

## CITY COUNCIL AGENDA

City of Brainerd, Minnesota  
City Hall, 501 Laurel Street, Council Chambers  
Monday, June 6, 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: 2490 497 9292

Attend by phone: **Personnel and Finance Committee 7:00 PM**: 1-844-992-4726 Meeting  
Access Code: 2484 121 1283

Attend by phone **Safety and Public Works Committee 7:00 PM**: 1-844-992-4726 Meeting  
Access Code: 2484 876 4541

Meeting is also streamed live on YouTube: [www.youtube.com/CityOfBrainerdMN](https://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:*

*060622 COUNCIL AP INV REGISTER.pdf*

#### B. **Approval Of Minutes**

*Documents:*

*2022-05-16 CC Draft.pdf*

**C. Approval Of Licenses**

Contractor Licenses- 2

*Documents:*

*2022 - 2023 COUNCIL APPROVALS - JUNE.pdf*  
*20220606 Contractor Licenses.pdf*

**D. Department Activity Reports**

Fire Chief

HR Director

*Documents:*

*FD Report.pdf*  
*HR Directors Report June 2022 Mtg.pdf*

**E. 2021 Audits For BPU And Brainerd HRA**

*Documents:*

*Consent - 2021 Audits.pdf*

**F. Ratify The Reclassification Of Andy Moody To Water Plant Operator Position**

*Documents:*

*Consent - Ratify the Promotion of Andy Moody to Water Plant Operator.pdf*

**6. Council Committee Reports**

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

WebEx Teleconference Call-In Information

Call Toll-Free: 1-844-992-4726 Access Code: 2484 121 1283

*Documents:*

*6-6 PF Agenda.pdf*

1. League Of MN Cities Insurance Trust (LMCIT) Premium Renewal  
March 2022-February 2023

*Documents:*

*PF - Insurance Renewal.pdf*

2. Accept The Resignation Of Firefighter Bickel

*Documents:*

***2022 Bickel Resignation.pdf***

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

*Documents:*

***PF - Ratify Hiring of 2022 Summer Temporary Employees  
6\_6\_2022.pdf***

4. Ratify The Promotion Of James Kramvik As The Community Development Director

*Documents:*

***PF - Ratify the Promotion of James Kramvik to Community Development Director.pdf***

5. Discussion Of Prosecution Agreements

*Documents:*

***PF - Prosecution Agreement.pdf***

6. Consider Request From The Employee Wellness Committee For The Employee Appreciation Event

*Documents:*

***2022 EE Appreciation Event.pdf***

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

*Documents:*

***PF - Update on City Engineer\_Public Works Director Hiring  
6\_6\_22.pdf***

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

*Documents:*

***Update on LAMC.pdf***

**B. Safety And Public Works Committee 7:00 PM**

WebEx Teleconference Call-In Information

Call Toll-Free: 1-844-992-4726 Access Code: 2484 876 4541

*Documents:*

## ***6-6 SPW Agenda.pdf***

1. Event/Alley Closure Application- Shep's On 6th Elbow Convention

### ***Documents:***

#### ***Sheps Elbow Convention.pdf***

2. Event/ Parking Lot Closure- Lakes Area Skatepark Association Pop-Up Skatepark

### ***Documents:***

#### ***Skatepark Event App.pdf***

3. Approve Bids For Improvement 19-02 - Cuyuna Lakes State Trail West Segment

### ***Documents:***

#### ***SPW - Imp. 19-02 Approve Bids.pdf***

4. Approve Testing Services Contract For Improvement 21-10 - Greenwood Street Reconstruction Project

### ***Documents:***

#### ***SPW- Testing Services 21-10.pdf***

## **7. Unfinished Business**

### **A. Final Reading Proposed Ordinance 1531- Replacing Sections 720 And 725 Brainerd City Code**

Hold/Dispense with the Final Reading

Public Hearing

Adopt/Deny Ordinance 1531

Pass Resolution for Summary Publication

### ***Documents:***

#### ***MA - Final Reading Ordinance 1531.pdf***

### **B. Approve Settlement Agreement With Gustafson Properties Of Brainerd, LLC**

### ***Documents:***

#### ***MA - Gustafson Settlement Agenda Request.pdf***



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

*Documents:*

*MA - PH and Res - Alley Vacation.pdf*

**D. Call For Applicants - Informational**

**(Application Information at [www.ci.brainerd.mn.us/boards/](http://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

**8. New Business**

**A. First Reading Proposed Ordinance 1532- An Ordinance Amending The Brainerd City Charter**

*Documents:*

*MA - Ordinance 1532 Agenda Request.pdf*

**B. First Reading Proposed Ordinance 1533- An Ordinance Amending The Brainerd City Charter**

*Documents:*

***MA - Ordinance 1533 Agenda Request.pdf***

**C. Set Joint Workshop Of City Council And Brainerd Public Utilities Commission**

***Documents:***

***MA - Joint Meeting.pdf***

**9. Public Forum**

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

**10. Staff Reports**

(Verbal: Any Updates since Packet)

**11. Mayor's Report**

**12. Council Member Reports**

**13. Adjourn**

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

**MISSION**

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

06/02/2022 02:20 PM

User: pziemer

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## INVOICE REGISTER REPORT FOR CITY OF BRAINERD

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EXP CHECK RUN DATES 06/06/2022 - 06/06/2022

BOTH JOURNALIZED AND UNJOURNALIZED

BOTH OPEN AND PAID

| Inv Num<br>Inv Ref# | Vendor<br>Description<br>GL Distribution                                 | Inv Date<br>Entered By                      | Due Date   | Inv Amt          | Amt Due | Status | Jrnalized<br>Post Date |
|---------------------|--------------------------------------------------------------------------|---------------------------------------------|------------|------------------|---------|--------|------------------------|
| 306084<br>71489     | ACE HARDWARE<br>DOWNTOWN - GARBAGE BAGS<br>401-1003-43430                | 05/19/2022<br>pziemer<br>MISCELLANEOUS      | 06/08/2022 | 13.49<br>13.49   | 13.49   | Open   | N<br>06/08/2022        |
| 306043<br>71494     | ACE HARDWARE<br>STAIN REMOVER<br>225-2120-42220                          | 05/18/2022<br>pziemer<br>REPAIR & MAINT     | 06/08/2022 | 5.39<br>5.39     | 5.39    | Open   | N<br>06/08/2022        |
| 306114<br>71495     | ACE HARDWARE<br>WALL ANCHORS<br>225-2120-42220                           | 05/20/2022<br>pziemer<br>REPAIR & MAINT     | 06/08/2022 | 7.19<br>7.19     | 7.19    | Open   | N<br>06/08/2022        |
| 306172<br>71524     | ACE HARDWARE<br>DOWNTOWN MAINT - BUCKET FOR FERTILIZER<br>401-1003-43430 | 05/23/2022<br>pziemer<br>MISCELLANEOUS      | 06/08/2022 | 4.49<br>4.49     | 4.49    | Open   | N<br>06/08/2022        |
| 305954<br>71532     | ACE HARDWARE<br>DOWNTOWN - LANDSCAPING SUPPLIES<br>401-1003-43430        | 05/16/2022<br>pziemer<br>MISCELLANEOUS      | 06/08/2022 | 102.55<br>102.55 | 102.55  | Open   | N<br>06/08/2022        |
| 306079<br>71535     | ACE HARDWARE<br>SCRUB BRUSH/ROUNDUP<br>225-2220-42210                    | 05/19/2022<br>pziemer<br>OPERATING SUPPLIES | 06/08/2022 | 41.38<br>41.38   | 41.38   | Open   | N<br>06/08/2022        |
| 306151<br>71541     | ACE HARDWARE<br>CLEANING SUPPLIES<br>225-2120-42220                      | 05/23/2022<br>pziemer<br>REPAIR & MAINT     | 06/08/2022 | 10.74<br>10.74   | 10.74   | Open   | N<br>06/08/2022        |
| 306266<br>71568     | ACE HARDWARE<br>TRUCKS 105 & 105 AUTOMOTIVE ADHESIVE<br>235-3100-42220   | 05/25/2022<br>pziemer<br>REPAIR & MAINT     | 06/08/2022 | 22.46<br>22.46   | 22.46   | Open   | N<br>06/08/2022        |
| K06291<br>71588     | ACE HARDWARE<br>DOWNTOWN MULCH<br>401-1003-43430                         | 05/26/2022<br>pziemer<br>MISCELLANEOUS      | 06/08/2022 | 63.84<br>63.84   | 63.84   | Open   | N<br>06/08/2022        |
| K06307<br>71642     | ACE HARDWARE<br>DOWNTOWN MULCH<br>401-1003-43430                         | 05/27/2022<br>pziemer<br>MISCELLANEOUS      | 06/08/2022 | 79.80<br>79.80   | 79.80   | Open   | N<br>06/08/2022        |

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|------------------------|-----------------------------------------------------------------------|------------------------|------------|----------------|---------|--------|-----------------------|
| 306326<br>71643        | ACE HARDWARE<br>CARIBINERS FOR WATERTOWER FLAGS<br>235-3100-42220     | 05/27/2022<br>pziemer  | 06/08/2022 | 16.14<br>16.14 | 16.14   | Open   | N<br>06/08/2022       |
| 306330<br>71646        | ACE HARDWARE<br>DOWNTOWN MULCH - 2ND PURCHASE<br>401-1003-43430       | 05/27/2022<br>pziemer  | 06/08/2022 | 79.80<br>79.80 | 79.80   | Open   | N<br>06/08/2022       |
| 305988<br>71661        | ACE HARDWARE<br>LITHIUM BATTERY - LMP<br>230-5200-42220               | 05/17/2022<br>pziemer  | 06/08/2022 | 6.29<br>6.29   | 6.29    | Open   | N<br>06/08/2022       |
| 306204<br>71662        | ACE HARDWARE<br>MILLS FIELD - LINK CHAIN<br>230-5200-42221            | 05/24/2022<br>pziemer  | 06/08/2022 | 17.96<br>17.96 | 17.96   | Open   | N<br>06/08/2022       |
| 306264<br>71663        | ACE HARDWARE<br>BY-PASS PRUNERS X3<br>230-5200-42240                  | 05/25/2022<br>pziemer  | 06/08/2022 | 80.97<br>80.97 | 80.97   | Open   | N<br>06/08/2022       |
| 306406<br>71676        | ACE HARDWARE<br>MULCH - DOWNTOWN<br>401-1003-43430                    | 05/31/2022<br>pziemer  | 06/08/2022 | 79.80<br>79.80 | 79.80   | Open   | N<br>06/08/2022       |
| 306285<br>71757        | ACE HARDWARE<br>GGP PAINT SUPPLIES<br>230-5200-42220                  | 05/26/2022<br>pziemer  | 06/08/2022 | 22.46<br>22.46 | 22.46   | Open   | N<br>06/08/2022       |
| K06316<br>71758        | ACE HARDWARE<br>CITY HALL FLOWER BED SUPPLIES<br>101-1940-42220       | 05/27/2022<br>pziemer  | 06/08/2022 | 39.57<br>39.57 | 39.57   | Open   | N<br>06/08/2022       |
| 6574213987293<br>71483 | ADVANCE AUTO PARTS<br>TRUCK 105 OIL SEAL<br>235-3100-42220            | 05/19/2022<br>pziemer  | 06/08/2022 | 30.36<br>30.36 | 30.36   | Open   | N<br>06/08/2022       |
| 6574212586808<br>71586 | ADVANCE AUTO PARTS<br>OIL FILTERS FOR 105, 105, 106<br>235-3100-42220 | 05/05/2022<br>pziemer  | 06/08/2022 | 37.76<br>37.76 | 37.76   | Open   | N<br>06/08/2022       |

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|------------------------|-------------------------------------------------------------------------------|------------------------|------------|------------------|---------|--------|-----------------------|
| 6574214587497<br>71587 | ADVANCE AUTO PARTS<br>HOSE REMOVER TOOL<br>235-3100-42240                     | 05/25/2022<br>pziemer  | 06/08/2022 | 66.49<br>66.49   | 66.49   | Open   | N<br>06/08/2022       |
|                        | SMALL TOOLS                                                                   |                        |            |                  |         |        |                       |
| 6574214787597<br>71660 | ADVANCE AUTO PARTS<br>TRUCK 106 OIL FILTER<br>235-3100-42220                  | 05/27/2022<br>pziemer  | 06/08/2022 | 24.14<br>24.14   | 24.14   | Open   | N<br>06/08/2022       |
|                        | REPAIR & MAINT                                                                |                        |            |                  |         |        |                       |
| 6574215287699<br>71791 | ADVANCE AUTO PARTS<br>OIL FILTER FOR CITY HALL COMPASS<br>101-2400-42220      | 06/01/2022<br>pziemer  | 06/08/2022 | 2.09<br>2.09     | 2.09    | Open   | N<br>06/08/2022       |
|                        | REPAIR & MAINT                                                                |                        |            |                  |         |        |                       |
| 08536968<br>71569      | AMERICAN WELDING-GAS INC<br>PLASMA CUTTER ELECTRODE AND TIP<br>235-3100-42220 | 05/25/2022<br>pziemer  | 06/08/2022 | 203.00<br>203.00 | 203.00  | Open   | N<br>06/08/2022       |
|                        | REPAIR & MAINT                                                                |                        |            |                  |         |        |                       |
| 08563394<br>71797      | AMERICAN WELDING-GAS INC<br>WELDING GAS CYLINDER RENTAL<br>235-3100-42220     | 05/31/2022<br>pziemer  | 06/08/2022 | 80.80<br>80.80   | 80.80   | Open   | N<br>06/08/2022       |
|                        | REPAIR & MAINT                                                                |                        |            |                  |         |        |                       |
| 08567829<br>71798      | AMERICAN WELDING-GAS INC<br>OXYGEN FOR CUTTING TORCH<br>235-3100-42220        | 05/01/2022<br>pziemer  | 06/08/2022 | 70.82<br>70.82   | 70.82   | Open   | N<br>06/08/2022       |
|                        | REPAIR & MAINT                                                                |                        |            |                  |         |        |                       |
| 2530007098<br>71482    | ARAMARK UNIFORM SERVICES<br>RUGS AND OVERALLS<br>235-3100-43430               | 05/19/2022<br>pziemer  | 06/08/2022 | 81.70<br>81.70   | 81.70   | Open   | N<br>06/08/2022       |
|                        | MISCELLANEOUS                                                                 |                        |            |                  |         |        |                       |
| 253000138325<br>71531  | ARAMARK UNIFORM SERVICES<br>RUGS AND OVERALLS<br>235-3100-43430               | 05/12/2022<br>pziemer  | 06/08/2022 | 113.53<br>113.53 | 113.53  | Open   | N<br>06/08/2022       |
|                        | MISCELLANEOUS                                                                 |                        |            |                  |         |        |                       |
| 25300009986<br>71641   | ARAMARK UNIFORM SERVICES<br>RUGS AND OVERALLS<br>235-3100-43430               | 05/26/2022<br>pziemer  | 06/08/2022 | 113.53<br>113.53 | 113.53  | Open   | N<br>06/08/2022       |
|                        | MISCELLANEOUS                                                                 |                        |            |                  |         |        |                       |
| 22.07400<br>71773      | ASL INTERPRETING SERVICES INC<br>INTERPRETING SERVICES<br>225-2120-43300      | 06/01/2022<br>pziemer  | 06/08/2022 | 20.00<br>20.00   | 20.00   | Open   | N<br>06/08/2022       |
|                        | PROFESSIONAL SERVICES                                                         |                        |            |                  |         |        |                       |

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| Inv Num<br>Inv Ref#  | Vendor<br>Description<br>GL Distribution                                                       | Inv Date<br>Entered By | Due Date   | Inv Amt              | Amt Due  | Status | Jrnlized<br>Post Date |
|----------------------|------------------------------------------------------------------------------------------------|------------------------|------------|----------------------|----------|--------|-----------------------|
| 61609<br>71518       | ASSOCIATION OF MN COUNTIES<br>CITY ENGINEER JOB POSTING<br>101-1700-43350                      | 05/18/2022<br>pziemer  | 06/08/2022 | 75.00<br>75.00       | 75.00    | Open   | N<br>06/08/2022       |
| P51807852<br>71590   | BATTERIES PLUS<br>REC-FLO4FT-LMP RECYCLE USED LIGHTS<br>225-2220-42210                         | 05/25/2022<br>pziemer  | 06/08/2022 | 17.80<br>17.80       | 17.80    | Open   | N<br>06/08/2022       |
| 2ND QTR 22<br>71506  | BAXTER POLICE DEPARTMENT<br>REMIT 2ND QTR TZD 2022<br>225-0000-20800                           | 05/23/2022<br>pziemer  | 06/08/2022 | 1,135.95<br>1,135.95 | 1,135.95 | Open   | N<br>06/08/2022       |
| 1342212<br>71652     | BJERGA FEED STORES<br>WEED KILLER - MISC PARKS<br>230-5200-42220                               | 05/23/2022<br>pziemer  | 06/08/2022 | 348.00<br>348.00     | 348.00   | Open   | N<br>06/08/2022       |
| 5/24/22<br>71536     | BRAINERD HISTORIC WATER TOWER PRESE<br>NOTCH 8 WATER TOWER DONATION<br>101-0000-20803          | 05/24/2022<br>pziemer  | 06/08/2022 | 294.00<br>294.00     | 294.00   | Open   | N<br>06/08/2022       |
| 5/16/22<br>71546     | BRAINERD HISTORIC WATER TOWER PRESE<br>MARK & PAULA PERSONS DONATION 5/16/22<br>101-0000-20803 | 05/16/2022<br>pziemer  | 06/08/2022 | 1,000.00<br>1,000.00 | 1,000.00 | Open   | N<br>06/08/2022       |
| 5/16/22<br>71480     | BRAINERD PUBLIC UTILITIES<br>REMIT MAY 2022 COBRA<br>101-0000-22800                            | 05/16/2022<br>pziemer  | 06/08/2022 | 1,325.91<br>1,325.91 | 1,325.91 | Open   | N<br>06/08/2022       |
| 2ND QTR 22<br>71505  | BREEZY POINT POLICE DEPARTMENT<br>REMIT 2ND QTR TZD<br>225-0000-20800                          | 05/23/2022<br>pziemer  | 06/08/2022 | 1,962.88<br>1,962.88 | 1,962.88 | Open   | N<br>06/08/2022       |
| 15441546-00<br>71766 | BROCK WHITE CO LLC<br>LANDSCAPE FABRIC-MISC PARKS 15 X 360<br>230-5200-42220                   | 05/16/2022<br>pziemer  | 06/08/2022 | 428.48<br>428.48     | 428.48   | Open   | N<br>06/08/2022       |
| 917211567<br>71765   | BSN SPORTS, LLC<br>BATTING CAGE NET AND VINYL BACKDROP-<br>230-5200-42221                      | 05/24/2022<br>pziemer  | 06/08/2022 | 1,679.98<br>1,679.98 | 1,679.98 | Open   | N<br>06/08/2022       |

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|-------------------------------|--------------------------------------------------------------------------------------------------------|------------------------|------------|-----------|-----------|--------|-----------------------|
| 28470393<br>71582             | CANON FINANCIAL SERVICE<br>MAY 2022 CONTRACT CHARGE<br>211-5505-43430                                  | 05/01/2022<br>pziemer  | 06/08/2022 | 77.97     | 77.97     | Open   | N<br>06/08/2022       |
|                               | MISC - COPY MACHINE PYMTS                                                                              |                        |            | 77.97     |           |        |                       |
| 28468882<br>71583             | CANON FINANCIAL SERVICE<br>APRIL 22 CONTRACT CHARGE<br>211-5505-43430                                  | 05/01/2022<br>pziemer  | 06/08/2022 | 77.97     | 77.97     | Open   | N<br>06/08/2022       |
|                               | MISC - COPY MACHINE PYMTS                                                                              |                        |            | 77.97     |           |        |                       |
| 8000092166-0/5-22/CD<br>71767 | CENTERPOINT ENERGY<br>4/15/22 - 5/13/22 CITY HALL/ANNEX UTlpziemer<br>101-1940-43380<br>101-1940-43380 | 05/23/2022<br>pziemer  | 06/08/2022 | 661.90    | 661.90    | Open   | N<br>06/08/2022       |
|                               | UTILITIES                                                                                              |                        |            | 390.66    |           |        |                       |
|                               | UTILITIES                                                                                              |                        |            | 271.24    |           |        |                       |
| 8000092166-0/5-22/ST<br>71768 | CENTERPOINT ENERGY<br>4/15/22 - 5/13/22 STREETS UTILITIES pziemer<br>235-3100-43380                    | 05/23/2022<br>pziemer  | 06/08/2022 | 1,014.32  | 1,014.32  | Open   | N<br>06/08/2022       |
|                               | UTILITIES                                                                                              |                        |            | 1,014.32  |           |        |                       |
| 8000092166-0/5-22/FD<br>71769 | CENTERPOINT ENERGY<br>4/15/22 - 5/13/22 FIRE DEPT UTILITIESpziemer<br>225-2220-43380<br>225-2220-43380 | 05/23/2022<br>pziemer  | 06/08/2022 | 409.75    | 409.75    | Open   | N<br>06/08/2022       |
|                               | UTILITIES                                                                                              |                        |            | 229.20    |           |        |                       |
|                               | UTILITIES                                                                                              |                        |            | 180.55    |           |        |                       |
| 8000092166-0/5-22/PD<br>71770 | CENTERPOINT ENERGY<br>4/15/22 - 5/13/22 POLICE UTILITIES pziemer<br>225-2120-43380                     | 05/23/2022<br>pziemer  | 06/08/2022 | 79.92     | 79.92     | Open   | N<br>06/08/2022       |
|                               | UTILITIES                                                                                              |                        |            | 79.92     |           |        |                       |
| 8000092166-0/5-22/LB<br>71771 | CENTERPOINT ENERGY<br>4/15/22 - 5/13/22 LIBRARY UTILITIES pziemer<br>211-5500-43380                    | 05/23/2022<br>pziemer  | 06/08/2022 | 802.01    | 802.01    | Open   | N<br>06/08/2022       |
|                               | UTILITIES                                                                                              |                        |            | 802.01    |           |        |                       |
| 8000092166-0/5-22/PK<br>71772 | CENTERPOINT ENERGY<br>4/15/22 - 5/13/22 PARKS UTILITIES pziemer<br>230-5200-43380                      | 05/23/2022<br>pziemer  | 06/08/2022 | 159.54    | 159.54    | Open   | N<br>06/08/2022       |
|                               | UTILITIES                                                                                              |                        |            | 159.54    |           |        |                       |
| 54454<br>71513                | CITIES DIGITAL<br>LASERFICHE EVAL LICENSE<br>101-0000-14100                                            | 05/11/2022<br>pziemer  | 06/08/2022 | 150.00    | 150.00    | Open   | N<br>06/08/2022       |
|                               | DUE FROM COMPONENT UNIT                                                                                |                        |            | 150.00    |           |        |                       |
| 3297051<br>71800              | CLIFTONLARSONALLEN LLP<br>PROGRESS BILLING #2 FOR 2021 AUDIT pziemer<br>101-9200-43300                 | 05/27/2022<br>pziemer  | 06/08/2022 | 22,575.00 | 22,575.00 | Open   | N<br>06/08/2022       |
|                               | PROFESSIONAL SERVICES                                                                                  |                        |            | 22,575.00 |           |        |                       |

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|------------------------|--------------------------------------------------------------------------------|------------------------|------------|--------------------------|------------|--------|-----------------------|
| 5/26/22<br>71787       | COMMUNITY ACTION<br>ARTS IN THE PARK - BOOTH FEE PARKS DE<br>230-5200-42210    | 05/26/2022<br>pziemer  | 06/08/2022 | 100.00<br>100.00         | 100.00     | Open   | N<br>06/08/2022       |
| TRX 123 - PKS<br>71514 | CUB FOODS - BRAINERD<br>CAMPGROUND SUPPLIES - BAGS<br>230-5280-42210           | 05/18/2022<br>pziemer  | 06/08/2022 | 3.99<br>3.99             | 3.99       | Open   | N<br>06/08/2022       |
| TRX 277 - FD<br>71675  | CUB FOODS - BRAINERD<br>PATIO PLANTERS<br>225-2220-42210                       | 05/26/2022<br>pziemer  | 06/08/2022 | 59.98<br>59.98           | 59.98      | Open   | N<br>06/08/2022       |
| 0021415-IN<br>71525    | CUSTOM FIRE APPARATUS INC<br>ENGINE CHASSIS PROGRESS PAYMENT<br>404-9055-45550 | 05/11/2022<br>pziemer  | 06/08/2022 | 200,000.00<br>200,000.00 | 200,000.00 | Open   | N<br>06/08/2022       |
| 22-6206<br>71509       | CWC RECORDER<br>RECORD EASEMENT 19-02 - DALTON, PENN<br>401-1902-43350         | 05/13/2022<br>pziemer  | 06/08/2022 | 46.00<br>46.00           | 46.00      | Open   | N<br>06/08/2022       |
| 22-6470<br>71519       | CWC RECORDER<br>EASMENT IMP 19-02 - LAKE<br>401-1902-43350                     | 05/19/2022<br>pziemer  | 06/08/2022 | 46.00<br>46.00           | 46.00      | Open   | N<br>06/08/2022       |
| 22-659<br>71549        | CWC RECORDER<br>INTERIM USE - WARMING SHELTER<br>101-2400-43350                | 05/01/2022<br>pziemer  | 06/08/2022 | 46.00<br>46.00           | 46.00      | Open   | N<br>06/08/2022       |
| 21-16785<br>71550      | CWC RECORDER<br>COND. USE - D. TAYLOR MECHANIC<br>101-2400-43350               | 05/01/2022<br>pziemer  | 06/08/2022 | 46.00<br>46.00           | 46.00      | Open   | N<br>06/08/2022       |
| 21-15050<br>71551      | CWC RECORDER<br>COND USE - MONTESSORI<br>101-2400-43350                        | 05/01/2022<br>pziemer  | 06/08/2022 | 46.00<br>46.00           | 46.00      | Open   | N<br>06/08/2022       |
| 21-13329<br>71552      | CWC RECORDER<br>VACATE STREET - BRD HS<br>101-2400-43350                       | 05/01/2022<br>pziemer  | 06/08/2022 | 46.00<br>46.00           | 46.00      | Open   | N<br>06/08/2022       |



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|---------------------|-------------------------------------------------------------------------------|-----------------------------------------------------|------------|------------------|---------|--------|-----------------------|
| 22-187-P<br>71553   | CWC RECORDER<br>COND USE - TCC STUDENTS<br>101-2400-43350                     | 05/01/2022<br>pziemer<br>PRINTING/LEGAL PUBLICATION | 06/08/2022 | 46.00<br>46.00   | 46.00   | Open   | N<br>06/08/2022       |
| 2ND QTR 22<br>71507 | CWC SHERIFF<br>REMIT 2ND QTR 22 TZD<br>225-0000-20800                         | 05/23/2022<br>pziemer<br>DUE TO OTHER GOVT UNITS    | 06/08/2022 | 417.21<br>417.21 | 417.21  | Open   | N<br>06/08/2022       |
| 1579847<br>71579    | DAHLHEIMER BEVERAGE<br>CLEANING SUPPLIES, TP, TOWELS<br>211-5500-42220        | 05/09/2022<br>pziemer<br>REPAIR & MAINT             | 06/08/2022 | 152.45<br>152.45 | 152.45  | Open   | N<br>06/08/2022       |
| 1585894<br>71653    | DAHLHEIMER BEVERAGE<br>BOWL CLEANER,PINE SOL,URINAL SCREENS<br>230-5200-42210 | 05/19/2022<br>pziemer<br>OPERATING SUPPLIES         | 06/08/2022 | 157.20<br>157.20 | 157.20  | Open   | N<br>06/08/2022       |
| 1587886<br>71654    | DAHLHEIMER BEVERAGE<br>PINE SOL<br>230-5200-42210                             | 05/20/2022<br>pziemer<br>OPERATING SUPPLIES         | 06/08/2022 | 40.15<br>40.15   | 40.15   | Open   | N<br>06/08/2022       |
| AR55403<br>71493    | DAKOTA MAILING<br>RED INK - POSTAGE MACHINE<br>101-1940-42200                 | 05/16/2022<br>pziemer<br>OFFICE SUPPLIES            | 06/08/2022 | 151.46<br>151.46 | 151.46  | Open   | N<br>06/08/2022       |
| R99045<br>71511     | EAST SIDE OIL COMPANY<br>OIL FILTERS<br>227-3230-43428                        | 05/11/2022<br>pziemer<br>USED OIL RECYCLING EXPENSE | 06/08/2022 | 50.00<br>50.00   | 50.00   | Open   | N<br>06/08/2022       |
| R99287<br>71674     | EAST SIDE OIL COMPANY<br>OIL/FILTERS<br>227-3230-43428                        | 05/25/2022<br>pziemer<br>USED OIL RECYCLING EXPENSE | 06/08/2022 | 50.00<br>50.00   | 50.00   | Open   | N<br>06/08/2022       |
| ESO-80449<br>71526  | ESO SOLUTIONS, INC.<br>IFC 2015 CODES - INSPECTIONS<br>225-2220-43309         | 05/19/2022<br>pziemer<br>COMPUTER TECHNICAL SUPPORT | 06/08/2022 | 495.00<br>495.00 | 495.00  | Open   | N<br>06/08/2022       |
| 5580<br>71591       | F.I.R.E. CROSSLAKE<br>FORCIBLE ENTRY SIMULATOR<br>225-2220-43330              | 05/23/2022<br>pziemer<br>PROFESSIONAL DEVELOPMENT   | 06/08/2022 | 650.00<br>650.00 | 650.00  | Open   | N<br>06/08/2022       |

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|---------------------------|--------------------------------------------------------------------------------------------------|------------------------|------------|------------------------------|----------|--------|-----------------------|
| MNBAX254170<br>71481      | FASTENAL COMPANY<br>VAC TRUCK WASHOUT HOSE REWIND LATCH<br>237-3190-42220                        | 05/18/2022<br>pziemer  | 06/08/2022 | 48.61<br>48.61               | 48.61    | Open   | N<br>06/08/2022       |
| MNBAX254249<br>71647      | FASTENAL COMPANY<br>SPRINGHOOKS,CABLE TIES-MILLS FIELD<br>230-5200-42221                         | 05/20/2022<br>pziemer  | 06/08/2022 | 97.08<br>97.08               | 97.08    | Open   | N<br>06/08/2022       |
| 84229<br>71667            | FIRST IMPRESSION PRINTING<br>OT/COMP SLIPS<br>225-2120-42200                                     | 05/18/2022<br>pziemer  | 06/08/2022 | 88.30<br>88.30               | 88.30    | Open   | N<br>06/08/2022       |
| 99216373<br>71570         | FLEETPRIDE<br>TRUCK 106 BACKUP ALARM - LESS SALES TAX<br>235-3100-42220                          | 05/26/2022<br>pziemer  | 06/08/2022 | 66.22<br>66.22               | 66.22    | Open   | N<br>06/08/2022       |
| 99228891<br>71589         | FLEETPRIDE<br>TRUCK 106 AUXILIARY LAMP - LESS SALES TAX<br>235-3100-42220                        | 05/26/2022<br>pziemer  | 06/08/2022 | 6.47<br>6.47                 | 6.47     | Open   | N<br>06/08/2022       |
| 99328436<br>71792         | FLEETPRIDE<br>LEAF SPRING BOLT - LESS SALES TAX<br>235-3100-42220                                | 06/01/2022<br>pziemer  | 06/08/2022 | 7.79<br>7.79                 | 7.79     | Open   | N<br>06/08/2022       |
| 99339196<br>71793         | FLEETPRIDE<br>LEAF SPRING BOLT - LESS SALES TAX<br>235-3100-42220                                | 06/01/2022<br>pziemer  | 06/08/2022 | 7.79<br>7.79                 | 7.79     | Open   | N<br>06/08/2022       |
| 99366227<br>71799         | FLEETPRIDE<br>TRUCK 109 BRAKE LINE FITTINGS - LESS SALES TAX<br>235-3100-42220                   | 06/02/2022<br>pziemer  | 06/08/2022 | 11.79<br>11.79               | 11.79    | Open   | N<br>06/08/2022       |
| MP3161230422<br>71512     | FORUM COMMUNICATIONS COMPANY<br>APR 22 FEATURED EMPLOYER ADS<br>101-1700-43350<br>101-2400-43350 | 05/01/2022<br>pziemer  | 06/08/2022 | 1,125.00<br>562.50<br>562.50 | 1,125.00 | Open   | N<br>06/08/2022       |
| MP3161230322/PKS<br>71563 | FORUM COMMUNICATIONS COMPANY<br>CAMPGROUND HOST - PARKS AND REC<br>230-5280-42210                | 05/01/2022<br>pziemer  | 06/08/2022 | 141.80<br>141.80             | 141.80   | Open   | N<br>06/08/2022       |

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|---------------------|----------------------------------------------|---------------------------|------------|-----------|-----------|--------|-----------------------|
| 56301-1 -1ST HALF   |                                              |                           |            |           |           |        |                       |
| 71571               | FORUM COMMUNICATIONS COMPANY                 | 05/24/2022                | 06/08/2022 | 217.18    | 217.18    | Open   | N                     |
|                     | RFB - 22 CUYUNA LAKES TRAIL WES SEGMEpziemer |                           |            |           |           |        | 06/08/2022            |
|                     | 401-1902-43350                               | LEGAL PUBLICATIONS        |            | 217.18    |           |        |                       |
| 253572              |                                              |                           |            |           |           |        |                       |
| 71487               | FRONTIER PRECISION INC                       | 05/19/2022                | 06/08/2022 | 172.43    | 172.43    | Open   | N                     |
|                     | REPAIR CRADLE ASSMBLY FOR TRIMBLE            | pziemer                   |            |           |           |        | 06/08/2022            |
|                     | 101-1700-42220                               | REPAIR & MAINT            |            | 172.43    |           |        |                       |
| 250581              |                                              |                           |            |           |           |        |                       |
| 71778               | FRONTIER PRECISION INC                       | 05/01/2022                | 06/08/2022 | 28,453.76 | 28,453.76 | Open   | N                     |
|                     | TRIMBLE - 6208F00965                         | pziemer                   |            |           |           |        | 06/08/2022            |
|                     | 400-9050-45530                               | CAPITAL - OTHER           |            | 28,453.76 |           |        |                       |
| 06615897-00         |                                              |                           |            |           |           |        |                       |
| 71801               | GOODIN COMPANY                               | 05/27/2022                | 06/08/2022 | 8.69      | 8.69      | Open   | N                     |
|                     | 1-1/2 CLOSET SPUD                            | pziemer                   |            |           |           |        | 06/08/2022            |
| 35017               |                                              |                           |            |           |           |        |                       |
| 71592               | GRAND FORKS FIRE EQUIPMENT LLC               | 05/23/2022                | 06/08/2022 | 141.75    | 141.75    | Open   | N                     |
|                     | SUPERVAC SV375-16 CARBIDE CHAIN              | pziemer                   |            |           |           |        | 06/08/2022            |
|                     | 225-2220-42220                               | REPAIR & MAINT            |            | 141.75    |           |        |                       |
| 150011487-2         |                                              |                           |            |           |           |        |                       |
| 71762               | GRANITE ELECTRONICS                          | 05/20/2022                | 06/08/2022 | 405.22    | 405.22    | Open   | N                     |
|                     | RADIO INSTALL                                | pziemer                   |            |           |           |        | 06/08/2022            |
|                     | 203-9000-42210                               | OPERATING SUPPLIES        |            | 405.22    |           |        |                       |
| 3032403             |                                              |                           |            |           |           |        |                       |
| 71774               | HEARTLAND TIRE INC.                          | 05/24/2022                | 06/08/2022 | 356.00    | 356.00    | Open   | N                     |
|                     | SQD 431 TIRES                                | pziemer                   |            |           |           |        | 06/08/2022            |
|                     | 225-2120-42221                               | SQUAD CAR REPAIR SUPPLIES |            | 356.00    |           |        |                       |
| 15019085            |                                              |                           |            |           |           |        |                       |
| 71537               | HEARTLAND TIRE SERVICE INC                   | 05/23/2022                | 06/08/2022 | 37.40     | 37.40     | Open   | N                     |
|                     | PATCH TRAILER TIRE REPAIR                    | pziemer                   |            |           |           |        | 06/08/2022            |
|                     | 235-3100-42220                               | REPAIR & MAINT            |            | 37.40     |           |        |                       |
| 66942               |                                              |                           |            |           |           |        |                       |
| 71522               | HOLDEN ELECTRIC                              | 05/19/2022                | 06/08/2022 | 351.83    | 351.83    | Open   | N                     |
|                     | SEWER LIFT PUMP CONTROLLER-MEMORIAL Ipziemer |                           |            |           |           |        | 06/08/2022            |
|                     | 230-5200-42220                               | REPAIR & MAINT            |            | 351.83    |           |        |                       |
| 12056               |                                              |                           |            |           |           |        |                       |
| 71539               | HOTSY MINNESOTA                              | 05/01/2022                | 06/08/2022 | 343.20    | 343.20    | Open   | N                     |
|                     | WASHBAY SOAP REFILL                          | pziemer                   |            |           |           |        | 06/08/2022            |
|                     | 235-3100-42220                               | REPAIR & MAINT            |            | 343.20    |           |        |                       |

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| 12740<br>71540       | HOTSY MINNESOTA<br>WASHBAY SOAP AND PIVOT COUPLER<br>235-3100-42220                       | 05/01/2022<br>pziemer  | 06/08/2022 | 431.40<br>431.40     | 431.40   | Open   | N<br>06/08/2022       |
| IN3791298<br>71527   | INNOVATIVE OFFICE SOLUTIONS LLC<br>SHARPIE MARKERS<br>225-2220-42200                      | 05/13/2022<br>pziemer  | 06/08/2022 | 4.52<br>4.52         | 4.52     | Open   | N<br>06/08/2022       |
| SCN-113850<br>71528  | INNOVATIVE OFFICE SOLUTIONS LLC<br>CREDIT -SNAP-IN PROTECTOR<br>225-2220-42200            | 05/16/2022<br>pziemer  | 06/08/2022 | (13.68)<br>(13.68)   | (13.68)  | Open   | N<br>06/08/2022       |
| 703485<br>71496      | INTOXIMETERS INC<br>PBTS X 3<br>225-2120-41113                                            | 05/01/2022<br>pziemer  | 06/08/2022 | 1,275.00<br>1,275.00 | 1,275.00 | Open   | N<br>06/08/2022       |
| #CE220601AR<br>71677 | ISD #181 BRAINERD PUBLIC SCHOOLS<br>2ND QTR 2022 RECREATION PROGRAMMING<br>230-5200-43300 | 05/31/2022<br>pziemer  | 06/08/2022 | 3,250.00<br>3,250.00 | 3,250.00 | Open   | N<br>06/08/2022       |
| 167950<br>71763      | KENNEDY & GRAVEN<br>SALE OF INDUSTRIAL PARK LOTS<br>295-0000-20600                        | 05/26/2022<br>pziemer  | 06/08/2022 | 519.50<br>519.50     | 519.50   | Open   | N<br>06/08/2022       |
| 5/12/22<br>71584     | KITCHIGAMI REGIONAL LIBRARY - CC<br>4/16-5/12 LIBRARY CC CHARGES REMIT<br>211-0000-20800  | 05/12/2022<br>pziemer  | 06/08/2022 | 380.00<br>380.00     | 380.00   | Open   | N<br>06/08/2022       |
| 035893<br>71517      | L & M STEEL<br>TRUCK 103 & 105 TOOL BOX REIMFORCEMENT<br>235-3100-42220                   | 05/20/2022<br>pziemer  | 06/08/2022 | 85.76<br>85.76       | 85.76    | Open   | N<br>06/08/2022       |
| 035767<br>71671      | L & M STEEL<br>STRAIGHTEN LARGE PIN<br>235-3100-42220                                     | 05/04/2022<br>pziemer  | 06/08/2022 | 40.00<br>40.00       | 40.00    | Open   | N<br>06/08/2022       |
| 897<br>71521         | LAKES AREA HUMAN RESOURCE ASSN<br>2022 MEMBERSHIP DUES - BOSER - PRO-R<br>101-1400-43433  | 05/01/2022<br>pziemer  | 06/08/2022 | 116.25<br>116.25     | 116.25   | Open   | N<br>06/08/2022       |

