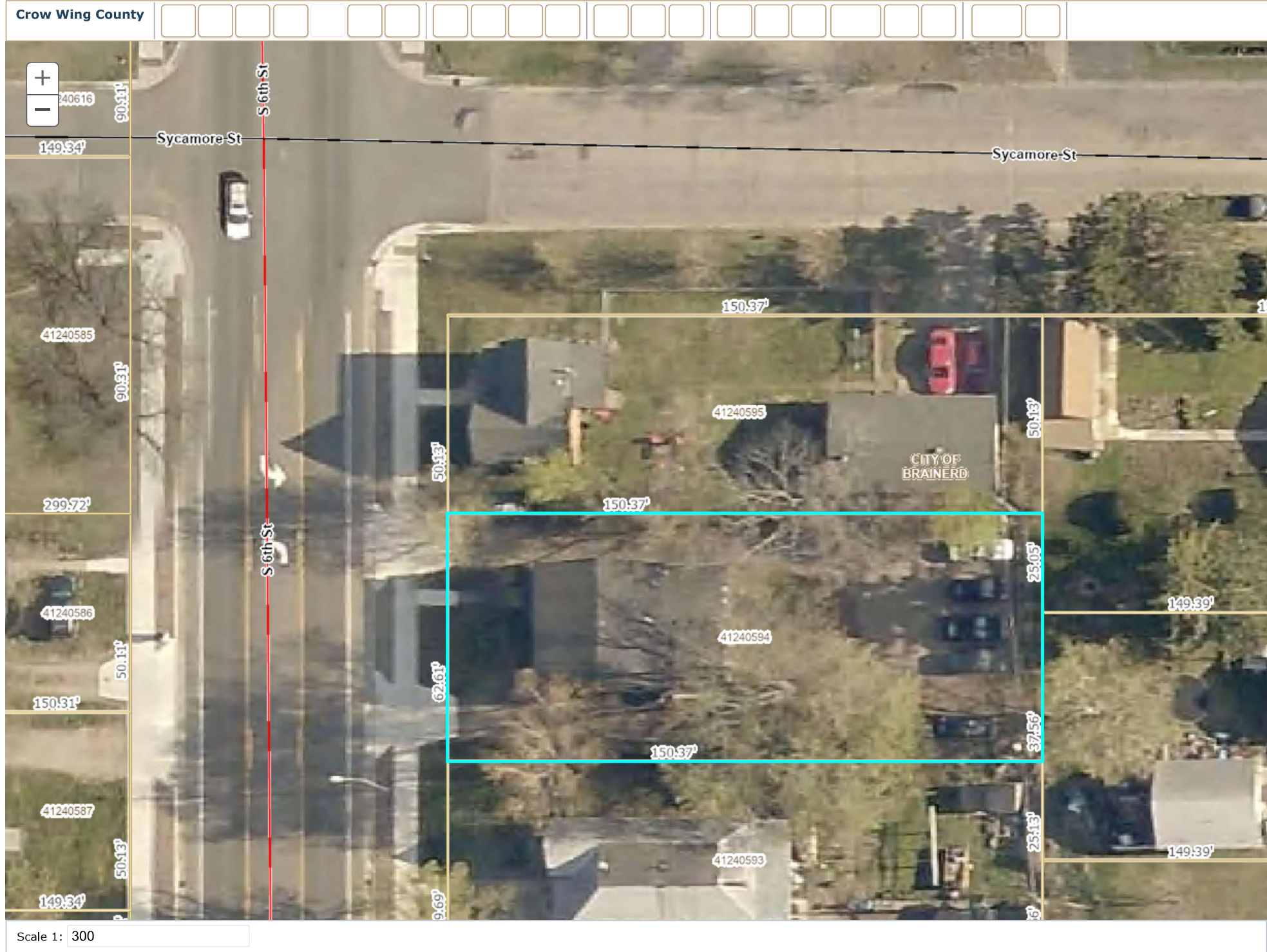
(Please print name)

Applicant Signature

Date

(Please print name)

(OVER)



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.

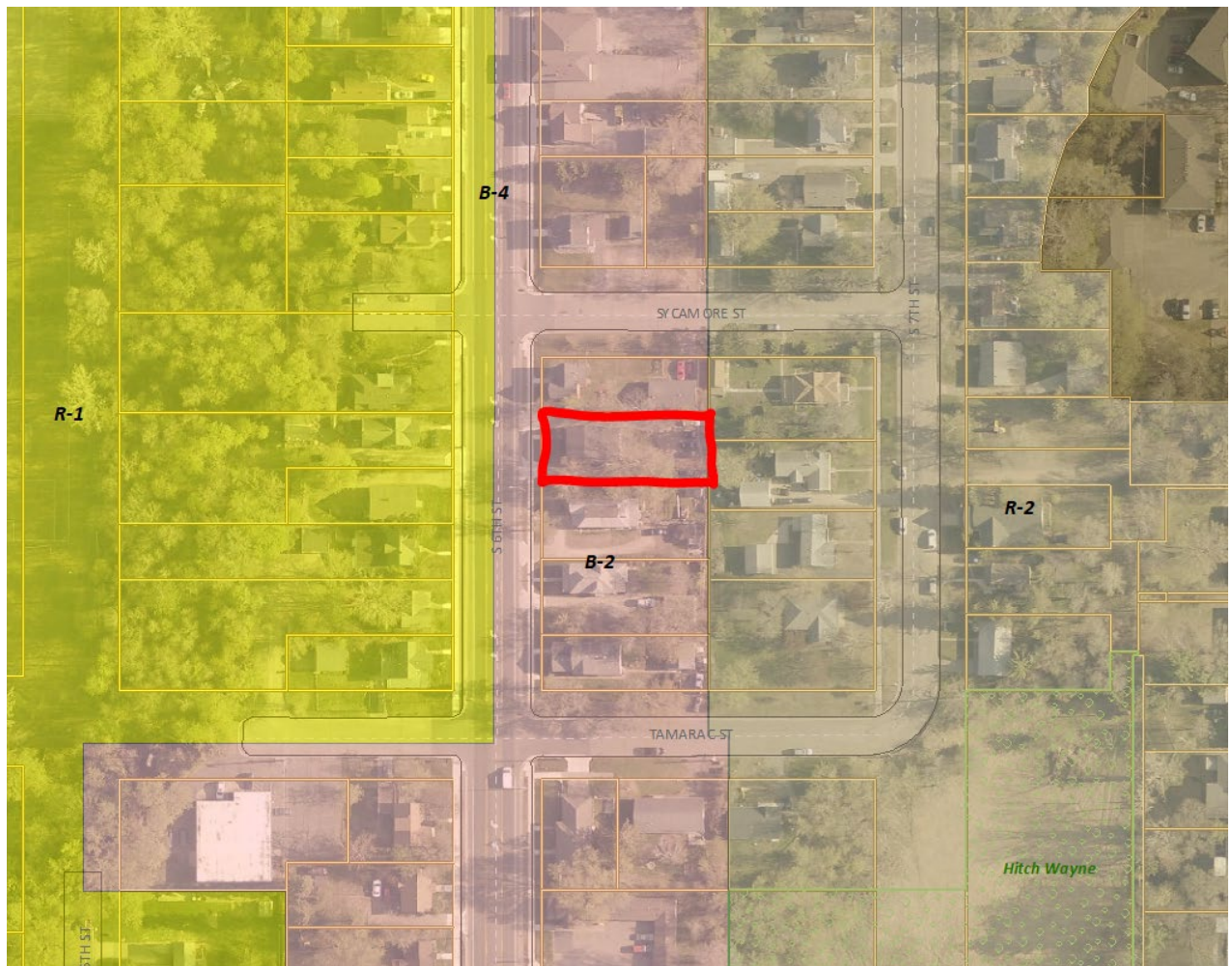
Any individual needing special accommodations or would like more information about this request, please call (218) 828-2309.