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|-------------------------------|---------------------------------------------------------------------------------|------------------------------------------------|------------|--------------------------|------------|--------|-----------------------|
| 20220510 #520<br>71557        | LAKES AREA MAT SERVICE INC<br>POLICE DEPT FLOOR MATS<br>225-2120-43300          | 05/10/2022<br>pziemer<br>PROFESSIONAL SERVICES | 06/08/2022 | 42.92<br><br>42.92       | 42.92      | Open   | N<br>06/08/2022       |
| 20220524 #520<br>71558        | LAKES AREA MAT SERVICE INC<br>POLICE DEPT FLOOR MATS<br>225-2120-43300          | 05/24/2022<br>pziemer<br>PROFESSIONAL SERVICES | 06/08/2022 | 42.92<br><br>42.92       | 42.92      | Open   | N<br>06/08/2022       |
| 20220510 #522<br>71559        | LAKES AREA MAT SERVICE INC<br>CITY HALL FLOOR MATS<br>101-1940-43410            | 05/22/2022<br>pziemer<br>RENTAL EXPENSE        | 06/08/2022 | 44.08<br><br>44.08       | 44.08      | Open   | N<br>06/08/2022       |
| 20220524 #522<br>71560        | LAKES AREA MAT SERVICE INC<br>CITY HALL FLOOR MATS<br>101-1940-43410            | 05/22/2022<br>pziemer<br>RENTAL EXPENSE        | 06/08/2022 | 44.08<br><br>44.08       | 44.08      | Open   | N<br>06/08/2022       |
| MAY 2022<br>71564             | LAKES AREA WILDLIFE CONTROL<br>MAY 22 ANIMAL CONTROL CONTRACT<br>225-2700-43300 | 05/25/2022<br>pziemer<br>PROFESSIONAL SERVICES | 06/08/2022 | 2,987.00<br><br>2,987.00 | 2,987.00   | Open   | N<br>06/08/2022       |
| 40001339/1ST & 2ND Q<br>71761 | LEAGUE MN CITIES INS TRUS<br>PROPERTY/LIABILITY INSURANCE 1ST & 2ND             | 05/23/2022<br>pziemer                          | 06/08/2022 | 103,223.50               | 103,223.50 | Open   | N<br>06/08/2022       |
|                               | 101-1400-43361                                                                  | INS - GENERAL LIABILITY                        |            | 719.00                   |            |        |                       |
|                               | 101-1700-43361                                                                  | INS - GENERAL LIABILITY                        |            | 394.50                   |            |        |                       |
|                               | 101-1700-43363                                                                  | INS - AUTO                                     |            | 319.00                   |            |        |                       |
|                               | 101-1800-43361                                                                  | INS - GENERAL LIABILITY                        |            | 280.50                   |            |        |                       |
|                               | 101-1940-43361                                                                  | INS - GENERAL LIABILITY                        |            | 24.50                    |            |        |                       |
|                               | 101-2400-43361                                                                  | INS - GENERAL LIABILITY                        |            | 577.50                   |            |        |                       |
|                               | 101-2400-43363                                                                  | INS - AUTO                                     |            | 567.00                   |            |        |                       |
|                               | 101-9200-43361                                                                  | INS - GENERAL LIABILITY                        |            | 7,136.00                 |            |        |                       |
|                               | 101-9200-43362                                                                  | INS - PROPERTY                                 |            | 11,269.50                |            |        |                       |
|                               | 101-9200-43363                                                                  | INS - AUTO                                     |            | 272.50                   |            |        |                       |
|                               | 101-9200-43365                                                                  | INS - OTHER                                    |            | 719.00                   |            |        |                       |
|                               | 203-9000-43361                                                                  | INS - GENERAL LIABILITY                        |            | 836.50                   |            |        |                       |
|                               | 203-9000-43363                                                                  | INS - AUTO                                     |            | 4.50                     |            |        |                       |
|                               | 203-9000-43365                                                                  | INS - OTHER                                    |            | 140.00                   |            |        |                       |
|                               | 225-2120-43361                                                                  | INS - GENERAL LIABILITY                        |            | 26,403.00                |            |        |                       |
|                               | 225-2120-43362                                                                  | INS - PROPERTY                                 |            | 1,881.50                 |            |        |                       |
|                               | 225-2120-43363                                                                  | INS - AUTO                                     |            | 13,836.00                |            |        |                       |
|                               | 225-2120-43365                                                                  | INS - OTHER                                    |            | 660.50                   |            |        |                       |
|                               | 225-2220-43361                                                                  | INS - GENERAL LIABILITY                        |            | 827.50                   |            |        |                       |
|                               | 225-2220-43362                                                                  | INS - PROPERTY                                 |            | 2,110.50                 |            |        |                       |
|                               | 225-2220-43363                                                                  | INS - AUTO                                     |            | 2,789.00                 |            |        |                       |
|                               | 225-2220-43365                                                                  | INS - OTHER                                    |            | 702.50                   |            |        |                       |

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|                     | GL Distribution                     |                          |            |          |          |        |                       |
|                     | 235-3100-43361                      | INS - GENERAL LIABILITY  |            | 4,438.50 |          |        |                       |
|                     | 235-3100-43362                      | INS - PROPERTY           |            | 1,269.00 |          |        |                       |
|                     | 235-3100-43363                      | INS - AUTO               |            | 2,039.00 |          |        |                       |
|                     | 235-3100-43365                      | INS - OTHER              |            | 1,614.50 |          |        |                       |
|                     | 230-5200-43361                      | INS - GENERAL LIABILITY  |            | 1,247.00 |          |        |                       |
|                     | 230-5200-43362                      | INS - PROPERTY           |            | 9,139.50 |          |        |                       |
|                     | 230-5200-43363                      | INS - AUTO               |            | 1,150.00 |          |        |                       |
|                     | 230-5200-43365                      | INS - OTHER              |            | 557.50   |          |        |                       |
|                     | 211-5500-43361                      | INS - GENERAL LIABILITY  |            | 314.50   |          |        |                       |
|                     | 211-5500-43362                      | INS - PROPERTY           |            | 4,273.50 |          |        |                       |
|                     | 211-5500-43365                      | INS - OTHER              |            | 404.50   |          |        |                       |
|                     | 237-3190-43361                      | INS - GENERAL LIABILITY  |            | 1,268.00 |          |        |                       |
|                     | 237-3190-43362                      | INS - PROPERTY           |            | 362.50   |          |        |                       |
|                     | 237-3190-43363                      | INS - AUTO               |            | 582.50   |          |        |                       |
|                     | 237-3190-43365                      | INS - OTHER              |            | 461.50   |          |        |                       |
|                     | 238-3160-43361                      | INS - GENERAL LIABILITY  |            | 634.00   |          |        |                       |
|                     | 238-3160-43362                      | INS - PROPERTY           |            | 181.50   |          |        |                       |
|                     | 238-3160-43363                      | INS - AUTO               |            | 291.50   |          |        |                       |
|                     | 238-3160-43365                      | INS - OTHER              |            | 230.50   |          |        |                       |
|                     | 295-6510-43361                      | INS - GENERAL LIABILITY  |            | 43.50    |          |        |                       |
|                     | 260-9020-43361                      | INS - GENERAL LIABILITY  |            | 250.00   |          |        |                       |
| 0005                |                                     |                          |            |          |          |        |                       |
| 71802               | LEGIONVILLE SCHOOL SAFETY PATROL CA | 06/01/2022               | 06/08/2022 | 4,000.00 | 4,000.00 | Open   | N                     |
|                     | 2022 - SCHOOL SAFETY PATROL CAMP    | pziemer                  |            |          |          |        | 06/08/2022            |
|                     | 226-2160-43430                      | MISCELLANEOUS            |            | 4,000.00 |          |        |                       |
| 0300071-IN          |                                     |                          |            |          |          |        |                       |
| 71644               | LOCATORS - SUPPLIES INC             | 05/20/2022               | 06/08/2022 | 429.22   | 429.22   | Open   | N                     |
|                     | SAFETY VESTS                        | pziemer                  |            |          |          |        | 06/08/2022            |
|                     | 235-3170-42210                      | OPERATING SUPPLIES       |            | 429.22   |          |        |                       |
| 376240              |                                     |                          |            |          |          |        |                       |
| 71655               | M&M EXPRESS SALES & SERVICE         | 05/20/2022               | 06/08/2022 | 30.79    | 30.79    | Open   | N                     |
|                     | SPEED FEED                          | pziemer                  |            |          |          |        | 06/08/2022            |
|                     | 230-5200-42220                      | REPAIR & MAINT           |            | 30.79    |          |        |                       |
| P42474              |                                     |                          |            |          |          |        |                       |
| 71488               | MACQUEEN EQUIPMENT INC              | 05/19/2022               | 06/08/2022 | 344.73   | 344.73   | Open   | N                     |
|                     | ROOT CUTTER HEAD RE-BUILD KIT       | pziemer                  |            |          |          |        | 06/08/2022            |
|                     | 237-3190-42220                      | REPAIR & MAINT           |            | 344.73   |          |        |                       |
| 5/23/22             |                                     |                          |            |          |          |        |                       |
| 71566               | MADD MINNESOTA                      | 05/23/2022               | 06/08/2022 | 400.00   | 400.00   | Open   | N                     |
|                     | DEATH NOTIFICATION TRAINING         | pziemer                  |            |          |          |        | 06/08/2022            |
|                     | 225-2120-43330                      | PROFESSIONAL DEVELOPMENT |            | 400.00   |          |        |                       |
| INV9966079          |                                     |                          |            |          |          |        |                       |
| 71490               | MARCO                               | 05/17/2022               | 06/08/2022 | 160.00   | 160.00   | Open   | N                     |
|                     | PHONES - LICENSING ERROR            | pziemer                  |            |          |          |        | 06/08/2022            |
|                     | 101-1800-43309                      | COMPUTER SUPPORT         |            | 160.00   |          |        |                       |

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|---------------------|--------------------------------------------------------------------------------|------------------------|------------|----------------------|----------|--------|------------------------|
| INV9952240<br>71510 | MARCO<br>CISCO WEBEX - NU CLOUD MEETINGS<br>101-1800-43309                     | 05/12/2022<br>pziemer  | 06/08/2022 | 3,038.00<br>3,038.00 | 3,038.00 | Open   | N<br>06/08/2022        |
| INV9971134<br>71523 | MARCO<br>MICROSOFT365 4/16/22-5/15/22<br>101-1800-43309                        | 05/18/2022<br>pziemer  | 06/08/2022 | 2,312.00<br>2,312.00 | 2,312.00 | Open   | N<br>06/08/2022        |
| 75641<br>71794      | MENARDS<br>RATCHET STRAPS AND CUTTING WHEELS<br>235-3100-42220                 | 06/01/2022<br>pziemer  | 06/08/2022 | 59.34<br>59.34       | 59.34    | Open   | N<br>06/08/2022        |
| 74468<br>71648      | MENARDS - BAXTER<br>PLUMBING-BALL VALVE,NIPPLES,ADAPTER,<br>230-5200-42220     | 05/12/2022<br>pziemer  | 06/08/2022 | 46.91<br>46.91       | 46.91    | Open   | N<br>06/08/2022        |
| 74320<br>71649      | MENARDS - BAXTER<br>MOUNTING TAPE,POLYCARBONATE SHEET-JC<br>230-5200-42220     | 05/10/2022<br>pziemer  | 06/08/2022 | 67.94<br>67.94       | 67.94    | Open   | N<br>06/08/2022        |
| 7317<br>71664       | MINNESOTA SOFTBALL<br>ADULT UMPIRE REGISTRATION - WAYTASHE<br>230-5215-42210   | 05/24/2022<br>pziemer  | 06/08/2022 | 70.00<br>70.00       | 70.00    | Open   | N<br>06/08/2022        |
| 2022127<br>71665    | MINNESOTA/WISCONSIN PLAYGROUND<br>TWO MEMORIAL BENCHES<br>230-5200-42220       | 05/20/2022<br>pziemer  | 06/08/2022 | 1,960.44<br>1,960.44 | 1,960.44 | Open   | N<br>06/08/2022        |
| 2205063<br>71562    | MN CCC LOCKBOX<br>LEGAL DESCRIPTION TRAINING<br>101-1800-43330                 | 05/24/2022<br>pziemer  | 06/08/2022 | 180.00<br>180.00     | 180.00   | Open   | N<br>06/08/2022        |
| P00015293<br>71520  | MN DEPT TRANSPORTATION<br>COLLEGE/QUINCE EVP HEAD INSPECTION<br>235-3170-42220 | 05/19/2022<br>pziemer  | 06/08/2022 | 34.39<br>34.39       | 34.39    | Open   | N<br>06/08/2022        |
| 1411000248<br>71542 | MOTOROLA<br>EVIDENCE LIBRARY STORAGE<br>224-2150-42210                         | 05/20/2022<br>pziemer  | 06/08/2022 | 1,011.59<br>1,011.59 | 1,011.59 | Open   | N<br>06/08/2022        |

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|---------------------|------------------------------------------------------------------------------------|------------------------|------------|------------------------|-----------|--------|-----------------------|
| 29145<br>71497      | MOTORS-N-MORE<br>SQD 402 OIL CHANGE & BRAKES SERVICE<br>225-2120-42221             | 05/16/2022<br>pziemer  | 06/08/2022 | 74.45<br>74.45         | 74.45     | Open   | N<br>06/08/2022       |
| 29146<br>71498      | MOTORS-N-MORE<br>SQD 428 - AC SERVICE<br>225-2120-42221                            | 05/16/2022<br>pziemer  | 06/08/2022 | 246.42<br>246.42       | 246.42    | Open   | N<br>06/08/2022       |
| 29152<br>71499      | MOTORS-N-MORE<br>SQD 431 BRAKES<br>225-2120-42221                                  | 05/17/2022<br>pziemer  | 06/08/2022 | 1,190.51<br>1,190.51   | 1,190.51  | Open   | N<br>06/08/2022       |
| 29149<br>71534      | MOTORS-N-MORE<br>SQD 444 - OIL CHANGE<br>225-2120-42221                            | 05/16/2022<br>pziemer  | 06/08/2022 | 23.00<br>23.00         | 23.00     | Open   | N<br>06/08/2022       |
| 29183<br>71775      | MOTORS-N-MORE<br>SQD 434 - OIL CHANGE<br>225-2120-42221                            | 06/01/2022<br>pziemer  | 06/08/2022 | 23.00<br>23.00         | 23.00     | Open   | N<br>06/08/2022       |
| 29184<br>71776      | MOTORS-N-MORE<br>SQD 430 - OIL CHANGE<br>225-2120-42221                            | 06/01/2022<br>pziemer  | 06/08/2022 | 23.00<br>23.00         | 23.00     | Open   | N<br>06/08/2022       |
| 364968<br>71567     | MUSCO SPORTS LIGHTING<br>MEMORIAL PARK HOCKEY LIGHTING<br>400-9050-45530           | 05/23/2022<br>pziemer  | 06/08/2022 | 17,110.00<br>17,110.00 | 17,110.00 | Open   | N<br>06/08/2022       |
| 506469<br>71529     | NAPA AUTO PARTS<br>FLOOR DRY<br>225-2220-42210                                     | 05/12/2022<br>pziemer  | 06/08/2022 | 152.98<br>152.98       | 152.98    | Open   | N<br>06/08/2022       |
| 8301<br>71650       | NORTH CENTRAL BUS SALES<br>22 FORD ELKHART VIN 1FD4E4FN7NDC34282<br>203-9000-45550 | 05/01/2022<br>pziemer  | 06/08/2022 | 90,755.00<br>90,755.00 | 90,755.00 | Open   | N<br>06/08/2022       |
| 3251843P<br>71533   | NUSS TRUCK & EQUIPMENT<br>TRUCK 103 TRANSMISSION COOLANT LINE<br>235-3100-42220    | 05/20/2022<br>pziemer  | 06/08/2022 | 201.66<br>201.66       | 201.66    | Open   | N<br>06/08/2022       |



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|---------------------|------------------------------------------------------------------------------|-------------------------------------------------------------|------------|-------------------------------|---------|--------|-----------------------|
| 1112136-0<br>71491  | OFFICE SHOP<br>PAPER - PARKS & CITY HALL<br>230-5200-42200<br>101-1940-42200 | 05/19/2022<br>pziemer<br>OFFICE SUPPLIES<br>OFFICE SUPPLIES | 06/08/2022 | 371.50<br><br>74.30<br>297.20 | 371.50  | Open   | N<br>06/08/2022       |
| 1112206-0<br>71492  | OFFICE SHOP<br>NOTEBOOK - ENG<br>101-1940-42200                              | 05/19/2022<br>pziemer<br>OFFICE SUPPLIES                    | 06/08/2022 | 59.94<br><br>59.94            | 59.94   | Open   | N<br>06/08/2022       |
| 1112267-2<br>71554  | OFFICE SHOP<br>PENCIL REFILLS - OFFICE<br>101-1940-42200                     | 05/24/2022<br>pziemer<br>OFFICE SUPPLIES                    | 06/08/2022 | 5.04<br><br>5.04              | 5.04    | Open   | N<br>06/08/2022       |
| 1112267-1<br>71555  | OFFICE SHOP<br>OFFICE SHOP - PENS<br>101-1940-42200                          | 05/24/2022<br>pziemer<br>OFFICE SUPPLIES                    | 06/08/2022 | 13.68<br><br>13.68            | 13.68   | Open   | N<br>06/08/2022       |
| 1112267-0<br>71556  | OFFICE SHOP<br>PENS - OFFICE<br>101-1940-42200                               | 05/23/2022<br>pziemer<br>OFFICE SUPPLIES                    | 06/08/2022 | 13.69<br><br>13.69            | 13.69   | Open   | N<br>06/08/2022       |
| 321195-0<br>71580   | OFFICE SHOP<br>COPIER - FINAL USE BILLING - LIBRARY<br>211-5505-43430        | 05/01/2022<br>pziemer<br>MISC - COPY MACHINE PYMTS          | 06/08/2022 | 94.49<br><br>94.49            | 94.49   | Open   | N<br>06/08/2022       |
| 1112441-0<br>71651  | OFFICE SHOP<br>ENVELOPES<br>101-1940-42200                                   | 05/25/2022<br>pziemer<br>OFFICE SUPPLIES                    | 06/08/2022 | 21.73<br><br>21.73            | 21.73   | Open   | N<br>06/08/2022       |
| 321786-0<br>71672   | OFFICE SHOP<br>FD COPIER CONTRACT<br>225-2220-43331                          | 05/26/2022<br>pziemer<br>LEASED PAYMENTS                    | 06/08/2022 | 64.36<br><br>64.36            | 64.36   | Open   | N<br>06/08/2022       |
| 2ND QTR 22<br>71508 | PEQUOT LAKES POLICE DEPARTMENT<br>REMIT 2ND QTR 22 TZD<br>225-0000-20800     | 05/23/2022<br>pziemer<br>DUE TO OTHER GOVT UNITS            | 06/08/2022 | 428.91<br><br>428.91          | 428.91  | Open   | N<br>06/08/2022       |
| INV839407<br>71670  | PIONEER MANUFACTURING COMPANY<br>HOMEPLATE COVERS<br>230-5200-42221          | 05/24/2022<br>pziemer<br>R&M-ATHLETIC FIELD MAINT           | 06/08/2022 | 479.95<br><br>479.95          | 479.95  | Open   | N<br>06/08/2022       |

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|---------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------|------------|-------------------------------------------------------------------------|-----------|--------|------------------------|
| 7524222<br>71581    | PLUNKETT'S PEST CONTROL<br>MONTHLY PEST CONTROL - LIBRARY<br>211-5500-42220                                                                                   | 05/09/2022<br>pziemer                                                                                                                                           | 06/08/2022 | 65.00<br>65.00                                                          | 65.00     | Open   | N<br>06/08/2022        |
| 256447<br>71656     | POWER LODGE - BRAINERD<br>ALUMA TRAILER REPAIR<br>230-5200-42220                                                                                              | 05/25/2022<br>pziemer                                                                                                                                           | 06/08/2022 | 82.00<br>82.00                                                          | 82.00     | Open   | N<br>06/08/2022        |
| 5/1/22<br>71760     | RATWIK, ROSZAK AND MALONEY<br>APRIL 2022 SERVICES<br>101-1610-43301<br>101-0000-14100<br>101-1610-43301<br>401-1901-43300<br>401-1609-43300<br>101-0000-14100 | 05/01/2022<br>pziemer<br>CITY ATTORNEY<br>DUE FROM COMPONENT UNIT<br>CITY ATTORNEY<br>PROFESSIONAL SERVICES<br>PROFESSIONAL SERVICES<br>DUE FROM COMPONENT UNIT | 06/08/2022 | 7,143.72<br>4,885.93<br>23.25<br>1,046.25<br>876.54<br>180.00<br>131.75 | 7,143.72  | Open   | N<br>06/08/2022        |
| 1270956<br>71673    | ROCKMOUNT RESEARCH & ALLOYS<br>OLYMPIA B<br>235-3100-42220                                                                                                    | 05/27/2022<br>pziemer                                                                                                                                           | 06/08/2022 | 972.64<br>972.64                                                        | 972.64    | Open   | N<br>06/08/2022        |
| 1488<br>71788       | ROCKWATER IRRIGATION & LANDSCAPE LL<br>SPLASH PAD PROJECT - INSTALL PAVERS<br>400-9050-45510-21:30                                                            | 05/30/2022<br>pziemer                                                                                                                                           | 06/08/2022 | 2,300.00<br>2,300.00                                                    | 2,300.00  | Open   | N<br>06/08/2022        |
| 45<br>71561         | SADUSKY RENOVATIONS<br>5/10/22 - 5/11/22 INSPECTION SERVICE<br>101-2400-43300                                                                                 | 05/17/2022<br>pziemer                                                                                                                                           | 06/08/2022 | 5,991.90<br>5,991.90                                                    | 5,991.90  | Open   | N<br>06/08/2022        |
| 46<br>71759         | SADUSKY RENOVATIONS<br>5/17 - 5/23 INSPECTION SERVICES<br>101-2400-43300                                                                                      | 05/31/2022<br>pziemer                                                                                                                                           | 06/08/2022 | 7,849.48<br>7,849.48                                                    | 7,849.48  | Open   | N<br>06/08/2022        |
| W39211<br>71515     | SCR - NORTHERN BAXTER<br>FD ICE MACHINE - REPAIRS<br>225-2220-42221                                                                                           | 05/13/2022<br>pziemer                                                                                                                                           | 06/08/2022 | 585.44<br>585.44                                                        | 585.44    | Open   | N<br>06/08/2022        |
| MAY 2022<br>71565   | SEVERSON PORTER LAW<br>MAY 22 PROSECUTION AGREEMENT<br>225-2127-43310                                                                                         | 05/25/2022<br>pziemer                                                                                                                                           | 06/08/2022 | 16,517.09<br>16,517.09                                                  | 16,517.09 | Open   | N<br>06/08/2022        |

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|---------------------|------------------------------------------------------------------------------------|------------------------------------------------|------------|----------------------------|-----------|--------|-----------------------|
| 425888<br>71484     | SHORT ELLIOTT HENDRICKSON<br>IMP 19-02 THRU 4/30/22<br>401-1902-43300              | 05/15/2022<br>pziemer<br>PROFESSIONAL SERVICES | 06/08/2022 | 883.88<br><br>883.88       | 883.88    | Open   | N<br>06/08/2022       |
| 425908<br>71485     | SHORT ELLIOTT HENDRICKSON<br>IMP 19-02 - NP SEGMENT THRU 4/30/22<br>401-1902-43300 | 05/15/2022<br>pziemer<br>PROFESSIONAL SERVICES | 06/08/2022 | 17,090.96<br><br>17,090.96 | 17,090.96 | Open   | N<br>06/08/2022       |
| 425614<br>71486     | SHORT ELLIOTT HENDRICKSON<br>IMP 20-07 THRU 4/30/22<br>401-9030-43300-20:07        | 05/11/2022<br>pziemer<br>PROFESSIONAL SERVICES | 06/08/2022 | 13,463.13<br><br>13,463.13 | 13,463.13 | Open   | N<br>06/08/2022       |
| 2505<br>71516       | STOUT HYDROSEEDING & FERTILIZING<br>CITY HALL LAWN FERTILIZER<br>101-1940-42220    | 05/18/2022<br>pziemer<br>REPAIR & MAINT        | 06/08/2022 | 80.00<br><br>80.00         | 80.00     | Open   | N<br>06/08/2022       |
| 2492<br>71530       | STOUT HYDROSEEDING & FERTILIZING<br>FERTILIZING - STATION 1 & 2<br>225-2220-43300  | 05/18/2022<br>pziemer<br>PROFESSIONAL SERVICES | 06/08/2022 | 200.00<br><br>200.00       | 200.00    | Open   | N<br>06/08/2022       |
| I1567059<br>71500   | STREICHERS PROF EQUIP<br>772RB - CSO UNIFORM SHIRTS<br>225-2121-41113              | 05/06/2022<br>pziemer<br>UNIFORM ALLOWANCE     | 06/08/2022 | 133.96<br><br>133.96       | 133.96    | Open   | N<br>06/08/2022       |
| I1567352<br>71501   | STREICHERS PROF EQUIP<br>722 - UNIFORM PANTS<br>225-2120-41113                     | 05/09/2022<br>pziemer<br>UNIFORM ALLOWANCE     | 06/08/2022 | 99.99<br><br>99.99         | 99.99     | Open   | N<br>06/08/2022       |
| I1568159<br>71502   | STREICHERS PROF EQUIP<br>HANDGUN MAGAZINES - DEPT USE<br>225-2120-41113            | 05/12/2022<br>pziemer<br>UNIFORM ALLOWANCE     | 06/08/2022 | 84.94<br><br>84.94         | 84.94     | Open   | N<br>06/08/2022       |
| I1568160<br>71503   | STREICHERS PROF EQUIP<br>TRT EQUIPMENT<br>225-2131-42210                           | 05/12/2022<br>pziemer<br>OPERATING SUPPLIES    | 06/08/2022 | 183.92<br><br>183.92       | 183.92    | Open   | N<br>06/08/2022       |
| I1568854<br>71504   | STREICHERS PROF EQUIP<br>TRT FLASHLIGHT<br>225-2131-42210                          | 05/17/2022<br>pziemer<br>OPERATING SUPPLIES    | 06/08/2022 | 94.99<br><br>94.99         | 94.99     | Open   | N<br>06/08/2022       |

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|---------------------------|------------------------------------------------------------------------------------|------------------------|------------|--------------------|---------|--------|------------------------|
| I1569098<br>71543         | STREICHERS PROF EQUIP<br>771TW - CSO UNIFORM SHIRTS<br>225-2121-41113              | 05/18/2022<br>pziemer  | 06/08/2022 | 123.96<br>123.96   | 123.96  | Open   | N<br>06/08/2022        |
| I1569164<br>71544         | STREICHERS PROF EQUIP<br>722 UNIFORM BOOTS<br>225-2120-41113                       | 05/18/2022<br>pziemer  | 06/08/2022 | 160.00<br>160.00   | 160.00  | Open   | N<br>06/08/2022        |
| I1565902<br>71668         | STREICHERS PROF EQUIP<br>719 - EXTERNAL VEST CARRIER<br>225-2120-41113             | 05/02/2022<br>pziemer  | 06/08/2022 | 121.97<br>121.97   | 121.97  | Open   | N<br>06/08/2022        |
| I1569546<br>71669         | STREICHERS PROF EQUIP<br>771TW - CSO UNIFORM BOOTS<br>225-2121-41113               | 05/20/2022<br>pziemer  | 06/08/2022 | 182.98<br>182.98   | 182.98  | Open   | N<br>06/08/2022        |
| 624735<br>71657           | SULLIVAN CANDY & SUPPLY<br>CONCESSIONS - FOOD TRAYS, CANDY, SEEI<br>230-5204-42210 | 05/01/2022<br>pziemer  | 06/08/2022 | 987.80<br>987.80   | 987.80  | Open   | N<br>06/08/2022        |
| 365301<br>71786           | SULLIVAN CANDY & SUPPLY<br>CONCESSIONS - CANDY, SEEDS, NACHO CH<br>230-5204-42210  | 05/28/2022<br>pziemer  | 06/08/2022 | 484.47<br>484.47   | 484.47  | Open   | N<br>06/08/2022        |
| 114153-00<br>71666        | UPPER LAKES FOODS INC<br>CONCESSIONS - PICKLES, MEATS<br>230-5204-42210            | 05/20/2022<br>pziemer  | 06/08/2022 | 921.86<br>921.86   | 921.86  | Open   | N<br>06/08/2022        |
| 9904250086<br>71547       | VERIZON WIRELESS<br>3/16/22 - 4/15/22 FD IPADS CREDIT<br>225-2220-43321            | 05/01/2022<br>pziemer  | 06/06/2022 | (65.43)<br>(65.43) | (65.43) | Open   | N<br>06/08/2022        |
| 9906590353<br>71548       | VERIZON WIRELESS<br>4/16/22 - 5/15/22 FD IPADS<br>225-2220-43321                   | 05/15/2022<br>pziemer  | 06/08/2022 | 70.02<br>70.02     | 70.02   | Open   | N<br>06/08/2022        |
| 9907190227/PARKS<br>71764 | VERIZON WIRELESS<br>4/24 - 5/23 PARKS PHONES<br>230-5200-43321                     | 05/23/2022<br>pziemer  | 06/08/2022 | 86.22<br>86.22     | 86.22   | Open   | N<br>06/08/2022        |

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|------------------------|-----------------------------------------------------------------------------------------------------|------------------------|------------|------------------|---------|--------|-----------------------|
| 9907190227/HR<br>71777 | VERIZON WIRELESS<br>4/24-5/23 HR PHONE<br>101-1400-43321<br>TELEPHONE                               | 05/23/2022<br>pziemer  | 06/08/2022 | 46.21<br>46.21   | 46.21   | Open   | N<br>06/08/2022       |
| 2853766<br>71659       | VIKING COCA COLA BOTTLING CO<br>CONCESSIONS - MMP BEVERAGES<br>230-5204-42210<br>OPERATING SUPPLIES | 05/25/2022<br>pziemer  | 06/08/2022 | 118.50<br>118.50 | 118.50  | Open   | N<br>06/08/2022       |
| 24X00122<br>71585      | WASTE PARTNERS INC<br>REMAINING BALANCE 7.02<br>211-5500-43380<br>UTILITIES                         | 05/01/2022<br>pziemer  | 06/08/2022 | 7.02<br>7.02     | 7.02    | Open   | N<br>06/08/2022       |
| 25X01904<br>71779      | WASTE PARTNERS INC<br>MAY 22 CITY HALL WASTE REMOVAL<br>101-1940-43380<br>UTILITIES                 | 05/31/2022<br>pziemer  | 06/08/2022 | 108.50<br>108.50 | 108.50  | Open   | N<br>06/08/2022       |
| 25X01905<br>71780      | WASTE PARTNERS INC<br>MAY 22 DOWNTOWN WASTE REMOVAL<br>401-1003-43380<br>UTILITIES                  | 05/31/2022<br>pziemer  | 06/08/2022 | 243.36<br>243.36 | 243.36  | Open   | N<br>06/08/2022       |
| 25X01903<br>71781      | WASTE PARTNERS INC<br>MAY 22 FIRE DEPT WASTE REMOVAL<br>225-2220-43380<br>UTILITIES                 | 05/31/2022<br>pziemer  | 06/08/2022 | 99.45<br>99.45   | 99.45   | Open   | N<br>06/08/2022       |
| 25X01901<br>71782      | WASTE PARTNERS INC<br>MAY 22 PARKS WASTE REMOVAL<br>230-5200-43380<br>UTILITIES                     | 05/31/2022<br>pziemer  | 06/08/2022 | 739.83<br>739.83 | 739.83  | Open   | N<br>06/08/2022       |
| 25X01906<br>71783      | WASTE PARTNERS INC<br>MAY 22 POLICE DEPT WASTE REMOVAL<br>225-2120-43380<br>UTILITIES               | 05/31/2022<br>pziemer  | 06/08/2022 | 124.45<br>124.45 | 124.45  | Open   | N<br>06/08/2022       |
| 25X01902<br>71784      | WASTE PARTNERS INC<br>MAY 22 STREETS WASTE REMOVAL<br>235-3100-43380<br>UTILITIES                   | 05/31/2022<br>pziemer  | 06/08/2022 | 99.45<br>99.45   | 99.45   | Open   | N<br>06/08/2022       |
| 25X01907<br>71785      | WASTE PARTNERS INC<br>MAY 22 WASTE OIL<br>227-3230-43428<br>USED OIL RECYCLING EXPENSE              | 05/31/2022<br>pziemer  | 06/08/2022 | 64.35<br>64.35   | 64.35   | Open   | N<br>06/08/2022       |

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|----------------------------------------------------|-----------------------------------------------------------------------------------|------------------------|------------|------------------------|-----------|--------|-----------------------|
| 125314<br>71658                                    | WATSON COMPANY<br>CONCESSIONS - GUM, COTTON CANDY, NACH<br>230-5204-42210         | 05/23/2022<br>pziemer  | 06/08/2022 | 653.07<br>653.07       | 653.07    | Open   | N<br>06/08/2022       |
| R018999-000-8<br>71645                             | WSB & ASSOCIATES<br>MS. LANDING TRAILHEAD APRIL 22<br>401-9030-43300-21:16        | 05/27/2022<br>pziemer  | 06/08/2022 | 11,320.69<br>11,320.69 | 11,320.69 | Open   | N<br>06/08/2022       |
| 82938<br>71538                                     | Z SYSTEMS<br>CABLECAST SYSTEM INSTALL LABOR<br>101-9200-43434                     | 05/09/2022<br>pziemer  | 06/08/2022 | 9,693.70<br>9,693.70   | 9,693.70  | Open   | N<br>06/08/2022       |
| PCard: 2257 U.S. BANK Card Holder: CITY HALL       |                                                                                   |                        |            |                        |           |        |                       |
| 5/20/22<br>71636                                   | AMAZON<br>MECHANICAL PENCILS - ENGINEERING<br>101-1940-42200                      | 05/20/2022<br>pziemer  | 06/08/2022 | 30.04<br>30.04         | 30.04     | Open   | N<br>06/08/2022       |
| 5/2/22<br>71637                                    | AMAZON<br>AWS APRIL 2022<br>101-1800-43309                                        | 05/02/2022<br>pziemer  | 06/08/2022 | 191.16<br>191.16       | 191.16    | Open   | N<br>06/08/2022       |
| 5/9/22 - 4<br>71639                                | AMAZON<br>CHARGER - STREETS DEPT<br>237-3190-42220                                | 05/09/2022<br>pziemer  | 06/08/2022 | 27.03<br>27.03         | 27.03     | Open   | N<br>06/08/2022       |
| 5/3/22<br>71640                                    | AMAZON<br>BASIN FAUCET - PARKS<br>230-5200-42220                                  | 05/03/2022<br>pziemer  | 06/08/2022 | 468.00<br>468.00       | 468.00    | Open   | N<br>06/08/2022       |
| 5/23/22<br>71638                                   | LANDSBURG LANDSCAPE NURSERY INC<br>DOWNTOWN - FERTILIZER PLANTS<br>401-1003-43430 | 05/23/2022<br>pziemer  | 06/08/2022 | 121.96<br>121.96       | 121.96    | Open   | N<br>06/08/2022       |
| 5/18/22<br>71635                                   | ZOOM VIDEO COMMUNICATIONS<br>ZOOM 5/18/22 - 6/17/22<br>101-1800-43309             | 05/18/2022<br>pziemer  | 06/08/2022 | 29.98<br>29.98         | 29.98     | Open   | N<br>06/08/2022       |
| Total PCard: 2257 U.S. BANK Card Holder: CITY HALL |                                                                                   |                        |            | 868.17                 | 868.17    |        |                       |

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|----------|-------------|------------|----------|---------|---------|--------|-----------|
| Inv Ref# | Description | Entered By |          |         |         |        | Post Date |

GL Distribution

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

|                                               |                                       |                            |            |        |        |      |            |
|-----------------------------------------------|---------------------------------------|----------------------------|------------|--------|--------|------|------------|
| 5/23/22                                       |                                       |                            |            |        |        |      |            |
| 71593                                         | AMAZON                                | 05/23/2022                 | 06/08/2022 | 21.25  | 21.25  | Open | N          |
|                                               | SCREEN PROTECTOR                      | pziemer                    |            |        |        |      | 06/08/2022 |
|                                               | 225-2220-43309                        | COMPUTER TECHNICAL SUPPORT |            | 21.25  |        |      |            |
| 4/14/22                                       |                                       |                            |            |        |        |      |            |
| 71594                                         | AMAZON                                | 05/01/2022                 | 06/08/2022 | 127.98 | 127.98 | Open | N          |
|                                               | FITNESS ITEM, CHARGER, PLYOMETRIC BO  | pziemer                    |            |        |        |      | 06/08/2022 |
|                                               | 225-2220-42210                        | OPERATING SUPPLIES         |            | 127.98 |        |      |            |
| 4/27/22                                       |                                       |                            |            |        |        |      |            |
| 71595                                         | AMAZON                                | 05/01/2022                 | 06/08/2022 | 27.59  | 27.59  | Open | N          |
|                                               | LITHIUM GREASE/TOILET PAPER/LUBRICANT | pziemer                    |            |        |        |      | 06/08/2022 |
|                                               | 225-2220-42210                        | OPERATING SUPPLIES         |            | 27.59  |        |      |            |
| Total PCard: 2257 U.S. BANK Card Holder: FIRE |                                       |                            |            | 176.82 | 176.82 |      |            |

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| Inv Num<br>Inv Ref# | Vendor<br>Description<br>GL Distribution | Inv Date<br>Entered By | Due Date | Inv Amt | Amt Due | Status | Jrnlized<br>Post Date |
|---------------------|------------------------------------------|------------------------|----------|---------|---------|--------|-----------------------|
|---------------------|------------------------------------------|------------------------|----------|---------|---------|--------|-----------------------|

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

|                                                  |                                                                                           |                       |            |                |        |      |                 |
|--------------------------------------------------|-------------------------------------------------------------------------------------------|-----------------------|------------|----------------|--------|------|-----------------|
| 5/9/22<br>71628                                  | AMAZON<br>KINDERGARTEN EARLY LITERACY PROGRAM {pziemer<br>211-5501-43430                  | 05/09/2022<br>pziemer | 06/08/2022 | 51.18<br>51.18 | 51.18  | Open | N<br>06/08/2022 |
| 5/9/22 - 2<br>71630                              | AMAZON<br>SUMMER READING - DAIRY PRINCESS EVENI{pziemer<br>211-5501-43430                 | 05/09/2022<br>pziemer | 06/08/2022 | 13.99<br>13.99 | 13.99  | Open | N<br>06/08/2022 |
| 5/9/22 - 3<br>71631                              | AMAZON<br>SUMMER READING - ESCAPE ROOM<br>211-5501-43430                                  | 05/09/2022<br>pziemer | 06/08/2022 | 7.80<br>7.80   | 7.80   | Open | N<br>06/08/2022 |
| 5/11/22<br>71629                                 | LIBRARYTOOLS.COM<br>DEWEY EASY MACHINE<br>211-5503-43430                                  | 05/11/2022<br>pziemer | 06/08/2022 | 99.95<br>99.95 | 99.95  | Open | N<br>06/08/2022 |
| 5/4/22<br>71627                                  | MAILCHIMP<br>MAILCHIMP MONTHLY SUBSCRIPTION<br>211-5503-43430                             | 05/04/2022<br>pziemer | 06/08/2022 | 34.00<br>34.00 | 34.00  | Open | N<br>06/08/2022 |
| 5/12/22<br>71633                                 | OFFICE SHOP<br>BINDERS<br>211-5503-43430                                                  | 05/12/2022<br>pziemer | 06/08/2022 | 32.02<br>32.02 | 32.02  | Open | N<br>06/08/2022 |
| 5/12/22<br>71632                                 | WALMART COMMUNITY/GEGRB<br>VOLUNTEER APPRECIATION DURING STATIS{pziemer<br>211-5501-43430 | 05/12/2022<br>pziemer | 06/08/2022 | 45.58<br>45.58 | 45.58  | Open | N<br>06/08/2022 |
| 5/19/22<br>71634                                 | WORDPRESS<br>ANNUAL WORDPRESS SUBSCRIPTION<br>211-5503-43430                              | 05/19/2022<br>pziemer | 06/08/2022 | 96.00<br>96.00 | 96.00  | Open | N<br>06/08/2022 |
| Total PCard: 2257 U.S. BANK Card Holder: LIBRARY |                                                                                           |                       |            | 380.52         | 380.52 |      |                 |



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|------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------|------------------------|------------|----------|----------|--------|-----------------------|
| PCard: 2257 U.S. BANK Card Holder: PARKS       |                                                                                                                                   |                        |            |          |          |        |                       |
| 4/27/22<br>71796                               | BRAINERD DISPATCH<br>PARKS ANNUAL SUBSCRIPTION - DISPATCH pziemer<br>230-5200-43433 DUES & SUBSCRIPTIONS                          | 05/01/2022             | 06/08/2022 | 222.04   | 222.04   | Open   | N<br>06/08/2022       |
|                                                |                                                                                                                                   |                        |            | 222.04   |          |        |                       |
| 5/3/22<br>71803                                | COSTCO<br>CONCESSIONS - CHIPS, CONDIMENTS, CLEF pziemer<br>230-5204-42210 OPERATING SUPPLIES                                      | 05/03/2022             | 06/08/2022 | 102.30   | 102.30   | Open   | N<br>06/08/2022       |
|                                                |                                                                                                                                   |                        |            | 102.30   |          |        |                       |
| 5/4/22<br>71804                                | COSTCO<br>CONCESSIONS - ICE, FOOD STORAGE BAGS, pziemer<br>230-5204-42210 OPERATING SUPPLIES                                      | 05/04/2022             | 06/08/2022 | 46.06    | 46.06    | Open   | N<br>06/08/2022       |
|                                                |                                                                                                                                   |                        |            | 46.06    |          |        |                       |
| 5/11/22<br>71805                               | COSTCO<br>CONCESSIONS - CHIPS, BUNS pziemer<br>230-5204-42210 OPERATING SUPPLIES                                                  | 05/11/2022             | 06/08/2022 | 38.93    | 38.93    | Open   | N<br>06/08/2022       |
|                                                |                                                                                                                                   |                        |            | 38.93    |          |        |                       |
| 5/19/22<br>71806                               | COSTCO<br>FISHING CLINIC SUPPLIES/CONCESSIONS - pziemer<br>230-5211-42210 OPERATING SUPPLIES<br>230-5204-42210 OPERATING SUPPLIES | 05/19/2022             | 06/08/2022 | 332.45   | 332.45   | Open   | N<br>06/08/2022       |
|                                                |                                                                                                                                   |                        |            | 217.54   |          |        |                       |
|                                                |                                                                                                                                   |                        |            | 114.91   |          |        |                       |
| 4/27/22<br>71795                               | WALMART COMMUNITY/GEGRB<br>LABEL MAKER AND TAPE - MAINT. STAFF pziemer<br>230-5200-42200 OFFICE SUPPLIES                          | 05/01/2022             | 06/08/2022 | 43.22    | 43.22    | Open   | N<br>06/08/2022       |
|                                                |                                                                                                                                   |                        |            | 43.22    |          |        |                       |
| 5/20/22<br>71807                               | WALMART COMMUNITY/GEGRB<br>FISHING CLINIC SUPPLIES - LESS IN-KIT pziemer<br>230-5211-42210 OPERATING SUPPLIES                     | 05/20/2022             | 06/08/2022 | 272.37   | 272.37   | Open   | N<br>06/08/2022       |
|                                                |                                                                                                                                   |                        |            | 272.37   |          |        |                       |
| Total PCard: 2257 U.S. BANK Card Holder: PARKS |                                                                                                                                   |                        |            | 1,057.37 | 1,057.37 |        |                       |

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|-------------------------------------------|---------------------------------------------------------------------------|------------------------|------------|------------------|---------|--------|-----------------------|
| PCard: 2257 U.S. BANK Card Holder: POLICE |                                                                           |                        |            |                  |         |        |                       |
| 4/26/22<br>71597                          | AMAZON<br>CANNED AIR<br>225-2120-42220                                    | 05/01/2022<br>pziemer  | 06/08/2022 | 24.99<br>24.99   | 24.99   | Open   | N<br>06/08/2022       |
|                                           | REPAIR & MAINT                                                            |                        |            |                  |         |        |                       |
| 5/13/22<br>71613                          | AMAZON<br>EVIDENCE SUPPLIES - FOR PHONE DUMPS<br>225-2120-42210           | 05/13/2022<br>pziemer  | 06/08/2022 | 149.97<br>149.97 | 149.97  | Open   | N<br>06/08/2022       |
|                                           | OPERATING SUPPLIES                                                        |                        |            |                  |         |        |                       |
| 5/13/22 - 2<br>71614                      | AMAZON<br>AMERICAN FLAG & SD MEDIA CARDS<br>225-2120-42210                | 05/13/2022<br>pziemer  | 06/08/2022 | 170.97<br>170.97 | 170.97  | Open   | N<br>06/08/2022       |
|                                           | OPERATING SUPPLIES                                                        |                        |            |                  |         |        |                       |
| 5/3/22<br>71600                           | BCA - MNJIS SECTION<br>714 - MNSANI CAN-AM SPRING CONF.<br>225-2120-43330 | 05/26/2022<br>pziemer  | 06/08/2022 | 175.00<br>175.00 | 175.00  | Open   | N<br>06/08/2022       |
|                                           | PROFESSIONAL DEVELOPMENT                                                  |                        |            |                  |         |        |                       |
| 5/9/22<br>71608                           | BEST BUY<br>MICROWAVE<br>225-2120-42210                                   | 05/09/2022<br>pziemer  | 06/08/2022 | 194.99<br>194.99 | 194.99  | Open   | N<br>06/08/2022       |
|                                           | OPERATING SUPPLIES                                                        |                        |            |                  |         |        |                       |
| 5/1/22<br>71598                           | FACEBOOK<br>POLICE OFFICER EMPLOYMENT AD<br>225-2120-43350                | 05/01/2022<br>pziemer  | 06/08/2022 | 22.84<br>22.84   | 22.84   | Open   | N<br>06/08/2022       |
|                                           | PRINTING/LEGAL PUBLICATION                                                |                        |            |                  |         |        |                       |
| 5/4/22<br>71603                           | FIRST ARRIVING LLC<br>FIRST ARRIVING RENEWAL<br>225-2120-43309            | 05/01/2022<br>pziemer  | 06/08/2022 | 479.40<br>479.40 | 479.40  | Open   | N<br>06/08/2022       |
|                                           | COMPUTER TECHNICAL SUPPORT                                                |                        |            |                  |         |        |                       |
| 5/5/22<br>71605                           | FLEET FARM<br>SHOE POLISH<br>225-2120-41113                               | 05/05/2022<br>pziemer  | 06/08/2022 | 7.98<br>7.98     | 7.98    | Open   | N<br>06/08/2022       |
|                                           | UNIFORM ALLOWANCE                                                         |                        |            |                  |         |        |                       |
| 5/18/22<br>71619                          | FLEET FARM<br>BLEACH<br>225-2120-42220                                    | 05/18/2022<br>pziemer  | 06/08/2022 | 9.99<br>9.99     | 9.99    | Open   | N<br>06/08/2022       |
|                                           | REPAIR & MAINT                                                            |                        |            |                  |         |        |                       |
| 5/19/22<br>71623                          | HOME DEPOT<br>STORAGE UNITE/SHELVING FOR CSO OFFICE<br>225-2120-42220     | 05/19/2022<br>pziemer  | 06/08/2022 | 82.77<br>82.77   | 82.77   | Open   | N<br>06/08/2022       |
|                                           | REPAIR & MAINT                                                            |                        |            |                  |         |        |                       |

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EXP CHECK RUN DATES 06/06/2022 - 06/06/2022

BOTH JOURNALIZED AND UNJOURNALIZED

BOTH OPEN AND PAID

| Inv Num<br>Inv Ref#                       | Vendor<br>Description<br>GL Distribution                                                     | Inv Date<br>Entered By | Due Date   | Inv Amt              | Amt Due  | Status | Jrnlized<br>Post Date |
|-------------------------------------------|----------------------------------------------------------------------------------------------|------------------------|------------|----------------------|----------|--------|-----------------------|
| PCard: 2257 U.S. BANK Card Holder: POLICE |                                                                                              |                        |            |                      |          |        |                       |
| 5/12/22<br>71612                          | MISSION CRITICAL CONCEPTS TRAINING<br>715 - BASIC TACTICAL OFFICER COURSE<br>225-2131-43330  | 05/12/2022<br>pziemer  | 06/08/2022 | 895.00<br>895.00     | 895.00   | Open   | N<br>06/08/2022       |
| 5/17/22<br>71617                          | MN BUREAU OF CRIM APPREHENSION<br>721 - USE OF FORCE: MENTAL HEALTH &<br>225-2120-43330      | 05/17/2022<br>Ipziemer | 06/08/2022 | 75.00<br>75.00       | 75.00    | Open   | N<br>06/08/2022       |
| 5/17/22<br>71618                          | MN COUNTY ATTORNEY ASSN<br>RECEIPT, INVENTORY, AND RETURN FORMS<br>225-2120-42200            | 05/17/2022<br>pziemer  | 06/08/2022 | 77.00<br>77.00       | 77.00    | Open   | N<br>06/08/2022       |
| 4/25/22<br>71596                          | MN STATE COLLEGES & UNIVERSITIES<br>703 - FBI EXECUTIVE DEVELOPMENT SEMIN<br>225-2120-43330  | 05/01/2022<br>Ipziemer | 06/08/2022 | 549.00<br>549.00     | 549.00   | Open   | N<br>06/08/2022       |
| 5/6/22<br>71609                           | MN STATE COLLEGES & UNIVERSITIES<br>CREDIT 703 - FBI EXECUTIVE DEVELOPMENT<br>225-2120-43330 | 05/06/2022<br>Ipziemer | 06/08/2022 | (524.00)<br>(524.00) | (524.00) | Open   | N<br>06/08/2022       |
| 5/13/22<br>71615                          | SECURITY ENGINEERED MACHINERY CO<br>SHREDDING MACHINE OIL<br>225-2120-42210                  | 05/13/2022<br>pziemer  | 06/08/2022 | 60.06<br>60.06       | 60.06    | Open   | N<br>06/08/2022       |
| 4/30/22<br>71602                          | TRANSUNION RISK<br>INVESTIGATIONS & PARKING TCKT COLLEC<br>225-2120-42210                    | 05/01/2022<br>Ipziemer | 06/08/2022 | 75.00<br>75.00       | 75.00    | Open   | N<br>06/08/2022       |
| 5/2/22<br>71599                           | USPS<br>POSTAGE<br>225-2120-43322                                                            | 05/02/2022<br>pziemer  | 06/08/2022 | 9.60<br>9.60         | 9.60     | Open   | N<br>06/08/2022       |
| 5/3/22<br>71601                           | USPS<br>POSTAGE<br>225-2120-43322                                                            | 05/03/2022<br>pziemer  | 06/08/2022 | 2.72<br>2.72         | 2.72     | Open   | N<br>06/08/2022       |
| 5/4/22<br>71604                           | USPS<br>POSTAGE<br>225-2120-43322                                                            | 05/04/2022<br>pziemer  | 06/08/2022 | 4.50<br>4.50         | 4.50     | Open   | N<br>06/08/2022       |

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## INVOICE REGISTER REPORT FOR CITY OF BRAINERD

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BOTH OPEN AND PAID

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| Inv Num<br>Inv Ref#                       | Vendor<br>Description<br>GL Distribution   | Inv Date<br>Entered By | Due Date   | Inv Amt        | Amt Due | Status | Jrnlized<br>Post Date |
|-------------------------------------------|--------------------------------------------|------------------------|------------|----------------|---------|--------|-----------------------|
| PCard: 2257 U.S. BANK Card Holder: POLICE |                                            |                        |            |                |         |        |                       |
| 5/5/22<br>71606                           | USPS<br>POSTAGE<br>225-2120-43322          | 05/05/2022<br>pziemer  | 06/08/2022 | 5.10<br>5.10   | 5.10    | Open   | N<br>06/08/2022       |
| 5/5/22 - 2<br>71607                       | USPS<br>POSTAGE & STAMPS<br>225-2120-43322 | 05/05/2022<br>pziemer  | 06/08/2022 | 62.50<br>62.50 | 62.50   | Open   | N<br>06/08/2022       |
| 5/10/22<br>71610                          | USPS<br>POSTAGE<br>225-2120-43322          | 05/10/2022<br>pziemer  | 06/08/2022 | 4.50<br>4.50   | 4.50    | Open   | N<br>06/08/2022       |
| 5/11/22<br>71611                          | USPS<br>POSTAGE<br>225-2120-43322          | 05/11/2022<br>pziemer  | 06/08/2022 | 20.50<br>20.50 | 20.50   | Open   | N<br>06/08/2022       |
| 5/16/22<br>71616                          | USPS<br>POSTAGE<br>225-2120-43322          | 05/16/2022<br>pziemer  | 06/08/2022 | 9.60<br>9.60   | 9.60    | Open   | N<br>06/08/2022       |
| 5/18/22<br>71620                          | USPS<br>POSTAGE<br>225-2120-43322          | 05/18/2022<br>pziemer  | 06/08/2022 | 4.50<br>4.50   | 4.50    | Open   | N<br>06/08/2022       |
| 5/18/22 - 2<br>71621                      | USPS<br>POSTAGE<br>225-2120-43322          | 05/18/2022<br>pziemer  | 06/08/2022 | 8.70<br>8.70   | 8.70    | Open   | N<br>06/08/2022       |
| 5/19/22<br>71622                          | USPS<br>POSTAGE<br>225-2120-43322          | 05/19/2022<br>pziemer  | 06/08/2022 | 9.60<br>9.60   | 9.60    | Open   | N<br>06/08/2022       |
| 5/20/22<br>71624                          | USPS<br>POSTAGE<br>225-2120-43322          | 05/20/2022<br>pziemer  | 06/08/2022 | 1.36<br>1.36   | 1.36    | Open   | N<br>06/08/2022       |
| 5/20/22 - 2<br>71625                      | USPS<br>POSTAGE<br>225-2120-43322          | 05/20/2022<br>pziemer  | 06/08/2022 | 8.70<br>8.70   | 8.70    | Open   | N<br>06/08/2022       |

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## INVOICE REGISTER REPORT FOR CITY OF BRAINERD

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EXP CHECK RUN DATES 06/06/2022 - 06/06/2022

BOTH JOURNALIZED AND UNJOURNALIZED

BOTH OPEN AND PAID

| Inv Num  | Vendor          | Inv Date   | Due Date | Inv Amt | Amt Due | Status | Jrnalized |
|----------|-----------------|------------|----------|---------|---------|--------|-----------|
| Inv Ref# | Description     | Entered By |          |         |         |        | Post Date |
|          | GL Distribution |            |          |         |         |        |           |

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

|         |                         |                |            |      |      |      |            |
|---------|-------------------------|----------------|------------|------|------|------|------------|
| 5/21/22 |                         |                |            |      |      |      |            |
| 71626   | WALMART COMMUNITY/GEGRB | 05/21/2022     | 06/08/2022 | 3.00 | 3.00 | Open | N          |
|         | CLEANING SUPPLIES       | pziemer        |            |      |      |      | 06/08/2022 |
|         | 225-2120-42220          | REPAIR & MAINT |            | 3.00 |      |      |            |

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

|                                   |     |        |     |         |            |            |
|-----------------------------------|-----|--------|-----|---------|------------|------------|
| # of Invoices:                    | 236 | # Due: | 236 | Totals: | 614,506.88 | 614,506.88 |
| # of Credit Memos:                | 3   | # Due: | 3   | Totals: | (603.11)   | (603.11)   |
| Net of Invoices and Credit Memos: |     |        |     |         | 613,903.77 | 613,903.77 |

## --- TOTALS BY GL DISTRIBUTION ---

|                |                                |           |
|----------------|--------------------------------|-----------|
| 101-0000-14100 | DUE FROM COMPONENT UNIT        | 305.00    |
| 101-0000-20803 | WATERTOWER DONATIONS-CC        | 1,294.00  |
| 101-0000-22800 | OTHER LIABILITIES              | 1,325.91  |
| 101-1400-43321 | TELEPHONE                      | 46.21     |
| 101-1400-43361 | INS - GENERAL LIABILITY        | 719.00    |
| 101-1400-43433 | DUES & SUBSCRIPTIONS           | 116.25    |
| 101-1610-43301 | CITY ATTORNEY                  | 5,932.18  |
| 101-1700-42220 | REPAIR & MAINT                 | 172.43    |
| 101-1700-43350 | PRINTING/LEGAL PUBLICATION     | 637.50    |
| 101-1700-43361 | INS - GENERAL LIABILITY        | 394.50    |
| 101-1700-43363 | INS - AUTO                     | 319.00    |
| 101-1800-43309 | COMPUTER SUPPORT               | 5,731.14  |
| 101-1800-43330 | PROFESSIONAL DEVELOPMENT       | 180.00    |
| 101-1800-43361 | INS - GENERAL LIABILITY        | 280.50    |
| 101-1940-42200 | OFFICE SUPPLIES                | 592.78    |
| 101-1940-42220 | REPAIR & MAINT                 | 119.57    |
| 101-1940-43361 | INS - GENERAL LIABILITY        | 24.50     |
| 101-1940-43380 | UTILITIES                      | 770.40    |
| 101-1940-43410 | RENTAL EXPENSE                 | 88.16     |
| 101-2400-42220 | REPAIR & MAINT                 | 2.09      |
| 101-2400-43300 | PROFESSIONAL SERVICES          | 13,841.38 |
| 101-2400-43350 | PRINTING/LEGAL PUBLICATION     | 792.50    |
| 101-2400-43361 | INS - GENERAL LIABILITY        | 577.50    |
| 101-2400-43363 | INS - AUTO                     | 567.00    |
| 101-9200-43300 | PROFESSIONAL SERVICES          | 22,575.00 |
| 101-9200-43361 | INS - GENERAL LIABILITY        | 7,136.00  |
| 101-9200-43362 | INS - PROPERTY                 | 11,269.50 |
| 101-9200-43363 | INS - AUTO                     | 272.50    |
| 101-9200-43365 | INS - OTHER                    | 719.00    |
| 101-9200-43434 | MEETING BROADCAST EXPENDITURES | 9,693.70  |
| 203-9000-42210 | OPERATING SUPPLIES             | 405.22    |
| 203-9000-43361 | INS - GENERAL LIABILITY        | 836.50    |
| 203-9000-43363 | INS - AUTO                     | 4.50      |
| 203-9000-43365 | INS - OTHER                    | 140.00    |
| 203-9000-45550 | CAPITAL - VEHICLES             | 90,755.00 |
| 211-0000-20800 | DUE TO OTHER GOVT UNITS        | 380.00    |
| 211-5500-42220 | REPAIR & MAINT                 | 217.45    |
| 211-5500-43361 | INS - GENERAL LIABILITY        | 314.50    |

## INVOICE REGISTER REPORT FOR CITY OF BRAINERD

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| Inv Num  | Vendor          | Inv Date                      | Due Date | Inv Amt   | Amt Due | Status | Jrnalized |
|----------|-----------------|-------------------------------|----------|-----------|---------|--------|-----------|
| Inv Ref# | Description     | Entered By                    |          |           |         |        | Post Date |
|          | GL Distribution |                               |          |           |         |        |           |
|          | 211-5500-43362  | INS - PROPERTY                |          | 4,273.50  |         |        |           |
|          | 211-5500-43365  | INS - OTHER                   |          | 404.50    |         |        |           |
|          | 211-5500-43380  | UTILITIES                     |          | 809.03    |         |        |           |
|          | 211-5501-43430  | MISC - SPECIFIED DONATION USE |          | 118.55    |         |        |           |
|          | 211-5503-43430  | MISC - USE OF HOLDEN TRUST    |          | 261.97    |         |        |           |
|          | 211-5505-43430  | MISC - COPY MACHINE PYMTS     |          | 250.43    |         |        |           |
|          | 224-2150-42210  | OPERATING SUPPLIES            |          | 1,011.59  |         |        |           |
|          | 225-0000-20800  | DUE TO OTHER GOVT UNITS       |          | 3,944.95  |         |        |           |
|          | 225-2120-41113  | UNIFORM ALLOWANCE             |          | 1,749.88  |         |        |           |
|          | 225-2120-42200  | OFFICE SUPPLIES               |          | 165.30    |         |        |           |
|          | 225-2120-42210  | OPERATING SUPPLIES            |          | 650.99    |         |        |           |
|          | 225-2120-42220  | REPAIR & MAINT                |          | 144.07    |         |        |           |
|          | 225-2120-42221  | SQUAD CAR REPAIR SUPPLIES     |          | 1,936.38  |         |        |           |
|          | 225-2120-43300  | PROFESSIONAL SERVICES         |          | 105.84    |         |        |           |
|          | 225-2120-43309  | COMPUTER TECHNICAL SUPPORT    |          | 479.40    |         |        |           |
|          | 225-2120-43322  | POSTAGE                       |          | 151.88    |         |        |           |
|          | 225-2120-43330  | PROFESSIONAL DEVELOPMENT      |          | 675.00    |         |        |           |
|          | 225-2120-43350  | PRINTING/LEGAL PUBLICATION    |          | 22.84     |         |        |           |
|          | 225-2120-43361  | INS - GENERAL LIABILITY       |          | 26,403.00 |         |        |           |
|          | 225-2120-43362  | INS - PROPERTY                |          | 1,881.50  |         |        |           |
|          | 225-2120-43363  | INS - AUTO                    |          | 13,836.00 |         |        |           |
|          | 225-2120-43365  | INS - OTHER                   |          | 660.50    |         |        |           |
|          | 225-2120-43380  | UTILITIES                     |          | 204.37    |         |        |           |
|          | 225-2121-41113  | UNIFORM ALLOWANCE             |          | 440.90    |         |        |           |
|          | 225-2127-43310  | MISDEMEANOR PROSECUTOR        |          | 16,517.09 |         |        |           |
|          | 225-2131-42210  | OPERATING SUPPLIES            |          | 278.91    |         |        |           |
|          | 225-2131-43330  | PROFESSIONAL DEVELOPMENT      |          | 895.00    |         |        |           |
|          | 225-2220-42200  | OFFICE SUPPLIES               |          | (9.16)    |         |        |           |
|          | 225-2220-42210  | OPERATING SUPPLIES            |          | 427.71    |         |        |           |
|          | 225-2220-42220  | REPAIR & MAINT                |          | 141.75    |         |        |           |
|          | 225-2220-42221  | R&M BUILDING                  |          | 585.44    |         |        |           |
|          | 225-2220-43300  | PROFESSIONAL SERVICES         |          | 200.00    |         |        |           |
|          | 225-2220-43309  | COMPUTER TECHNICAL SUPPORT    |          | 516.25    |         |        |           |
|          | 225-2220-43321  | TELEPHONE                     |          | 4.59      |         |        |           |
|          | 225-2220-43330  | PROFESSIONAL DEVELOPMENT      |          | 650.00    |         |        |           |
|          | 225-2220-43331  | LEASED PAYMENTS               |          | 64.36     |         |        |           |
|          | 225-2220-43361  | INS - GENERAL LIABILITY       |          | 827.50    |         |        |           |
|          | 225-2220-43362  | INS - PROPERTY                |          | 2,110.50  |         |        |           |
|          | 225-2220-43363  | INS - AUTO                    |          | 2,789.00  |         |        |           |
|          | 225-2220-43365  | INS - OTHER                   |          | 702.50    |         |        |           |
|          | 225-2220-43380  | UTILITIES                     |          | 509.20    |         |        |           |
|          | 225-2700-43300  | PROFESSIONAL SERVICES         |          | 2,987.00  |         |        |           |
|          | 226-2160-43430  | MISCELLANEOUS                 |          | 4,000.00  |         |        |           |
|          | 227-3230-43428  | USED OIL RECYCLING EXPENSE    |          | 164.35    |         |        |           |
|          | 230-5200-42200  | OFFICE SUPPLIES               |          | 117.52    |         |        |           |
|          | 230-5200-42210  | OPERATING SUPPLIES            |          | 297.35    |         |        |           |
|          | 230-5200-42220  | REPAIR & MAINT                |          | 3,813.14  |         |        |           |
|          | 230-5200-42221  | R&M-ATHLETIC FIELD MAINT      |          | 2,274.97  |         |        |           |
|          | 230-5200-42240  | SMALL TOOLS                   |          | 80.97     |         |        |           |
|          | 230-5200-43300  | PROFESSIONAL SERVICES         |          | 3,250.00  |         |        |           |
|          | 230-5200-43321  | TELEPHONE                     |          | 86.22     |         |        |           |
|          | 230-5200-43361  | INS - GENERAL LIABILITY       |          | 1,247.00  |         |        |           |
|          | 230-5200-43362  | INS - PROPERTY                |          | 9,139.50  |         |        |           |
|          | 230-5200-43363  | INS - AUTO                    |          | 1,150.00  |         |        |           |
|          | 230-5200-43365  | INS - OTHER                   |          | 557.50    |         |        |           |
|          | 230-5200-43380  | UTILITIES                     |          | 899.37    |         |        |           |
|          | 230-5200-43433  | DUES & SUBSCRIPTIONS          |          | 222.04    |         |        |           |

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BOTH JOURNALIZED AND UNJOURNALIZED

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      |                         |          |            |         |        |           |
|          | 230-5204-42210       | OPERATING SUPPLIES      |          | 3,467.90   |         |        |           |
|          | 230-5211-42210       | OPERATING SUPPLIES      |          | 489.91     |         |        |           |
|          | 230-5215-42210       | OPERATING SUPPLIES      |          | 70.00      |         |        |           |
|          | 230-5280-42210       | OPERATING SUPPLIES      |          | 145.79     |         |        |           |
|          | 235-3100-42220       | REPAIR & MAINT          |          | 2,756.94   |         |        |           |
|          | 235-3100-42240       | SMALL TOOLS             |          | 66.49      |         |        |           |
|          | 235-3100-43361       | INS - GENERAL LIABILITY |          | 4,438.50   |         |        |           |
|          | 235-3100-43362       | INS - PROPERTY          |          | 1,269.00   |         |        |           |
|          | 235-3100-43363       | INS - AUTO              |          | 2,039.00   |         |        |           |
|          | 235-3100-43365       | INS - OTHER             |          | 1,614.50   |         |        |           |
|          | 235-3100-43380       | UTILITIES               |          | 1,113.77   |         |        |           |
|          | 235-3100-43430       | MISCELLANEOUS           |          | 308.76     |         |        |           |
|          | 235-3170-42210       | OPERATING SUPPLIES      |          | 429.22     |         |        |           |
|          | 235-3170-42220       | REPAIR & MAINT          |          | 34.39      |         |        |           |
|          | 237-3190-42220       | REPAIR & MAINT          |          | 420.37     |         |        |           |
|          | 237-3190-43361       | INS - GENERAL LIABILITY |          | 1,268.00   |         |        |           |
|          | 237-3190-43362       | INS - PROPERTY          |          | 362.50     |         |        |           |
|          | 237-3190-43363       | INS - AUTO              |          | 582.50     |         |        |           |
|          | 237-3190-43365       | INS - OTHER             |          | 461.50     |         |        |           |
|          | 238-3160-43361       | INS - GENERAL LIABILITY |          | 634.00     |         |        |           |
|          | 238-3160-43362       | INS - PROPERTY          |          | 181.50     |         |        |           |
|          | 238-3160-43363       | INS - AUTO              |          | 291.50     |         |        |           |
|          | 238-3160-43365       | INS - OTHER             |          | 230.50     |         |        |           |
|          | 260-9020-43361       | INS - GENERAL LIABILITY |          | 250.00     |         |        |           |
|          | 295-0000-20600       | DEPOSITS PAYABLE        |          | 519.50     |         |        |           |
|          | 295-6510-43361       | INS - GENERAL LIABILITY |          | 43.50      |         |        |           |
|          | 400-9050-45510-21:30 | CAPITAL - LAND          |          | 2,300.00   |         |        |           |
|          | 400-9050-45530       | CAPITAL - OTHER         |          | 45,563.76  |         |        |           |
|          | 401-1003-43380       | UTILITIES               |          | 243.36     |         |        |           |
|          | 401-1003-43430       | MISCELLANEOUS           |          | 545.73     |         |        |           |
|          | 401-1609-43300       | PROFESSIONAL SERVICES   |          | 180.00     |         |        |           |
|          | 401-1901-43300       | PROFESSIONAL SERVICES   |          | 876.54     |         |        |           |
|          | 401-1902-43300       | PROFESSIONAL SERVICES   |          | 17,974.84  |         |        |           |
|          | 401-1902-43350       | LEGAL PUBLICATIONS      |          | 309.18     |         |        |           |
|          | 401-9030-43300-20:07 | PROFESSIONAL SERVICES   |          | 13,463.13  |         |        |           |
|          | 401-9030-43300-21:16 | PROFESSIONAL SERVICES   |          | 11,320.69  |         |        |           |
|          | 404-9055-45550       | CAPITAL - VEHICLES      |          | 200,000.00 |         |        |           |

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DB: Brainerd

## INVOICE REGISTER REPORT FOR CITY OF BRAINERD

EXP CHECK RUN DATES 06/06/2022 - 06/06/2022

BOTH JOURNALIZED AND UNJOURNALIZED

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| Inv Num<br>Inv Ref#             | Vendor<br>Description<br>GL Distribution | Inv Date<br>Entered By | Due Date | Inv Amt    | Amt Due    | Status | Jrnalized<br>Post Date |
|---------------------------------|------------------------------------------|------------------------|----------|------------|------------|--------|------------------------|
| --- TOTALS BY FUND ---          |                                          |                        |          |            |            |        |                        |
|                                 | 101 - GENERAL FUND                       |                        |          | 86,495.20  | 86,495.20  |        |                        |
|                                 | 203 - TRANSIT FUND                       |                        |          | 92,141.22  | 92,141.22  |        |                        |
|                                 | 211 - LIBRARY FUND                       |                        |          | 7,029.93   | 7,029.93   |        |                        |
|                                 | 224 - DUI FORFEITURE                     |                        |          | 1,011.59   | 1,011.59   |        |                        |
|                                 | 225 - PUBLIC SAFETY FUND                 |                        |          | 83,650.44  | 83,650.44  |        |                        |
|                                 | 226 - SCHOOL PATROL FUND                 |                        |          | 4,000.00   | 4,000.00   |        |                        |
|                                 | 227 - RECYCLING FUND                     |                        |          | 164.35     | 164.35     |        |                        |
|                                 | 230 - PARK & RECREATION FUND             |                        |          | 27,309.18  | 27,309.18  |        |                        |
|                                 | 235 - STREET & SEWER FUND                |                        |          | 14,070.57  | 14,070.57  |        |                        |
|                                 | 237 - SANITARY SEWER FUND                |                        |          | 3,094.87   | 3,094.87   |        |                        |
|                                 | 238 - STORM SEWER FUND                   |                        |          | 1,337.50   | 1,337.50   |        |                        |
|                                 | 260 - AIRPORT FUND                       |                        |          | 250.00     | 250.00     |        |                        |
|                                 | 295 - EDA FUND                           |                        |          | 563.00     | 563.00     |        |                        |
|                                 | 400 - CAPITAL PROJECTS FUND              |                        |          | 47,863.76  | 47,863.76  |        |                        |
|                                 | 401 - CONSTRUCTION FUND                  |                        |          | 44,913.47  | 44,913.47  |        |                        |
|                                 | 404 - FIRE DEPARTMENT CAPITAL            |                        |          | 200,000.00 | 200,000.00 |        |                        |
| --- TOTALS BY DEPT/ACTIVITY --- |                                          |                        |          |            |            |        |                        |
|                                 | 0000 -                                   |                        |          | 7,769.36   | 7,769.36   |        |                        |
|                                 | 1003 - 10:03 DWNTWN MAIN CNTRACT         |                        |          | 789.09     | 789.09     |        |                        |
|                                 | 1400 - ADMINISTRATION                    |                        |          | 881.46     | 881.46     |        |                        |
|                                 | 1609 - 16:09 BUFFALO HILLS RECON         |                        |          | 180.00     | 180.00     |        |                        |
|                                 | 1610 - LEGAL-CIVIL ATTORNEY              |                        |          | 5,932.18   | 5,932.18   |        |                        |
|                                 | 1700 - ENGINEERING                       |                        |          | 1,523.43   | 1,523.43   |        |                        |
|                                 | 1800 - IT/GIS                            |                        |          | 6,191.64   | 6,191.64   |        |                        |
|                                 | 1901 - 19:01 NW 4TH STREET IMPR          |                        |          | 876.54     | 876.54     |        |                        |
|                                 | 1902 - 19:02 CLST CONNECTION             |                        |          | 18,284.02  | 18,284.02  |        |                        |
|                                 | 1940 - CITY HALL                         |                        |          | 1,595.41   | 1,595.41   |        |                        |
|                                 | 2120 - POLICE DEPARTMENT                 |                        |          | 49,066.95  | 49,066.95  |        |                        |
|                                 | 2121 - COMMUNITY SERVICE                 |                        |          | 440.90     | 440.90     |        |                        |
|                                 | 2127 - MISDEMEANOR PROSECUTOR            |                        |          | 16,517.09  | 16,517.09  |        |                        |
|                                 | 2131 - TACTICAL TEAM                     |                        |          | 1,173.91   | 1,173.91   |        |                        |
|                                 | 2150 - DUI FORFEITURE                    |                        |          | 1,011.59   | 1,011.59   |        |                        |
|                                 | 2160 - SCHOOL PATROL EXPENSE             |                        |          | 4,000.00   | 4,000.00   |        |                        |
|                                 | 2220 - FIRE DEPARTMENT                   |                        |          | 9,519.64   | 9,519.64   |        |                        |
|                                 | 2400 - COMMUNITY DEVL/INSPECTION         |                        |          | 15,780.47  | 15,780.47  |        |                        |
|                                 | 2700 - ANIMAL CONTROL                    |                        |          | 2,987.00   | 2,987.00   |        |                        |
|                                 | 3100 - S & S MAINTENANCE                 |                        |          | 13,606.96  | 13,606.96  |        |                        |
|                                 | 3160 - STORM SEWER EXPENSE               |                        |          | 1,337.50   | 1,337.50   |        |                        |
|                                 | 3170 - TRAFFIC CONTROL                   |                        |          | 463.61     | 463.61     |        |                        |
|                                 | 3190 - SANITARY SEWER EXPENSE            |                        |          | 3,094.87   | 3,094.87   |        |                        |
|                                 | 3230 - RECYCLING EXPENSE                 |                        |          | 164.35     | 164.35     |        |                        |



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INVOICE REGISTER REPORT FOR CITY OF BRAINERD

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| Inv Ref#                        | Description                      | Entered By |          |            |            |        | Post Date |
| GL Distribution                 |                                  |            |          |            |            |        |           |
| --- TOTALS BY DEPT/ACTIVITY --- |                                  |            |          |            |            |        |           |
|                                 | 5200 - PARK MAIN/ADMINISTRATION  |            |          | 23,135.58  | 23,135.58  |        |           |
|                                 | 5204 - CONCESSIONS               |            |          | 3,467.90   | 3,467.90   |        |           |
|                                 | 5211 - SPECIAL EVENTS PROGRAM    |            |          | 489.91     | 489.91     |        |           |
|                                 | 5215 - ADULT SOFTBALL            |            |          | 70.00      | 70.00      |        |           |
|                                 | 5280 - CAMPGROUND                |            |          | 145.79     | 145.79     |        |           |
|                                 | 5500 - LIBRARY-BUDGETED          |            |          | 6,018.98   | 6,018.98   |        |           |
|                                 | 5501 - SPECIFIED DONATION USE    |            |          | 118.55     | 118.55     |        |           |
|                                 | 5503 - HOLDEN TRUST DONATION USE |            |          | 261.97     | 261.97     |        |           |
|                                 | 5505 - TAXABLE FEES              |            |          | 250.43     | 250.43     |        |           |
|                                 | 6510 - ECONOMIC DEVELOPMENT AUTH |            |          | 43.50      | 43.50      |        |           |
|                                 | 9000 - TRANSIT FUND              |            |          | 92,141.22  | 92,141.22  |        |           |
|                                 | 9020 - AIRPORT M & O             |            |          | 250.00     | 250.00     |        |           |
|                                 | 9030 - CONSTRUCTION PROJ-MISC    |            |          | 24,783.82  | 24,783.82  |        |           |
|                                 | 9050 - CAPITAL PROJECTS-MISC     |            |          | 47,863.76  | 47,863.76  |        |           |
|                                 | 9055 - FIRE DEPARTMENT CAPITAL   |            |          | 200,000.00 | 200,000.00 |        |           |
|                                 | 9200 - CITY-WIDE                 |            |          | 51,665.70  | 51,665.70  |        |           |

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.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON 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 May 2<sup>nd</sup>, 2022- Approved**
- C. Approval of Licenses- Approved**
- D. Department Activity Reports- Approved**

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

### **Presentations**

#### **Bridges of Hope- Warming Shelter Update**

Jana Shogren, 7247 Lone Oak Rd, Executive Director of Bridges of Hope, and Ann Hunnicut, 1822 County Rd 2, Fort Ripley, Director of the Warming Shelter gave an overview of the service that the warming shelter did for the homeless population of Brainerd with the approval of the conditional use permit granted by the City. The shelter had 942 nights of sleep and a total of 78 guests in 148 days of operation. There were 22 police calls, three of those calls were from the shelter for events that happened outside of the shelter. The shelter does hope to continue its operations in 2022 with support from the City.

Member Johnson asked about the shelter's decision to not follow the CDC guidance on masking in the middle of the pandemic.

Ms. Shogren stated that they were able to be socially distanced within the shelter. There were zero staff absences and masks and supplies were available.

### **Council Committee Reports**

#### **Personnel and Finance Committee**

#### **Ratify the Hiring of 2022 Summer Temporary/Seasonal Employees**

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

**Request from Brainerd Community Action for Independence Day Fireworks Donation**

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STUNEK, DULY CARRIED, TO APPROVE THE REQUEST FROM BRAINERD COMMUNITY ACTION FOR A DONATION FOR \$8,000 FOR INDEPENDENCE DAY FIREWORKS OUT OF THE SPECIAL PROJECTS BUDGET LINE ITEM.

**On-Sale Beer and Wine License- Submitted by Badeaux Restaurants LLC- DBA Slice on Oak, 625 Oak St- Contingent Upon Approvals**

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND STENGLEIN, DULY CARRIED, TO APPROVE THE ON-SALE BEER, WINE, AND SUNDAY LICENSE APPLICATION FOR BADEAUX RESTAURANTS LLC DBA SLICE ON OAK, CONTINGENT UPON THE POLICE CHIEF AND FIRE CHIEF'S APPROVAL.

**Update on Community Development Director Hiring Process**

Committee Chair Johnson stated that there were six applicants, four were sent invitations for interview, with two accepting the invitation. Interviews will take place on May 24<sup>th</sup>.

**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**

**Event/Street Closure- Submitted by DDBC for the Here for Good Market**

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND PRITSCHET, DULY CARRIED, TO APPROVE THE APPLICATION WITH THE PROPOSED CONDITIONS.

**Event/Street Closure- Independence Day Celebrations**

Committee Chair O'Day stated that the parade route will start at the upper parking lot of the high school head north along 5<sup>th</sup> to Laurel, west to East River Road, ending in the lower lot of the high school due to construction.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND ERICKSON, DULY CARRIED, TO APPROVE THE APPLICATION WITH THE PROPOSED CONDITIONS.

**Authorize Agreement for Engineering Services from WSB for the Safe Routes to School**

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND PRITSCHET, DULY CARRIED, TO APPROVE THE WSB PROPOSAL FOR DESIGN AND CONSTRUCTION SERVICES WITH A PROJECT FEE OF \$48,942.

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

Committee Chair O'Day stated that the Engineer's estimate was \$435,500. The City budgets \$400,000 per year. However, the budget for 2021 capital improvements has not been done due to the need for a sewer study to be completed.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND ERICKSON, DULY CARRIED, TO ACCEPT THE BIDS AND AWARDED 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.

**Approve Professional Services Agreement with SEH for Construction Administration on Improvement 20-07- 2022 Sanitary Sewer Collection System Repairs**

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND PRITSCHET, DULY CARRIED, TO APPROVE THE ATTACHED SCOPE OF SERVICES WITH SEH FOR CONSTRUCTION ADMINISTRATION FOR IMPROVEMENT 20-07 IN A FEE NOT TO EXCEED \$36,500.

**Accept Bids- Improvement 22-02 2022 Crack Sealing Project**

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND ERICKSON, DULY CARRIED, TO ACCEPT THE BIDS AND AWARDED THE CONTRACT FOR IMPROVEMENT 22-02 TO MIDWEST ASPHALT MAINTENANCE IN THE TOTAL BID AMOUNT OF \$14,824 AND AUTHORIZING PROPER SIGNATURES ON THE AGREEMENT DOCUMENTS.

**Resolution- Accepting Bids- Improvement 21-10- Greenwood Street Reconstruction Project**

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND PRITSCHET TO ADOPT RESOLUTION ACCEPTING THE BIDS AND AWARDS THE CONTRACT TO ANDERSON BROTHERS CONSTRUCTION OF BRAINERD, LLC IN THE TOTAL CONTRACT COST OF \$93,547 AND AUTHORIZING PROPER SIGNATURES ON THE AGREEMENT DOCUMENTS.

**RESOLUTION 18:22**

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

**Resolution- Accepting Bids- Improvement 21-12- North Brainerd Reconstruction Project**

Committee Chair O'Day stated that due to supply chain issues, the project may not start until next year. However, the contractor will continue to monitor the supply issue and may be able to complete phase one of the project if supplies become available.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND ERICKSON TO ADOPT RESOLUTION ACCEPTING 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.

#### **RESOLUTION 19:22**

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

#### **Resolution- Master Partnership Agreement with the State of Minnesota for Collaborative Design, Construction, and Maintenance Projects**

Committee Chair O'Day stated that 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.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND PRITSCHET, DULY CARRIED, TO ADOPT RESOLUTION ENTERING INTO THE MASTER PARTNERSHIP CONTRACT WITH MNDOT.