Dated this 6th day of April 2022



David C. Chanski, MPA
Community Development Director

Publication Date: April 10th, 2022





Brainerd City Council Agenda Request

Requested Meeting Date: May 16, 2022

Title of Item: Consideration of Interim Use Permit for Short Term Rental - 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 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Acting Community Development Director	Department: Community Development
Presenter (Name & Title): James Kramvik, Acting Community Development Director	Estimated Time Needed: 5 minutes
Summary of Issue: Rick Badeaux has submitted a request for an Interim Use Permit to operate one short term rental in a 4-unit rental building at 1005 S 6th St.	
Alternatives, Options, Effects on Others/Comments: Staff recommends that the applicant be allowed to change which unit in the building is used as a short term rental upon notification of staff and reinspection by the Building Inspector and Fire Marshall. Only one unit may be advertised as a short term rental at any given time. Occupancy of the short-term rental will be set by the Building Official and Fire Marshall. Planning Commission voted unanimously to recommend approval of the Interim Use Permit contingent upon the approval of the rezoning request.	
Recommended Action/Motion: Motion to accept the Planning Commission's recommendation to approve an Interim Use 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 <u>Please Explain:</u>	

MEMO



TO: Planning Commission

FROM: James Kramvik, Assistant Planner

DATE: April 15, 2022

RE: Interim Use Permit for Short Term Rental – 1005 S. 6th St.

Rick Badeaux has submitted a request for an Interim Use Permit to operate one short term rental in a 4-unit rental building 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. In addition to the request for an Interim Use Permit to operate a short term rental, the applicant has also applied to rezone this parcel from a B-2 District to a R-2 (Medium Density Residential) District. An approval of the Interim Use Permit would be contingent upon approval of rezoning this parcel to a 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 would like to expedite the short-term rental process through the rezoning request since the proposed zoning code and map has been sent back to Planning Commission for revisions.
2. The operation of a short-term rental requires an Interim Use Permit in a R-2 District per section [515-56-4.3](#) of the Code of Ordinances.
3. Short-term rentals must comply with the following minimum standards: as required by the aforementioned section of the Code:
 - a. The minimum rental period shall not be more than 28 consecutive nights.
 - i. *The applicant is requesting the use of one unit as a short term rental at any one time. The applicant understands that he must inform staff which unit is being used as a short-term rental and all required inspections must be completed.*
 - b. The permit holder (owner) of a short term rental must apply for and receive an interim use permit. Owner occupied dwellings that are also short term rentals do not require an interim use permit.
 - i. *This is not an owner-occupied dwelling and therefore requires an interim use permit to operate as a short term rental.*
 - c. The application for an interim use permit shall include:
 - i. All information required for a conditional use permit.
 1. *This requirement in the current zoning code has been removed in the proposed zoning code because the submittal list in the short-term rental section is very detailed. All required information in the proposed zoning code has been submitted by the applicant.*
 - ii. Floor plan of the structure(s), including the number of bedrooms with

dimensions and all other sleeping accommodations.

1. *The proposed zoning code does not require a floor plan. However, the applicant must state the number of bedrooms with dimensions and all other sleeping accommodations. The applicant has provided the following information regarding the bedrooms to be made available for rent:*
 - a. *Unit 1: 1 Bedroom - 144 sq. ft.*
 - b. *Unit 2: Studio – 436 total sq. ft.*
 - c. *Unit 3: Studio – 360 total sq. ft. (Proposed short-term rental)*
 - d. *Unit 4: 2 Bedrooms - 100 sq. ft. for each bedroom*
 - i. *Section 404.4.1 of the International Property Maintenance Code states that “every bedroom shall contain not less than 70 square feet and every bedroom occupied by more than one person shall contain not less than 50 square feet of floor area for each occupant thereof.”*
- iii. A to-scale site plan which shows locations and dimensions of property lines, the dwelling unit intended for licensing, accessory structures, parking areas and shoreland recreational facilities.
 1. *A GIS map of the property has been included as an additional document as well as a drawing from the applicant.*
- iv. A plan for garbage disposal by the permit holder.
 1. *The applicant states that the short term rental rule is that garbage should be put out on the day of collection or if needed not to be put out before 6:00 PM at night the day before. Expectations are that the garbage bin is returned to the side of the house the same day as collection.*
- v. A pet policy.
 1. *The applicant indicates there will be a NO PET policy.*
- d. The permit holder shall post emergency contact information (police, fire, hospital) and show renters the location of fire extinguishers in the short term rental unit.
 - i. *The applicant will verify with City staff that emergency contact information and the location of fire extinguishers has been posted for renters prior to occupancy.*
- e. A permit holder must provide the name, address, and phone number for the managing agent or local contact to all property owners within 100' of the property boundary. The permit holder shall notify all property owners within 100' of the property boundary within 10 days of a change in the managing agent or local contact's contact information.
 - i. *The proposed zoning code will require that the managing agent's contact information is accessible to the public at all times on the City of Brainerd website.*
- f. A permit holder must disclose in writing to their renters the following information:
 - i. The managing agent or local contact's name, address, and phone number.
 1. *The applicant indicates that this information would be provided through the booking website.*
 - ii. The maximum number of guests allowed at the property

1. *The applicant must indicate the occupancy of the short term rental which will be determined by the occupancy stated in the rental code.*
- iii. The maximum number of vehicles, recreational vehicles, and trailers allowed at the property and where they are to be parked.
 1. *The applicant indicates that there will be two off street parking spots available for the short term rental.*
- iv. Property rules related to use of exterior features of the property, such as decks, patios, grills, pools, hot tubs, saunas, recreational fires, and other outdoor recreational facilities.
 1. *The applicant indicates that there are no outdoor structures or recreational areas.*
- v. Applicable sections of city ordinances governing noise, parks, parking and pets.
 1. *The proposed zoning code will require the applicant to inform their guests of city ordinances. City ordinances pertaining to vehicles, garbage, noise, and pets have been included in section 515-3-34 Short Term Rentals.*
- g. The occupancy of a short term rental shall be limited to not more than 2 people per bedroom.
 - i. *The proposed zoning code allows for a maximum of 3 occupants per bedroom.*
 - ii. *Per Section 404.4.1 of the International Property Maintenance Code, the maximum occupancy per unit under the proposed zoning code would be:*
 1. *Unit 1 – 2 persons*
 2. *Unit 2 – 2 persons*
 3. *Unit 3 – 2 persons*
 4. *Unit 4 – 2 persons*
- h. Rooms used for sleeping shall be provided with egress windows and smoke detectors in locations that comply with the Minnesota State Building Code or the requirements of the Building Department, whichever is stricter.
 - i. *The rooms used for sleeping have been inspected by the housing inspector for occupancy, egress, and smoke detectors as part of the rental inspection process. The home was inspected for a rental license on 03/24/21 and passed all building and rental code requirements.*
- i. The short term rental shall be connected to city sewer and water.
 - i. *The house is connected to city sewer and water.*
- j. A short term rental shall have a full bathroom (sink, toilet and tub or shower).
 - i. *Each unit has a full bathroom.*
- k. Additional occupancy by use of recreational vehicles, tents, accessory structures or fish houses is not permitted.
 - i. *The applicant is not proposing the use of any recreational vehicles, tents, accessory structure, or fish houses for occupancy.*
- l. The permit holder shall provide a physical visual demarcation of the property lines.
 - i. *This will not be a requirement in the proposed zoning code. The applicant indicates that there is a fence on the north property line.*
- m. The permit holder shall keep a report, detailing use of the short term rental by recording the full name, address, phone number and vehicle license number of

guests using the rental. A copy of the report shall be provided to the planning department upon request.

- n. A short term rental shall be a licensed rental unit by the City and shall meet the requirements of all statutes, rules, regulations, and ordinances including, but not limited to the City of Brainerd's rental housing maintenance code. Each unit shall be inspected annually by the rental housing inspector and the fire marshal.
 - i. *The property was licensed as a rental on 05/07/2021 with license number CR2021-000564.*
- o. The Planning Commission may impose conditions that will reduce the impacts of the proposed use on neighboring properties, public services, nearby water bodies, public safety and safety of renters. Said conditions may include but not be limited to – fencing or vegetative screening, native buffer along the shoreline, noise standards, duration of permit, restrictions as to the docking of watercraft, and number of renters.
- p. A permit holder must post their permit number on all print, poster or web advertisements.
- q. A permit holder must apply for and be granted state and local sales tax numbers, including hotel and motel use sales tax.
 - i. *The applicant understands this provision and must show proof prior to occupancy.*
- r. In addition to an interim use permit, short term rentals rented for less than 7 days are considered a hotel and are required to have a Minnesota department of health license.
 - i. *The proposed zoning code requires the applicant to contact the Minnesota Department of Health about lodging license requirements. The applicant understands this provision and must show proof prior to occupancy.*

As of this writing, one party has contacted the Community Development Department with concerns about the Interim Use Permit.

Staff Opinion

Staff recommends approval of this Interim Use Permit for one short term rental unit conditional on reinspection by the Building Inspector and Fire Marshall and the Interim Use Permit complies with all provisions of the adopted Zoning Code. Additionally, staff recommends that the applicant be allowed to change which unit in the building is used as a short term rental upon notification of staff and reinspection by the Building Inspector and Fire Marshall. Only one unit may be advertised as a short term rental at any given time.