#### **RESOLUTION 20:22**

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

#### **Direction on Active Code Enforcement Cases**

Committee Chair O'Day stated that direction on enforcement will be at the second meeting of the month moving forward. He gave an overview of the properties under review.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND ERICKSON TO FOLLOW STAFF RECOMMENDATIONS LISTED IN THE MEMO FOR EACH OF THE EIGHT PROPERTIES.

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

#### **Unfinished Business**

#### **Final Reading- Proposed Ordinance 1530- An Ordinance to Rezoning 1005 S 6<sup>th</sup> St**

Acting Community Development Director Kramvik stated 005 S 6th St. is currently located in a B-2 (Neighborhood Business) District. The B-2 District does not allow short-term rentals. 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 ERICKSON AND PRITSCHET, DULY CARRIED, TO CONDUCT THE FINAL READING OF PROPOSED ORDINANCE NO.

1530 AN ORDINANCE TO REZONE 1005 S 6<sup>TH</sup> STREET AND DISPENSE WITH THE ACTUAL READING OF THE ORDINANCE.

MOVED AND SECONDED BY COUNCIL MEMBERS ERICKSON AND PRITSCHET TO ADOPT ORDINANCE 1530- AN ORDINANCE REZONING 1005 S 6<sup>TH</sup> STREET.

### **ORDINANCE 1531**

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.

#### **Call for Applicants – Informational:**

**(Application Information at [www.ci.brainerd.mn.us/boards/](http://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 Interim Use Permit- Short Term Rental at 1005 S 6<sup>th</sup> Street**

Acting Community Development Director Kramvik stated that 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.

MOVED AND SECONDED BY COUNCIL MEMBERS ERICKSON AND STUNEK, DULY CARRIED, TO APPROVE THE INTERIM USE PERMIT FOR SHORT TERM RENTAL AT 1005 S 6<sup>TH</sup> STREET.

#### **First Reading- Proposed Ordinance 1531- An Ordinance Replacing Section 720 and 725 Brainerd City Code**

Interim City Engineer/ Public Works Director Sandy that the update is a part of the requirements for the City's MS4 permit.

MOVED AND SECONDED BY COUNCIL MEMBERS O'DAY AND ERICKSON, DULY CARRIED, TO HOLD THE FIRST READING OF PROPOSED ORDINANCE NO. 1531- AN

ORDINANCE REPLACING SECTION 720 AND 725 BRAINERD CITY CODE DISPENSE WITH THE ACTUAL READING AND SET THE PUBLIC HEARING FOR JUNE 6<sup>TH</sup>, 2022 AT 7:30 P.M.

**Resolution Declaring Sufficiency of Petition and Setting a Public Hearing on a Vacation Commenced by a Majority of Abutting Landowners for Alley- Blocks M and E- West Brainerd**

Chair Bevans asked for clarification on voting procedures on a motion that previously failed.

Interim City Engineer Sandy stated that the petition sufficiency was passed unanimously at a previous meeting. The vacation was denied.

MOVED AND SECONDED BY COUNCIL MEMBERS STENGLEIN AND PRITSCHET TO ADOPT A RESOLUTION DECLARING THE PETITION SUFFICIENT AND SETS THE PUBLIC HEARING ON THE PROPOSED VACATION FOR JUNE 6, 2022 AT 7:30 P.M.

**RESOLUTION 21:22**

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

**Public Forum**

The Chair opened public forum at 8:16 p.m.

James Trantina, 7506 322<sup>nd</sup> St, Saint Joseph, Collins Brothers, stated that he has concern about the towing contract that was approved by Council at the last meeting. He expressed concern about Chair Bevans having a conflict of interest in the decision. He stated his company has a good report with Brainerd's Fire, Street, and Police Departments. He stated that the company chosen does not have the same capabilities that his company has when it comes to heavy duty towing and snow removal capabilities. He stated that the bills in question could have included more charges per the contract, however, they did not add on the additional fees.

The Chair closed public forum at 8:21 p.m.

**Staff Report**

Finance Director Hillman stated that public filings for office open on Tuesday, May 17<sup>th</sup> and close on May 31<sup>st</sup> at 5:00 p.m. Positions open include Wards 2 & 4, At-Large, and the Mayor's office.

Interim City Engineer Sandy stated that Thrash the Trash is on Saturday, May 21<sup>st</sup>, at 10:00 a.m. for City of Brainerd residents to bring their household trash and donate to the Lakes Area Skate Park Association.

Acting Community Development Director Kramvik stated that the Planning Commission will be meeting on May 18<sup>th</sup> at 6:00 p.m. to further discuss the proposed zoning code and zoning

map. There will be discussion on four properties who were notified through a letter concern, continued discussion on the Brook Street properties, and discussion of the Town Center.

HRA Director Charpentier recognized Administrator Bergman who will be receiving Housing and Community Development Achievement Award by Minnesota Chapter of National Association of Housing Redevelopment Organizations (MNNAHRO). The award is given to an individual who is not a member of NAHRO but who has made significant contributions to housing redevelopment in their community. Jennifer was nominated by the Director of Aitkin County HRA and himself. The award runs in her family, as Administrator Bergman's Mother was a recipient of the award. He congratulated Ms. Bergman on her achievement.

Administrator Bergman stated that she is very humbled by the award she will be receiving the award on May 24<sup>th</sup>, she thanked her nominators.

Administrator Bergman stated that the Charter Commission met on May 11<sup>th</sup> and provided feedback for two ordinances to come before the Council. Finally, she had the opportunity to attend her first in person conference, which she enjoyed very much networking and learning with other City Administrators and Managers.

### **Mayors Report**

Mayor Badeaux pointed out that the Council will be adjourning to the Planning Commission again tonight, he encourages his fellow Council Members to attend. He was dressed as a cucumber as a part of Crow Wing Energized Vegetable of the Year and went to schools to read. The Splash Pad Grand Opening is on Thursday, May 26<sup>th</sup> at Memorial Park. Finally, he highlighted upcoming events Thrash the Trash, Armed Forces Day, and the return of Brainerd Bee's at Mills Field are on Saturday, May 21<sup>st</sup>.

### **Council Member Reports**

Council Member Erickson stated that the Planning Commission is meeting on May 18<sup>th</sup> and the Northland Arboretum Board of Directors will meet on May 26<sup>th</sup>.

Council Member Pritschet stated that the Arboretum and the Library are hosting Library Week at the Arboretum together in June and the gate fee to the Arb will be free with your library card that week. He announced his resignation and submitted a letter of resignation from the City Council effective August 1, 2022.

MOVED AND SECONDED BY COUNCIL MEMBERS JOHNSON AND O'DAY, DULY CARRIED, TO ACCEPT MEMBER PRITSCHET'S RESIGNATION EFFECTIVE JULY 31<sup>ST</sup>, 2022, ACCEPT APPLICATIONS FOR THE VACANCY FROM MAY 17<sup>TH</sup> TO JULY 8<sup>TH</sup> TO BE APPOINTED ON JULY 18<sup>TH</sup>; FURTHER TO OPEN FILINGS ON MAY 17<sup>TH</sup> THROUGH MAY 31<sup>ST</sup> TO HOLD A SPECIAL ELECTION FOR WARD 1 IN THE 2022 ELECTION CYCLE.

Member O'Day stated that the Mississippi Trailhead Landing Park groundbreaking will be taking place in the near future.

Member Johnson stated that the HRA will be completing strategic planning with the Great River Group on May 19<sup>th</sup>. The EDA met, continuing to work with the multiple organizations to market the parking lots in downtown. The DDBC podcast will be dropping, keep ears open for the update. City Engineer position is still taking applications.



**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.**

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

Adjourned to closed session at 8:40 p.m.

After a five-minute break, Council went into closed session at 8:45 p.m.

Council reconvened at 9:01 p.m.

**Adjourn to Planning Commission Meeting on May 18<sup>th</sup>, 2022, at 6:00 p.m.**

MOVED AND SECONDED BY COUNCIL MEMBERS STUNEK AND ERICKSON DULY CARRIED TO ADJOURN TO THE PLANNING COMMISSION MEETING ON MAY 18<sup>TH</sup>, 2022 AT 6:00 P.M.

The Chair adjourned the meeting at 9:01 p.m.

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Jennifer Bergman  
City Administrator

**2022-2023 LICENSE RENEWALS  
JUNE 6, 2022 COUNCIL MEETING**

**BULK & FILLING STATION LICENSES: 8 RENEWALS**

Mill Ave Holiday  
1500 Mill Ave  
Brainerd, MN 56401

Mid Town Depot  
321 Washington Street  
Brainerd, MN 56401

Casey's #4264  
3325 Oak Street  
Brainerd, MN 56401

SAVE Liquor LLC  
701 Industrial Park Road SW  
Brainerd, MN 56401

Speedway #4880  
421 Washington St NE  
Brainerd, MN 56401

Casey's General Store #3654  
850 Lum Park Rd  
Brainerd, MN 56401

Holiday Stationstores, LLC.  
424 South 6th Street  
Brainerd, MN 56401

Best Oil Company, LLC  
1202 Madison Street  
Brainerd MN 56401

**OFF SALE BEER – 3 Renewals**

Brainerd Cub Foods – S&R Quisberg, Inc.  
417 8th Ave NE  
Brainerd, MN 56401

Casey's General Store #3654  
850 Lum Park Rd  
Brainerd, MN 56401

Holiday Stationstores, LLC.  
424 South 6th Street  
Brainerd, MN 56401

**COCKTAIL ROOM / DISTILLERY – 2 Renewal**

BRAINERD DISTILLING COMPANY – COCKTAIL  
ROOM  
25 WASHINGTON ST NE  
BRAINERD MN 56401

BRAINERD DISTILLING COMPANY -  
DISTILLERY  
25 Washington St NE  
Brainerd MN 56401

**ON SALE LIQUOR LICENSES – 5 Renewals**

Pit Stop Bar  
723 Laurel Street  
Brainerd, MN 56401

Yesterday's Gone  
219 S 9th Street  
Brainerd, MN 56401

Shep's on 6th Inc.  
315 S 6th Street  
Brainerd, MN 56401

The Last Turn Saloon  
214-216 S 8th Street  
Brainerd, MN 56401

O'Neary's Irish Pub  
305 S 7th Street  
Brainerd, MN 56401

**CLASS 2 RESTAURANT**

**CLUB ON SALE LICENSES – 2 Renewals**

American Legion #255  
708 Front Street  
Brainerd, MN 56401

VFW Post #1647  
309 South 6th Street  
Brainerd, MN 56401

**OFF SALE LIQUOR LICENSES – 2 Renewals**

Mill Ave Liquor LLC  
1424 Mill Ave NE  
Brainerd, MN 56401

Coborn's - Cash Wise Liquor  
513 B Street NE  
Brainerd, MN 56401

**BEER/WINE LICENSE – 1 Renewal**

Big Jay's Pizza Arcade  
217 S 7th St  
Brainerd MN 56401

## Contingent Upon Inspection by the Fire Department

---

### **ON SALE LIQUOR LICENSES – 9 Renewal**

CC'S BAR  
121 WASHINGTON ST  
BRainerd MN 56401

SE'z LLC  
707 Laurel Street (Basement)  
Brainerd, MN 56401

9th Street Social Club  
212 S 9th Street  
Brainerd, MN 56401

Jack's House  
300 Hwy 25 South  
Brainerd, MN 56401

Sage on Laurel  
606 Laurel Street  
Brainerd, MN 56401

Senor Patron Mexican Cuisine  
314 S. 7th Street  
Brainerd, MN 56401

### ***CLASS 3 BOWLING/HOTEL***

### ***CLASS 2 RESTAURANT***

### ***CLASS 2 RESTAURANT***

The Local 218  
723 Mill Ave  
Brainerd, MN 56401  
***CLASS 2 RESTAURANT***

612 Station LLC  
612 Front Street  
Brainerd, MN 56401  
***CLASS 2 RESTAURANT***

Northern Pacific Hospitality (Notch 8)  
1551 Northern Pacific RD  
Brainerd MN 56401  
***CLASS 2 RESTAURANT***

### **CLUB ON SALE LICENSES – 2 Renewal**

Brainerd Elks Lodge  
215 South 9th Street  
Brainerd, MN 56401

Brainerd Eagles #287  
124 Front Street  
Brainerd, MN 56401

### **FILLING STATION LICENSE – 1 Renewal**

Speedway #4076 Northern Tier  
1223 South 6th Street  
Brainerd, MN 56401

### **BEER/WINE LICENSE – 2 Renewal**

Slice on Oak  
625 Oak Street  
Brainerd, MN 56401

JR's No. 19 BBQ  
302 Washington St  
Brainerd MN 56401

### **OFF SALE BEER – 1 Renewal**

Speedway #4076 Northern Tier  
1223 South 6th Street  
Brainerd, MN 56401

### **OFF SALE LIQUOR LICENSES – 3 Renewals**

Casey's #4264  
3325 Oak Street  
Brainerd, MN 56401

SAVE Liquor  
701 Industrial Pk Rd SW  
Brainerd, MN 56401

Cornerstone Liquor  
817 Washington Street  
Brainerd, MN 56401

AFFORDABLE SIGN SERVICE

| Address        | Licensee Type | Status | State License | License<br>Expire<br>Date | Local License | License<br>Expire<br>Date |
|----------------|---------------|--------|---------------|---------------------------|---------------|---------------------------|
| 104 11TH AVE W | Sign Erector  | Active |               | 12/31/2022                | 2022-0011     | 12/31/2022                |

ERICS EXCAVATING INC

| Address    | Licensee Type | Status | State License | License<br>Expire<br>Date | Local License | License<br>Expire<br>Date |
|------------|---------------|--------|---------------|---------------------------|---------------|---------------------------|
| PO BOX 853 | Excavator     | Active |               | 12/31/2022                | 2022-0020     |                           |

HANDYMAN ANDY LLC

| Address       | Licensee Type | Status | State License | License<br>Expire<br>Date | Local License | License<br>Expire<br>Date |
|---------------|---------------|--------|---------------|---------------------------|---------------|---------------------------|
| 14903 30TH ST | Carpentry     | Active |               | 12/31/2022                | 2022-0001     | 12/31/2022                |

ST MARIE SHEET METAL INC

| Address             | Licensee Type | Status | State License | License<br>Expire<br>Date | Local License | License<br>Expire<br>Date |
|---------------------|---------------|--------|---------------|---------------------------|---------------|---------------------------|
| 7940 SPRING LAKE RD | Mechanical    | Active | MB003166      | 08/01/2022                | 2022-0061     | 12/31/2022                |

YOUR HOME IMPROVEMENT COMPA

| Address        | Licensee Type       | Status | State License | License<br>Expire<br>Date | Local License | License<br>Expire<br>Date |
|----------------|---------------------|--------|---------------|---------------------------|---------------|---------------------------|
| 23823 67TH AVE | Plumbing Contractor | Active | PC772513      | 12/31/2023                | 2022-0031     | 12/31/2022                |

Total Licensees5

Population: All Records  
Licensee.Status = Active AND  
Licensee.DateRegistered Between 5/13/2022 12:00:00 AM AND 6/2/2022 12:00:00 AM



## Brainerd Fire Department Monthly Report

### May 2022

#### ACTIVITIES AND PUBLIC EDUCATION

Cooking fires are the leading cause of reported home fires and the second leading cause of home fire deaths. Brainerd Fire participated in the Health and Safety Days at Forestview Middle School with a demonstration to staff and students of a cooking fire and the correct way to deal with this type of fire.



Public education was presented to Discovery Woods School Kindergarten and 1<sup>st</sup> Grade students, Riverside School Kindergarten through 2<sup>nd</sup> Grade students, Lake Region Christian School 1<sup>st</sup> Grade students, Oak Street School students, and the YMCA Preschool. Firefighters attended the TCC Head Start event and the Race for Grace 5K event. A fire truck ride to school was given to a 1<sup>st</sup> grade student at Discovery Woods.

Fire Marshal / Deputy Chief Cox provided fire extinguisher training to 56 employees of North Star Plating.





## Brainerd Fire Department Monthly Report

### May 2022

#### TRAINING AND STAFF DEVELOPMENT



We hosted a regional EV (Electronic Vehicle) training for Emergency Responders provided by Crow Wing Power. Over 50 responders from the area attended the training.

We also conducted our Annual Firefighter Physical Fitness Test, Forcible Entry, and Emergency Driving Classroom training. Several firefighters attended the North Memorial Annual Air Care Mini Conference held at their hangar.

Paid on-Call Firefighter applicant written and physical testing was held in May to establish a hiring list. We will be conducting interviews in June, with our plan to hire within the next few months.



| INSPECTIONS             |    |
|-------------------------|----|
| Construction Inspection | 2  |
| Fire Alarm              | 25 |
| Hood Suppression        | 19 |
| Knox Box                | 1  |
| License Inspection      | 18 |
| Safety Inspection       | 7  |
| Sprinkler System        | 37 |





# Brainerd Fire Department Monthly Report

May 2022

| BRAINERD FIRE COVERAGE AREA INCIDENT REPORT                         |                                                              |
|---------------------------------------------------------------------|--------------------------------------------------------------|
| Type of NFIRS Incident<br>(National Fire Incident Reporting System) | Coverage Area Total Incidents<br>(Includes City of Brainerd) |
| Fire                                                                | 6                                                            |
| Rescue & Emergency Medical Service                                  | 9                                                            |
| Hazardous Condition                                                 | 5                                                            |
| Service Calls                                                       | 10                                                           |
| Good Intent Call                                                    | 12                                                           |
| Alarm Activation                                                    | 20                                                           |
| Severe Weather                                                      | 2                                                            |
| <b>TOTAL</b>                                                        | <b>64</b>                                                    |

| Type of NFIRS Incident<br>(National Fire Incident Reporting System) | City of Brainerd Total Incidents |
|---------------------------------------------------------------------|----------------------------------|
| Fire                                                                | 1                                |
| Rescue & Emergency Medical Service                                  | 3                                |
| Hazardous Condition                                                 | 0                                |
| Service Calls                                                       | 7                                |
| Good Intent Call                                                    | 4                                |
| Alarm Activation                                                    | 12                               |
| Severe Weather                                                      | 0                                |
| <b>TOTAL</b>                                                        | <b>27</b>                        |

May was our busiest call month since 2015, with 64 calls for service. We are very proud of the relationships we have built with our emergency partners. Brainerd Fire participated in two large scale events in May. The first was a large scale exercise at Cuyuna State Recreation Area and the second was a large scale search for a missing female. Both were very successful and highlighted the great partnerships throughout all our public safety partners.





# HR DIRECTOR REPORT

## In this report:

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

## NeoGov

HR Staff is continuing to work with NeoGov and are in the final stages of preparing our new Onboard module. We are hoping to have it totally completed by mid-July.

We met our beginning of May goal we set for ourselves. We were able to onboard our Summer interns online and found different items that needed to be adjusted during the process. We are now working on getting it ready to onboard full-time employees.

Our NeoGov Import Specialist has been working with us to also get BPU/HRA employees imported into Onboard. This is needed for offboarding individuals when they leave our employment. We are hoping to have this step completed by mid-June.

## Employee Policy Manual Review

Staff recently received a draft version of our updated Employee Policy Manual (EPM) from our City Attorney that includes revisions primarily due to the recent Charter amendment changes regarding Park Board/BPU Commission oversight for its employees as well as law changes. City Administrator Bergman & HR are discussing questions with the City Attorney at this time. Our plan is to continue to finalize our review with the City Attorney; discuss the proposed changes with all Department Heads the week of June 6th; present a draft EPM version at a joint City Council/BPU Commission meeting tentatively scheduled for June 27<sup>th</sup>; and then submit it for Council consideration on July 6<sup>th</sup>.

## Special Notes

Sourcwell's Better Health Collective recently announced that it will be offering an enriched telehealth benefit for anyone covered under our HealthPartners health insurance. The benefit is "3-for-free" Virtual telehealth visits for July 1, 2022 to December 31, 2022.

The annual meeting for Sourcwell's Better Health Collective will be held on August 18th. We will receive our 2023 health insurance renewal on that date.

## Personnel

New Hires/Promotions for City/BPU/HRA:

Richard Berry - CSO (4/29)  
Andy Moody - Water Plant Water Plant Operator (5/23)  
Jessica Mulroy - HRA Administrative Specialist (6/6)  
James Kramvik - Community Development Director (6/7)  
Many interns and temporary employees started in May-early June.

Farewell to:

Paul Sandy - City Engineer/Public Works Director (5/6)  
Janey Ziegler - CSO (4/26)

Current Job Opportunities:

Full-time:

BPU Water Service Worker – Internal applications are being reviewed

City Engineer/Public Works Director - Interviews will be held on June 22, 2022

Police Officers - Deadline to apply is July 18th.

Seasonal/Temporary positions:

Umpires - Adult Softball (pending background checks)  
Concession Workers

There are currently five City/BPU/HRA employees with Family & Medical Leave Act (FMLA) issues. This includes one employee that is absent due to a work-related injury.

The Community Development Director Work Group conducted interviews on May 24, 2022. The Committee was very pleased with the quality of the candidates and recommended the promotion of James Kramvik for the position.

The City Engineer/Public Works Director Work Group met on June 1st to review the four applications. It was noted that one individual had withdrawn from consideration; therefore, the Committee selected all three individuals for interviews to be held on June 22nd.

## Wellness Committee

May Lunch 'N Learn (5/12): Meet with your Plan representative. Our guest speaker was Michelle Redfield from the MN State Retirement System (MSRS). Michelle discussed MSRS's Deferred Compensation Plan and Health Care Savings Plan including investment options. Both of these plans are available to our employees to assist their future financial preparedness.

The Wellness Committee continues to collect non-perishable food items for the North Star Apartments Food Pantry. During the April Lunch 'N Learn the Wellness group was able to collect 142 lbs.

Staff is working with Crow Wing County Maintenance Staff and Pikes Plumbing & Heating to install the City Hall water bottle filling station. We are hoping to have it installed in July.

The Committee was awarded a \$1,000 Crow Wing Energized grant for the conversion of a space to be a lactation/employee relaxation room.





# Brainerd City Council Agenda Request

**Requested Meeting Date:**

**Title of Item:**

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



# Brainerd City Council Agenda Request

**Requested Meeting Date:**

**Title of Item:**

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

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

**June 6, 2022**

**7:00 PM**

**WebEx Teleconference Call-In Information**

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

**Access Code: 2484 121 1283**

1. League of MN Cities Insurance Trust (LMCIT) Premium Renewal March 2022- February 2023
2. Accept Resignation of Firefighter Bickel
3. Ratify Hiring of 2022 Interns and Temporary/Seasonal Employees
4. Ratify the Promotion of James Kramvik as the Community Development Director
5. Discussion of Prosecution Agreement
6. Consider Request from the Employee Wellness Committee for the Employee Appreciation Lunch
7. Update on City Engineer/ Public Works Director Hiring Process
8. Update on the Request for Funds to be Returned from Lakes Area Media Collaborative



# Brainerd City Council Agenda Request

**Requested Meeting Date:**

**Title of Item:**

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



May 18, 2022

Brainerd City Council  
City of Brainerd  
Brainerd Public Utilities  
501 Laurel Street  
Brainerd MN 56401

RE: LMCIT Insurance Renewal

Dear Council Members,

Enclosed is the City of Brainerd's renewal premium summary, along with a comparative premium breakdown for The City of Brainerd, Brainerd Public Utilities and the Transit Department.

The premium is based on the policy term 03/01/2022 – 03/01/2023 and the comparison is an annualized premium, LMC does not charge or return premium for mid-term changes. The overall premium is up 10.93% from the expiring term.

As noted in the LMC coverage/rate change memo, property rates have been restructured for specific buildings types (see "other variables" below) so that rates align with the risk that certain building types present. This means that rates for some building types will increase and for others, rates will decrease.

Property Variables: Property types with biggest rate increases include general civic buildings such as city halls, fire stations, community centers, police stations, and water, sewer, and electric utility property; while biggest decreases include park property and property in the open (property in the open is items like benches, picnic tables, statues, playgrounds, sports apparatus, etc.).

We requested a quote for excess liability coverage, LMC is not offering coverage until the police recommendations from 2017 have been addressed. Excess liability coverage would extend to Federal civil rights laws (employment practices, discrimination, etc.) and liability assumed by contractor or the "taking" of property.

Please let me know if you have any questions or concerns.

Regards,

Jim Sodomka  
O: 218-829-4721  
C: 952-693-1905  
E: [JMSODOMKA@WE-INS.COM](mailto:JMSODOMKA@WE-INS.COM)

Kelly Masche  
O: 218-829-4721  
C: 507-213-9000  
E: [KJMASCHE@WE-INS.COM](mailto:KJMASCHE@WE-INS.COM)



**COMMERCIAL INSURANCE PACKAGE  
PREPARED FOR:**

**City of Brainerd  
Brainerd Public Utilities  
Brainerd-Crow Wing County Transit**

*Prepared by: Jim Sodomka and Kelly Masche*

***WEIZENEGGER  
ENGEL INSURANCE***

**15616 Edgewood Drive, Suite 200, Baxter MN 56425 | PH: 888-829-4721**

## PREMIUM SUMMARY

### CITY OF BRAINERD, BRAINERD PUBLIC UTILITIES & BRAINERD & CROW WING PUBLIC TRANSIT

- All Departments Combined -

League of Minnesota Cities Insurance Trust

March 1, 2022 to March 1, 2023

| COVERAGE                    | RENEWAL<br>PREMIUM<br>2021-2022 | RENEWAL<br>PREMIUM<br>2022-2023 |
|-----------------------------|---------------------------------|---------------------------------|
| Building & Contents         | \$144,874                       | \$193,661                       |
| Equipment - Mobile Property | \$8,821                         | \$10,550                        |
| Municipal Liability         | \$116,780                       | \$117,139                       |
| Public Officials E&O        | Included                        | Included                        |
| Automobile                  | \$72,647                        | \$55,733                        |
| Blanket Employee Bond       | \$2,219                         | \$2,238                         |
| Equipment Breakdown         | \$16,253                        | \$17,428                        |
| Open Meeting Law            | Included                        | Included                        |
| Cyber - 1st party coverage  | Included                        | \$4,368                         |
| <b>TOTAL ANNUAL PREMIUM</b> | <b>\$361,594</b>                | <b>\$401,117</b>                |

## **Renewal Summary**

**CITY OF BRAINERD, BRAINERD PUBLIC UTILITIES &  
BRAINERD & CROW WING PUBLIC TRANSIT  
League of Minnesota Cities Insurance Trust  
March 1, 2022 to March 1, 2023**

2020 LMCIT P&C dividend paid \$25,941.  
2021 LMCIT P&C dividend paid \$70,549.

Unscheduled equipment increased by \$111,843

Overall autos decreased by 5

Primary Auto Liability coverage added



**MUNICIPAL PROPERTY**  
**March 1, 2022 to March 1, 2022**

| PROPERTY:                      | 2021-2022     | 2022-2023     |
|--------------------------------|---------------|---------------|
| - Building & Contents          | \$164,926,884 | \$177,174,018 |
| - Mobile Equipment - Scheduled | \$0           | \$0           |
| - Mobile Equipment < \$250,000 | \$2,867,737   | \$2,979,580   |
| - Extra Expense / Hydrodam     | \$1,000,000   | \$1,000,000   |

Coverage Form: Special Causes of Loss

Reproduction Cost Coverage is provided for the following locations

Location 1 - City Hall

Location 2 - City Hall Annex

Location 3 - Laurel & civic Lights/Welcome sign

Location 4 - Historic Water Tower

Location 49 – Public Library

**Property Deductible:** **\$5,000**

|                                            |           |                                                  |
|--------------------------------------------|-----------|--------------------------------------------------|
| <b><u>CRIME</u></b> : Limit per Occurrence | \$250,000 | <b><u>Deductible</u></b><br>\$500 per occurrence |
| Fraudulent Instruction Loss sublimit       | \$50,000  |                                                  |

|                                           |             |                        |
|-------------------------------------------|-------------|------------------------|
| <b><u>BOND</u></b> : Limit per Occurrence | \$1,000,000 | \$1,000 per occurrence |
|-------------------------------------------|-------------|------------------------|

|                                     |           |     |
|-------------------------------------|-----------|-----|
| <b><u>PETROFUND</u></b> : Aggregate | \$250,000 | N/A |
|-------------------------------------|-----------|-----|

|                                     |               |                      |
|-------------------------------------|---------------|----------------------|
| <b><u>EQUIPMENT BREAKDOWN</u></b> : | \$100,000,000 | \$1,000 per accident |
|-------------------------------------|---------------|----------------------|

## ADDITIONAL PROPERTY COVERAGES

March 1, 2022 to March 1, 2023

|                                                            |                                                               |
|------------------------------------------------------------|---------------------------------------------------------------|
| 1. Loss of Revenue, Extra Expense and Expediting Expense   | \$5,000,000 Per Occurrence                                    |
| 2. Demolition & Debris Removal (Direct Damage to Property) | 25% of the Estimated Replacement Cost of the Covered Property |
| (No Direct Damage to Property)                             | \$50,000 Per Occurrence                                       |
| 3. Leasehold Interest                                      | \$500,000 Per Location                                        |
| 4. Accounts Receivable                                     | \$500,000 Per Location                                        |
| 5. Valuable Papers and Records                             | \$500,000 Per Location                                        |
| 6. Utility Services                                        | \$100,000 Per Occurrence                                      |
| 7. Green Building Expenses                                 | 1% of Contract Cost, but not to exceed \$100,000 Per Location |
| 8. Asbestos Cleanup and Removal                            | \$250,000 Per Location                                        |
| 9. Pollutant Cleanup and Removal                           | \$250,000 Per Location                                        |
| 10. Errors                                                 | \$500,000 Per Occurrence                                      |
| 11. Rental Reimbursement                                   | \$250,000 Annual Aggregate                                    |
| 12. Arson Reward                                           | \$5,000 Per Fire Loss                                         |
| 13. Extraordinary Expense                                  | \$250,000 Annual Aggregate                                    |
| Water & Supplemental Flood Coverage                        | \$500,000 Per Occurrence                                      |
|                                                            | \$500,000 Annual Aggregate                                    |

**MUNICIPAL LIABILITY**  
**March 1, 2022 to March 1, 2023**

**COVERAGE WRITTEN ON:** Claims Made Form

**LIMITS OF LIABILITY:**

|                                    |             |                  |
|------------------------------------|-------------|------------------|
| Per Occurrence Limit               | \$2,000,000 |                  |
| Products Limit                     | \$3,000,000 | Annual Aggregate |
| Failure to Supply Claim Limit      | \$3,000,000 | Annual Aggregate |
| EMF Claim Limit                    | \$3,000,000 | Annual Aggregate |
| Medical & Related Expense Limit    | Not Covered |                  |
| Limited Contamination Liability    | \$3,000,000 | Per Sudden Occ.  |
| Outside Organization Claim Limit   | \$100,000   | Annual Aggregate |
| Land Use & Special Risk Litigation | \$1,000,000 | Annual Aggregate |
| Sexual Abuse Claim                 | \$3,000,000 | Annual Aggregate |

**Municipal Liability Deductible:** **\$1,000**

**MISC. COVERAGE:**

|                                    |           |                   |
|------------------------------------|-----------|-------------------|
| Errors & Omissions (incl. Airport) |           |                   |
| Defense Cost Reimbursement Expense | \$50,000  | Annual Aggregate  |
|                                    |           | Per City Official |
|                                    | \$250,000 | Annual Aggregate  |

**MUNICIPAL AUTOMOBILE**  
**March 1, 2022 to March 1, 2023**

|                                    |                                     |                      |
|------------------------------------|-------------------------------------|----------------------|
| Automobile Liability               | \$2,000,000                         | Per Occurrence       |
| Basic Economic Loss Benefits       | MN Statutory PIP                    |                      |
| Uninsured & Underinsured Motorist  | \$200,000                           | Per Occurrence       |
| Automobile Physical Damage         | Actual Cash Value (unless endorsed) |                      |
| Hired & Non-Owned Automobile       | \$2,000,000                         |                      |
| Scheduled Non-Owned auto Liability | 10                                  | City admin employees |
| <b>Automobile Deductible:</b>      | <b>\$1,000</b>                      |                      |

## ADDITIONAL CONSIDERATIONS

March 1, 2022 to March 1, 2023

|                                                                                                                                                                                                                                                                                                                                                          |
|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b><i>Excess Liability Quote:</i></b>                                                                                                                                                                                                                                                                                                                    |
| Unable to quote until police recs are addressed                                                                                                                                                                                                                                                                                                          |
| The City of Brainerd has elected to not waive the statutory limits, therefore the cities liability is limited by the MN statute to no more than \$500,000 per claimant and \$1.5 million per occurrence for tort liability claims. The trusts excess liability policy would extend coverage for non-tort liability claims that would exceed this amount. |

|                                                                                                               |
|---------------------------------------------------------------------------------------------------------------|
| <u>MN Statue reference:</u>                                                                                   |
| <a href="https://www.revisor.mn.gov/statutes/cite/466.04">https://www.revisor.mn.gov/statutes/cite/466.04</a> |

First Party cyber coverage limit can be increased to \$500,000 for an additional \$2,184

PREMIUM SUMMARY COMPARISON

CITY OF BRAINERD, BRAINERD PUBLIC UTILITIES  
CROW WING PUBLIC TRANSIT

League of Minnesota Cities Insurance Trust

| Dept.   | 2021         | 2022         | 2021        | 2022        | 2021      | 2022      | 2021         | 2022         | 2021     | 2022     |
|---------|--------------|--------------|-------------|-------------|-----------|-----------|--------------|--------------|----------|----------|
|         | Property     | Property     | Unscheduled | Unscheduled | Scheduled | Scheduled | Municipal    | Municipal    | Open MTG | Open MTG |
|         |              |              | Equipment   | Equipment   | Equipment | Equipment | Liability    | Liability    | Law      | Law      |
| City    | \$7,233.00   | \$22,539.00  | \$34.00     | \$39.00     | \$0.00    | \$0.00    | \$14,592.00  | \$17,045.00  | \$0.00   | \$0.00   |
| Str/Swr | \$4,851.00   | \$3,626.00   | \$3,343.00  | \$3,999.00  | \$0.00    | \$0.00    | \$14,013.00  | \$12,808.00  | \$0.00   | \$0.00   |
| Police  | \$1,687.00   | \$3,763.00   | \$596.00    | \$713.00    | \$0.00    | \$0.00    | \$49,869.00  | \$52,260.00  | \$0.00   | \$0.00   |
| Fire    | \$2,453.00   | \$4,221.00   | \$662.00    | \$792.00    | \$0.00    | \$0.00    | \$1,278.00   | \$1,109.00   | \$0.00   | \$0.00   |
| Library | \$5,493.00   | \$8,547.00   | \$0.00      | \$0.00      | \$0.00    | \$0.00    | \$90.00      | \$74.00      | \$0.00   | \$0.00   |
| Park    | \$35,170.00  | \$18,279.00  | \$199.00    | \$238.00    | \$0.00    | \$0.00    | \$2,401.00   | \$1,948.00   | \$0.00   | \$0.00   |
| EDA     | \$0.00       | \$0.00       | \$0.00      | \$0.00      | \$0.00    | \$0.00    | \$89.00      | \$78.00      | \$0.00   | \$0.00   |
| Airport | \$0.00       | \$0.00       | \$0.00      | \$0.00      | \$0.00    | \$0.00    | \$500.00     | \$500.00     | \$0.00   | \$0.00   |
| SubT    | \$56,887.00  | \$60,975.00  | \$4,834.00  | \$5,781.00  | \$0.00    | \$0.00    | \$82,832.00  | \$85,822.00  | \$0.00   | \$0.00   |
| Transit | \$0.00       | \$0.00       | \$0.00      | \$0.00      | \$0.00    | \$0.00    | \$1,183.00   | \$1,127.00   | \$0.00   | \$0.00   |
| SubT    | \$0.00       | \$0.00       | \$0.00      | \$0.00      | \$0.00    | \$0.00    | \$1,183.00   | \$1,127.00   | \$0.00   | \$0.00   |
| BPU     | \$87,987.00  | \$132,686.00 | \$3,987.00  | \$4,769.00  | \$0.00    | \$0.00    | \$32,765.00  | \$30,190.00  | \$0.00   | \$0.00   |
| SubT    | \$87,987.00  | \$132,686.00 | \$3,987.00  | \$4,769.00  | \$0.00    | \$0.00    | \$32,765.00  | \$30,190.00  | \$0.00   | \$0.00   |
| TOTAL   | \$144,874.00 | \$193,661.00 | \$8,821.00  | \$10,550.00 | \$0.00    | \$0.00    | \$116,780.00 | \$117,139.00 | \$0.00   | \$0.00   |

| Dept.   | 2021        | 2022        | 2021    | 2022        | 2021       | 2022       | 2021        | 2022        | 2021           | 2022           |
|---------|-------------|-------------|---------|-------------|------------|------------|-------------|-------------|----------------|----------------|
|         | Auto        | Auto        | Auto    | Auto        | Bond       | Bond       | Equipment   | Equipment   | 1st Pary Cyber | 1st Pary Cyber |
|         |             |             | HNO     | HNO/Primary |            |            | Breakdown   | Breakdown   |                |                |
| City    | \$2,215.00  | \$2,215.00  | \$13.00 | \$102.00    | \$247.00   | \$279.00   | \$1,049.00  | \$1,115.00  | \$0.00         | \$546.00       |
| Str/Swr | \$5,589.00  | \$5,817.00  | \$8.00  | \$9.00      | \$246.00   | \$279.00   | \$315.00    | \$335.00    | \$0.00         | \$546.00       |
| Police  | \$24,841.00 | \$27,663.00 | \$8.00  | \$9.00      | \$246.00   | \$280.00   | \$309.00    | \$328.00    | \$0.00         | \$546.00       |
| Fire    | \$4,168.00  | \$5,569.00  | \$8.00  | \$9.00      | \$246.00   | \$280.00   | \$313.00    | \$333.00    | \$0.00         | \$546.00       |
| Library | \$0.00      | \$0.00      | \$8.00  | \$9.00      | \$246.00   | \$280.00   | \$500.00    | \$529.00    | \$0.00         | \$546.00       |
| Park    | \$2,291.00  | \$2,291.00  | \$8.00  | \$9.00      | \$247.00   | \$280.00   | \$493.00    | \$597.00    | \$0.00         | \$546.00       |
| EDA     | \$0.00      | \$0.00      | \$8.00  | \$9.00      | \$247.00   | \$0.00     | \$0.00      | \$0.00      | \$0.00         | \$0.00         |
| Airport | \$0.00      | \$0.00      | \$0.00  | \$0.00      | \$0.00     | \$0.00     | \$0.00      | \$0.00      | \$0.00         | \$0.00         |
| SubT    | \$39,104.00 | \$43,555.00 | \$61.00 | \$156.00    | \$1,725.00 | \$1,678.00 | \$2,979.00  | \$3,237.00  | \$0.00         | \$3,276.00     |
| Transit | \$22,290.00 | \$0.00      | \$8.00  | \$9.00      | \$247.00   | \$280.00   | \$0.00      | \$0.00      | \$0.00         | \$546.00       |
| SubT    | \$22,290.00 | \$0.00      | \$8.00  | \$9.00      | \$247.00   | \$280.00   | \$0.00      | \$0.00      | \$0.00         | \$546.00       |
| BPU     | \$11,176.00 | \$12,004.00 | \$8.00  | \$9.00      | \$247.00   | \$280.00   | \$13,274.00 | \$14,191.00 | \$0.00         | \$546.00       |
| SubT    | \$11,176.00 | \$12,004.00 | \$8.00  | \$9.00      | \$247.00   | \$280.00   | \$13,274.00 | \$14,191.00 | \$0.00         | \$546.00       |
| TOTAL   | \$72,570.00 | \$55,559.00 | \$77.00 | \$174.00    | \$2,219.00 | \$2,238.00 | \$16,253.00 | \$17,428.00 | \$0.00         | \$4,368.00     |

| Dept.   | 2021         | 2022         |  | Coverage            | 2021         | 2022         |  |  |  |  |
|---------|--------------|--------------|--|---------------------|--------------|--------------|--|--|--|--|
|         | Premium      | Premium      |  | Property            | \$144,874.00 | \$193,661.00 |  |  |  |  |
| City    | \$25,383.00  | \$43,880.00  |  | Unscheduled Equip   | \$8,821.00   | \$10,550.00  |  |  |  |  |
| Str/Swr | \$28,365.00  | \$27,419.00  |  | Scheduled Equip     | \$0.00       | \$0.00       |  |  |  |  |
| Police  | \$77,556.00  | \$85,562.00  |  | Municipal liability | \$116,780.00 | \$117,139.00 |  |  |  |  |
| Fire    | \$9,128.00   | \$12,859.00  |  | Open MTG Law        | \$0.00       | \$0.00       |  |  |  |  |
| Library | \$6,337.00   | \$9,985.00   |  | Auto                | \$72,570.00  | \$55,559.00  |  |  |  |  |
| Park    | \$40,809.00  | \$24,188.00  |  | HNO Auto            | \$77.00      | \$174.00     |  |  |  |  |
| EDA     | \$344.00     | \$87.00      |  | Bond                | \$2,219.00   | \$2,238.00   |  |  |  |  |
| Airport | \$500.00     | \$500.00     |  | Equip Breakdown     | \$16,253.00  | \$17,428.00  |  |  |  |  |
| SubT    | \$188,422.00 | \$204,480.00 |  | Cyber               | \$0.00       | \$4,368.00   |  |  |  |  |
|         |              |              |  | Total               | \$361,594.00 | \$401,117.00 |  |  |  |  |
| Transit | \$23,728.00  | \$1,962.00   |  |                     |              |              |  |  |  |  |
| SubT    | \$23,728.00  | \$1,962.00   |  |                     |              |              |  |  |  |  |
| BPU     | \$149,444.00 | \$194,675.00 |  |                     |              |              |  |  |  |  |
| SubT    | \$149,444.00 | \$194,675.00 |  |                     |              |              |  |  |  |  |
| TOTAL   | \$361,594.00 | \$401,117.00 |  |                     |              |              |  |  |  |  |

COVERAGE SUMMARY COMPARISON

CITY OF BRAINERD, BRAINERD PUBLIC UTILITIES  
CROW WING PUBLIC TRANSIT

League of Minnesota Cities Insurance Trust

| Dept.   | 2021                          | 2022                          | Difference | 2021        | 2022        | Difference | 2021       | 2022       | Difference |
|---------|-------------------------------|-------------------------------|------------|-------------|-------------|------------|------------|------------|------------|
|         | Property Limits               | Property Limits               |            | Unscheduled | Unscheduled |            | Auto       | Auto       |            |
|         | BLDG - BPP - EQ.<br>Breakdown | BLDG - BPP - EQ.<br>Breakdown |            | Equipment   | Equipment   |            | # of Units | # of Units |            |
| City    | 10,636,409                    | 11,337,291                    | 700,882    | 10,769      | 11,189      | 420        | 8          | 8          | -          |
| Str/Swr | 3,202,764                     | 3,409,715                     | 206,951    | 1,086,953   | 1,129,344   | 42,391     | 18         | 17         | (1)        |
| Police  | 3,130,800                     | 3,333,739                     | 202,939    | 193,833     | 201,393     | 7,560      | 19         | 21         | 2          |
| Fire    | 3,177,250                     | 3,383,427                     | 206,177    | 215,370     | 223,770     | 8,400      | 17         | 20         | 3          |
| Library | 5,073,500                     | 5,374,584                     | 301,084    | -           | -           | -          | -          | -          | -          |
| Park    | 4,994,540                     | 6,087,767                     | 1,093,227  | 64,611      | 67,131      | 2,520      | 14         | 12         | (2)        |
| EDA     | -                             | -                             | -          | -           | -           | -          | -          | -          | -          |
| Airport | -                             | -                             | -          | -           | -           | -          | -          | -          | -          |
| SubT    | 30,215,263                    | 32,926,523                    | 2,711,260  | 1,571,536   | 1,632,827   | 61,291     | 76         | 78         | 2          |
|         |                               |                               |            |             |             |            |            |            |            |
| Transit | -                             | -                             | -          | -           | -           |            | 10         | -          | (10)       |
| SubT    | -                             | -                             | -          | -           | -           |            | 10         | -          | (10)       |
|         |                               |                               |            |             |             |            |            |            |            |
| BPU     | 134,711,621                   | 144,247,495                   | 9,535,874  | 1,296,201   | 1,346,753   | 50,552     | 50         | 53         | 3          |
| SubT    | 134,711,621                   | 144,247,495                   | 9,535,874  | 1,296,201   | 1,346,753   | 50,552     | 50         | 53         | 3          |
|         |                               |                               |            |             |             |            |            |            |            |
| TOTAL   | 164,926,884                   | 177,174,018                   | 12,247,134 | 2,867,737   | 2,979,580   | 111,843    | 272        | 262        | (5)        |





Weizenegger Engel Insurance

Kelly Masche

Re: City of Brainerd

This letter and the attached Municipal Electric Utility Property and Machinery Breakdown Coverage Options risk information memo provides a review of the various coverage options and replacement cost values and limits. Please deliver a copy of this letter to the utility manager.

**Review of Electric Utility Locations/Municipal Property Coverage**

*Location description*

*Power plant location*

The power plant location includes the values on the building, production equipment, substation equipment and the substation that is outside or near the power plant building. The covenant includes an endorsement that lists the property that is covered at the power plant location.

*Substation location*

The substation location includes the values of the substation that is away from the power plant location.

*This utility has the following power plant and substation locations and limits of coverage;*

| Location | Address       | Occupancy       | Limit         |
|----------|---------------|-----------------|---------------|
| 77       | 1501 Mill Ave | Power Plant/Dam | \$42,932,278. |
| 78       | 1501 Mill Ave | Transformer     | \$253,984.    |



### *Agreed amount endorsement*

The utility has determined that they do need an agreed amount endorsement on the following equipment:

| Location | Occupancy       | Type of Covered Equipment | Limit                          |
|----------|-----------------|---------------------------|--------------------------------|
| 77       | Power Plant/Dam | (5) Hydro Turbines        | \$2,849,959 per Hydro Turbine. |

LMCIT will repair and replace the equipment with used or new materials but in no event will LMCIT pay more than \$2,849,959. For any (1) Hydro Turbine. The specific limit does not apply.

As an example, if a fire damaged the building for \$500,000, LMCIT would pay up to \$750,000. The building is subject to the 150% specific property limit. However, if a fire damaged the equipment, LMCIT will not pay more than \$2,849,959, the agreed amount limits stated above. The specific limit does not apply.

### *Replacement cost coverage*

The replacement cost coverage LMCIT provides for electric utilities differs from the coverage provided for other municipal property in an important way; the coverage for utility equipment allows for the use of used parts and materials to repair or replace damaged utility property, if used parts and materials of comparable kind and quality are available.

### *Replacement cost values*

Estimating the replacement cost of electric utility equipment can be difficult. In most cases, we have requested the utilities to complete questionnaires on their equipment and have forwarded the information to various consulting engineers to determine the replacement cost values. Depending on the type of equipment, we may have used an internal replacement cost guideline as established by the consulting engineers. *Please review the replacement cost values on each location. If the utility feels that the values are inadequate, please contact LMCIT.*

### *Agreed amount values*

Please review the equipment that has an agreed amount value and determine if the utility wants to amend the agreed amount values or make any other changes.



**Review of Electric Utility Locations/Equipment Breakdown Coverage**

**LMCIT does not provide any Equipment Breakdown Coverage at the Power Plant/Dam (Location #77) or Transformer (Location #78).**

Please contact me if you have any questions.

Thank you,

Nate Brue

LMCIT Underwriter



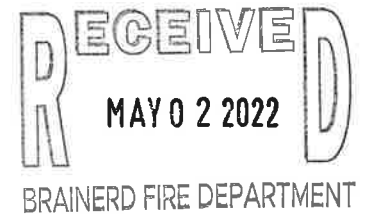
# Brainerd City Council Agenda Request

**Requested Meeting Date:**

**Title of Item:**

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

Andrew Bickel  
1511 Quince St SE  
Brainerd, MN 56401



Chief Holmes, Brainerd Fire Department;

I am writing to submit my resignation to the Brainerd Fire Department. I don't make this decision lightly and I still have mixed feelings about it.

Due to changes in life circumstances including a new position at North Memorial Ambulance among other changes, I don't feel as though I can continue to meet the minimum requirements of the department. My spirit is willing, but my commitments elsewhere prevent me from being an active team member.

I have truly enjoyed being a Brainerd Fire Fighter. I have learned a lot from all of you. I appreciate the valuable lessons that I have learned in my time as a firefighter, and I will really miss jumping on the trucks and serving our community.

Although I am leaving the department as a firefighter, please reach out if there's anything I can do to help. Thank you for the years of allowing me to serve alongside you, I will truly miss being a part of this great department.

Sincerely,

Andrew J Bickel



# Brainerd City Council Agenda Request

**Requested Meeting Date:**

**Title of Item:**

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

## 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 Benjamin Jones       | BPU Summer Maintenance | 5/23/2022           | \$14.00            | \$14.00-\$16.00      | No                                     |
| 2 Levi Block           | BPU Summer Maintenance | 5/31/2022           | \$14.00            | \$14.00-\$16.00      | No                                     |
| 3 Nicholas Brisk       | BPU Line Crew Intern   | 5/23/2022           | \$20.00            | \$15.00 - \$20.00    | Yes-Approved                           |
| 4 Riley Backstrom      | BPU Line Crew Intern   | 5/23/2022           | \$22.00            | \$15.00 - \$20.00    | No                                     |
| 5 Lydia Ziemer         | St Laborer             | 6/7/2022            | \$15.00            | \$14.00-\$16.00      | No                                     |
| 6 Alexander Oreskovich | St Laborer             | 6/7/2022            | \$15.00            | \$14.00-\$16.00      | No                                     |

Submitted for Consideration for the June 6, 2022 Council Meeting



# Brainerd City Council Agenda Request

**Requested Meeting Date:**

**Title of Item:**

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



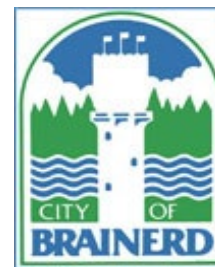
# Brainerd City Council Agenda Request

**Requested Meeting Date:**

**Title of Item:**

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

# MEMO



**TO:** Mayor and Council

**FROM:** City Administrator Bergman  
Police Chief Mike Bestul  
Finance Director Connie Hillman

**DATE:** June 1, 2022

**RE:** Discussion of Prosecution Agreement

---

## BACKGROUND

Historically Brainerd has entered into an agreement for a prosecuting attorney. Since at least 1991, Brainerd has had agreements with Baxter and Nisswa to share in the cost of the agreement Brainerd has with the prosecutor to provide the same services for Baxter and Nisswa.

Prior to June 2019, the City had contracted with Mallie Law Office for prosecution services. Mr. Mallie was appointed to the bench on Minnesota's 9<sup>th</sup> Judicial District by the Governor and needed to terminate the prosecution agreement with the City. On May 20, 2019, the Council voted (6-1) to appoint Severson Porter as the City Prosecutor and have them assume the same terms and conditions of the existing agreement with Matt Mallie which runs through December 31, 2022. The agreement with Severson Porter is attached.

## CURRENT AGREEMENT

As noted in VII Renewal Clause, the renewal is contingent upon both the Prosecutor and City of Brainerd issuing a written notice of intent to renew to the other party at least six months before the expiration of term of the current contract. The City has received written notice from Severson Porter that they would like to renew the contract.

Below is a chart showing the annual amount of the Severson Porter contract:

| Calendar Year | Contract Amount |
|---------------|-----------------|
| 2019          | 188,809.80      |
| 2020          | 191,264.28      |
| 2021          | 193,578.60      |

Staff suggests discussion by the Council on whether or not to provide Severson Porter with a written notice to renew the current contract.



Council could also decide to go out for request for proposals (RFP's) for prosecution services. This then leads to the question if the RFP is for petty misdemeanor, misdemeanor and applicable gross misdemeanor offenses for just the City of Brainerd, or if we would like to continue to enter into an agreement with the cities of Baxter and Nisswa for the same services.

Staff has been satisfied with the services provided by Severson Porter.

Again, the discussion by Council prior to July 1<sup>st</sup>, is whether or not to provide Severson Porter with a written notice to renew the current contract or direct staff to go out for RFPs. Of course, the agreements with the Baxter and Nisswa do come into play as far as the cost of the agreement for prosecution services and will be discussed below.

## AGREEMENTS WITH BAXTER AND NISSWA

Attached you will also find the current agreement with Baxter and Nisswa. The agreements were updated in 2018, effective January 1, 2019. At that time, the prosecution agreement was with Mallie and the information available was the number of cases for each municipality, not hours etc. The agreements were updated for the calendar cost of the prosecution agreement to be based on the number of cases prosecuted for the period of July 1 – June 30. This timeframe was chosen for budget purposes.

Staff does not recall receiving case information for 2018, and all parties agreed to use the same allocation, the case loads for 2017 for allocating the prosecution costs for 2019 and 2020. The chart below is the cost split for calendar years 2020-2022.

| <b>2020</b>                  | <b>% of Number of Cases Jan 2017-Dec 2017</b>         |         | <b>State Court<br/>Fine<br/>Revenue</b> | <b>Fees as a % of<br/>Cost</b>          |
|------------------------------|-------------------------------------------------------|---------|-----------------------------------------|-----------------------------------------|
| <b>Contract for Services</b> | <b>191,264.28</b>                                     |         |                                         |                                         |
| Brainerd                     | 102,724.22                                            | 53.708% | 75,909.52                               | 73.90%                                  |
| Baxter                       | 64,404.42                                             | 33.673% | 51,568.06                               | 80.07%                                  |
| Nisswa                       | 24,135.64                                             | 12.619% | 18,281.12                               | 75.74%                                  |
| <b>2021</b>                  | <b>% of Number of Cases July 2019 - June 30, 2020</b> |         | <b>State Court<br/>Fine<br/>Revenue</b> | <b>Fees as a % of<br/>Cost</b>          |
| <b>Contract for Services</b> | <b>193,578.60</b>                                     |         |                                         |                                         |
| Brainerd                     | 113,977.75                                            | 58.879% | 104,958.98                              | 92.09%                                  |
| Baxter                       | 61,411.14                                             | 31.724% | 54,311.85                               | 88.44%                                  |
| Nisswa                       | 18,189.71                                             | 9.397%  | 26,087.44                               | 143.42%                                 |
| <b>2022</b>                  | <b>% of Number of Cases July 2020 - June 30, 2021</b> |         | <b>State Court<br/>Fine<br/>Revenue</b> | <b>Fees as a % of<br/>Cost Prorated</b> |
| <b>Contract for Services</b> | <b>198,205.08</b>                                     |         |                                         |                                         |
| Brainerd                     | 127,468.13                                            | 64.311% | 28,473.04                               | 67.01%                                  |
| Baxter                       | 52,088.83                                             | 26.280% | 14,750.42                               | 84.95%                                  |
| Nisswa                       | 18,648.12                                             | 9.408%  | 9,146.16                                | 147.14%                                 |

## Discussion of Prosecution Agreement

June 1, 2022

Page 3

As previously mentioned, when the agreements were updated, case load information is all that was available to allocate costs. This contract also goes through December 31, 2022, and the method for allocation can be updated. In fact, there has been some internal discussion on using the number of hours instead of case load. Staff has reached out to Severson Porter to get hours information by municipality. Staff from each municipality have met and are satisfied with the service provided by Severson Porter.

The fine revenue received by each municipality was also included as informational. Ideally, the fine revenue would cover the cost of prosecution services. However, fine revenue is based on the type of crime and many other factors as well.

Staff also seeks direction on what Council would like to do with the agreement with Baxter and Nisswa.

## **PROSECUTION AGREEMENT**

This Prosecution Agreement is entered into by and between the City of Brainerd, a Minnesota municipal corporation, and Severson Porter Law, P.A., a Minnesota professional corporation ("Prosecutor").

WHEREAS, the City of Brainerd is desirous of having the Prosecutor provide prosecution services for Brainerd for petty misdemeanor, misdemeanor and applicable gross misdemeanor offenses arising out of its jurisdiction, as more fully set forth below; and

WHEREAS, as part of this Agreement, Prosecutor will also provide those same prosecution services for the Cities of Baxter and Nisswa, in accordance with a joint powers agreement between the three cities; and

WHEREAS, the Prosecutor is willing to provide such prosecution services.

NOW, THEREFORE, pursuant to the mutual agreement between the City of Brainerd and Severson Porter Law, P.A., both parties agree as follows:

### **I**

#### **TERM OF AGREEMENT**

That said Agreement shall be effective commencing on June 1, 2019 and shall continue through December 31, 2022.

### **II**

#### **COMPENSATION AND FEES**

The Prosecutor agrees to provide prosecution services pursuant to the following arrangement:

- |              |                                                                                                                                                                                                                                                                                                                                                                                              |
|--------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| Fee:         | The 2019 annual rate for prosecution services + annual percentage increases agreed to in Section III. The 2019 annual rate is \$188,809.80 paid in monthly installments, which are payable on the first Wednesday following the first Council meeting after the service month is completed. The year 2019 shall be prorated from the commencement of the contract through December 31, 2019. |
| Hourly Rate: | \$125 per hour for services provided outside of the services contemplated herein. Approval of services where the hourly fee is proposed to be charged requires prior approval by the City Administrator of the City for whom services are rendered.                                                                                                                                          |
| Postage:     | City to provide reimbursement for reasonable and necessary postage for mailings associated with cases involving criminal prosecution.                                                                                                                                                                                                                                                        |
| Westlaw:     | City to provide basic Westlaw services for legal research necessary for prosecution.                                                                                                                                                                                                                                                                                                         |

Docutech: City to provide reimbursement for costs associated with Docutech Software use involving criminal prosecution.

### **III**

#### **COMPENSATION ADJUSTMENTS**

Future pay increases to the Prosecutor shall be based on the Consumer Price Index (CPI), Midwest region, and shall fall within a range of 1-3%, with 1% being the minimum increase and 3% being the maximum increase in a given year. The CPI shall be determined from July 1 – June 30 of the preceding year, with the increase being effective on January 1<sup>st</sup> of the following year.

### **IV**

#### **REPORTING**

The Prosecutor will provide the City of Brainerd an annual Case Load Summary on or before November 15<sup>th</sup> for the previous period of July 1 through June 30, the contents of which will be determined by the City of Brainerd in consultation with Baxter and Nisswa. Additionally, the Prosecutor will provide the City of Brainerd with Quarterly reports in the manner and form as mutually determined by the parties.

### **V**

#### **PROSECUTION SERVICES**

The services to be provided by the Prosecutor are for prosecution of petty misdemeanors, misdemeanors, DAC-IPS (Driving After Cancellation – Inimical to Public Safety) actions, theft cases between \$500 and \$1,000, theft cases designated as gross misdemeanors involving receipt of stolen property, check forgery, financial transaction card fraud, school bus stop arm violations, no insurance charges, and gross misdemeanors for DUI offenses, that occur within the jurisdictional limits of Brainerd, Baxter and Nisswa.

### **VI**

#### **INSURANCE**

The Prosecutor shall obtain, at its own expense, malpractice insurance with a minimum of \$1,000,000 in coverage, and shall provide proof of coverage to Brainerd upon request. The Prosecutor shall also provide its own auto insurance, worker's compensation insurance, and any other coverage it deems necessary. Severson Porter Law, P.A., acknowledges that, as an independent contractor, neither it nor its employees are covered by any insurance obtained by Brainerd, Baxter or Nisswa.

### **VII**

#### **RENEWAL CLAUSE**

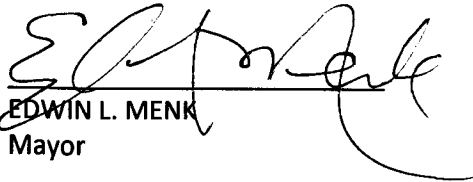
This Agreement may be renewed every three years. Said renewal is contingent upon both the Prosecutor and the City of Brainerd issuing a written notice of intent to renew to the other party at least six months before the expiration of the then current term.

**VIII**  
**TERMINATION**

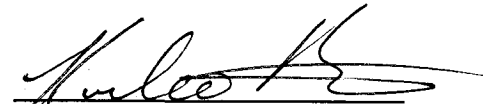
The Agreement shall terminate upon the occurrence of any of the following: (1) Severson Porter's inability to carry on their practice due to disability, suspension of license, or retirement of one or more of their attorneys; or (2) dissolution of Severson Porter Law, P.A. for any reason.

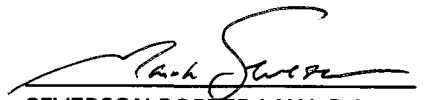
Approved:

CITY OF BRAINERD

  
EDWIN L. MENK  
Mayor

  
CASSANDRA TORSTENSON  
City Administrator

  
SEVERSON PORTER LAW, P.A.  
Kurt W. Porter, Attorney at Law

  
SEVERSON PORTER LAW, P.A.  
Mark A. Severson, Attorney at Law

## **Joint Prosecution Services Agreement**

This Agreement is entered into by and between the Cities of Brainerd, Baxter and Nisswa, each a Minnesota municipal corporation, as of the effective date set forth below.

### **Recitals**

- A. The Cities of Brainerd, Baxter and Nisswa have jointly contracted to share prosecution services for various offenses since 1991 and wish to continue doing so.
- B. Historically, these prosecution services were provided by legal counsel appointed by, and under contract with, the City of Brainerd, and Brainerd is willing to continue that arrangement subject to the terms of this Agreement.

### **Agreement**

- 1. **Purpose.** The purpose of this Agreement is to create a mechanism for providing cost-effective prosecution services for Brainerd, Baxter and Nisswa. All former agreements concerning such services between the three cities are hereby terminated.
- 2. **Shared Services.**
  - a. Brainerd shall contract with a licensed attorney to provide prosecution services for the three cities. The services are for prosecution of petty misdemeanors, misdemeanors, DAC-IPS (Driving After Cancellation – Inimical to Public Safety) actions, theft cases between \$500 and \$1,000, theft cases designated as gross misdemeanors involving receipt of stolen property, check forgery, financial transaction card fraud, school bus stop arm violations, no insurance charges, and gross misdemeanors for DUI offenses, that occur within the jurisdictional limits of the three cities.
  - b. Prosecution counsel shall be chosen by agreement of the three cities. In the event the three cities cannot agree on the attorney to serve as prosecution counsel, the final decision shall be made by Brainerd. The terms of the prosecutor's contract shall be consistent with this Agreement. Any additional terms shall be determined by agreement of the three cities and attached as an addendum to this Agreement. In the event the three cities cannot agree on the terms of the prosecution contract, Brainerd shall make the final decision.
  - c. Brainerd shall arrange for the prosecutor to report to Brainerd the information necessary to calculate the cost split between Brainerd, Baxter and Nisswa.

**3. Term.**

- a. This Agreement shall commence on January 1, 2019, and continue through December 31, 2022, unless otherwise terminated as provided herein.
- b. This Agreement shall terminate in the event the prosecution contract between Brainerd and prosecution counsel is terminated prior to December 31, 2022, and (i) the three cities are unable to secure an acceptable substitute prosecution contract acceptable; or (ii) the replacement prosecutor declines to provide prosecution services to all three parties to this Agreement. In the event of early termination, the parties shall divide the cost of prosecution services rendered, as provided in Section 4 below, except that the prosecutor's report shall be provided within 60 days of termination and Baxter's and Nisswa's payments of their respective shares shall be made to Brainerd within 30 days thereafter.

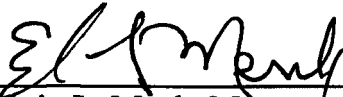
**4. Cost Share.**

- a. The total cost of the Prosecution Services Agreement between Brainerd and prosecution counsel shall be divided between Brainerd, Baxter and Nisswa based on each party's respective share of the prosecutor's case load, based on the previous year's statistics.
  - i. Total cost is defined as the total amount paid by Brainerd to prosecution counsel for prosecution services rendered under the Prosecution Services Agreement for a given calendar year, and includes fees and all allowed out-of-pocket costs.
  - ii. The case load for each party is determined by the number of individual prosecution cases handled by the prosecutor for each respective party.
- b. By the end of November of each year, Brainerd shall provide Baxter and Nisswa with the prosecution statistics report for the previous period of July 1 through June 30. The report shall set forth the individual cases handled by the prosecutor for each party and each party's respective share of the total number of cases.
- c. By February 1<sup>st</sup>, Brainerd shall provide Baxter and Nisswa with the total cost of the prior year's prosecution services. Based on the total cost as divided by each party's respective case load as set forth in the prosecution statistics report received in the previous November, Baxter and Nisswa shall forward one quarter of their respective annual cost to Brainerd by the end of each calendar quarter, beginning with the first quarter of the year.

5. **Dispute Resolution.** In the event a party disputes the prosecutor's report or the division of cost, the parties shall meet and confer, with the prosecutor, and attempt to resolve the issues informally. This informal conference is required prior to taking any further action under this Agreement. In the event the issues are not resolved, the parties shall attempt to mediate with a third-party mediator, unless all parties waive mediation in writing. The cost of mediation shall be split evenly between the parties. In the event mediation is unsuccessful, any party may resort to any legal remedy allowed by law.
6. **Disbursement of Funds.** Any excess funds paid to Brainerd shall be returned to the party submitting the funds, subject to that party's financial obligations under this Agreement.
7. **Liability.**
  - a. **Hold Harmless.** Each Party shall be liable for its own acts to the extent provided by law and hereby agrees to defend, indemnify and hold harmless other Party, and its officers, employees and agents, against any and all liability, loss, costs, damages, expenses, claims or actions, including reasonable attorneys' fees, which the other Party may hereafter sustain, incur or be required to pay, arising out of or by reason of any act or omission of the indemnifying Party, and its officers, employees or agents, in the execution or performance or failure to adequately perform its obligations pursuant to this Agreement. Nothing in this Agreement shall require a Party to defend, indemnify or hold harmless the other Party for the other Party's own acts or omissions.
  - b. **Liability Limits.** It is understood and agreed that the Parties' liability shall be limited by the provisions of Minnesota Statutes, chapter 466, and/or other applicable law. The hold harmless provision of this Agreement does not constitute a waiver by any Party of any limitations on liability provided under Minnesota Statutes, section 466.04, as amended. To the fullest extent permitted by law, actions by the Parties pursuant to this Agreement are intended to be and shall be construed as a "cooperative activity" and it is the intent of the Parties that they shall be deemed a "single governmental unit" for the purposes of liability, all as set forth in Minnesota Statutes, section 471.59, subdivision 1a(a) as amended. Each Party to this Agreement expressly declines responsibility for the acts or omissions of the other Party. Each Party agrees to promptly notify the other Party if it knows or becomes aware of any facts or allegations reasonably giving rise to actual or potential liability, claims, causes of action, judgments, damages, losses, costs or expenses, involving or reasonably likely to involve the other Party, and arising out of acts or omissions related to this Agreement.



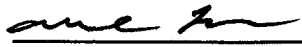
**City of Brainerd**

  
Edwin L. Menk, Mayor

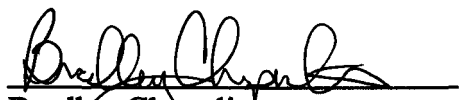
Dated: 12/21/18

  
Cassandra Torstenson,  
City Administrator

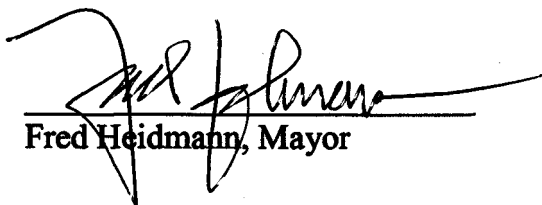
**City of Baxter**

  
Darrel Olson, Mayor

Dated: 11/20/2018

  
Bradley Chapulis,  
City Administrator

**City of Nisswa**

  
Fred Heidmann, Mayor

Dated: 11/20/2018

  
Jenny Max, City Administrator

306028



# Brainerd City Council Agenda Request

**Requested Meeting Date:**

**Title of Item:**

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



# Brainerd City Council Agenda Request

**Requested Meeting Date:**

**Title of Item:**

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



# Brainerd City Council Agenda Request

**Requested Meeting Date:**

**Title of Item:**

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

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 16<sup>th</sup> 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**

**June 6, 2022**

**7:00 PM**

**WebEx Teleconference Call-In Information Call Toll-**

**Free: 1-844-992-4726**

**Access Code: 2484 876 4541**

1. Event/Alley Closure Application- Shep's on 6th Elbow Convention
2. Event/Parking Lot Closure – Lakes Area Skatepark Association Pop-Up Skatepark
3. Approve Bids for Improvement 19-02- Cuyuna Lakes State Trail West Segment
4. Approve Testing Services Contract for Improvement 21-10- Greenwood Street Reconstruction Project



# Brainerd City Council Agenda Request

**Requested Meeting Date:**

**Title of Item:**

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



# SPECIAL EVENT APPLICATION

Date of Application: ~~10/18/22~~ 5/18/22

Event applications can be submitted to the Engineering Department at 501 Laurel Street, Brainerd, MN 56401 or [engineer@ci.brainerd.mn.us](mailto: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: SHEP'S ON 6TH ELBOW Conventional

## Organizer Information

Organizer's Name: STEVEN CLARK SHEPHERD  
Organizer's Address: 315 S 6TH Street  
Event Contact Person: STEVEN C SHEPHERD  
Event Contact Daytime Phone: 218-839-5837  
Event Contact E-mail Address: MIXN1450@GMAIL.COM  
Contact Name/Number Day of Event: (SAM) STEVE SHEPHERD 218-839-5837  
For Profit/Nonprofit Status (type): 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 |
|---------------|------------|----------|------------------------------------------------|
| AUG 26-2022   | 11 AM      | 1230 AM  | 315 So 6th St Alley                            |
| AUG 27-2022   | 12:01 AM   | 1159 PM  | " " " " "                                      |
| SUNDAY AUG 28 | 1201 AM -  | 300 AM   | " " " " "                                      |
|               |            |          |                                                |
|               |            |          |                                                |
|               |            |          |                                                |

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

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

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

## Description of Activities

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

Street Dance off 6th Street Alley  
 315 S 6th St Friday 11:AM - Sunday AM  
 3 AM (approx)

## Site Information

Electrical usage



Yes



No

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

MUSIC ON STAGE I WILL provide Power  
Box For Lighting + MUSIC

Amplified Sound



Yes



No

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

NORMAL Sound MAN  
MUSIC FROM 8:30 PM - 12:30 AM 26 & 27th

Restrooms provided



Yes



No

If yes, how many 6 (a ratio of 1 for every 100-150 people is recommended)

Company contracted for restrooms: BLAKE MAN PORTABLES

(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:

8' BANNER AT ENTRANCE - 4X4 POSTERS X 8  
DESCRIBING NO ONE UNDER 21 & PRICING

Trash Receptacle Disposal



Yes



No

Company contracted for trash receptacle disposal: WASTE PARTNERS 20 Vans

## 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 7<sup>th</sup> Street between Maple Street and Front Street):

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Date and time for beginning of street closures: \_\_\_\_\_

Date and time for reopening of streets: \_\_\_\_\_

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

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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](mailto:engineer@ci.brainerd.mn.us).

SOUTH 6TH STREET

SECURITY FENCING

STAGING

SHIPS  
ON  
6TH

U  
F  
W

toilets

Door

Gate

BAR

GATE

01228

PATO

BAR

## 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

## 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 |     |         |     | Contact the Parks & Recreation Department for information/procedure.                                                                                                                                 |
| Fire/EMS/Police support          |     |         |     | 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         |     |         |     | 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         |     |         |     | All food vendors must apply for a temporary food permit through the Minnesota Health Department (MDH).                                                                                               |
| Insurance Certificate            |     |         |     | May be required before issuing a permit.                                                                                                                                                             |
| Sign/banner Permits              |     |         |     | Contact the Planning Department for information/procedure.                                                                                                                                           |
| Parade Permit                    |     |         |     | Issued by the Police Department after complete submission of application.                                                                                                                            |
| Alcohol Use Permit               |     |         |     | 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   <a href="mailto:admin@ci.brainerd.mn.us">admin@ci.brainerd.mn.us</a>       |
| Parks and Recreation Department: | (218) 828-2320   <a href="mailto:parks@ci.brainerd.mn.us">parks@ci.brainerd.mn.us</a>       |
| Engineering Department:          | (218) 828-2307   <a href="mailto:engineer@ci.brainerd.mn.us">engineer@ci.brainerd.mn.us</a> |
| Planning Department:             | (218) 828-2307   <a href="mailto:planning@ci.brainerd.mn.us">planning@ci.brainerd.mn.us</a> |
| Police Department:               | (218) 829-2805   <a href="mailto:police@ci.brainerd.mn.us">police@ci.brainerd.mn.us</a>     |
| Fire Department:                 | (218) 828-2312   <a href="mailto:fire@ci.brainerd.mn.us">fire@ci.brainerd.mn.us</a>         |
| MN Commissioner of Revenue:      | (651) 282-5225   <a href="http://www.revenue.state.mn.us">www.revenue.state.mn.us</a>       |
| MN Department of Health          | (320) 223-7300   <a href="http://www.health.state.mn.us">www.health.state.mn.us</a>         |
| MNDOT Baxter Office              | (218) 828-5700   <a href="http://www.dot.state.mn.us">www.dot.state.mn.us</a>               |

## For Official Use Only

### Department Sign-offs Required

| Department                | Date/Initials | Comments                               |
|---------------------------|---------------|----------------------------------------|
| Brainerd Public Utilities |               | No issues.                             |
| City Administration       |               |                                        |
| Engineering Department    |               |                                        |
| Fire Department           |               | No issues.                             |
| Fire Support/EMS          |               |                                        |
| Parks Department          |               |                                        |
| Planning Department       |               | Remove any signs after the event.      |
| Police Department         |               | No issues. Will advise staff of event. |

### 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

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### 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):

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# Brainerd City Council Agenda Request

**Requested Meeting Date:**

**Title of Item:**

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





# SPECIAL EVENT APPLICATION

Date of Application: 5/26/2022

Event applications can be submitted to the Engineering Department at 501 Laurel Street, Brainerd, MN 56401 or [engineer@ci.brainerd.mn.us](mailto: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: GNARbecue

## Organizer Information

Organizer's Name: Lakes Area Skatepark Association  
Organizer's Address: 321 S 7th St Suite 105, Brainerd, MN  
Event Contact Person: Jake Rennaker  
Event Contact Daytime Phone: 712-202-4858  
Event Contact E-mail Address: lakesareaskatepark@gmail.com  
Contact Name/Number Day of Event: Jake Rennaker  
For Profit/Nonprofit Status (type): 501(c)3

## Applicant information (if different from the event organizer):

Applicant Name: \_\_\_\_\_  
Applicant Address: \_\_\_\_\_  
Applicant Phone: \_\_\_\_\_  
Applicant E-mail Address: \_\_\_\_\_

## Event Information

Event Details (list each date separately)

| Event Date | Start Time | End Time | Event Location(s) – see locations listed below |
|------------|------------|----------|------------------------------------------------|
| 6/18/22    | 12pm       | 3pm      | City Hall Lot                                  |
|            |            |          |                                                |
|            |            |          |                                                |
|            |            |          |                                                |
|            |            |          |                                                |
|            |            |          |                                                |

☐ 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:

**We will be hosting an extreme sport event.**

**A pop-up skatepark will be available for participants.**

**We will also be selling pulled pork sandwiches  
provided by Dunmire's.**

## Site Information

Electrical usage



Yes



No

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

**Sound and food equipment** Use outlet near the Christmas tree in the CH lot.

Amplified Sound



Yes



No

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

**We will have music and a mic for announcing from 12pm-3pm**

Restrooms provided



Yes



No

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

Company contracted for restrooms: **Fyles**

(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:

**We will have two banners hanging**

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 7<sup>th</sup> Street between Maple Street and Front Street):

City Hall parking lot closure.

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Date and time for beginning of street closures: 6/18 8:00 am

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Date and time for reopening of streets: 6/18 5:00 pm

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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.

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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](mailto: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

**Jake Rennaker**

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 |     |         |     | 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              |     |         |     | Contact the Planning Department for information/procedure.                                                                                                                                           |
| Parade Permit                    |     |         |     | Issued by the Police Department after complete submission of application.                                                                                                                            |
| Alcohol Use Permit               |     |         |     | 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   <a href="mailto:admin@ci.brainerd.mn.us">admin@ci.brainerd.mn.us</a>       |
| Parks and Recreation Department: | (218) 828-2320   <a href="mailto:parks@ci.brainerd.mn.us">parks@ci.brainerd.mn.us</a>       |
| Engineering Department:          | (218) 828-2307   <a href="mailto:engineer@ci.brainerd.mn.us">engineer@ci.brainerd.mn.us</a> |
| Planning Department:             | (218) 828-2307   <a href="mailto:planning@ci.brainerd.mn.us">planning@ci.brainerd.mn.us</a> |
| Police Department:               | (218) 829-2805   <a href="mailto:police@ci.brainerd.mn.us">police@ci.brainerd.mn.us</a>     |
| Fire Department:                 | (218) 828-2312   <a href="mailto:fire@ci.brainerd.mn.us">fire@ci.brainerd.mn.us</a>         |
| MN Commissioner of Revenue:      | (651) 282-5225   <a href="http://www.revenue.state.mn.us">www.revenue.state.mn.us</a>       |
| MN Department of Health          | (320) 223-7300   <a href="http://www.health.state.mn.us">www.health.state.mn.us</a>         |
| MNDOT Baxter Office              | (218) 828-5700   <a href="http://www.dot.state.mn.us">www.dot.state.mn.us</a>               |

For Official Use Only

Department Sign-offs Required

| Department                | Date/Initials | Comments                                     |
|---------------------------|---------------|----------------------------------------------|
| Brainerd Public Utilities |               | No issues, using pedestal at CH parking lot. |
| City Administration       |               | No issues                                    |
| Engineering Department    |               |                                              |
| Fire Department           |               |                                              |
| Fire Support/EMS          |               |                                              |
| Parks Department          |               |                                              |
| Planning Department       |               | Remove signs, Food truck application.        |
| Police Department         |               | Will advise staff of event.                  |

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

- 1) Signs must be removed after the event
- 2) Food truck for Dunmires must have items necessary for submittal the food truck application, however ~~a food truck license is not required because it is a private event~~
  - a. The event coordinator is required to obtain all required submittals
  - b. Certificate of Liability Insurance, MN Dept of Health Food Truck License, Map of Setup

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:**

**Title of Item:**

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





Building a Better World  
for All of Us®

May 31, 2022

RE: City of Brainerd, Minnesota  
2022 Cuyuna Lakes State Trail Extension  
- West Segment  
SEH No. BRDMN 149920 14.00

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

Dear Mayor and Members of the City Council:

Bids were opened publicly via QuestCDN at 11:00 a.m. on Wednesday, May 25, 2022, for the above-referenced project. The low Base Bid was submitted by DeChantel Excavating, LLC of Brainerd, MN. A complete tabulation of bids is enclosed.

We recommend the project should be awarded to the low bidder for the Base Bid and Alternate A in the total amount of \$630,162.28.

Please contact me if you have any questions.