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: _____

INTERIM USE PERMIT

Application Form (residential - \$250.00 / commercial - \$500.00 + \$500.00 escrow deposit)

(This form must be filled out completely before your application will be accepted)

Property Address for this *Interim Use Permit*: 1005 S 6th street Brainerd MN 56401

I (We) the undersigned, do hereby respectfully request the Brainerd City Council to grant an Interim Use Permit to allow short term rentals Allowed WITH only 1 Being a Short Team Rental and Three Being Long Term Rentals

_____ at the property address listed above until the date of indefinitely

Legal Description (attach, if lengthy): Lot 15+16 Block 269 Addition _____

LOTS 15 and 16 Block 269 and N. 12 1/2 ft of Lot 17
Block 269

Property Owner: Rick Badeaux

Address: 19868 159th st Elk River MN 55330
(Street) (City) (State) (Zip)

Contact Information #: 763-607-1523

(Home)

(Fax)

(Business)

propertylogick@gmail.com

(E-mail)

Applicant: (if different than Property Owner) _____

Address: _____
(Street) (City) (State) (Zip)

Contact Information #: _____
(Home) (Business)

(Fax)

(E-mail)

Contact Person: (if different than Property Owner) _____

Address: _____
(Street) (City) (State) (Zip)

Contact Information #: _____
(Home) (Business)

(Fax)

(E-mail)

Rick Badeaux

19868 159th St.

Elk River, Mn 55330

763-607-1523

ahklar@yahoo.com

latest time available

04/05/2022

City of Brainerd

City Planning Department

501 laurel Street

Brainerd, MN 56401

Dear City of Brainerd:

Please accept the following as our request for an IUP with the city of Brainerd. We currently have a 4 unit building at 1005 S 6th street in Brainerd. We are looking to get approved to allow for a short-term rental unit to go along with our three long term rental units.

This request requires zero structural changes outside of cosmetic changes both inside and outside of the 1 unit.

Sincerely,

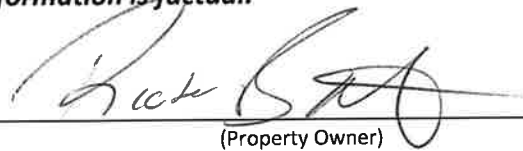
A handwritten signature in black ink, appearing to read "Rick Badeaux", with a long horizontal line extending to the right.

Rick Badeaux

This Interim Use Permit may be approved if sufficient facts are presented at the Planning Commission and City Council meetings to support a finding that all of the attached criteria for granting an Interim Use Permit have been met.

Obtaining this *Interim Use Permit* does not absolve the applicant from obtaining all other applicable permits, such as Building Permits, MnDOT access permits, etc.

I (We) certify that I (we) have submitted all the required information to apply for an Interim Use Permit and that the information is factual.

Signed by:  Date: 04/04/2022
(Property Owner)

Rick Badeaux
(Property Owner-Please print Name)

(Applicant-If different than owner) Date: _____

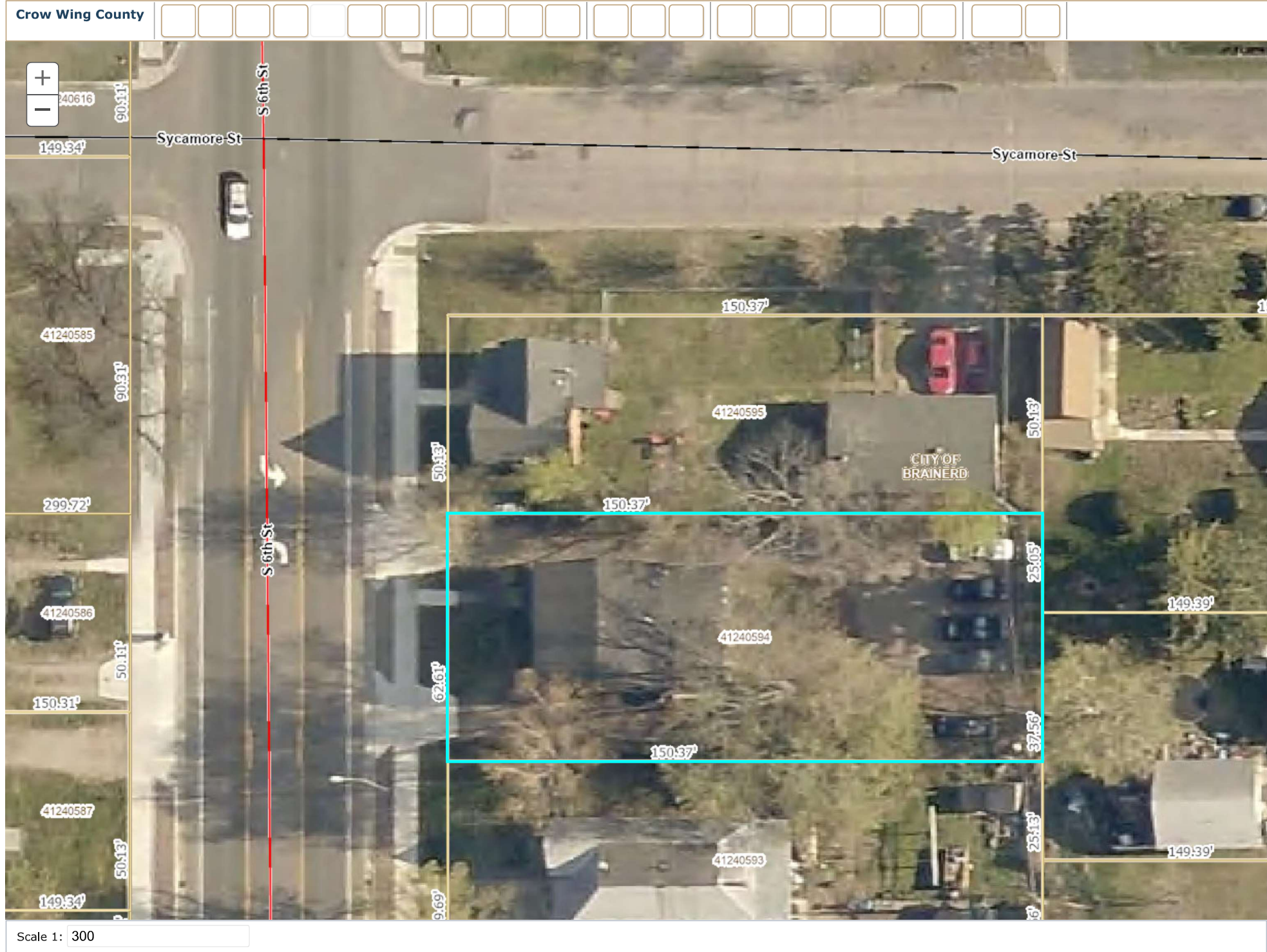
(Applicant - Please print name)

Interim Use Permit Supporting Information

The City Council may approve an Interim Use Permit if all of the "Criteria for Review of Interim Use Permits" are met. In order to facilitate review of this application for an *Interim Use Permit*, the applicant must address each of the "*Criteria*", referred to in Section 515-6-1 of the Zoning Ordinance.