Sincerely,

Casey Zins, PE  
Project Engineer

mrh  
Enclosure  
c: Scott Hedlund, SEH

p:\ae\b\brdmn\149920\1-gen\14-corr\west segment\2022.05.31 | clst west segment award recommendation.docx

Engineers | Architects | Planners | Scientists

**Short Elliott Hendrickson Inc.**, 416 South 6th Street, Suite 200, Brainerd, MN 56401-3540  
SEH is 100% employee-owned | **sehinc.com** | 218.855.1700 | 866.852.8880 | 888.908.8166 fax



## TABULATION OF BIDS

PROJECT NO.: BRDMN 149920  
 NAME: 2022 CUYUNA LAKES STATE TRAIL EXTENSION - WEST SEGMENT  
 OWNER: CITY OF BRAINERD, MN  
 BID DATE: 11:00 A.M., WEDNESDAY, MAY 25, 2022

| ITEM                                                               | QUANTITY | UNIT     | DESCRIPTION                             | ENGINEER'S ESTIMATE |             | 1<br>DECHANTAL EXCAVATING |             | 2<br>BORDEN EXCAVATING |             | 3<br>LINNCO, INC. |             |
|--------------------------------------------------------------------|----------|----------|-----------------------------------------|---------------------|-------------|---------------------------|-------------|------------------------|-------------|-------------------|-------------|
|                                                                    |          |          |                                         | UNIT COST           | TOTAL       | UNIT COST                 | TOTAL       | UNIT COST              | TOTAL       | UNIT COST         | TOTAL       |
| BASE BID - NORWOOD & 11TH STREET TO LAUREL & 13TH STREET (CSAH 45) |          |          |                                         |                     |             |                           |             |                        |             |                   |             |
| GENERAL                                                            |          |          |                                         |                     |             |                           |             |                        |             |                   |             |
| 1                                                                  | 1.00     | LUMP SUM | MOBILIZATION                            | \$16,500.00         | \$16,500.00 | \$33,079.00               | \$33,079.00 | \$84,000.00            | \$84,000.00 | \$82,500.00       | \$82,500.00 |
| 2                                                                  | 1.00     | LUMP SUM | TRAFFIC CONTROL                         | \$6,600.00          | \$6,600.00  | \$5,000.00                | \$5,000.00  | \$9,000.00             | \$9,000.00  | \$13,500.00       | \$13,500.00 |
| 3                                                                  | 12.00    | TREE     | CLEARING                                | \$230.00            | \$2,760.00  | \$650.00                  | \$7,800.00  | \$600.00               | \$7,200.00  | \$370.07          | \$4,440.84  |
| 4                                                                  | 12.00    | TREE     | GRUBBING                                | \$200.00            | \$2,400.00  | \$150.00                  | \$1,800.00  | \$600.00               | \$7,200.00  | \$230.51          | \$2,766.12  |
| 5                                                                  | 124.00   | LIN FT   | SALVAGE FENCE                           | \$30.00             | \$3,720.00  | \$18.14                   | \$2,249.36  | \$25.00                | \$3,100.00  | \$19.44           | \$2,410.56  |
| 6                                                                  | 6.00     | EACH     | SALVAGE MAIL BOX                        | \$60.00             | \$360.00    | \$50.00                   | \$300.00    | \$75.00                | \$450.00    | \$70.20           | \$421.20    |
| 7                                                                  | 1.00     | EACH     | SALVAGE CATCH BASIN                     | \$200.00            | \$200.00    | \$1,250.00                | \$1,250.00  | \$1,000.00             | \$1,000.00  | \$1,257.75        | \$1,257.75  |
| 8                                                                  | 18.00    | LIN FT   | SALVAGE PIPE (STORM)                    | \$10.00             | \$180.00    | \$15.00                   | \$270.00    | \$25.00                | \$450.00    | \$56.55           | \$1,017.90  |
| 9                                                                  | 2.00     | EACH     | REMOVE CATCH BASIN                      | \$150.00            | \$300.00    | \$310.00                  | \$620.00    | \$1,000.00             | \$2,000.00  | \$323.33          | \$646.66    |
| 10                                                                 | 1.00     | EACH     | REMOVE STORM MANHOLE                    | \$900.00            | \$900.00    | \$310.00                  | \$310.00    | \$1,000.00             | \$1,000.00  | \$377.88          | \$377.88    |
| 11                                                                 | 35.00    | LIN FT   | REMOVE STORM SEWER PIPE                 | \$25.00             | \$875.00    | \$9.00                    | \$315.00    | \$50.00                | \$1,750.00  | \$35.90           | \$1,256.50  |
| 12                                                                 | 7.00     | EACH     | REMOVE SIGN                             | \$100.00            | \$700.00    | \$85.00                   | \$595.00    | \$200.00               | \$1,400.00  | \$81.00           | \$567.00    |
| 13                                                                 | 33.00    | SQ YD    | REMOVE BITUMINOUS WALK                  | \$3.00              | \$99.00     | \$8.50                    | \$280.50    | \$40.00                | \$1,320.00  | \$17.13           | \$565.29    |
| 14                                                                 | 171.00   | SQ FT    | REMOVE CONCRETE WALK                    | \$3.00              | \$513.00    | \$3.00                    | \$513.00    | \$5.00                 | \$855.00    | \$6.59            | \$1,126.89  |
| 15                                                                 | 1.00     | EACH     | REMOVE CONCRETE STEPS                   | \$500.00            | \$500.00    | \$95.00                   | \$95.00     | \$1,500.00             | \$1,500.00  | \$2,120.73        | \$2,120.73  |
| 16                                                                 | 2,012.00 | LIN FT   | REMOVE CURB & GUTTER                    | \$4.00              | \$8,048.00  | \$2.80                    | \$5,633.60  | \$6.00                 | \$12,072.00 | \$8.11            | \$16,317.32 |
| 17                                                                 | 3,748.00 | SQ YD    | REMOVE BITUMINOUS PAVEMENT              | \$4.00              | \$14,992.00 | \$2.85                    | \$10,681.80 | \$4.00                 | \$14,992.00 | \$2.92            | \$10,944.16 |
| 18                                                                 | 59.00    | SQ YD    | REMOVE BITUMINOUS DRIVEWAY PAVEMENT     | \$4.00              | \$236.00    | \$6.20                    | \$365.80    | \$4.00                 | \$236.00    | \$14.13           | \$833.67    |
| 19                                                                 | 122.00   | SQ YD    | REMOVE CONCRETE DRIVEWAY PAVEMENT       | \$12.00             | \$1,464.00  | \$5.50                    | \$671.00    | \$10.00                | \$1,220.00  | \$14.86           | \$1,812.92  |
| 20                                                                 | 458.00   | LIN FT   | SAWING BITUMINOUS PAVEMENT (FULL DEPTH) | \$4.00              | \$1,832.00  | \$2.30                    | \$1,053.40  | \$6.00                 | \$2,748.00  | \$1.94            | \$888.52    |
| 21                                                                 | 85.00    | LIN FT   | SAWING CONCRETE PAVEMENT (FULL DEPTH)   | \$15.00             | \$1,275.00  | \$5.50                    | \$467.50    | \$12.00                | \$1,020.00  | \$6.48            | \$550.80    |
| GRADING AND SURFACING                                              |          |          |                                         |                     |             |                           |             |                        |             |                   |             |
| 22                                                                 | 1,149.00 | CU YD    | COMMON EXCAVATION                       | \$9.00              | \$10,341.00 | \$17.50                   | \$20,107.50 | \$30.00                | \$34,470.00 | \$54.05           | \$62,103.45 |
| 23                                                                 | 749.00   | CU YD    | CLASS 5 AGG BASE (CV)                   | \$35.00             | \$26,215.00 | \$36.00                   | \$26,964.00 | \$51.00                | \$38,199.00 | \$53.51           | \$40,078.99 |
| 24                                                                 | 11.00    | CU YD    | GRAVEL SURFACING (DRIVEWAY)             | \$16.00             | \$176.00    | \$40.00                   | \$440.00    | \$51.00                | \$561.00    | \$47.36           | \$520.96    |
| 25                                                                 | 642.00   | TON      | TYPE SP 9.5 WEARING COURSE MIX (2.C)    | \$95.00             | \$60,990.00 | \$98.00                   | \$62,916.00 | \$100.00               | \$64,200.00 | \$105.84          | \$67,949.28 |
| 26                                                                 | 100.00   | GAL      | BITUMINOUS MATERIAL FOR TACK COAT       | \$2.50              | \$250.00    | \$2.40                    | \$240.00    | \$3.00                 | \$300.00    | \$2.59            | \$259.00    |
| 27                                                                 | 19.00    | SQ YD    | BIT. PATCH SPECIAL 1 (STREET PAVEMENT)  | \$85.00             | \$1,615.00  | \$36.00                   | \$684.00    | \$30.00                | \$570.00    | \$21.60           | \$410.40    |
| 28                                                                 | 42.00    | SQ YD    | BITUMINOUS DRIVEWAY PAVEMENT            | \$85.00             | \$3,570.00  | \$48.00                   | \$2,016.00  | \$40.00                | \$1,680.00  | \$32.40           | \$1,360.80  |
| 29                                                                 | 1.00     | EACH     | INSTALL CONCRETE STEPS                  | \$3,000.00          | \$3,000.00  | \$1,200.00                | \$1,200.00  | \$2,500.00             | \$2,500.00  | \$3,138.75        | \$3,138.75  |
| 30                                                                 | 2,794.00 | SQ FT    | 4 IN CONCRETE WALK                      | \$8.00              | \$22,352.00 | \$5.90                    | \$16,484.60 | \$7.00                 | \$19,558.00 | \$9.37            | \$26,179.78 |
| 31                                                                 | 1,105.00 | SQ FT    | 6 IN CONCRETE WALK                      | \$12.00             | \$13,260.00 | \$10.77                   | \$11,900.85 | \$12.00                | \$13,260.00 | \$14.63           | \$16,166.15 |
| 32                                                                 | 62.00    | SQ FT    | TRUNCATED DOMES                         | \$60.00             | \$3,720.00  | \$48.00                   | \$2,976.00  | \$50.00                | \$3,100.00  | \$51.84           | \$3,214.08  |
| 33                                                                 | 930.00   | LIN FT   | B618 CONCRETE CURB & GUTTER             | \$28.00             | \$26,040.00 | \$22.00                   | \$20,460.00 | \$25.00                | \$23,250.00 | \$30.65           | \$28,504.50 |
| 34                                                                 | 1,073.00 | LIN FT   | B624 CONCRETE CURB & GUTTER             | \$30.00             | \$32,190.00 | \$24.00                   | \$25,752.00 | \$28.00                | \$30,044.00 | \$32.81           | \$35,205.13 |

**TABULATION OF BIDS**

PROJECT NO.: **BRDMN 149920**  
NAME: **2022 CUYUNA LAKES STATE TRAIL EXTENSION - WEST SEGMENT**  
OWNER: **CITY OF BRAINERD, MN**  
BID DATE: **11:00 A.M., WEDNESDAY, MAY 25, 2022**

| ITEM                                          | QUANTITY | UNIT   | DESCRIPTION                                                        | ENGINEER'S ESTIMATE |             | 1<br>DECHANTAL EXCAVATING |             | 2<br>BORDEN EXCAVATING |             | 3<br>LINNCO, INC.   |             |
|-----------------------------------------------|----------|--------|--------------------------------------------------------------------|---------------------|-------------|---------------------------|-------------|------------------------|-------------|---------------------|-------------|
|                                               |          |        |                                                                    | UNIT COST           | TOTAL       | UNIT COST                 | TOTAL       | UNIT COST              | TOTAL       | UNIT COST           | TOTAL       |
| 35                                            | 144.00   | SQ YD  | 8 IN CONCRETE DRIVEWAY PAVEMENT                                    | \$98.00             | \$14,112.00 | \$87.00                   | \$12,528.00 | \$90.00                | \$12,960.00 | \$152.90            | \$22,017.60 |
| 36                                            | 124.00   | LIN FT | INSTALL FENCE                                                      | \$25.00             | \$3,100.00  | \$22.00                   | \$2,728.00  | \$35.00                | \$4,340.00  | \$21.94             | \$2,720.56  |
| 37                                            | 6.00     | EACH   | INSTALL MAIL BOX                                                   | \$80.00             | \$480.00    | \$145.00                  | \$870.00    | \$200.00               | \$1,200.00  | \$113.40            | \$680.40    |
| 38                                            | 2.00     | EACH   | ADJUST MANHOLE                                                     | \$800.00            | \$1,600.00  | \$420.00                  | \$840.00    | \$800.00               | \$1,600.00  | \$587.70            | \$1,175.40  |
| 39                                            | 1.00     | EACH   | ADJUST GATE VALVE BOX                                              | \$700.00            | \$700.00    | \$285.00                  | \$285.00    | \$500.00               | \$500.00    | \$471.60            | \$471.60    |
| 40                                            | 56.00    | SQ FT  | SIGN PANELS TYPE C                                                 | \$60.00             | \$3,360.00  | \$200.00                  | \$11,200.00 | \$75.00                | \$4,200.00  | \$64.80             | \$3,628.80  |
| 41                                            | 1.00     | EACH   | SIGN TYPE SPECIAL                                                  | \$350.00            | \$350.00    | \$600.00                  | \$600.00    | \$500.00               | \$500.00    | \$216.00            | \$216.00    |
| 42                                            | 150.00   | SQ FT  | CROSSWALK MARKING - MULTI COMPONENT (WR)                           | \$12.00             | \$1,800.00  | \$9.80                    | \$1,470.00  | \$20.00                | \$3,000.00  | \$10.58             | \$1,587.00  |
| 43                                            | 130.00   | SQ FT  | PREFORMED GROUND IN PAVEMENT MARKING WITH ENHANCED SKID RESISTANCE | \$15.00             | \$1,950.00  | \$28.80                   | \$3,744.00  | \$50.00                | \$6,500.00  | \$31.10             | \$4,043.00  |
| 44                                            | 1.00     | SYSTEM | PEDESTRIAN CROSSWALK FLASHER SYSTEM                                | \$51,000.00         | \$51,000.00 | \$43,329.95               | \$43,329.95 | \$52,000.00            | \$52,000.00 | \$57,412.80         | \$57,412.80 |
| 45                                            | 70.00    | LIN FT | 4' VINYL COATED CHAIN LINK FENCE                                   | \$45.00             | \$3,150.00  | \$61.05                   | \$4,273.50  | \$80.00                | \$5,600.00  | \$65.93             | \$4,615.10  |
| 46                                            | 990.00   | SQ FT  | MODULAR BLOCK RETAINING WALL                                       | \$100.00            | \$99,000.00 | \$36.00                   | \$35,640.00 | \$50.00                | \$49,500.00 | \$52.40             | \$51,876.00 |
| <b>STORM SEWER</b>                            |          |        |                                                                    |                     |             |                           |             |                        |             |                     |             |
| 47                                            | 7.00     | LIN FT | 24 INCH RC CULVERT PIPE                                            | \$100.00            | \$700.00    | \$105.00                  | \$735.00    | \$200.00               | \$1,400.00  | \$130.93            | \$916.51    |
| 48                                            | 1.00     | EACH   | 24 INCH RC APRON ENDS                                              | \$1,500.00          | \$1,500.00  | \$1,309.00                | \$1,309.00  | \$2,500.00             | \$2,500.00  | \$1,561.30          | \$1,561.30  |
| 49                                            | 2.00     | EACH   | CATCH BASIN                                                        | \$8,500.00          | \$17,000.00 | \$4,147.00                | \$8,294.00  | \$4,000.00             | \$8,000.00  | \$3,884.22          | \$7,768.44  |
| 50                                            | 1.00     | EACH   | MANHOLE 48 IN DIA                                                  | \$12,000.00         | \$12,000.00 | \$5,582.00                | \$5,582.00  | \$5,000.00             | \$5,000.00  | \$4,918.27          | \$4,918.27  |
| 51                                            | 1.00     | EACH   | INSTALL CATCH BASIN                                                | \$2,000.00          | \$2,000.00  | \$1,550.00                | \$1,550.00  | \$2,500.00             | \$2,500.00  | \$5,070.60          | \$5,070.60  |
| 52                                            | 18.00    | LIN FT | INSTALL PIPE (STORM)                                               | \$60.00             | \$1,080.00  | \$48.00                   | \$864.00    | \$40.00                | \$720.00    | \$68.78             | \$1,238.04  |
| 53                                            | 7.00     | LIN FT | 12 INCH RC PIPE                                                    | \$70.00             | \$490.00    | \$63.00                   | \$441.00    | \$200.00               | \$1,400.00  | \$95.11             | \$665.77    |
| 54                                            | 29.00    | LIN FT | 15 INCH RC PIPE                                                    | \$71.00             | \$2,059.00  | \$71.05                   | \$2,060.45  | \$200.00               | \$5,800.00  | \$96.88             | \$2,809.52  |
| 55                                            | 7.00     | EACH   | CONNECT TO EXISTING PIPE                                           | \$200.00            | \$1,400.00  | \$1,350.00                | \$9,450.00  | \$1,000.00             | \$7,000.00  | \$2,924.33          | \$20,470.31 |
| <b>TURF RESTORATION &amp; EROSION CONTROL</b> |          |        |                                                                    |                     |             |                           |             |                        |             |                     |             |
| 56                                            | 312.00   | CU YD  | COMMON TOPSOIL BORROW                                              | \$33.00             | \$10,296.00 | \$34.00                   | \$10,608.00 | \$40.00                | \$12,480.00 | \$58.20             | \$18,158.40 |
| 57                                            | 0.39     | ACRE   | SEEDING                                                            | \$500.00            | \$195.00    | \$950.00                  | \$370.50    | \$10,000.00            | \$3,900.00  | \$4,860.00          | \$1,895.40  |
| 58                                            | 98.00    | POUND  | SEED MIX 25-151                                                    | \$5.00              | \$490.00    | \$5.46                    | \$535.08    | \$10.00                | \$980.00    | \$10.80             | \$1,058.40  |
| 59                                            | 975.00   | POUND  | HYDRAULIC BONDED FIBER MATRIX                                      | \$1.50              | \$1,462.50  | \$2.00                    | \$1,950.00  | \$2.00                 | \$1,950.00  | \$1.40              | \$1,365.00  |
| 60                                            | 156.00   | POUND  | COMMERCIAL FERTILIZER TYPE 3                                       | \$1.00              | \$156.00    | \$0.95                    | \$148.20    | \$5.00                 | \$780.00    | \$3.24              | \$505.44    |
| 61                                            | 0.39     | ACRE   | TEMPORARY SEEDING                                                  | \$200.00            | \$78.00     | \$200.00                  | \$78.00     | \$10.00                | \$3.90      | \$2,160.00          | \$842.40    |
| 62                                            | 25.00    | POUND  | SEED MIX 21-111                                                    | \$1.00              | \$25.00     | \$0.95                    | \$23.75     | \$1.00                 | \$25.00     | \$2.16              | \$54.00     |
| 63                                            | 975.00   | POUND  | HYDRAULIC MULCH                                                    | \$1.00              | \$975.00    | \$0.75                    | \$731.25    | \$2.00                 | \$1,950.00  | \$1.40              | \$1,365.00  |
| 64                                            | 5.00     | HOUR   | STREET SWEEPING                                                    | \$200.00            | \$1,000.00  | \$165.00                  | \$825.00    | \$200.00               | \$1,000.00  | \$234.00            | \$1,170.00  |
| 65                                            | 711.00   | LIN FT | SILT FENCE                                                         | \$2.50              | \$1,777.50  | \$3.00                    | \$2,133.00  | \$1.00                 | \$711.00    | \$3.24              | \$2,303.64  |
| 66                                            | 6.00     | EACH   | INLET PROTECTION                                                   | \$200.00            | \$1,200.00  | \$155.00                  | \$930.00    | \$150.00               | \$900.00    | \$199.80            | \$1,198.80  |
| 67                                            | 1.00     | EACH   | CONSTRUCTION EXIT                                                  | \$2,000.00          | \$2,000.00  | \$950.00                  | \$950.00    | \$1,000.00             | \$1,000.00  | \$1,998.00          | \$1,998.00  |
| <b>TOTAL BASE BID</b>                         |          |        |                                                                    | <b>\$506,659.00</b> |             | <b>\$432,567.59</b>       |             | <b>\$588,104.90</b>    |             | <b>\$659,191.48</b> |             |



## TABULATION OF BIDS

PROJECT NO.: BRDMN 149920  
 NAME: 2022 CUYUNA LAKES STATE TRAIL EXTENSION - WEST SEGMENT  
 OWNER: CITY OF BRAINERD, MN  
 BID DATE: 11:00 A.M., WEDNESDAY, MAY 25, 2022

| ITEM                                                        | QUANTITY | UNIT     | DESCRIPTION                             | ENGINEER'S ESTIMATE |             | 1<br>DECHANTAL EXCAVATING |             | 2<br>BORDEN EXCAVATING |             | 3<br>LINNCO, INC. |             |
|-------------------------------------------------------------|----------|----------|-----------------------------------------|---------------------|-------------|---------------------------|-------------|------------------------|-------------|-------------------|-------------|
|                                                             |          |          |                                         | UNIT COST           | TOTAL       | UNIT COST                 | TOTAL       | UNIT COST              | TOTAL       | UNIT COST         | TOTAL       |
| ALTERNATE 1 - NORWOOD & 8TH STREET TO NORWOOD & 11TH STREET |          |          |                                         |                     |             |                           |             |                        |             |                   |             |
| GENERAL                                                     |          |          |                                         |                     |             |                           |             |                        |             |                   |             |
| 68                                                          | 1.00     | LUMP SUM | MOBILIZATION                            | \$8,500.00          | \$8,500.00  | \$4,140.00                | \$4,140.00  | \$10,000.00            | \$10,000.00 | \$11,485.80       | \$11,485.80 |
| 69                                                          | 1.00     | LUMP SUM | TRAFFIC CONTROL                         | \$3,400.00          | \$3,400.00  | \$1,500.00                | \$1,500.00  | \$3,500.00             | \$3,500.00  | \$4,212.00        | \$4,212.00  |
| 70                                                          | 0.08     | ACRE     | CLEARING                                | \$10,000.00         | \$800.00    | \$11,500.00               | \$920.00    | \$20,000.00            | \$1,600.00  | \$16,200.00       | \$1,296.00  |
| 71                                                          | 0.08     | ACRE     | GRUBBING                                | \$10,000.00         | \$800.00    | \$7,550.00                | \$604.00    | \$20,000.00            | \$1,600.00  | \$19,440.00       | \$1,555.20  |
| 72                                                          | 5.00     | TREE     | CLEARING                                | \$230.00            | \$1,150.00  | \$650.00                  | \$3,250.00  | \$600.00               | \$3,000.00  | \$351.00          | \$1,755.00  |
| 73                                                          | 8.00     | TREE     | GRUBBING                                | \$200.00            | \$1,600.00  | \$150.00                  | \$1,200.00  | \$600.00               | \$4,800.00  | \$351.00          | \$2,808.00  |
| 74                                                          | 9.00     | SQ YD    | SALVAGE LANDSCAPE                       | \$27.00             | \$243.00    | \$35.00                   | \$315.00    | \$100.00               | \$900.00    | \$191.88          | \$1,726.92  |
| 75                                                          | 1.00     | EACH     | REMOVE HYDRANT                          | \$700.00            | \$700.00    | \$750.00                  | \$750.00    | \$2,500.00             | \$2,500.00  | \$628.88          | \$628.88    |
| 76                                                          | 5.00     | EACH     | REMOVE SIGN                             | \$100.00            | \$500.00    | \$85.00                   | \$425.00    | \$100.00               | \$500.00    | \$81.00           | \$405.00    |
| 77                                                          | 614.00   | SQ FT    | REMOVE CONCRETE WALK                    | \$3.00              | \$1,842.00  | \$2.50                    | \$1,535.00  | \$4.00                 | \$2,456.00  | \$2.84            | \$1,743.76  |
| 78                                                          | 1.00     | EACH     | REMOVE CONCRETE STEPS                   | \$500.00            | \$500.00    | \$95.00                   | \$95.00     | \$1,500.00             | \$1,500.00  | \$1,642.10        | \$1,642.10  |
| 79                                                          | 215.00   | LIN FT   | REMOVE CURB & GUTTER                    | \$4.00              | \$860.00    | \$2.80                    | \$602.00    | \$6.00                 | \$1,290.00  | \$10.92           | \$2,347.80  |
| 80                                                          | 50.00    | SQ YD    | REMOVE BITUMINOUS PAVEMENT              | \$4.00              | \$200.00    | \$12.50                   | \$625.00    | \$4.00                 | \$200.00    | \$13.52           | \$676.00    |
| 81                                                          | 31.00    | SQ YD    | REMOVE BITUMINOUS DRIVEWAY PAVEMENT     | \$4.00              | \$124.00    | \$10.00                   | \$310.00    | \$4.00                 | \$124.00    | \$55.84           | \$1,731.04  |
| 82                                                          | 18.00    | SQ YD    | REMOVE CONCRETE DRIVEWAY PAVEMENT       | \$12.00             | \$216.00    | \$5.50                    | \$99.00     | \$10.00                | \$180.00    | \$55.21           | \$993.78    |
| 83                                                          | 206.00   | LIN FT   | SAWING BITUMINOUS PAVEMENT (FULL DEPTH) | \$4.00              | \$824.00    | \$2.30                    | \$473.80    | \$6.00                 | \$1,236.00  | \$1.94            | \$399.64    |
| 84                                                          | 27.00    | LIN FT   | SAWING CONCRETE PAVEMENT (FULL DEPTH)   | \$15.00             | \$405.00    | \$5.50                    | \$148.50    | \$12.00                | \$324.00    | \$6.48            | \$174.96    |
| GRADING AND SURFACING                                       |          |          |                                         |                     |             |                           |             |                        |             |                   |             |
| 85                                                          | 1,086.00 | CU YD    | COMMON EXCAVATION                       | \$9.00              | \$9,774.00  | \$17.50                   | \$19,005.00 | \$30.00                | \$32,580.00 | \$46.10           | \$50,064.60 |
| 86                                                          | 180.00   | CU YD    | CLASS 5 AGG BASE (CV)                   | \$35.00             | \$6,300.00  | \$36.00                   | \$6,480.00  | \$51.00                | \$9,180.00  | \$53.51           | \$9,631.80  |
| 87                                                          | 3.00     | CU YD    | GRAVEL SURFACING (DRIVEWAY)             | \$16.00             | \$48.00     | \$40.00                   | \$120.00    | \$100.00               | \$300.00    | \$47.36           | \$142.08    |
| 88                                                          | 171.00   | TON      | TYPE SP 9.5 WEARING COURSE MIX (2,C)    | \$95.00             | \$16,245.00 | \$99.00                   | \$16,929.00 | \$101.00               | \$17,271.00 | \$106.92          | \$18,283.32 |
| 89                                                          | 58.00    | GAL      | BITUMINOUS MATERIAL FOR TACK COAT       | \$2.50              | \$145.00    | \$2.40                    | \$139.20    | \$3.00                 | \$174.00    | \$2.59            | \$150.22    |
| 90                                                          | 52.00    | SQ YD    | BIT. PATCH SPECIAL 1 (STREET PAVEMENT)  | \$85.00             | \$4,420.00  | \$36.00                   | \$1,872.00  | \$25.00                | \$1,300.00  | \$30.05           | \$1,562.60  |
| 91                                                          | 10.00    | SQ YD    | BITUMINOUS DRIVEWAY PAVEMENT            | \$85.00             | \$850.00    | \$48.00                   | \$480.00    | \$35.00                | \$350.00    | \$39.39           | \$393.90    |
| 92                                                          | 1.00     | EACH     | INSTALL CONCRETE STEPS                  | \$3,000.00          | \$3,000.00  | \$1,200.00                | \$1,200.00  | \$2,500.00             | \$2,500.00  | \$2,785.09        | \$2,785.09  |
| 93                                                          | 1,914.00 | SQ FT    | 4 IN CONCRETE WALK                      | \$8.00              | \$15,312.00 | \$5.90                    | \$11,292.60 | \$7.00                 | \$13,398.00 | \$9.31            | \$17,819.34 |
| 94                                                          | 1,603.00 | SQ FT    | 6 IN CONCRETE WALK                      | \$12.00             | \$19,236.00 | \$10.77                   | \$17,264.31 | \$12.00                | \$19,236.00 | \$14.57           | \$23,355.71 |
| 95                                                          | 96.00    | SQ FT    | TRUNCATED DOMES                         | \$60.00             | \$5,760.00  | \$48.00                   | \$4,608.00  | \$50.00                | \$4,800.00  | \$51.84           | \$4,976.64  |
| 96                                                          | 215.00   | LIN FT   | B618 CONCRETE CURB & GUTTER             | \$28.00             | \$6,020.00  | \$32.00                   | \$6,880.00  | \$35.00                | \$7,525.00  | \$43.75           | \$9,406.25  |
| 97                                                          | 19.00    | SQ YD    | 8 IN CONCRETE DRIVEWAY PAVEMENT         | \$98.00             | \$1,862.00  | \$87.00                   | \$1,653.00  | \$90.00                | \$1,710.00  | \$131.97          | \$2,507.43  |
| 98                                                          | 1.00     | EACH     | ADJUST CATCH BASIN                      | \$800.00            | \$800.00    | \$465.00                  | \$465.00    | \$500.00               | \$500.00    | \$704.25          | \$704.25    |
| 99                                                          | 1.00     | EACH     | HYDRANT                                 | \$2,318.00          | \$2,318.00  | \$6,751.00                | \$6,751.00  | \$8,000.00             | \$8,000.00  | \$7,816.50        | \$7,816.50  |
| 100                                                         | 12.00    | LIN FT   | 6" WATER MAIN                           | \$125.00            | \$1,500.00  | \$67.10                   | \$805.20    | \$100.00               | \$1,200.00  | \$107.85          | \$1,294.20  |
| 101                                                         | 9.00     | SQ YD    | INSTALL LANDSCAPE                       | \$150.00            | \$1,350.00  | \$66.00                   | \$594.00    | \$100.00               | \$900.00    | \$181.35          | \$1,632.15  |



## TABULATION OF BIDS

PROJECT NO.: BRDMN 149920  
 NAME: 2022 CUYUNA LAKES STATE TRAIL EXTENSION - WEST SEGMENT  
 OWNER: CITY OF BRAINERD, MN  
 BID DATE: 11:00 A.M., WEDNESDAY, MAY 25, 2022

| ITEM                                          | QUANTITY | UNIT   | DESCRIPTION                              | ENGINEER'S ESTIMATE |                     | 1<br>DECHANTAL EXCAVATING |                     | 2<br>BORDEN EXCAVATING |                     | 3<br>LINNCO, INC. |                     |
|-----------------------------------------------|----------|--------|------------------------------------------|---------------------|---------------------|---------------------------|---------------------|------------------------|---------------------|-------------------|---------------------|
|                                               |          |        |                                          | UNIT COST           | TOTAL               | UNIT COST                 | TOTAL               | UNIT COST              | TOTAL               | UNIT COST         | TOTAL               |
| 102                                           | 31.50    | SQ FT  | SIGN PANELS TYPE C                       | \$60.00             | \$1,890.00          | \$180.00                  | \$5,670.00          | \$75.00                | \$2,362.50          | \$64.80           | \$2,041.20          |
| 103                                           | 3.00     | EACH   | SIGN TYPE SPECIAL                        | \$350.00            | \$1,050.00          | \$600.00                  | \$1,800.00          | \$500.00               | \$1,500.00          | \$216.00          | \$648.00            |
| 104                                           | 450.00   | SQ FT  | CROSSWALK MARKING - MULTI COMPONENT (WR) | \$12.00             | \$5,400.00          | \$9.80                    | \$4,410.00          | \$12.00                | \$5,400.00          | \$10.58           | \$4,761.00          |
| 105                                           | 200.00   | LIN FT | 4' VINYL COATED CHAIN LINK FENCE         | \$45.00             | \$9,000.00          | \$61.05                   | \$12,210.00         | \$80.00                | \$16,000.00         | \$65.93           | \$13,186.00         |
| 106                                           | 1,405.00 | SQ FT  | MODULAR BLOCK RETAINING WALL             | \$100.00            | \$140,500.00        | \$36.00                   | \$50,580.00         | \$50.00                | \$70,250.00         | \$59.24           | \$83,232.20         |
| <b>TURF RESTORATION &amp; EROSION CONTROL</b> |          |        |                                          |                     |                     |                           |                     |                        |                     |                   |                     |
| 107                                           | 141.00   | CU YD  | COMMON TOPSOIL BORROW                    | \$33.00             | \$4,653.00          | \$34.00                   | \$4,794.00          | \$40.00                | \$5,640.00          | \$74.61           | \$10,520.01         |
| 108                                           | 0.17     | ACRE   | SEEDING                                  | \$500.00            | \$85.00             | \$950.00                  | \$161.50            | \$10,000.00            | \$1,700.00          | \$4,860.00        | \$826.20            |
| 109                                           | 43.00    | POUND  | SEED MIX 25-151                          | \$5.00              | \$215.00            | \$5.46                    | \$234.78            | \$10.00                | \$430.00            | \$7.40            | \$318.20            |
| 110                                           | 425.00   | POUND  | HYDRAULIC BONDED FIBER MATRIX            | \$1.50              | \$637.50            | \$2.00                    | \$850.00            | \$2.00                 | \$850.00            | \$0.98            | \$416.50            |
| 111                                           | 68.00    | POUND  | COMMERCIAL FERTILIZER TYPE 3             | \$1.00              | \$68.00             | \$0.95                    | \$64.60             | \$5.00                 | \$340.00            | \$5.24            | \$356.32            |
| 112                                           | 0.17     | ACRE   | TEMPORARY SEEDING                        | \$200.00            | \$34.00             | \$200.00                  | \$34.00             | \$10.00                | \$1.70              | \$7,830.00        | \$1,331.10          |
| 113                                           | 11.00    | POUND  | SEED MIX 21-111                          | \$1.00              | \$11.00             | \$0.95                    | \$10.45             | \$1.00                 | \$11.00             | \$4.91            | \$54.01             |
| 114                                           | 425.00   | POUND  | HYDRAULIC MULCH                          | \$1.00              | \$425.00            | \$0.75                    | \$318.75            | \$2.00                 | \$850.00            | \$0.98            | \$416.50            |
| 115                                           | 10.00    | HOUR   | STREET SWEEPING                          | \$200.00            | \$2,000.00          | \$165.00                  | \$1,650.00          | \$175.00               | \$1,750.00          | \$234.00          | \$2,340.00          |
| 116                                           | 167.00   | LIN FT | SILT FENCE                               | \$2.50              | \$417.50            | \$3.00                    | \$501.00            | \$1.00                 | \$167.00            | \$3.24            | \$541.08            |
| 117                                           | 5.00     | EACH   | INLET PROTECTION                         | \$200.00            | \$1,000.00          | \$155.00                  | \$775.00            | \$150.00               | \$750.00            | \$178.20          | \$891.00            |
| <b>TOTAL ALTERNATE 1</b>                      |          |        |                                          |                     | <b>\$284,990.00</b> |                           | <b>\$197,594.69</b> |                        | <b>\$264,636.20</b> |                   | <b>\$309,987.28</b> |
| <b>SUMMARY</b>                                |          |        |                                          |                     |                     |                           |                     |                        |                     |                   |                     |
| <b>TOTAL BASE BID</b>                         |          |        |                                          |                     | <b>\$506,659.00</b> |                           | <b>\$432,567.59</b> |                        | <b>\$588,104.90</b> |                   | <b>\$659,191.48</b> |
| <b>TOTAL ALTERNATE 1</b>                      |          |        |                                          |                     | <b>\$284,990.00</b> |                           | <b>\$197,594.69</b> |                        | <b>\$264,636.20</b> |                   | <b>\$309,987.28</b> |
| <b>GRAND TOTAL BID</b>                        |          |        |                                          |                     | <b>\$791,649.00</b> |                           | <b>\$630,162.28</b> |                        | <b>\$852,741.10</b> |                   | <b>\$969,178.76</b> |

P:\AE\B\BRDMN\149920\6-bid-const\Bidding\West Segment\Bid Tabulation.xlsx\BIDTAB

**CUYUNA LAKES STATE TRAIL PROJECT**

Brainerd, Minnesota

SEH No. BRDMN 149920

5/31/2022

Current Overall Trail Costs Summary

|                                    | NPC SEGMENT         | WEST SEGMENT        |                     |                     | EAST SEGMENT*         | TOTAL                 |
|------------------------------------|---------------------|---------------------|---------------------|---------------------|-----------------------|-----------------------|
|                                    |                     | BASE BID            | ALT 1               | CITY STREET         |                       |                       |
| <b>SUBTOTAL TRAIL CONSTRUCTION</b> | <b>\$145,378.45</b> | <b>\$256,484.29</b> | <b>\$197,594.69</b> | <b>\$176,083.30</b> | <b>\$1,062,000.00</b> | <b>\$1,837,540.73</b> |
| CONTINGENCY                        | \$14,537.85         | \$25,648.43         | \$19,759.47         | \$17,608.33         | \$106,200.00          | \$183,754.07          |
| PRELIMINARY ENG. & WETLANDS        | \$55,720.00         | \$89,152.00         | \$0.00              | \$0.00              | \$133,728.00          | \$278,600.00          |
| CONSTRUCTION ENGINEERING           | \$65,000.00         | \$66,500.00         | \$28,500.00         | \$0.00              | \$106,200.00          | \$266,200.00          |
| FISCAL, LEGAL, ADMIN, MISC.        | \$19,680.61         | \$12,824.21         | \$9,879.73          | \$8,804.17          | \$53,100.00           | \$104,288.73          |
| GEOTECHNICAL, TESTING              | \$6,329.00          | \$7,694.53          | \$5,927.84          | \$5,282.50          | \$31,860.00           | \$57,093.87           |
| EASEMENT & ROW ACQUISITION         | \$273,057.16        | \$10,000.00         | \$10,000.00         | \$0.00              | \$20,000.00           | \$313,057.16          |
| WELAND MITIGATION & PERMITTING     | \$0.00              | \$0.00              | \$0.00              | \$0.00              | \$255,400.00          | \$255,400.00          |
| <b>TOTAL PROJECT</b>               | <b>\$579,703.07</b> | <b>\$468,303.46</b> | <b>\$271,661.73</b> | <b>\$207,778.30</b> | <b>\$1,768,488.00</b> | <b>\$3,295,934.56</b> |
| <b>DNR ELIGIBLE</b>                | <b>\$286,965.30</b> | <b>\$445,479.25</b> | <b>\$0.00</b>       | <b>\$0.00</b>       | <b>\$133,728.00</b>   | <b>\$866,172.54</b>   |
| <b>BONDING BILL</b>                | <b>\$0.00</b>       | <b>\$0.00</b>       | <b>\$0.00</b>       | <b>\$0.00</b>       | <b>\$1,561,660.00</b> | <b>\$1,561,660.00</b> |
| <b>CITY FUNDS (NON-ELIGIBLE)</b>   | <b>\$292,737.77</b> | <b>\$22,824.21</b>  | <b>\$271,661.73</b> | <b>\$207,778.30</b> | <b>\$73,100.00</b>    | <b>\$868,102.02</b>   |
| <b>TOTAL</b>                       | <b>\$579,703.07</b> | <b>\$468,303.46</b> | <b>\$271,661.73</b> | <b>\$207,778.30</b> | <b>\$1,768,488.00</b> | <b>\$3,295,934.56</b> |

\* EAST SEGMENT IS CURRENTLY UNDER DESIGN. COST OPINION IS PRELIMINARY.



# Brainerd City Council Agenda Request

**Requested Meeting Date:**

**Title of Item:**

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

**Independent Testing Technologies, Inc.**  
**337 31<sup>st</sup> Avenue South**  
**Waite Park, MN 56387**  
**Phone: 320-253-4338**

May 23, 2022  
Proposal #05-41

Client: **City of Brainerd – James J. Fladung**

Project: **ITT Proposal #05-41**  
**Greenwood Street Construction**  
**Brainerd, Minnesota**

**Cost Estimate:**

| <u>Description</u>                                                             | <u>Qty.</u> | <u>Unit Rate</u> | <u>Extension</u>   |
|--------------------------------------------------------------------------------|-------------|------------------|--------------------|
| <u>Roadway Scope</u>                                                           |             |                  |                    |
| Project Management, hourly                                                     | 2           | \$ 85.00         | \$ 170.00          |
| Final Report, lump sum                                                         | 1           | \$ 500.00        | \$ 500.00          |
| Laboratory Proctor Tests – Aggregate Base, each                                | 1           | \$ 200.00        | \$ 200.00          |
| Gradations – Aggregate Base, each                                              | 2           | \$ 90.00         | \$ 180.00          |
| Dynamic Cone Penetrometer (DCP) Tests, each                                    | 2           | \$ 50.00         | \$ 100.00          |
| Percent Crushed, each                                                          | 1           | \$ 80.00         | \$ 80.00           |
| Bituminous Properties (Extraction, Gradation & Air Voids), each                | 1           | \$ 400.00        | \$ 400.00          |
| Bituminous Plant Monitoring, hourly                                            | 6           | \$ 100.00        | \$ 600.00          |
| Density of Pavement Cores, Companions, each                                    | 2           | \$ 50.00         | \$ 100.00          |
| Nuclear Density Tests – Wear Course, each                                      | —           | \$ 50.00         | AS NEEDED          |
| Trip Charges (Travel Time & Mileage), each                                     | 5           | \$ 175.00        | \$ 875.00          |
| Subtotal:                                                                      |             |                  | \$ 3,205.00        |
| <u>Concrete Testing</u>                                                        |             |                  |                    |
| Concrete (Air, Slump, Casting, Curing, Compression of Cylinders), per set of 4 | 1           | \$ 160.00        | \$ 160.00          |
| Concrete Plant Monitoring, hourly                                              | 5           | \$ 100.00        | \$ 500.00          |
| Trip Charges (Travel Time & Mileage), each                                     | 2           | \$ 175.00        | \$ 350.00          |
| Subtotal:                                                                      |             |                  | \$ 1,010.00        |
| <b>TOTAL:</b>                                                                  |             |                  | <b>\$ 4,215.00</b> |

Submitted By:  
Tyler T. Burkes, EIT  
tylerb@ittmn.com



## Project Proposal

QTB159567

Greenwood Street Construction - SAP 108-137-002

### Client:

City of Brainerd  
James Fladung  
501 Laurel St  
Brainerd, MN 56401  
(218) 828-2309

### Work Site Address:

Greenwood Street  
Brainerd, MN

### Service Description:

Construction Materials Testing

|                       | Description                                              | Quantity   | Units        | Unit Price      | Extension           |
|-----------------------|----------------------------------------------------------|------------|--------------|-----------------|---------------------|
| <b>Phase 1</b>        | <b>MnDOT Testing</b>                                     |            |              |                 |                     |
| <b>Activity 1.1</b>   | <b>Soil Testing</b>                                      |            |              |                 | <b>\$1,250.00</b>   |
| 267                   | Field Moisture Testing                                   | 6.00       | Hour         | 86.00           | \$516.00            |
|                       | <i>Work Activity Detail</i>                              | <i>Qty</i> | <i>Units</i> | <i>Hrs/Unit</i> | <i>Extension</i>    |
|                       | Aggregate Base                                           | 1.00       | Trips        | 3.00            | 3.00                |
|                       | Aggregate Shoulder                                       | 1.00       | Trips        | 3.00            | 3.00                |
| 209                   | Sample pick-up                                           | 3.00       | Hour         | 86.00           | \$258.00            |
| 1162                  | Sieve Analysis with 200 wash, per sample                 | 1.00       | Each         | 146.00          | \$146.00            |
| 1861                  | CMT Trip Charge                                          | 3.00       | Each         | 110.00          | \$330.00            |
| <b>Activity 1.2</b>   | <b>Concrete Testing</b>                                  |            |              |                 | <b>\$1,096.00</b>   |
| 261                   | Concrete Testing                                         | 4.00       | Hour         | 86.00           | \$344.00            |
|                       | <i>Work Activity Detail</i>                              | <i>Qty</i> | <i>Units</i> | <i>Hrs/Unit</i> | <i>Extension</i>    |
|                       | Curb & Gutter                                            | 1.00       | Trips        | 4.00            | 4.00                |
| 278                   | Concrete Cylinder Pick up                                | 5.00       | Hour         | 86.00           | <del>\$430.00</del> |
|                       | <i>Work Activity Detail</i>                              | <i>Qty</i> | <i>Units</i> | <i>Hrs/Unit</i> | <i>Extension</i>    |
|                       | Cylinder Pickup                                          | 1          | 2.50 Trips   | 2.50            | 5.00                |
| 1364                  | Compressive strength of concrete cylinders, per specimen | 3.00       | Each         | 34.00           | \$102.00            |
|                       | <i>Work Activity Detail</i>                              | <i>Qty</i> | <i>Units</i> | <i>Hrs/Unit</i> | <i>Extension</i>    |
|                       | Curb & Gutter                                            | 1.00       | Set          | 3.00            | 3.00                |
| 1861                  | CMT Trip Charge                                          | 2.00       | Each         | 110.00          | \$220.00            |
| <b>Activity 1.3</b>   | <b>Pavement Testing</b>                                  |            |              |                 | <b>\$2,712.00</b>   |
| 222                   | Bituminous Verification Testing                          | 8.00       | Hour         | 112.00          | \$896.00            |
|                       | <i>Work Activity Detail</i>                              | <i>Qty</i> | <i>Units</i> | <i>Hrs/Unit</i> | <i>Extension</i>    |
|                       | Bituminous Plant Monitoring                              | 1.00       | Trips        | 8.00            | 8.00                |
| 2689                  | MnDOT Bituminous Verification, per sample                | 1.00       | Each         | 700.00          | \$700.00            |
| 221                   | Bituminous Coring                                        | 6.00       | Hour         | 112.00          | \$672.00            |
|                       | <i>Work Activity Detail</i>                              | <i>Qty</i> | <i>Units</i> | <i>Hrs/Unit</i> | <i>Extension</i>    |
|                       | Mark & Observe Contractor Coring & Testing               | 1.00       | Trips        | 6.00            | 6.00                |
| 1542                  | Thickness and Density of Bituminous Core                 | 4.00       | Each         | 56.00           | \$224.00            |
| 1861                  | CMT Trip Charge                                          | 2.00       | Each         | 110.00          | \$220.00            |
| <b>Activity 1.4</b>   | <b>Project Management</b>                                |            |              |                 | <b>\$1,372.00</b>   |
| 226                   | Project Manager                                          | 3.00       | Hour         | 170.00          | \$510.00            |
| 1230                  | MnDOT Final Report                                       | 1.00       | Each         | 500.00          | \$500.00            |
| 228                   | Senior Project Manager                                   | 1.00       | Hour         | 190.00          | \$190.00            |
| 238                   | Project Assistant                                        | 2.00       | Hour         | 86.00           | \$172.00            |
| <b>Phase 1 Total:</b> |                                                          |            |              |                 | <b>\$6,430.00</b>   |

**Proposal Total: \$6,430.00**

AC, 215

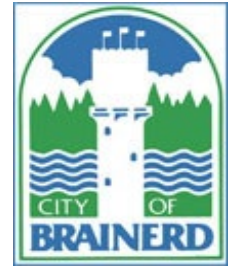


# Brainerd City Council Agenda Request

**Requested Meeting Date:**

**Title of Item:**

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



# 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 4<sup>th</sup>) 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:

**R E S O L U T I O N**  
**NO: XX:22**

**RESOLUTION APPROVING SUMMARY PUBLICATION OF ORDINANCE**

**BE IT RESOLVED** by the City Council of the City of Brainerd, Crow Wing County, Minnesota as follows:

**WHEREAS**, on June 6, 2022, the City Council adopted Ordinance No. 1531 amending the City Code by repealing Sections 720 and 725 and replacing with a new Section 725; and

**WHEREAS**, Ordinance No. 1531 is lengthy and would be expensive to publish in its entirety.

**NOW, THEREFORE, BE IT RESOLVED** that the Council finds that the following text clearly informs the public of the intent and effect of Ordinance No. 1531 and approves the following summary for publication:

**SUMMARY PUBLICATION OF ORDINANCE 1531**

An Ordinance repealing Section 720 – Stormwater and Urban Runoff Pollution Control, and Section 725 – Stormwater Management, and replacing them with a new Section 725 – Stormwater Management – that complies with the City’s new Municipal Separate Storm Sewer System (MS4) permit from the Minnesota Pollution Control Agency.

Notice: the full text of Ordinance 1531 is available for public inspection at City Hall located at 501 Laurel Street, Brainerd, Minnesota, during regular office hours.

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:**

**Title of Item:**

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

# Mediated Settlement Agreement

## DEFINITIONS

“Gustafson” means Gustafson Properties of Brainerd, LLC and its agents, successors, and assigns.

“City” means the City of Brainerd and its agents, successors, insurers, officers, employees and assigns.

“Gustafson Property” means the parcels of land listed on Exhibit A, except the parcel that has been crossed-off and is owned by Frank Mattson.

“Action” means that action venued in Crow Wing County District Court entitled *Gustafson Properties of Brainerd, LLC vs. City of Brainerd*, court file no. 18-CV-21-3974.

## TERMS

In order to settle the Action, the parties agree to the following:

1. **Assessment.** Gustafson and the City agree to a reduction in the City assessment against the Property to the amount of \$86,000.
2. **Contingency.** This Agreement is contingent on approval by the City’s Council. The the City attorney and City engineer attending the mediation agree to recommend to the City council that they approve this Agreement.
3. **Release.** Gustafson releases and discharges against the City all claims that were made or could have been made in the Action, including without limitation the claim for a reduction in the assessment against the Property.
4. **Binding Agreement.** Except for the contingency above, this is a binding agreement and contract, and pursuant to Minn. Stat. § 572.35, the parties were advised in writing that: (a) the mediator has no duty to protect the parties' interests or provide them with information about their legal rights; (b) signing a mediated settlement agreement may adversely affect the parties' legal rights; (c) the parties should consult an attorney before signing a mediated settlement agreement if they are uncertain of their rights.

Dated: May 23, 2022

The City of Brainerd

By Paul Sady  
Its Interim City Engineer

Gustafson Properties of Brainerd, LLC

By [Signature]  
Its President, owner

EXH A

10/05/2021  
10:55 AM

CITY OF BRAINERD  
ASSESSMENT ROLL FOR CERTIFICATION  
305 19-19 NW 3RD & JACKSON

Page: 1/1  
DE: BRAINERD

THE CITY COUNCIL OF THE CITY OF BRAINERD DOTH HEREBY ASSESS AND LEVY UPON AND AGAINST THE LOTS AND PARCELS OF LAND DESCRIBED BELOW, THE RESPECTIVE SUMS OF MONEY SET OPPOSITE EACH LOT OR PARCEL. THIS ASSESSMENT IS LEVIED TO DEFRAY THE EXPENSE OF CITY IMPROVEMENT 19-19 NW 3RD & JACKSON.

| District                               | Parcel Status | District Status | Parcel Number                                          | Remaining Principal | Orig No Yrs | Rem No Yrs | Interest Rate | 2022 Principal Installmnt | 2022 Interest Installmnt | 2022 Total Installmnt |
|----------------------------------------|---------------|-----------------|--------------------------------------------------------|---------------------|-------------|------------|---------------|---------------------------|--------------------------|-----------------------|
| 305 19-19                              | Active        | Active          | 41040501<br>GUSTAFSON PROPERTIES OF BRD LLC            | 7,078.94            | 10          | 10         | 2.8300000     | 707.89                    | 241.50                   | 949.39                |
| 305 19-19                              | Active        | Active          | 41040502<br>GUSTAFSON PROPERTIES OF BRD LLC            | 3,932.75            | 10          | 10         | 2.8300000     | 393.28                    | 134.17                   | 527.45                |
| 305 19-19                              | Active        | Active          | 41040503<br>GUSTAFSON PROPERTIES OF BRD LLC            | 3,932.75            | 10          | 10         | 2.8300000     | 393.28                    | 134.17                   | 527.45                |
| 305 19-19                              | Active        | Active          | 41040504<br>GUSTAFSON PROPERTIES OF BRD LLC            | 5,899.12            | 10          | 10         | 2.8300000     | 589.91                    | 201.25                   | 791.16                |
| 305 19-19                              | Active        | Active          | 41040506<br><del>GUSTAFSON PROPERTIES OF BRD LLC</del> | 7,629.53            | 10          | 10         | 2.8300000     | 762.95                    | 260.28                   | 1,023.23              |
| 305 19-19                              | Active        | Active          | 41040511<br>GUSTAFSON PROPERTIES OF BRD LLC            | 11,011.69           | 10          | 10         | 2.8300000     | 1,101.17                  | 375.66                   | 1,476.83              |
| 305 19-19                              | Active        | Active          | 41040779<br>GUSTAFSON PROPERTIES OF BRD LLC            | 3,932.75            | 10          | 10         | 2.8300000     | 393.28                    | 134.17                   | 527.45                |
| 305 19-19                              | Active        | Active          | 41040780<br>GUSTAFSON PROPERTIES OF BRD LLC            | 3,932.75            | 10          | 10         | 2.8300000     | 393.28                    | 134.17                   | 527.45                |
| 305 19-19                              | Active        | Active          | 41040781<br>GUSTAFSON PROPERTIES OF BRD LLC            | 7,865.49            | 10          | 10         | 2.8300000     | 786.55                    | 268.33                   | 1,054.88              |
| 305 19-19                              | Active        | Active          | 41040782<br>GUSTAFSON PROPERTIES OF BRD LLC            | 3,932.75            | 10          | 10         | 2.8300000     | 393.28                    | 134.17                   | 527.45                |
| 305 19-19                              | Active        | Active          | 41040783<br>GUSTAFSON PROPERTIES OF BRD LLC            | 7,078.94            | 10          | 10         | 2.8300000     | 707.89                    | 241.50                   | 949.39                |
| 305 19-19                              | Active        | Active          | 41040800<br>GUSTAFSON PROPERTIES OF BRD LLC            | 7,078.94            | 10          | 10         | 2.8300000     | 707.89                    | 241.50                   | 949.39                |
| 305 19-19                              | Active        | Active          | 41040801<br>GUSTAFSON PROPERTIES OF BRD LLC            | 7,865.49            | 10          | 10         | 2.8300000     | 786.55                    | 268.33                   | 1,054.88              |
| 305 19-19                              | Active        | Active          | <del>41040802</del><br><del>MATTHEWSON, FRANK</del>    | 5,899.12            | 10          | 10         | 2.8300000     | 589.91                    | 201.25                   | 791.16                |
| 305 19-19                              | Active        | Active          | 41040803<br>GUSTAFSON PROPERTIES OF BRD LLC            | 3,932.75            | 10          | 10         | 2.8300000     | 393.28                    | 134.17                   | 527.45                |
| 305 19-19                              | Active        | Active          | 41040804<br>GUSTAFSON PROPERTIES OF BRD LLC            | 3,932.75            | 10          | 10         | 2.8300000     | 393.28                    | 134.17                   | 527.45                |
| 305 19-19                              | Active        | Active          | 41040806<br>GUSTAFSON PROPERTIES OF BRD LLC            | 3,932.75            | 10          | 10         | 2.8300000     | 393.28                    | 134.17                   | 527.45                |
| 305 19-19                              | Active        | Active          | 41040807<br>GUSTAFSON PROPERTIES OF BRD LLC            | 7,078.94            | 10          | 10         | 2.8300000     | 707.89                    | 241.50                   | 949.39                |
| 41040805 \$7,865.00<br>District Totals |               |                 |                                                        | 105,948.20          |             |            |               | 10,594.84                 | 3,614.46                 | 14,209.30             |
| Grand Totals                           |               |                 |                                                        | 105,948.20          |             |            |               | 10,594.84                 | 3,614.46                 | 14,209.30             |

DATED THIS 18<sup>TH</sup> DAY OF OCTOBER 2021

TOTAL: \$105,948.20

ATTEST:   
JENNIFER BERGMAN, CITY ADMINISTRATOR

  
KELLY BEVANS, PRESIDENT OF COUNCIL

INTEREST RATE 2.83%  
YEARS CERTIFIED 10 YEARS

\*\*\*\* THIS SCHEDULE IS ADJUSTED FOR PEOPLE WHO PREPAID AND ANY PARTIAL PREPAIDS, AS WELL AS 75 DAYS OF INTEREST IN 2021 AND ALL OF 2022



# Brainerd City Council Agenda Request

**Requested Meeting Date:**

**Title of Item:**

|                                                                                                                                                                                                                                                                                                                           |                                                                                                                                                                                                                                                                                                                                                                                                     |
|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <input type="checkbox"/> INFORMATION ONLY<br><input type="checkbox"/> CONSENT AGENDA<br><input type="checkbox"/> P&F COMMITTEE<br><input type="checkbox"/> SPW COMMITTEE<br><input type="checkbox"/> MAIN AGENDA                                                                                                          | <b>Action Requested:</b><br><input type="checkbox"/> Approve/Deny Motion<br><input type="checkbox"/> Adopt Resolution (attach draft)<br><input type="checkbox"/> Direction Requested<br><input type="checkbox"/> Discussion Item<br><input type="checkbox"/> Hold Public Hearing*<br><input type="checkbox"/> Ordinance 1 <sup>st</sup> Reading<br><i>*provide copy of published hearing notice</i> |
| <b>Submitted by:</b>                                                                                                                                                                                                                                                                                                      | <b>Department:</b>                                                                                                                                                                                                                                                                                                                                                                                  |
| <b>Presenter (Name &amp; Title):</b>                                                                                                                                                                                                                                                                                      | <b>Estimated Time Needed:</b>                                                                                                                                                                                                                                                                                                                                                                       |
| <b>Summary of Issue:</b>                                                                                                                                                                                                                                                                                                  |                                                                                                                                                                                                                                                                                                                                                                                                     |
| <b>Alternatives, Options, Effects on Others/Comments:</b>                                                                                                                                                                                                                                                                 |                                                                                                                                                                                                                                                                                                                                                                                                     |
| <b>Recommended Action/Motion:</b>                                                                                                                                                                                                                                                                                         |                                                                                                                                                                                                                                                                                                                                                                                                     |
| <b>Financial Impact:</b><br><i>Is there a cost associated with this request:</i> <input type="checkbox"/> Yes <input type="checkbox"/> No<br><i>What is the total cost, with tax and shipping</i> \$ _____<br><i>Is this budgeted?</i> <input type="checkbox"/> Yes <input type="checkbox"/> No<br><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<br>to Love Coalition         | 8660 Fernmont Road<br>Lake Shore, MN 56468          | 3-10         | E          | West Brd    | <u>Vicky Kinney</u> |
| My Neighbor<br>to Love Coalition         | 8660 Fernmont Road<br>Lake Shore, MN 56468          | 1-12         | M          | West Brd    | <u>Vicky Kinney</u> |
| Gustafson Properties<br>of Brainerd, LLC | 424 NW 3 <sup>rd</sup> Street<br>Brainerd, MN 56401 | 11-12<br>1-2 | E          | West Brd    | <u>[Signature]</u>  |

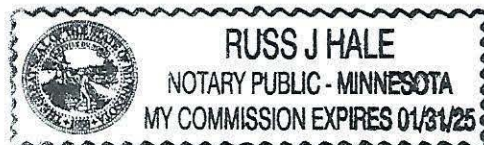
STATE OF MINNESOTA        }  
                                              } ss  
COUNTY OF CROW WING        }

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.

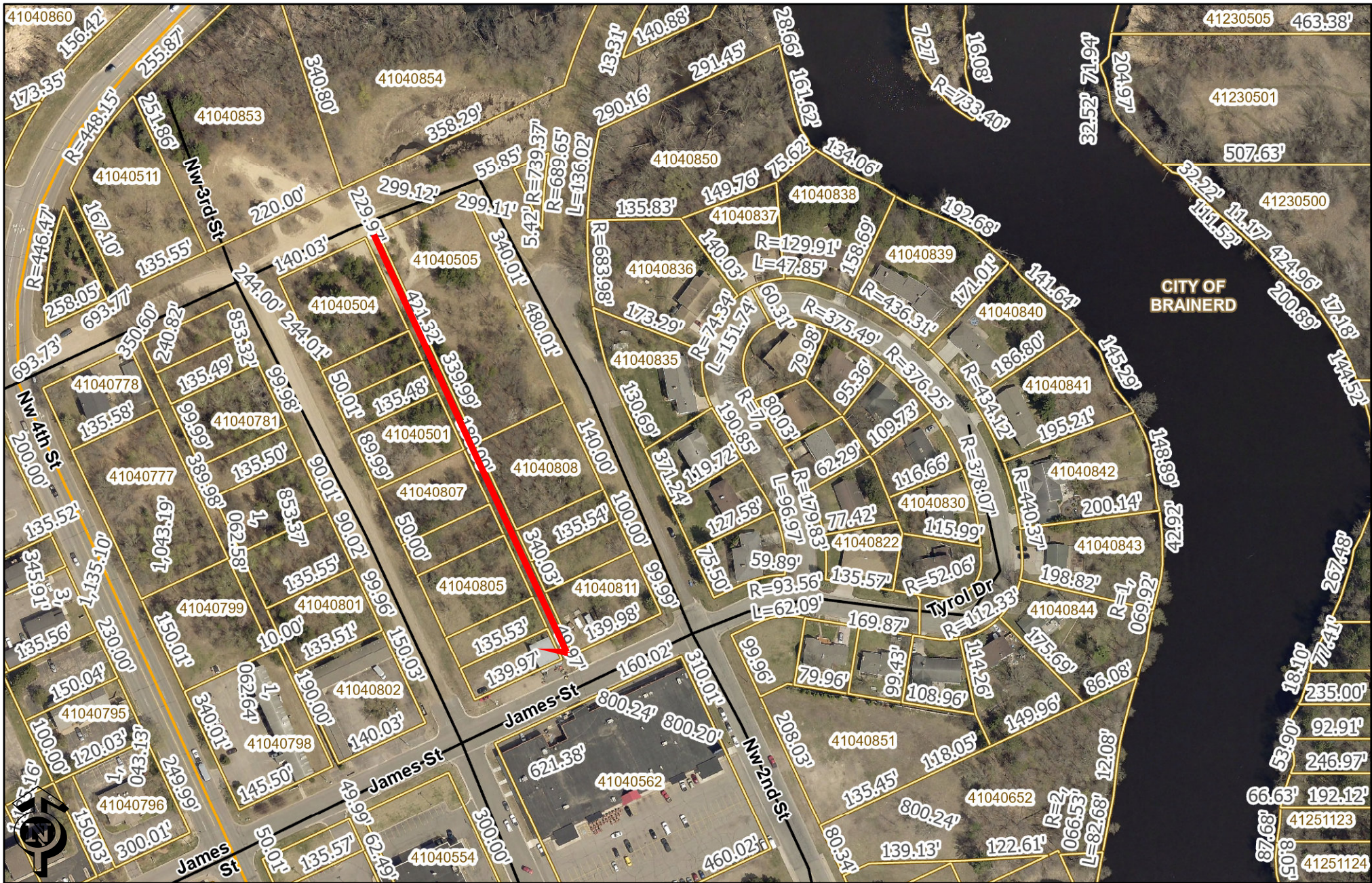
Vicky Kinney  
Signature  
Board Chair / Executive Director  
Title

Subscribed and sworn to before me  
this 14<sup>th</sup> 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.

### Proposed Alley Right-Of-Way Vacation

Paul Sandy

Date: 4/11/2022 Time: 3:40:54 PM





**RESOLUTION**  
**NO 21:22**

**A RESOLUTION DECLARING SUFFICIENCY OF PETITION AND SETTING A PUBLIC HEARING  
ON A VACATION COMMENCED BY A PETITION OF A MAJORITY OF ABUTTING  
LANDOWNERS**

WHEREAS, a petition signed by the majority of property owners abutting the alley in Blocks M and E, WEST BRAINERD in the City of Brainerd and was received by the City Clerk on the 14<sup>th</sup> 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 6<sup>th</sup> 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 16th day of May 2022

  
KELLY BEVANS  
President of the Council

Approved this 17<sup>th</sup> day of May 2022

  
DAVE BADEAUX  
Mayor

ATTEST:

  
JENNIFER BERGMAN  
City Administrator

## **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 17<sup>th</sup> day of May, 2022

Jennifer Bergman  
City Administrator

Publish - 2 times on  
May 22<sup>nd</sup>, 2022 and May 29<sup>th</sup>, 2022



**R E S O L U T I O N  
N O .**

**RESOLUTION VACATING ALLEY**

WHEREAS, a hearing was duly held on June 6, 2022, for the proposed vacation of the following described alley:

That part of the alley located within Block E and Block M, WEST BRAINERD, according to the recorded plat thereof, Section 4, Township 133 North, Range 28 West, Crow Wing County Minnesota, which lies southerly of the southerly line of Jackson Street, and which lies northerly of the northerly line of James Street.

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

1. That the alley as previously described is hereby vacated.
2. The City of Brainerd, however, specifically reserves unto itself an easement for utilities over, under, and upon said portion of the vacated streets.

Adopted this \_\_\_\_ day of June 2022.

\_\_\_\_\_  
KELLY BEVANS  
President of the Council

Approved this \_\_\_\_ day of June 2022

\_\_\_\_\_  
DAVE BADEAUX  
Mayor

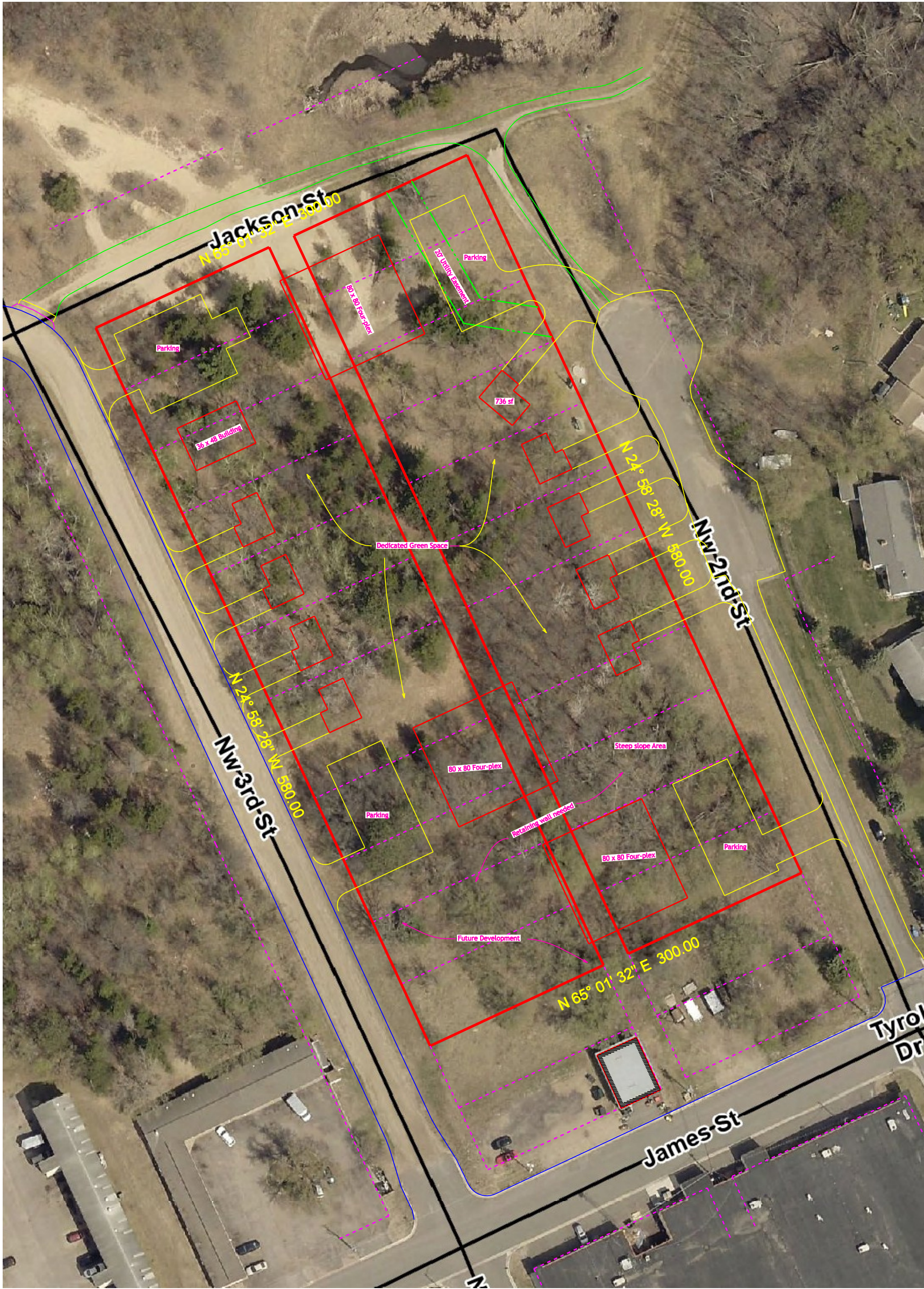
ATTEST: \_\_\_\_\_  
JENNIFER BERGMAN  
City Administrator

## Request for Alley Vacation

Attached is a site plan which represents what we'd like to do with the property. Our goal is to build 3 multiplex buildings and 8 to 9 single family homes. Currently, the ordinance allows for 4-plex units, and it is our intent to apply for CUPs to build six-plex units once the new ordinance passes, to allow for more housing units. In the NW corner of the property is parking and a structure we hope to build under the new ordinance. We understand that this is not allowable under the current code but thought we should include it so you can see what we have in mind for the future. Below are some of our reasons for requesting the alley vacation:

- In the NE corner of the property, the city has a utility easement which takes up 3 buildable lots (unbuildable with the easement). Other than leaving the area as green space, the only use we could make of this location is to put in a parking lot for a multiplex. Our problem is that there is not enough room with setbacks as the building would sit on top of where the alley is located.
- We have no use for an alley. The lot depths for the single-family homes are about 150'. The homes will all be front loading with attached garages and set closer to the street (leaving the back of the property as green space). This property is very hilly, and we plan on keeping excavation to a minimum where possible.
- An alley makes the property less buildable and an added and unnecessary challenge to add denser housing.
- It's a public benefit to vacate the alley because it will save tax dollars. It would be very costly to put in an alley that none of the property owners want and on property with very steep hills. That money is better spent elsewhere. An alley is meant to serve the lots surrounding it. Vacating the alley will benefit to those who eventually will be living there so they can have green space and privacy. More green space is also a benefit to the Tyrol neighborhood, who expressed a desire to see as many trees saved as possible.









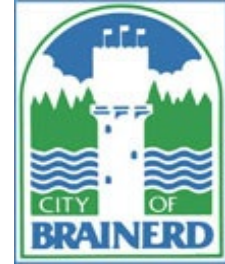
# Brainerd City Council Agenda Request

**Requested Meeting Date:**

**Title of Item:**

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

# MEMO



**TO:** Brainerd Charter Commission

**FROM:** City Staff

**DATE:** May 6, 2022

**RE:** Proposed Changes to Brainerd City Charter

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City Staff presents the following items of the City Charter, to the Charter Commission for discussion:

- **Chapter One – Name, Boundaries, Powers and Divisions, Number 2:**

*Original language:*

2. That the Council be empowered to divide the City of Brainerd by ordinance into four (4) wards as equal in size and population as practicable. The Council must, within 60 days after each U.S. decennial census, readjust the boundaries of the four (4) wards provided there is a 10% or more deviation in population among said wards and if the Council does not do so, the Charter Commission of the City of Brainerd is empowered to do so.
  - a. **FIRST WARD:** All of the territory south of the main line of the Burlington Northern Santa Fe Railroad and east of the Mississippi River beginning at the mainline railroad tracks and following said River south to the south City limits/Woodland Hills Lane, thence east to Greenwood Street, thence south to the centerline of the South 6th Street/Business Highway 371, thence northeast to the centerline of County Road 117, thence east to the centerline of the Spur Line Trail, thence north to the centerline of Willow Street, thence west to the centerline of South 6th Street/Business Highway 371, thence north to the centerline of Rosewood Street, thence east to the centerline of South 7th Street, thence north to the centerline of Quince Street, thence east to the centerline of the Spur Line Trail, thence north to the mainline railroad tracks of the Burlington Northern Santa Fe Railroad, thence west to the Mississippi River to the point of beginning.
  - b. **SECOND WARD:** All of the territory within the City limits west/northwest of the Mississippi River, and, southeast of the Mississippi River commencing at the intersection of the centerline of the Mississippi River and the main line of the Burlington Northern Santa Fe Railroad, thence east along the railroad tracks to the centerline of North 8th Street, thence north to the centerline of Washington Street, thence east to the centerline of North 10th Street, thence north to the centerline of Grove Street, thence east to the centerline of North

11th Street, thence north along North 11th Street to the centerline of Evergreen Avenue, thence northeast to the Public Access driveway, thence north along the driveway to the centerline of the Mississippi River.

- c. **THIRD WARD:** All of the territory north of the main line of the Burlington Northern Railroad and east of a line commencing at the intersection of the Burlington Northern Santa Fe main line track and the centerline of North 8th Street, thence north along North 8th Street to the centerline of Washington Street, thence east to the centerline of North 10th Street, thence north to center line of Grove Street, thence east to the centerline of North 11th Street, thence north to the centerline of Evergreen Avenue, thence northeast to the Public Access Driveway, thence north along the driveway to the centerline of the Mississippi River, thence northeasterly along the centerline of the Mississippi River to the east City limits.
- d. **FOURTH WARD:** All of the territory South of the main line of the Burlington Northern Railroad and east of a line commencing at the intersection of the Burlington Northern Santa Fe main line track and the centerline of the Spur Line Trail, thence south to the centerline of Quince Street, thence west to the centerline of South 7th Street, thence south to the centerline of Rosewood Street, thence west to the centerline of South 6th Street/Business Highway 371 thence south to the centerline of Willow Street, thence east to the centerline of the Spur Line Trail, thence south to the centerline of County Road 117, thence west to the centerline of South 6th Street/Business Highway 371, thence south to the south City limits.

*Revised language:*

- 2. The City shall be divided into four wards in accordance with state law.

**Explanation:** This was the language agreed upon by the Charter Commission at the April 20, 2022 Charter Commission meeting. This allows for ease of update to the wards when needed to be reviewed after each decennial census.

- **Chapter Two – Officers and Elections #14:**

*Original language:*

At the first meeting of the City Council after the regular City election it shall proceed to elect by ballot from its number a President and Vice-President. The President shall preside over the meetings of the City council and appoint all standing and temporary committees thereof, and during absence of the Mayor from the City, or the Mayor's inability for any reason to discharge the duties of the office, the said President shall exercise all the powers and discharge all the duties of the Mayor.

In case the President shall be absent at any time the Vice-President shall discharge the duties of such President and act in the President's place. The President or Vice-

President while performing the duties as Mayor shall be styled "Acting Mayor", and acts performed by either when acting as Mayor, shall have the same force and validity as if performed by the Mayor.

*Revised language:*

At the first meeting in January of the City Council after the regular City election it shall proceed to elect by ballot from its members a President and Vice-President. The President shall preside over the meetings of the City council and appoint all standing and temporary committees thereof, and during absence of the Mayor from the City, or the Mayor's inability for any reason to discharge the duties of the office, the said President shall exercise all the powers and discharge all the duties of the Mayor.

In case the President shall be absent at any time the Vice-President shall discharge the duties of such President and act in the President's place. The President or Vice-President while performing the duties as Mayor shall be styled "Acting Mayor", and acts performed by either when acting as Mayor, shall have the same force and validity as if performed by the Mayor.

**Explanation:** The current language indicates the President and Vice-President would be chosen at the meeting following election, which normally would be the 2<sup>nd</sup> council meeting in November. Adding in January provides clarification and has been the City's practice and specifying that it is the members of the City Council who can serve as President and Vice-President.

- **Chapter Two – Offers and Elections; Duties of City the City Council; Insert a new number 36 and renumber thereafter.**

*Original language:*

Chapter 5:

8. The City Council may at its discretion defer payment of certain special assessments for street improvements as defined in Chapter 429 of the Minnesota Statutes where a financial hardship exists. The Council shall by Ordinance define the circumstances wherein such deferments may be made.

The City Council does endorse the principal of deferment of special assessments for those citizens where the payment of said special assessments constitute a financial hardship. The Council, in accordance therewith, may defer the payment of a special assessment on homestead property owned by a person who has a financial hardship, and the payment of the assessment would create a further financial hardship.

The deferment may be granted upon an application by the owner on a form

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

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

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

B. The total special assessments to be deferred exceed the sum specified in the most current Resolution adopted by the City Council setting this amount.

C. The applicant certifies that the total assets of the applicant and spouse, exclusive of the homestead, do not exceed the sum specified in the most current Resolution adopted by the City Council setting this amount.

D. The Crow Wing County Assessor's estimated market value of the applicant's homestead is less than the sum specified in the most current Resolution adopted by the City Council setting this amount.

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

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

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

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

C. Loss of homestead status on the property;

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



E. Failure to file a renewal application within the time prescribed in this section.

*Revised language:*

36. The City Council may at its discretion defer payment of certain special assessments for street improvements as defined in Chapter 429 of the Minnesota Statutes where a financial hardship exists. The Council shall by Ordinance or Resolution define the circumstances wherein such deferments may be made.

**Explanation:** State Statute 435.193 (attached) allows a city, at its discretion, to defer the payment of an assessment for any homestead property. The statute later states that a City shall adopt an ordinance or resolution establishing guidelines for determining a hardship. The City Council had adopted Ordinance No. 974 (attached), which amended the Charter, as well as Resolution 48:88 and amended by Resolutions 57:94, 71:96, 25:99, 06:05 and 54:16 (attached) establishing the criteria. At the May 2, 2022 City Council meeting, Council directed Staff to review and recommend changes to Resolution 54:16. Staff recommends removing the language of the criteria for deferment from the Charter and have in a Resolution that can be amended as deemed necessary. Also, by moving this section to Chapter 2, Chapter 5 could be eliminated.

- **Chapter Three Finances, Number 2.**

*Original language:*

2. Except as otherwise provided herein, all disbursements shall be made by check or electronic transfer. Checks shall be signed by the Mayor and countersigned by the City Administrator. All payments are to be reviewed and approved by the City Council

The City Council shall annually levy taxes to provide for the following specifically designated fund:

A PERMANENT IMPROVEMENT FUND, for paying such portion of the cost of improving streets and alleys as shall devolve upon the City, under the provisions of Subdivision (11) of this Section 46. For the support of this fund the City Council shall annually levy on taxable property of the City taxes to an amount not to exceed 9% of the City's previous year's total levy. No part of this fund shall be used for any other purpose. In anticipation of the collection of such taxes for the then current year and succeeding years, the City Council may at the proper time, and from time to time, issue and dispose of certificates of indebtedness in an aggregate amount equal to eighty (80) per cent of such levy in the then current year and estimated amount for not more than ten succeeding years; provided, that the issuable aggregate of such certificates of indebtedness shall at no time exceed the sum of money then in the permanent improvement revolving fund under the provisions of Section 49 of the City Charter, as herewith amended, together with the additional

amount of bonds that may or can be issued thereunder, added to the total of cash payments guaranteed by bonds of owners of real property abutting on such or similar street or alley improvements. These certificates shall be known as Re-paving Certificates of Indebtedness, and on every one shall be stated the particular purpose for which it is issued or describe the specific improvement on which it is based. Such certificates shall be consecutively numbered, with date of issue, date of maturity, bear interest, payable semi-annually, have proper interest coupons attached, be signed by the Mayor, countersigned by the City Administrator, and be attested by the corporate seal; and, so far as practicable, shall be in denominations of not less than \$500.00. Whenever occasion arises for the issuance of such repaying certificates, it shall be the duty of the City Council to make requisite calculations, computations and estimates with respect to the quantity and various times of collection of taxes so levied and to be levied, and thereupon, as the circumstances may require, to issue and sell one or more of such certificates. All such certificates shall be so issued as to mature serially, on proper dates, to the end that eighty (80) per cent of the estimated tax collection for this fund in each and every year will pay the certificates as they mature, and succeeding issues shall appear in regular order following previously issued certificates; and whenever there is an unused or unappropriated margin of such eighty (80) per cent of the estimated tax collection for this fund, over and above the aggregate amount of all such certificates theretofore issued, then and under such circumstances the earliest maturing certificates of the next succeeding issue shall be made to mature at such times and in such manner as to assure payment thereof out of, and at the time of collection of, such prior unused or unappropriated margin of such eighty (80) per cent of such estimated tax collection. If in any year the taxes collected for this fund shall not be sufficient to pay the certificates maturing in that year, the deficit shall be paid from the general fund. The earliest maturing certificates of the first issue hereunder shall mature on the first day of December in the year following the year of their issuance, and the other certificates in such issue, to mature later and serially, shall be distributed in succeeding serials and follow in such order of maturity that eighty (80) per cent of the estimated tax collections, year by year, will pay such certificates in each and every year thereafter. Neither the City Council nor any officer of the City shall in any year appropriate, expend or disburse any part of this fund, or do any other act therewith, at such time or in such manner as to render the available balance thereof insufficient to pay, when due, the certificates maturing in that particular year. The City Council shall, at the proper time, and from time to time, prepare for every issue and sale of such re-paving certificates of indebtedness by appropriate resolution setting forth in sufficient detail the date of issuance, number or quantity, specific denominations, and various dates of maturity thereof, the rate of interest thereon, and the nature or character, location, extent, and approximate total cost of the particular improvement on which the same are founded. The sale of such certificates of indebtedness shall be made, conducted, and carried on in the manner provided for sales of bonds under the certain provisions of section 49 of the City Charter, as herewith amended; provided, further, that no certificate shall be sold for less than par and accrued interest.

*Revised language:*

2. Except as otherwise provided herein, all disbursements shall be made by check or electronic transfer. Checks shall be signed by the Mayor and countersigned by the City Administrator. All payments are to be reviewed and approved by the City Council

The City Council shall annually levy taxes to provide for the following specifically designated fund:

A PERMANENT IMPROVEMENT FUND, for paying such portion of the cost of improving streets and alleys. For the support of this fund the City Council shall annually levy on taxable property of the City taxes to an amount not to exceed 9% of the City's previous year's total levy. No part of this fund shall be used for any other purpose.

**Explanation:** The first item is formatting. The Permanent Improvement Fund was left in the Charter to maintain a levy for road improvements. All funds collected from this levy are transferred into the Construction Fund (401). The other language remaining was eliminated with other changes to the charter such as the references to Subdivision 11 Section 46 and Section 49. The rest of the section talks about certificates and issuing debt. To Staff' knowledge, 100% of this fund's balance has been transferred and used to maintain streets and alleys and the City issues debt under the sections of state statute that apply, such as 429 bonds.

- **Chapter Three Finances, Numbers 3-5.**

*Original Language:*

3. That annual amount to be levied for general taxation in any year for all said funds shall not exceed the amounts as established by state statute. There shall be a levy of 1.5% of the previous year's total City levy for an entity within the city limits of Brainerd to provide community action programs and events.
4. There shall be a levy of 1.5% of the previous year's total City levy for the establishment and maintenance of a program for the benefit of senior citizens or to a subsidized non-profit senior citizens organization within the city limits of Brainerd.
5. There shall be a levy of 1.5% of the previous year's total City levy an arboretum or green space organization within the city limits of Brainerd.

*Revised Language*

3. That annual amount to be levied for general taxation in any year for all said funds shall not exceed the amounts as established by state statute. There shall be a levy of 1.5% of the previous year's total City levy for one or more

- entities located entirely within the city limits of Brainerd to provide community action programs and events.
4. There shall be a levy of 1.5% of the previous year's total City levy for the establishment and maintenance of programs for the benefit of senior citizens or to a subsidized non-profit senior citizens organization(s) located entirely within the city limits of Brainerd.
  5. There shall be a levy of 1.5% of the previous year's total City levy for one or more arboretum or green space organizations located entirely within the city limits of Brainerd.

**Explanation:** At the April 20<sup>th</sup> meeting, the Charter Commission discussed the intent of the language "within the city limits of Brainerd." A motion was made to send back to the Council that the Charter Commission's intent with "within the city limits" means that the money levied be spent on entities fully within the city of Brainerd. Therefore, to clarify the intent, we are proposing amending the language to state: "entirely within the city limits of Brainerd" in Chapter Three, Sections 3, 4 and 5.

The Charter Commission also made a motion to allow the distributing of funds to include one or more in reference to green space organizations, senior programs and community action organizations. Therefore, we have also clarified that by adding the phrase "one or more" in front of organizations.