1. **Public Health/Safety/Welfare.** The *Planning Commission* and the *City Council* shall review each application for the purpose of determining that each proposed use meets the following criteria referenced to in Section 6-14 and in addition, shall find adequate evidence that each use in its proposed location will address the following:
 - (a) The proposed use conforms to the district and conditional use provisions and all general regulations of this Ordinance.
 - (b) The proposed use meets all special standards which may apply to its class of conditional uses as set forth in this section.
 - (c) The proposed use shall not involve any element or cause any condition that may be dangerous, injurious, or noxious to any other property or persons.
 - (d) The proposed use shall be sited, oriented and landscaped to produce a harmonious relationship of buildings and grounds to adjacent buildings and properties.
 - (e) The proposed use shall produce a total visual impression and environment which is consistent with the environment of the neighborhood.
 - (f) The proposed use shall organize vehicular access and parking to minimize traffic congestion in the neighborhood.
 - (g) The proposed use shall preserve the objectives of this Ordinance and shall be consistent with the Comprehensive Plan.

(con't)



1005 S 6TH ST
Brainerd, Mn 56401

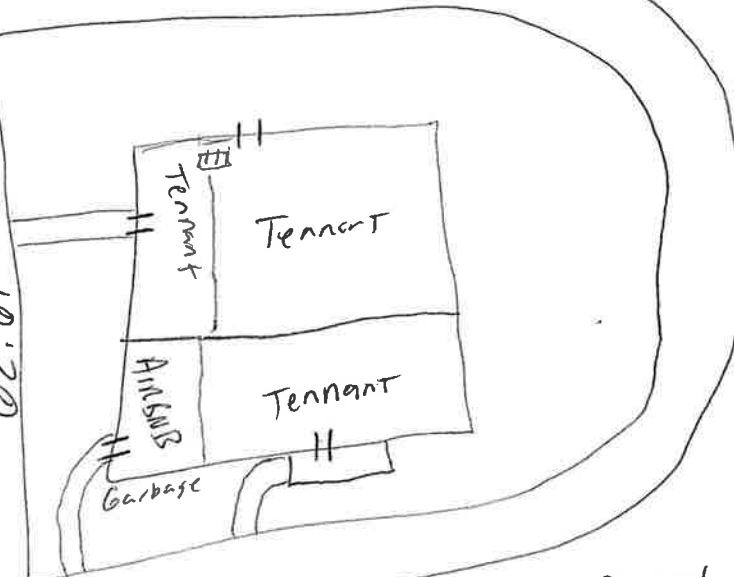
Houses
41240595

Garage

FENCE
41240594 150.37'

S 6TH ST

62.61'



PARKING for 5
62.61 ft
fence

150.37'

41240593

1005 S 6th St.

Dimensions

The number of bedrooms with dimensions for each unit?

- 1) **Unit 1** 1 bedroom 144 SF, and 2 bathrooms
- 2) **Unit 2** – Studio, 1 bathroom – 436 SF of total space
- 3) **Unit 3** – Studio, 1 bathroom – 360 SF total space (Airbnb)
- 4) **Unit 4** 2 bedrooms, each 100 SF, and 1 bathroom

Please list each unit's number of full bathroom units?

- 1) **Unit 1** 2 bathrooms
- 2) **Unit 2** 1 bathroom
- 3) **Unit 3** 1 bathroom
- 4) **Unit 4** 1 bathroom

Does every unit have a full kitchen? – Yes

Parking and Recreation

- There are 2 off street parking spots available for the Airbnb unit
- All accessory structures and outdoor recreational features available for guest use? – no outdoor structures or recreational areas.

Regulations and Rules

A pet & garbage policy specifically (pet, garbage, noise, and parking policies have to meet at a minimum the City Code Standards outlined in the attached document)

- 1) The Airbnb unit does not allow for pets.
- 2) The Airbnb unit rules state that Garbage should be put out on the day of collection or if needed not to be put out before 6:00 PM at night the day before. Expectations are that the garbage bin is returned to the side of the house the same day as collection.
- 3) Noise limits are enforced between 10:00 PM and 7:00 AM

Local Property Manager

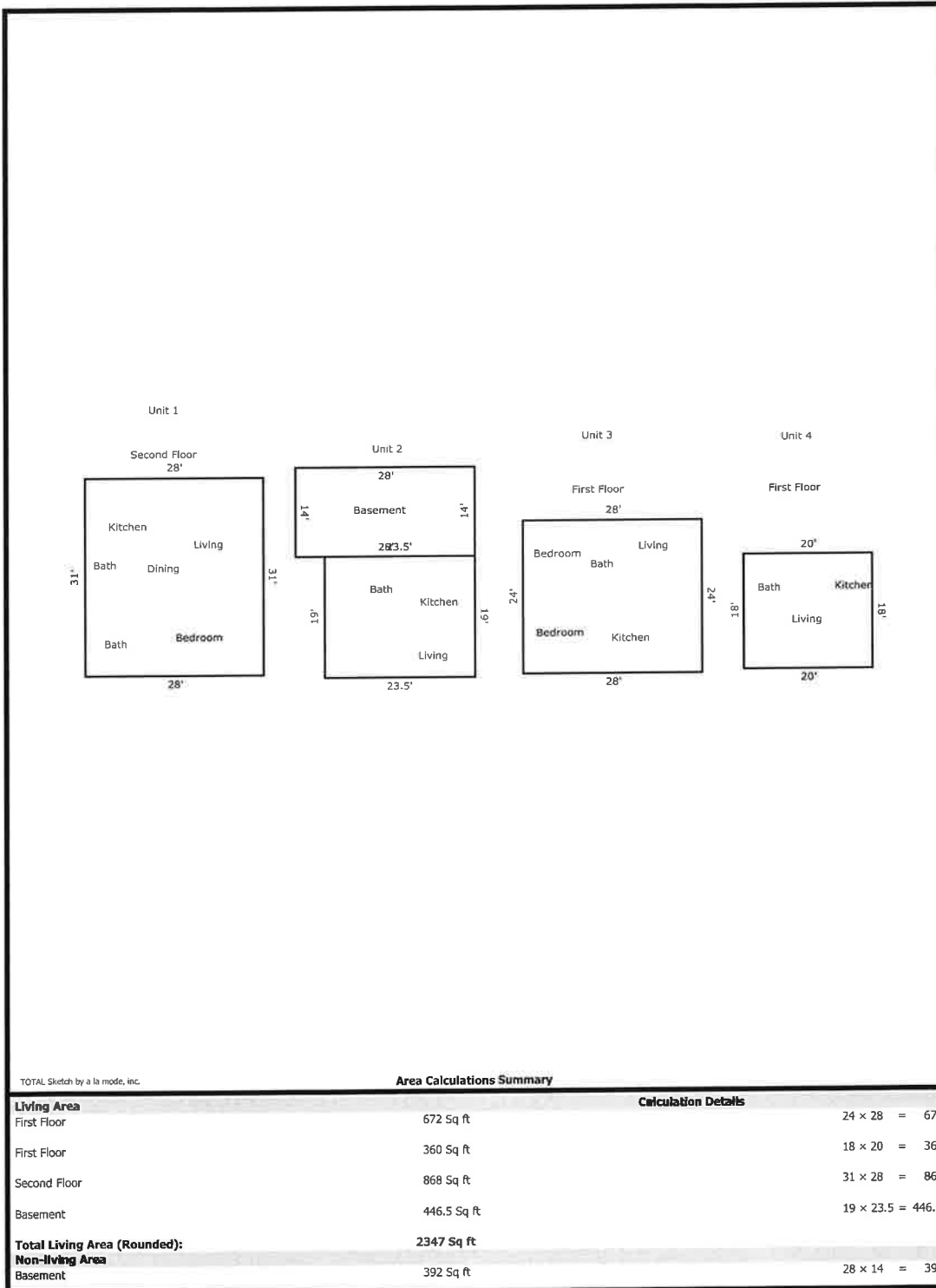
Lori Badeaux

712 N 6th Street Brainerd Mn, 56401

218-330-2356

Building Sketch

Borrower	Richard Badeaux				
Property Address	1005 S 6th St				
City	Brainerd	County	Crow Wing	State	MN Zip Code 56401
Lender/Client	Goldwater Bank, N.A.				



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.

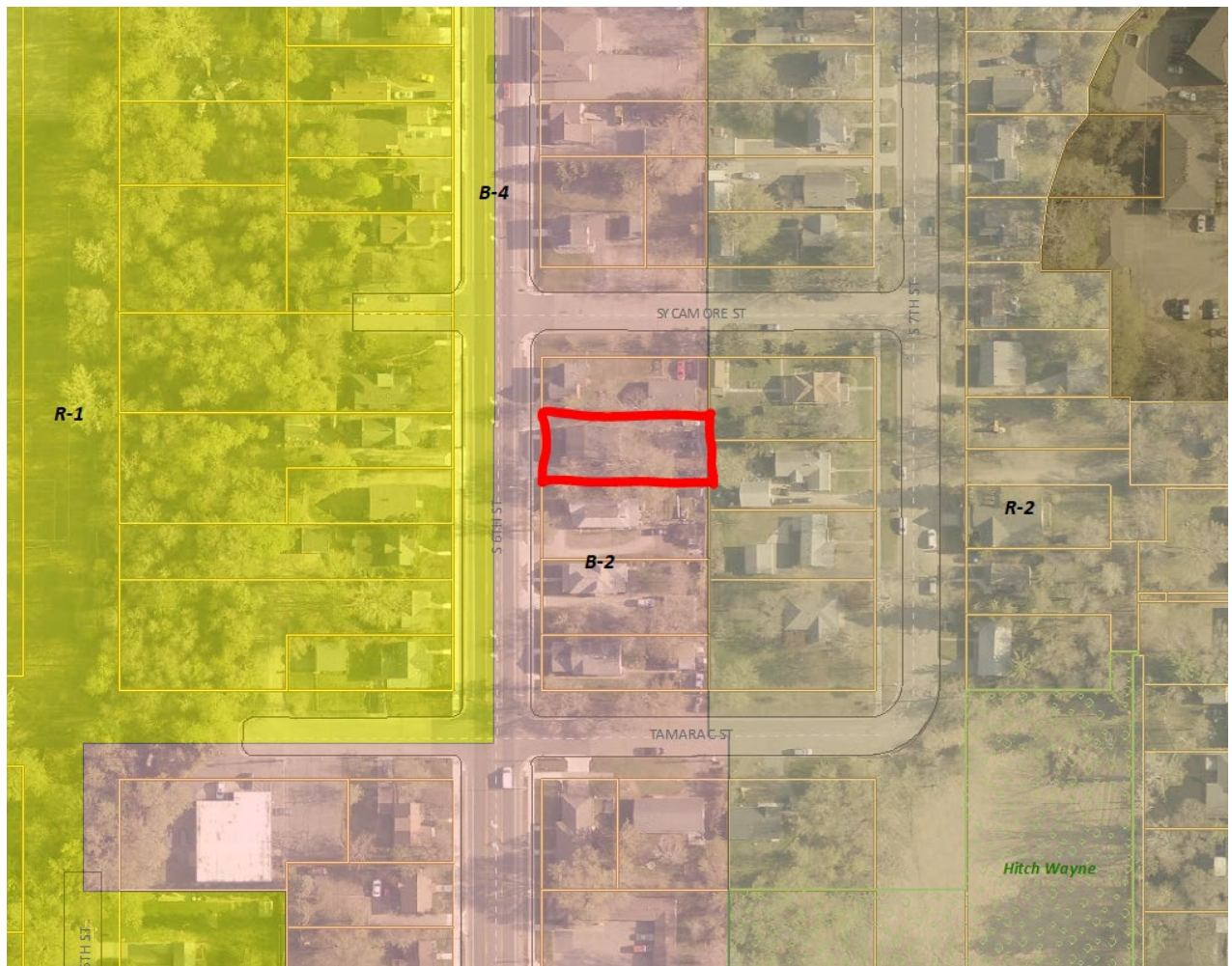
Any individual needing special accommodations or would like more information about this request, please call (218) 828-2309.

Dated this 6th day of April 2022



David C. Chanski, MPA
Community Development Director

Publication Date: April 10th, 2022



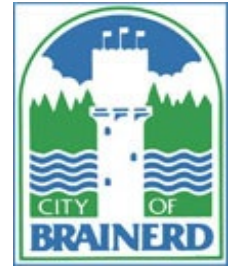


Brainerd City Council Agenda Request

Requested Meeting Date: May 16, 2022

Title of Item: First Reading Proposed Ordinance 1531 - Amending Section 720 and 725

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☐ SPW COMMITTEE ☒ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☐ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☒ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: Interim City Engineer Paul Sandy	Department: Engineering
Presenter (Name & Title): Interim City Engineer Paul Sandy	Estimated Time Needed: 10 Minutes
Summary of Issue: A content review of proposed ordinance 725 (in which repeals the existing Sections 720 and 725 of Brainerd City Code and replaces with new Section 725) was held by the Safety and Public Works Committee on April 20, 2022.	
Alternatives, Options, Effects on Others/Comments: The attached memo outlines the ordinance revision and changes/clarifications that were made to existing ordinance 720 and 725. Staff will be available to answer questions at the meeting.	
Recommended Action/Motion: Motion to conduct the 1st reading of Proposed Ordinance No. 1531, an ordinance amending Section 725 of Brainerd City Code related to stormwater management and dispensing with the actual reading. * Note: a vote to dispense with the actual reading of the ordinance must be unanimous	
Financial Impact: Is there a cost associated with this request: ☐ Yes ☒ No What is the total cost, with tax and shipping \$ _____ Is this budgeted? ☐ Yes ☐ No <u>Please Explain:</u>	



MEMO

TO: 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 our 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 NPDES 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.

**ORDINANCE
NO. 1531**

AN ORDINANCE REPLACING SECTION 720 AND 725 OF BRAINERD CITY CODE

THE CITY COUNCIL OF THE CITY OF BRAINERD DOES ORDAIN:

SECTION ONE: Section 720 and 725 of Chapter VII of the City Code is hereby repealed in its entirety and replaced with the following:

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.**
- 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.
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.

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) 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.

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:

- 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 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).

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 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.

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: LAND DISTURBANCE ACTIVITIES SUBJECT TO A STORMWATER MANAGEMENT PLAN:

- 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;
 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.
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 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.
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 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: STORMWATER Design PERFORMANCE Standards

- 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**
 - 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
- 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

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.

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.**
- 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.

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.
 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: FINANCIAL SECURITY FOR PROJECTS SUBJECT TO A DEVELOPMENT AGREEMENT:

- 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: STORMWATER FACILITIES INSPECTION, MAINTENANCE AGREEMENT AND PERMIT TRANSFER:

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.
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: ENFORCEMENT:

- 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.

725.11: RIGHT OF ENTRY AND INSPECTION:

- 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.**
- 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: ILLICIT DISCHARGE PROHIBITION:

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.

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.

- 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 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 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.
- 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.

SECTION TWO: Effective Date of Ordinance. The effective date of this Ordinance is one week from and after its publication.

Adopted this ____ day of ____

KELLY BEVANS
President of the Council

Approved this ____ day of ____

DAVE BADEAUX
Mayor

ATTEST: _____
JENNIFER BERGMAN
City Administrator

Published:



Brainerd City Council Agenda Request

Requested Meeting Date: May 16, 2022

Title of Item: Res-Alley Vacation - Blocks M and E - West Brainerd - Set Public Hearing

☐ INFORMATION ONLY ☐ CONSENT AGENDA ☐ P&F COMMITTEE ☒ SPW COMMITTEE ☐ MAIN AGENDA	Action Requested: ☐ Approve/Deny Motion ☒ Adopt Resolution (attach draft) ☐ Direction Requested ☐ Discussion Item ☐ Hold Public Hearing* ☐ Ordinance 1 st Reading <i>*provide copy of published hearing notice</i>
Submitted by: City Engineer/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 a petition to vacate the alley in Blocks M and E, West Brainerd. The petition was submitted by Vicky Kinney and My Neighbor to Love Coalition, LLC. A map of the proposed alley vacation is attached.	
Alternatives, Options, Effects on Others/Comments: In order to start the vacation proceedings, the City Council must adopt the attached resolution in which declares the petition sufficient (meaning proper signatures of a majority of abutting owners were obtained) and set the public hearing for June 6, 2022 at the regularly scheduled City Council meeting. The petition was signed by all of the abutting owners for these two alley-ways, in which a map of the proposed right of way can be seen attached. Two weeks published notice, and the last being at least 10 days before the hearing, must be provided.	
Recommended Action/Motion: Staff recommends adopting the attached resolution declaring that the petition is sufficient and sets the public hearing on the proposed vacation for June 6, 2022 at 7:30 PM.	
Financial Impact: <i>Is there a cost associated with this request:</i> ☐ Yes ☒ No <i>What is the total cost, with tax and shipping</i> \$ _____ <i>Is this budgeted?</i> ☐ Yes ☐ No <i>Please Explain:</i>	

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.

<u>NAME</u>	<u>ADDRESS</u>	<u>LOTS</u>	<u>BLK</u>	<u>ADDN</u>	<u>SIGNATURE</u>
My Neighbor to Love Coalition	8660 Fernmont Road Lake Shore, MN 56468	3-10	E	West Brd	<u>Vicky Kinney</u>
My Neighbor to Love Coalition	8660 Fernmont Road Lake Shore, MN 56468	1-12	M	West Brd	<u>Vicky Kinney</u>
Gustafson Properties of Brainerd, LLC	424 NW 3 rd Street Brainerd, MN 56401	11-12 1-2	E	West Brd	<u>[Signature]</u>

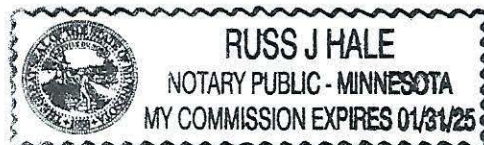
STATE OF MINNESOTA }
 } ss
COUNTY OF CROW WING }

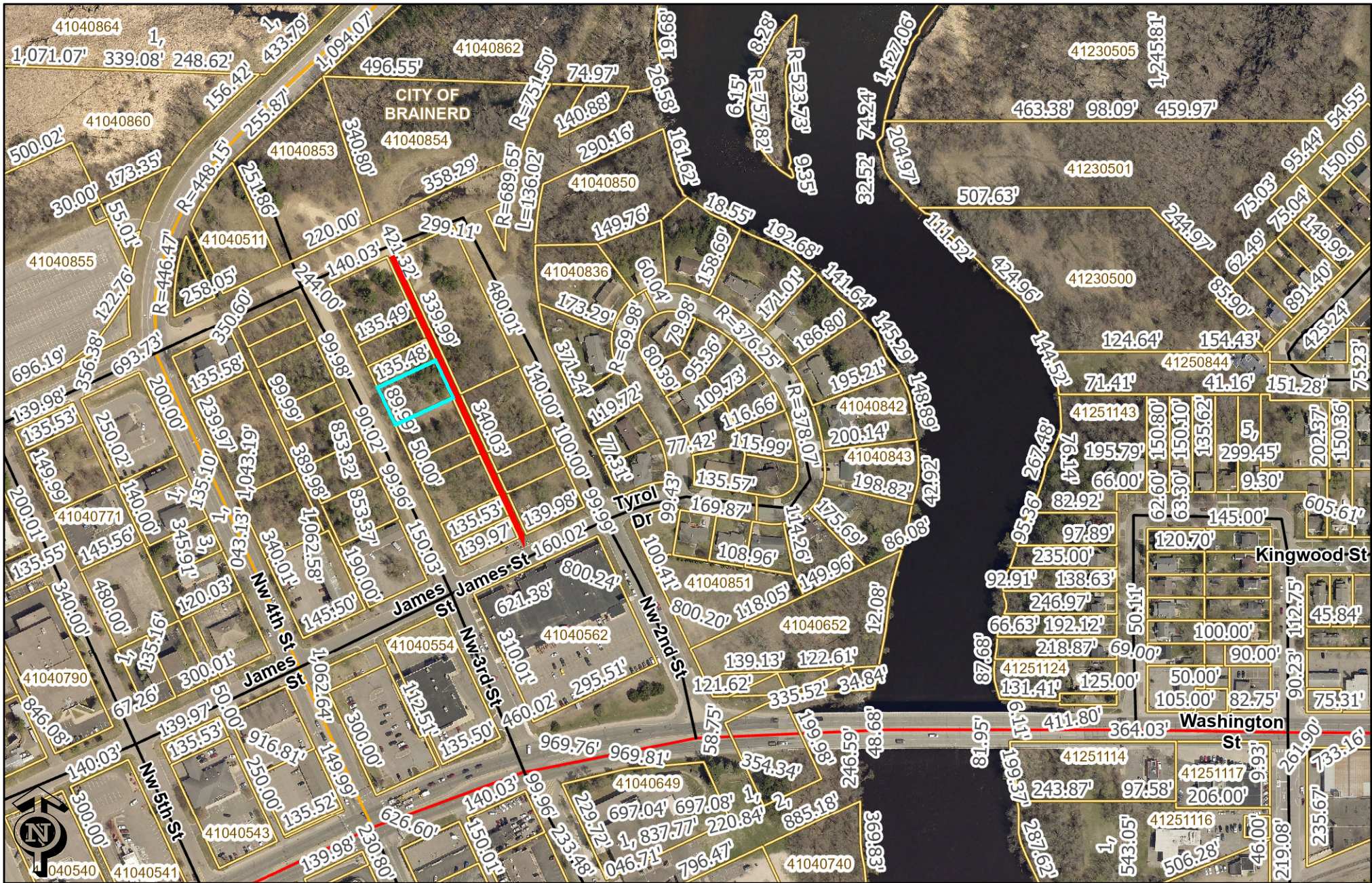
Vicky Kinney, being duly sworn on oath, deposes and says that he/she is the property owner or authorized representative in regard to the above entitled petition; that he/she has read the foregoing petition which includes the signatures of abutting property owners and knows the contents and signatures 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 14th day of March, 2022

[Signature]
Notary Public





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.

Alley Vacation Map

Paul Sandy

Date: 3/28/2022 Time: 8:57:47 AM



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, June 6, 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 17th day of May, 2022

Jennifer Bergman
City Administrator

Publish - 2 times on
May 18th, 2022 and May 25th, 2022

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

**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 6th day of June 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 _____ day of _____, 2022

KELLY BEVANS
President of the Council

Approved this _____ day of _____, 2022

DAVE BADEAUX
Mayor

ATTEST: _____
JENNIFER BERGMAN
City Administrator

Brainerd City Council and President Bevans,

Please accept this letter as formal notification that I will be ceding my seat as Alderman for Ward one as of July 31st, 2022.

I have been offered the principal position at Assumption school in Hibbing and after much thought and consideration I have decided to accept it.

I would like to thank the citizens of Brainerd for the opportunity given me to serve them these last ten years. I will be forever indebted to Brainerd for the experience and all of the growth it has afforded me.

Sincerely,

 5-16-22
Dave Pritschet