- **Chapter Five Streets**

*Original Language:*

1. The City Council may by a vote of two-thirds of the members thereof, vacate any highway, street, lane, or alley, or portion of either, and such power of vacating highways, streets, lanes, and alleys within the City of Brainerd is vested exclusively in the City Council and no court or other body or authority shall have any power to vacate any such highway, street, lane or alley.
2. The City Council shall have power to designate districts or portions of the streets and alleys of the City for the purpose of cleaning the same and may provide for the cleaning of such districts by a contract on such terms as shall be deemed advisable.
3. It is hereby made the duty of all owners of land adjoining any street, lane or alley in said City, to construct, reconstruct and maintain in good repair such sidewalks along the side of the street, lane or alley next to the lands of such owners respectively, as may have been heretofore constructed, or shall hereafter be constructed, or directed by the City Council to be built, and of such material and width, and upon such places and grades as the City Council may by ordinance or otherwise prescribe. Whenever the City Council shall deem it necessary that any sidewalk in the City of Brainerd shall be constructed or re-constructed, it shall by resolution direct such construction or re-construction, specifying the width thereof, and the

material of which the same is to be constructed. The publication of such resolution once in the official paper of the City shall be sufficient notice to the owners of the land along which said sidewalk is to be built to construct the same, and unless such owners shall each along each owner's respective land, construct and fully complete such sidewalks within two (2) weeks after the publication of such resolution as aforesaid, the City Council shall forthwith proceed to ascertain the expense of constructing the same and assess and levy such expense upon and against each lot and parcel of land upon which such sidewalk shall front. Such assessment shall be collected in the same way in all things as provided for the collection of special assessments under the provisions of Section 75 of this Charter. And the City Council may either before or after making such assessment cause such portion of such sidewalks as have not been built by the owners of such land fronting on the same and all street crossings to be built by the City, or upon contract or by any other person as the council may determine.

4. If the owner of any lot or parcel of land shall suffer any sidewalk along the same to become broken, rotten or out of repair, it shall be the duty of the City Engineer to immediately repair the same in a good, substantial and thorough manner, and to report to the City Council the cost of such repairs in each case, and a description of the lot or parcel of land abutting which such repairs are made, and such report shall be filed and carefully preserved by the City Administrator. And the City Council shall once in each year, at, or as near as conveniently may be, the time of levying the yearly City taxes, assess and levy upon each of the parcels of land fronting or abutting upon sidewalks which have been repaired by the City, the cost of making such repairs. In each case such assessment for all such repairs within the year may be combined in one assessment roll and be collected as provided for in other special assessments in this Charter. In case any such sidewalk shall become so out of repair as to become dangerous and cannot be made safe without being rebuilt, and there are no funds to defray the expense of such rebuilding, it shall be the duty of the City Engineer to remove the same entirely, and the expense of such removal shall be added to the cost of rebuilding when the same shall be reconstructed and collected with the assessment for such reconstruction.
5. It shall be the duty of the City Council, before ordering the construction of any new sidewalk, to cause ground on which is to be built to be properly graded.
6. No railway company or street company shall have any right in cleaning their tracks through any part of the City or otherwise, to pile up snow or other material and leave the same piled upon any traveled portion of any street in the City. Any such company shall be liable to any person who shall be injured by means of any obstruction caused by the company or its servants for all damages sustained.
7. It shall require a two-thirds (2/3) vote of the members elect of the City Council to determine, in the first instance to make any improvement for which a special assessment may be levied, except in respect to sidewalks, when a majority shall suffice. But this restriction shall not apply to any subsequent act of the Council touching such improvement, or the special assessment to provide means therefor.

8. The City Council may at its discretion defer payment of certain special assessments for street improvements as defined in Chapter 429 of the Minnesota Statutes where a financial hardship exists. The Council shall by Ordinance define the circumstances wherein such deferments may be made.

The City Council does endorse the principal of deferment of special assessments for those citizens where the payment of said special assessments constitute a financial hardship. The Council, in accordance therewith, may defer the payment of a special assessment on homestead property owned by a person who has a financial hardship, and the payment of the assessment would create a further financial hardship.

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

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

- A. The applicant, his spouse and family combined shall not have an annual gross income in excess of the low-income limits established by the Housing and Redevelopment Authority of the City of Brainerd in effect at the time of application. All data necessary to confirm applicant's income shall be furnished to the City Administrator.
- B. The total special assessments to be deferred exceed the sum specified in the most current Resolution adopted by the City Council setting this amount.
- C. The applicant certifies that the total assets of the applicant and spouse, exclusive of the homestead, do not exceed the sum specified in the most current Resolution adopted by the City Council setting this amount.
- D. The Crow Wing County Assessor's estimated market value of the applicant's homestead is less than the sum specified in the most current Resolution adopted by the City Council setting this amount.

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

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

- A. The death of the owner when there is no spouse who is eligible for deferment;
- B. The sale, transfer, or subdivision of all or any part of the property;
- C. Loss of homestead status on the property;
- D. Determination by the Council for any reason that there would be no hardship to require immediate or partial payment; or
- E. Failure to file a renewal application within the time prescribed in this section.

*Revised Language*

Eliminate the Chapter. Subsequent chapters will be renumbered.

**Explanation:** Elimination of Chapter 5 Numbers 1-7 was discussed and agreed upon at the April 20, 2022 Charter Commission meeting. Number 8, dealing with deferred assessment, Staff has suggested above to insert a number 36 in Chapter 2.

Staff will be available at the meeting to answer any questions.

**RESOLUTION**  
**NO. 54:16**

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

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

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

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

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

1. That the City Council does endorse the principle of deferment of special assessments for citizens where the payment of said special assessments constitutes hardship.
2. The Council, in accordance therewith, may defer the payment of any special assessment on homestead property when payment of the assessment would create a hardship upon the property owner as defined herein.
3. The deferment may be granted upon an application by the owner on a form prescribed by the County Auditor supplemented by the City Administrator to establish the qualifications of the owner for said deferment. All deferments shall be subject to renewal each following year upon the filing of a similar application not later than August 15. The Council shall either grant or deny the deferment, and if it grants the deferment, the deferred assessment shall bear interest at the rate established in the Resolution adopting the assessment. If the Council grants the deferment, the City Administrator shall notify the County Auditor who shall, in accordance with Minnesota Statute 435.194, record a notice of the deferment with the County Recorder setting forth the amount of the assessment.
4. A hardship shall be deemed prima facie to exist when all of the following apply:
  - A. The applicant's spouse and family combines shall not have an annual gross income in excess of the low income limits established by the Housing and Redevelopment Authority of the City of Brainerd in effect at the time of application. All data necessary to confirm applicant's income shall be furnished to the City Administrator.
  - B. The special assessments to be deferred exceed \$300.00.

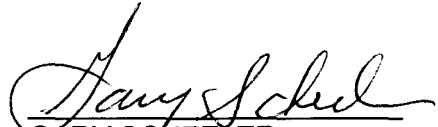


- C. The total assets of the applicant and spouse, exclusive of the homestead, do not exceed \$25,000.00.
- D. The Crow Wing County Assessor's estimated market value of the applicant's homestead is less than \$110,000.

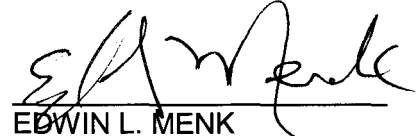
Notwithstanding the foregoing provisions of this paragraph, the City Council may consider exceptional and unusual circumstances pertaining to an applicant not covered by the above standards; but any determination shall be made in a non-discriminatory manner and shall not give the applicant an unreasonable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

- 5. Retirement by reason of permanent and total disability shall be deemed prima facie to exist when the applicant presents a sworn affidavit by a licensed medical doctor attesting that the applicant is unable to be gainfully employed because of a permanent and total disability.
- 6. The option to defer the payment of special assessments shall terminate and all amounts accumulated plus applicable interest shall become due upon the occurrence of any of the following events:
  - A. The death of the owner when there is no spouse who is eligible for deferment;
  - B. The sale, transfer, or subdivision of all or any part of the property;
  - C. Loss of homestead status on the property;
  - D. Determination by the Council for any reason that there would be no hardship to require immediate or partial payment; or
  - E. Failure to file a renewal application with the time prescribed by Paragraph 3.
- 7. This Resolution supersedes Resolution No. 06:05 adopted on February 22, 2005.

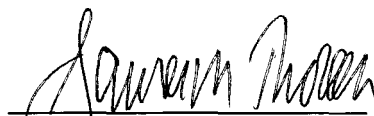
Adopted this 21<sup>st</sup> day of November, 2016

  
GARY SCHEELER  
President of the Council

Approved this 22<sup>nd</sup> day of November, 2016

  
EDWIN L. MENK  
Mayor

ATTEST:

  
JAMES M. THOREEN  
City Administrator

**ORDINANCE AMENDING THE CHARTER OF  
THE CITY OF BRAINERD**

Ordinance No. 974

The City Council of the City of Brainerd does ordain:

SECTION ONE: That Section 99 of Chapter Six of the Charter of the City of Brainerd be amended by striking the whole thereof and that it be replaced by the following:

SECTION 99. The City Council may at its discretion defer payment of certain special assessments for street improvements as defined in Chapter 429 of the Minnesota Statutes where a financial hardship exists. The Council shall by Ordinance define the circumstances wherein such deferments may be made.

The City Council does endorse the principle of deferment of special assessments for those citizens where the payment of said special assessments constitute a financial hardship.

The Council, in accordance therewith, may defer the payment of a special assessment on homestead property owned by a person who has a financial hardship and the payment of the assessment would create a further financial hardship.

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

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

- A. The applicant, his spouse and family combined shall not have an annual gross income in excess of the low income limits established by the Housing and Redevelopment Authority of the City of Brainerd in effect at the time of application. All data necessary to confirm applicant's income shall be furnished to the City Administrator.
- B. The special assessments to be deferred exceed the sum specified in the most current Resolution adopted by the City Council setting this amount.
- C. The total assets of the applicant and spouse, exclusive of the homestead, do not exceed the sum specified in the most

current Resolution adopted by the City Council setting this amount.

- D. The Crow Wing County Assessor's estimated market value of the applicant's homestead is less than the sum specified in the most current Resolution adopted by the City Council setting this amount.

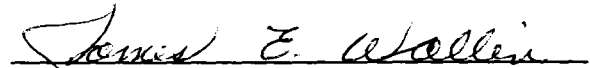
Notwithstanding the foregoing provisions of this paragraph, the City Council may consider exceptional and unusual circumstances pertaining to an applicant not covered by the above standards; but any determination shall be made in a non-discriminatory manner and shall not give the applicant an unreasonable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

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

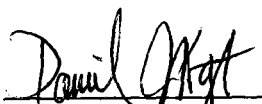
1. The death of the owner when there is no spouse who is eligible for deferment;
2. The sale, transfer, or subdivision of all or any part of the property;
3. Loss of homestead status on the property;
4. Determination by the Council for any reason that there would be no hardship to require immediate or partial payment; or
5. Failure to file a renewal application within the time prescribed in this section."

SECTION TWO: That this ordinance amending the Charter of the City of Brainerd shall become effective 90 days after passage by the City Council by an affirmative vote of all its members following a public hearing upon two weeks' published notice containing the text of the proposed amendment and approval by the Mayor and publication as in the case of other ordinances.

Adopted this 19TH day of SEPTEMBER, 1994.

  
JAMES E. WALLIN  
President of the Council

Approved this 20TH day of SEPTEMBER, 1994.

ATTEST:   
DANIEL J. VOGT  
City Administrator

  
BONNIE K. CUMBERLAND  
Mayor

# Office of the Revisor of Statutes

## 2021 Minnesota Statutes

[Authenticate](#)  [PDF](#)

### **435.193 HARDSHIP ASSESSMENT DEFERRAL FOR SENIORS, DISABLED, OR MILITARY PERSONS.**

(a) Notwithstanding the provisions of any law to the contrary, any county, statutory or home rule charter city, or town, making a special assessment may, at its discretion, defer the payment of that assessment for any homestead property:

(1) owned by a person 65 years of age or older or retired by virtue of a permanent and total disability for whom it would be a hardship to make the payments; or

(2) owned by a person who is a member of the Minnesota National Guard or other military reserves who is ordered into active military service, as defined in section [190.05](#), subdivision 5b or 5c, as stated in the person's military orders, for whom it would be a hardship to make the payments.

(b) Any county, statutory or home rule charter city, or town electing to defer special assessments shall adopt an ordinance or resolution establishing standards and guidelines for determining the existence of a hardship and for determining the existence of a disability, but nothing herein shall be construed to prohibit the determination of hardship on the basis of exceptional and unusual circumstances not covered by the standards and guidelines where the determination is made in a nondiscriminatory manner and does not give the applicant an unreasonable preference or advantage over other applicants.

**History:** [1974 c 206 s 7](#); [1976 c 195 s 3](#); [1981 c 80 s 1](#); [2008 c 154 art 2 s 28](#)

Official Publication of the State of Minnesota  
Revisor of Statutes

# BRAINERD CITY CHARTER

## CHAPTER ONE

### NAME, BOUNDARIES, POWERS AND DIVISIONS

1. All that district of country in the county of Crow Wing contained within the limits and boundaries as now are or hereafter may be established shall be a City by the name of "Brainerd," and all the people now inhabiting, and those who shall hereafter inhabit the same district shall be a municipal corporation by the name of "The City of Brainerd", and by that name may sue and be sued, plead and be impleaded, in any court; make and use a common seal, and alter it at pleasure; take and hold, lease and convey, all such real personal and mixed property as the purposes of the corporation may require, or the transaction or exigencies of the business may render convenient, within or without the limits of such district; shall be capable of contracting and being contracted with, and shall have all the general powers possessed by municipal corporations at common law, and, in addition thereto, shall possess all powers hereinafter specifically granted; and all the authorities thereof shall have perpetual succession.

2. ~~The City shall be divided into four wards in accordance with state law. That the Council be empowered to divide the City of Brainerd by ordinance into four (4) wards as equal in size and population as practicable. The Council must, within 60 days after each U.S. decennial census, readjust the boundaries of the four (4) wards provided there is a 10% or more deviation in population among said wards and if the Council does not do so, the Charter Commission of the City of Brainerd is empowered to do so.~~

**Commented [A1]:** Change approved by the Charter Commission on 4-20-2022

- a. ~~FIRST WARD: All of the territory south of the main line of the Burlington Northern Santa Fe Railroad and east of the Mississippi River beginning at the mainline railroad tracks and following said River south to the south City limits/Woodland Hills Lane, thence east to Greenwood Street, thence south to the centerline of the South 6th Street/Business Highway 371, thence northeast to the centerline of County Road 117, thence east to the centerline of the Spur Line Trail, thence north to the centerline of Willow Street, thence west to the centerline of South 6th Street/Business Highway 371, thence north to the centerline of Rosewood Street, thence east to the centerline of South 7th Street, thence north to the centerline of Quince Street, thence east to the centerline of the Spur Line Trail, thence north to the mainline railroad tracks of the Burlington Northern Santa Fe Railroad, thence west to the Mississippi River to the point of beginning.~~

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- b. ~~SECOND WARD: All of the territory within the City limits west/northwest of the Mississippi River, and, southeast of the Mississippi River commencing at the intersection of the centerline of the Mississippi River and the main line of the Burlington Northern Santa Fe Railroad, thence east along the railroad tracks to the centerline of North 8th Street, thence north to the centerline of Washington Street,~~

thence east to the centerline of North 10th Street, thence north to the centerline of Grove Street, thence east to the centerline of North 11th Street, thence north along North 11th Street to the centerline of Evergreen Avenue, thence northeast to the Public Access driveway, thence north along the driveway to the centerline of the Mississippi River.

e. ~~THIRD WARD: All of the territory north of the main line of the Burlington Northern Railroad and east of a line commencing at the intersection of the Burlington Northern Santa Fe main line track and the centerline of North 8th Street , thence north along North 8th Street to the centerline of Washington Street, thence east to the centerline of North 10th Street, thence north to center line of Grove Street, thence east to the centerline of North 11th Street, thence north to the centerline of Evergreen Avenue, thence northeast to the Public Access Driveway, thence north along the driveway to the centerline of the Mississippi River, thence northeasterly along the centerline of the Mississippi River to the east City limits.~~

d. ~~FOURTH WARD: All of the territory South of the main line of the Burlington Northern Railroad and east of a line commencing at the intersection of the Burlington Northern Santa Fe main line track and the centerline of the Spur Line Trail, thence south to the centerline of Quince Street, thence west to the centerline of South 7th Street, thence south to the centerline of Rosewood Street, thence west to the centerline of South 6th Street/Business Highway 371 thence south to the centerline of Willow Street, thence east to the centerline of the Spur Line Trail, thence south to the centerline of County Road 117, thence west to the centerline of South 6th Street/Business Highway 371, thence south to the south City limits.~~

**CHAPTER TWO**  
**OFFICERS AND ELECTIONS**

1. The elective officers of the City shall be a Mayor and seven City Council Members. Of the seven Council Members, three shall be elected at large and one from each ward. All elective officers shall be residents of the City of Brainerd and the four ward Council Members shall be residents of their respective wards.
2. When more than twice the number of individuals file to be elected to a municipal office, a primary election shall be conducted, and the returns made and results canvassed consistent with the general laws of the State of Minnesota pertaining to primaries. The regular City election for the election of City officers shall be held on the first Tuesday after the first Monday of November in each even numbered year; and all general laws of the State of Minnesota, relating to the election of City officers and the primaries thereof, shall, so far as applicable, apply to and govern all nominations and elections under this Charter, and all special elections, and are hereby adopted as a part of this Charter, the same as if herein specifically reenacted. The judges, clerks and other officers of election at the then last general election for state officers shall be the judges, clerks and other officers of all special City elections, except that the City Council shall appoint additional officers as permitted by law. Election returns shall be made and results canvassed consistent with the general laws of the State of Minnesota pertaining to general elections.
3. The term of office of every officer elected under this Charter, unless otherwise provided for, shall commence on the first Monday of January following the election and shall continue for a term of four years and until his or her successor is elected and qualified.
4. The appointive officers of the City shall be a City Attorney, Public Utilities commission to consist of five (5) members, a Park and Recreation Board to consist of five (5) members, and a Library Board to consist of nine (9) members, and such other officers as the City Council deem proper and necessary. Provided, however, that no elective or appointive person holding office in the City of Brainerd may be appointed to the Public Utilities Commission.
5. At its first regular meeting in January of each odd-numbered year the Council shall, by majority vote, appoint the City Attorney. All terms shall commence at the time of appointment and continue until successors to the appointed offices are appointed and qualified.
6. The members of the Public Utilities Commission, the Park and Recreation Board, and the Library Board shall be appointed by the Mayor and their appointment confirmed by the City Council: such appointments and confirmation shall be made at the first regular Council meeting in January of each year; at which time there shall be appointed one (1) member of the Public Utilities Commission, one (1) member of the Park and Recreation Board; and every other year and three (3) members of the Library Board. The term of office for a member of the Library Board shall be for six

(6) years, the term of office for a member of the Public Utilities Commission shall be for five (5) years, and the term of office for a member of the Park and Recreation Board shall be for five (5) years. Such terms of office shall commence upon their appointment and qualification and continue for said terms until their successors are appointed and qualified.

7. Any elective or appointive officer provided for by this Charter having entered upon the duties of the office may resign the same. Any elective or appointive officer changing residence from the City, or any Alderman from the ward for which elected or appointed shall be deemed to have vacated such office.
8. Every person appointed to any office by the City Council or Mayor may be removed from such office by a vote of two thirds of all the Aldermen authorized to be elected. But any officer appointed by the Mayor shall not be removed except for cause, nor unless first furnished with a copy of the charges, nor until such person shall have reasonable opportunity to be heard in person, or by counsel in his or her defense.

The Council shall fix the time and place for the hearing of such officer, of which not less than ten days' notice shall be given to such officer and shall have the power to compel the attendance of witnesses and the production of papers, and to hear and determine the case; and if such officer shall refuse or neglect to appear and answer such charges, the City Council may declare such office vacant. Among such causes shall be continued absence by a member of a board from three successive regular meetings of such board, or neglect of duty of any officer.

9. Any person shall not be eligible to serve on a Board or Commission of the City under this Charter who has ever been convicted of a felony, or is not at the time of his appointment a qualified elector of the City of Brainerd (unless otherwise expressly allowed by the City by ordinance, resolution or policy), or who is at such time interested in any contract with the City of Brainerd to which the person is a party, either individually or as a member of a firm, or as director or other managing officer of a corporation.
10. Whenever any vacancy shall occur in any elective or appointive office, such vacancy shall be filled by the City Council in the manner provided for appointments by the City Council; except that the members of the Public Utilities Commission, the Park Board, and the Library Board, shall be appointed by the Mayor and confirmed by the City Council.

All officers so appointed shall hold their respective offices for the balance of the unexpired terms.

11. Every person elected or appointed to any office under the provisions of this Charter shall before entering upon the duties of the office take and subscribe an oath of office and file the same with the City Clerk. The Administrator and such other officers as the City Council shall require and as shall be required by the provisions of this Charter, shall severally, before they enter upon the duties of their respective offices, execute to the City of Brainerd, bonds in such amounts as the Council shall



prescribe, conditioned that such officers will faithfully perform the duties of their respective offices, and account for and turn over all money and other property, coming into the officer's hands. Such bond and the expense thereof, if a surety bond, shall be paid by the City.

All official bonds shall be approved by the City Council and be kept on file in the office of the City Administrator.

12. The compensation of all elective and appointive officers of the City shall be fixed by ordinance as permitted by State Statute.

13. The Mayor shall be the chief executive of the City and see that the laws of the state and the ordinances of the City are duly observed and enforced within the City and that all other officers of the City discharge their duties. The Mayor shall be an ex-officio member of the City Council, for the purpose only of casting the deciding vote upon any question before said Council when the Council Members composing the said Council present and voting are equally divided thereupon. The Mayor shall from time to time give the City Council such information and recommend such measures as the Mayor deems to be in the best interest of the City. The Mayor shall sign all bonds, contracts, warrants, ordinances, resolutions and such other papers and documents as may be made or executed in behalf of the City. All Ordinances and Resolutions shall before they take effect be presented to the Mayor, and if the Mayor approves thereof shall sign the same, and such as the Mayor shall not sign, shall be returned to the Council with the Mayor's objection thereto, by depositing the same with the City Administrator to be presented to the City Council at its next meeting.

Upon the return of any ordinance or Resolution by the Mayor, the vote by which the same was passed shall be deemed to have been reconsidered, and the question shall be again put upon the passage of the same notwithstanding the objections of the Mayor, and if upon such vote the City Council shall pass the same by a vote of two-thirds of all the members of the Council, it shall have the same effect as if approved by the Mayor. If any ordinance or Resolution shall not be returned by the Mayor within five days, Sundays and holidays excepted, after it shall have been presented to the Mayor, the same shall have the same force and effect as if approved by the Mayor. In case the Mayor shall be guilty of willful oppression, corrupt partially or other malfeasance in the discharge of the duties of the office the Mayor shall be liable to indictment and on conviction thereof shall be punished by a fine of not more than Five Hundred (\$500.00) Dollars.

14. At the first meeting in January of the City Council after the regular City election it shall proceed to elect by ballot from its members number a President and Vice-President. The President shall preside over the meetings of the City council and appoint all standing and temporary committees thereof, and during absence of the Mayor from the City, or the Mayor's inability for any reason to discharge the duties of the office, the said President shall exercise all the powers and discharge all the duties of the Mayor.

In case the President shall be absent at any time the Vice-President shall discharge the duties of such President and act in the President's place. The President or Vice-President while performing the duties as Mayor shall be styled "Acting Mayor", and acts performed by either when acting as Mayor, shall have the same force and validity as if performed by the Mayor.

15. The City Administrator shall be the chief administrative officer of the City of Brainerd. The Council shall delegate to the City Administrator by Ordinance whatever powers and duties it deems necessary or proper for the efficient administration of City affairs. Such delegation may include, but is not limited to, supervision of City employees and department heads. Provided, however, that the City Attorney shall be directly responsible to the Council and Mayor for professional advice and services. The Council may at any time rescind or amend authority delegated to the City Administrator. At no time shall such delegation abridge the authority of a Council Member or the Mayor or the Public Utilities Commission or any other board or commission enumerated in the Charter in fulfilling their duties granted in this charter.
16. Any elective officer, whether elected by popular vote or appointed to fill a vacancy, may be removed at any time for malfeasance or nonfeasance in office, by the electors qualified to vote for a successor of such officer. The procedure to affect a removal of such elective municipal officer shall be as follows:
17. A petition signed by electors entitled to vote for a successor of the officer sought to be removed equal in number to at least twenty-five percent of the entire vote for all candidates for the office, the incumbent of which is sought to be removed, cast at the last preceding regular municipal election, demanding an election of a successor of the person sought to be removed, shall be addressed to the Council and presented to the City Clerk; provided, that the petition shall contain a general statement of the ground for which the removal is sought.
18. If the petition shall be found to be sufficient the Administrator shall transmit the same to the Council without delay. If the petition shall be found to be sufficient the City Council shall order and fix a date for holding the said election at the next election date authorized by state law that is not less than seventy-seven (77) days from the date of the Administrator's certificate to the Council that a sufficient petition is filed. The Council shall make or cause to be made publication of notice, and all arrangements for holding such election, provided, that in the published call for the election there shall be printed in not more than 200 words the reason for demanding the recall of the officer as set forth in the recall petition, and in not more than 200 words the officer may justify his or her course in office: and said election shall be conducted, returned, and the result thereof declared, in all respects, as are other City elections.
19. At an election on removal, the question on the ballot shall be in substantially the following form: "Shall ..... (Name) elected (appointed) to the office of ..... (title) be removed from that office?" If a majority of voters at the election vote in the affirmative, the officer shall be recalled and removed.

20. No person who has been removed from office by recall or has resigned from office after the filing of a recall petition, shall be appointed to any office under this Charter within one year after such removal or resignation.
21. In so far as practical, all laws and provisions for holding regular or special elections in the City shall apply to such recall election and the preliminaries thereto, and wherein applicable or impractical the Council shall by Ordinance provide such other and further regulation consistent herewith as may be necessary to carry out the provisions of Sections 16, 17, 18, 19, and 20.

#### DUTIES OF THE CITY ATTORNEY

22. The City Attorney shall perform all professional services incident to the office; shall attend all meetings of the City Council, and when requested shall attend all meetings of committees of the Council. The City Attorney shall give legal opinions and advice upon all questions pertaining to City business when requested so to do by the City Council or any officer of the City. The City Attorney shall institute, prosecute, and defend all actions brought by the City or against the City; and shall draw and prepare all ordinances, resolutions, contracts, bonds or other instruments in which the City or any board thereof is interested. The City Attorney shall be the legal advisor of the Public Utilities Commission, the Park Board, the Library Board, and the committees thereof; shall attend the meetings of the said boards when requested so to do and furnish to the said boards written legal opinions when requested, and shall institute, prosecute, and defend all actions which may be brought by or against said boards or by or against the City affecting the affairs of such boards.

The Council shall have power to appoint and employ special counsel to assist the City Attorney in the performance of any of the City Attorney's duties and fix and pay the compensation therefor.

#### DUTIES OF CITY OFFICERS

23. All City officers shall perform such other duties as may be directed by the City Council by Ordinances, Resolutions or otherwise.
24. No officer of the City shall retain any property, papers, books, and effects of any kind that belong to the City or pertain to the office after the expiration of the officer's term.
25. The Council shall annually at its first meeting of the year designate a legal newspaper of general circulation in the City as its official newspaper in which shall be published Ordinances and other matters required by law to be so published as well as such other matters as the Council may deem it in the public interest to have published in this manner.

26. The City Council may also at the time mentioned in the last section and in the manner therein specified, let a contract for doing of the job printing of said City, and may determine what contract and bond should be required of the person or persons selected to do such job printing.
27. Except as provided by state law, no City officer shall be directly or indirectly interested in any contract of any character with the City or any department or board thereof, either as vendor, purchaser, contractor, employer, employee or otherwise. All contracts made in violation of this section shall be void, and no money shall be paid on account thereof, or any warrants issued. Any officer who shall issue or pay any such warrants knowing that the same are in violation of the terms of this section shall be guilty of a misdemeanor; and any officer violating the provisions of this section shall forfeit the office and the office shall thereby become vacant upon a finding and conviction thereof, as provided in Section Ten of this Chapter.

#### DUTIES OF THE CITY COUNCIL

28. The Council Members shall constitute the City Council and shall be the governing body of the City, and the style of all Ordinances shall be, "The Council of the City of Brainerd do ordain". A majority of all the Council Members shall constitute a quorum. The President or Vice- President of the Council shall when present preside at all meetings. In their absence the Council may elect a President pro tem who shall for such meetings and the proceeding thereof have the same power as the President.
29. The City Council shall hold public meetings which shall not be less than one meeting per month. The meetings shall be fixed by the City Council. Minutes of the Council proceedings shall be made and be available to the public. The Mayor, the President or Vice-President of the Council or any two of the Council Members may call special meetings by notice filed with the City Administrator and served upon each of the members by delivering the same personally or left at the place of their usual abode, or a special meeting may be called by the Mayor, President, Vice-President, or President pro tem at any regular meeting of the City Council by giving notice thereof and noting the same in the minutes of the meeting. In case the attendance at any regular or special meeting of the City Council is less than a quorum such meeting may be adjourned to any time that may be designated and entered in the minutes of the meeting. Except in cases of emergency, the City Council shall not meet on a Sunday, a legal holiday, or a day of general or special election.
30. The City Council shall have the management and control of all the finances and property of the City and of all the departments thereof subject to the other provisions of this Charter. However, no real estate belonging to the City shall be sold or disposed of unless so ordered by two thirds vote of all the members of the City Council; and provided that neither the water works nor the electric light plant,

nor any other public utility, which shall hereafter be owned by the city, shall be sold, leased, mortgaged, or otherwise disposed of unless authorized to do so by a four-sevenths majority of the qualified electors of said City.

The City Council shall in addition to the powers herein vested in them have power and authority to make, enact, ordain, establish, publish, enforce, order, modify, amend, and repeal all such ordinances, resolutions, rules, by-laws and regulations for the government and good order of the City, for the suppression of vice and intemperance, and for the prevention of crime, as they shall deem expedient. They shall have the power to provide for the imprisonment and safe keeping of all persons arrested or charged with any offense.

The City Council shall have full power and authority to declare and impose penalties and punishments, and to enforce the same against any person or persons who may violate any of the provisions of any Ordinance, Resolution, rule or By-law passed or ordained by them: and all such Ordinances, Resolutions, rules and By-laws are hereby declared to be and have the force of law, and for the said purposes shall have authority by Ordinance, Resolution or By-laws, to the extent permitted by law.

31. The Council of the City of Brainerd shall be authorized to exceed its overall levy limitations, by an amount not to exceed 3% of its previous year's total levy of the taxable property of the City of Brainerd prior to the time of such levy, which may be levied on the taxable property within its boundaries in addition to all other taxes voted by it. It shall be exempt from the statutory penalty provisions and shall also be over and above any limitations in the Charter of the City of Brainerd prior to the time of such levy. Such additional levies shall be used for the purpose of establishing and maintaining a public bus or transit facility or subsidizing a private bus or transit facility. In the next succeeding levy year and thereafter, such amounts shall become a permanent adjustment to the levy base per capita of the City of Brainerd.
32. The City Council may create an ordinance which may impose punishment for the breach of any Ordinance of the City to impose a fine and imprisonment as permitted by state law.
33. All Ordinances, Resolutions and By-Laws shall be passed by an affirmative vote of a majority of the members of the City Council present by an aye and nay vote.

All Ordinances shall be twice read at length in open Council before their passage unless the reading is dispensed with by unanimous consent: and no Ordinance shall be passed within ten (10) days after being first so read.

All Ordinances shall be once published in the official paper of the City, and no Ordinance shall take effect until one week after the day of such publication. All Resolutions and By-Laws shall take effect from and after their passage or adoption unless the City Council shall expressly order to the contrary; provided, however, that all Ordinances in relation to contagious or infectious disease or

hydrophobia may be passed at the meeting of the first reading and take effect from and after their passage if the City Council so order.

34. A copy of the record of any Ordinance or Resolution heretofore passed or that may hereafter be passed, certified by the Administrator and verified by the seal of the City, or recorded in the books containing the official proceedings of said Council, or published in any compilation of Ordinances made under the direction of the City Council, shall be prima facie evidence of the contents of such Ordinance or Resolution and of the regularity and legality of all proceedings relating to the adoption and approval thereof: and shall be admitted as evidence in any court in this state without further proof.

In all actions, prosecutions, and proceedings of every kind before a court, the court shall take judicial notice of all ordinances of said City, and it shall not be necessary to plead or prove such Ordinances.

35. The powers conferred upon the City Council to provide for the abatement or removal of nuisances shall not bar or hinder suits, prosecutions, or proceedings in the courts according to law.

36. The City Council may at its discretion defer payment of certain special assessments for street improvements as defined in Chapter 429 of the Minnesota Statutes where a financial hardship exists. The Council shall by Ordinance or Resolution define the circumstances wherein such deferments may be made.

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- 36-37. No appropriation shall be made without a vote of a majority of all the members of the City Council in its favor, which shall be taken by ayes and nays vote, and entered among the proceedings of the Council. No vote of the City Council shall be reconsidered or rescinded at any meeting unless there shall be present at such meeting as large a number of Council Members as were present when said vote was originally taken.

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- 37-38. The City Council shall examine, audit, and adjust the accounts of the City at such times as it deems proper or as otherwise required by law.

- 38-39. The City Council shall have the power to make purchases on behalf of the City and may make purchases through such methods or designees as the Council may determine from time to time by Ordinance or Resolution. The provisions of this section shall not apply to purchases made by, or on behalf of the Public Utilities Commission or the Park Board or the departments under their control respectively.

## CHAPTER THREE

### FINANCES

1. The fiscal year of the City shall be the calendar year.
2. Except as otherwise provided herein, all disbursements shall be made by check or electronic transfer. Checks shall be signed by the Mayor and countersigned by the City Administrator. All payments are to be reviewed and approved by the City Council

The City Council shall annually levy taxes to provide for the following specifically designated fund:

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A PERMANENT IMPROVEMENT FUND, for paying such portion of the cost of improving streets and alleys ~~as shall devolve upon the City, under the provisions of Subdivision (11) of this Section 46.~~ For the support of this fund the City Council shall annually levy on taxable property of the City taxes to an amount not to exceed 9% of the City's previous year's total levy. No part of this fund shall be used for any other purpose. ~~In anticipation of the collection of such taxes for the then current year and succeeding years, the City Council may at the proper time, and from time to time, issue and dispose of certificates of indebtedness in an aggregate amount equal to eighty (80) per cent of such levy in the then current year and estimated amount for not more than ten succeeding years:: provided, that the issuable aggregate of such certificates of indebtedness shall at no time exceed the sum of money then in the permanent improvement revolving fund under the provisions of Section 49 of the City Charter, as herewith amended, together with the additional amount of bonds that may or can be issued thereunder, added to the total of cash payments guaranteed by bonds of owners of real property abutting on such or similar street or alley improvements. These certificates shall be known as Re-paying Certificates of Indebtedness, and on every one shall be stated the particular purpose for which it is issued or describe the specific improvement on which it is based. Such certificates shall be consecutively numbered, with date of issue, date of maturity, bear interest, payable semi-annually, have proper interest coupons attached, be signed by the Mayor, countersigned by the City Administrator, and be attested by the corporate seal; and, so far as practicable, shall be in denominations of not less than \$500.00. Whenever occasion arises for the issuance of such repaying certificates, it shall be the duty of the City Council to make requisite calculations, computations and estimates with respect to the quantity and various times of collection of taxes so levied and to be levied, and thereupon, as the circumstances may require, to issue and sell one or more of such certificates. All such certificates shall be so issued as to mature serially, on proper dates, to the end that eighty (80) per cent of the estimated tax collection for this fund in each and every year will pay the certificates as they mature, and succeeding issues shall appear in regular order following previously issued certificates; and whenever there is an unused or unappropriated margin of such eighty (80) per~~

cent of the estimated tax collection for this fund, over and above the aggregate amount of all such certificates theretofore issued, then and under such circumstances the earliest maturing certificates of the next succeeding issue shall be made to mature at such times and in such manner as to assure payment thereof out of, and at the time of collection of, such prior unused or unappropriated margin of such eighty (80) per cent of such estimated tax collection. If in any year the taxes collected for this fund shall not be sufficient to pay the certificates maturing in that year, the deficit shall be paid from the general fund. The earliest maturing certificates of the first issue hereunder shall mature on the first day of December in the year following the year of their issuance, and the other certificates in such issue, to mature later and serially, shall be distributed in succeeding serials and follow in such order of maturity that eighty (80) per cent of the estimated tax collections, year by year, will pay such certificates in each and every year thereafter. Neither the City Council nor any officer of the City shall in any year appropriate, expend or disburse any part of this fund, or do any other act therewith, at such time or in such manner as to render the available balance thereof insufficient to pay, when due, the certificates maturing in that particular year. The City Council shall, at the proper time, and from time to time, prepare for every issue and sale of such re-paving certificates of indebtedness by appropriate resolution setting forth in sufficient detail the date of issuance, number or quantity, specific denominations, and various dates of maturity thereof, the rate of interest thereon, and the nature or character, location, extent, and approximate total cost of the particular improvement on which the same are founded. The sale of such certificates of indebtedness shall be made, conducted, and carried on in the manner provided for sales of bonds under the certain provisions of section 49 of the City Charter, as herewith amended; provided, further, that no certificate shall be sold for less than par and accrued interest.

3. That annual amount to be levied for general taxation in any year for all said funds shall not exceed the amounts as established by state statute. There shall be a levy of 1.5% of the previous year's total City levy for one or more entities located entirely within the entire city limits of Brainerd to provide community action programs and events.
4. There shall be a levy of 1.5% of the previous year's total City levy for the establishment and maintenance of a programs for the benefit of senior citizens or to a subsidized non-profit senior citizens organization (s) located entirely within the entire city limits of Brainerd.
5. There shall be a levy of 1.5% of the previous year's total City levy for one or more arboretum or green space organizations located entirely within the entire city limits of Brainerd.



## **CHAPTER FOUR**

### **FIRE DEPARTMENT**

1. The City Council shall have power to purchase, keep and maintain fire extinguishers, fire engines and other fire apparatus, to build and maintain engine houses, hose houses and such other buildings as may be necessary or convenient, also to erect and maintain fire alarm telegraphs and boxes, and other means of giving notices of fires.
2. Whenever the City Council may decide by a two-thirds vote of all its members that greater protection can be secured by a paid fire department, it may by resolution duly passed, abolish the existing volunteer fire department and create in lieu thereof, a paid fire department, which shall be officered and managed as provided in the next section.
3. In the event of the creation of a paid department the City Council shall appoint a Fire Chief of said fire department and provide for such other officers and employees as may be deemed necessary for such department.
4. The Council shall have power and authority to make by Ordinance all needed rules for the government of the fire department and for the protection and use of all fire stations and other property and apparatus pertaining thereto.

## **CHAPTER FIVE**

### **STREETS**

- ~~1. The City Council may by a vote of two thirds of the members thereof, vacate any highway, street, lane, or alley, or portion of either, and such power of vacating highways, streets, lanes, and alleys within the City of Brainerd is vested exclusively in the City Council and no court or other body or authority shall have any power to vacate any such highway, street, lane or alley.~~
- ~~2. The City Council shall have power to designate districts or portions of the streets and alleys of the City for the purpose of cleaning the same and may provide for the cleaning of such districts by a contract on such terms as shall be deemed advisable.~~
- ~~3. It is hereby made the duty of all owners of land adjoining any street, lane or alley in said City, to construct, reconstruct and maintain in good repair such sidewalks along the side of the street, lane or alley next to the lands of such owners respectively, as may have been heretofore constructed, or shall hereafter be constructed, or directed by the City Council to be built, and of such material and width, and upon such places and grades as the City Council may by ordinance or otherwise prescribe. Whenever the City Council shall deem it necessary that any sidewalk in the City of Brainerd shall be constructed or re-constructed, it shall by resolution direct such construction or re-construction, specifying the width thereof, and the material of which the same is to be constructed. The publication of such resolution once in the official paper of the City shall be sufficient notice to the owners of the land along which said sidewalk is to be built to construct the same, and unless such owners shall each along each owner's respective land, construct and fully complete such sidewalks within two (2) weeks after the publication of such resolution as aforesaid, the City Council shall forthwith proceed to ascertain the expense of constructing the same and assess and levy such expense upon and against each lot and parcel of land upon which such sidewalk shall front. Such assessment shall be collected in the same way in all things as provided for the collection of special assessments under the provisions of Section 75 of this Charter. And the City Council may either before or after making such assessment cause such portion of such sidewalks as have not been built by the owners of such land fronting on the same and all street crossings to be built by the City, or upon contract or by any other person as the council may determine.~~
- ~~4. If the owner of any lot or parcel of land shall suffer any sidewalk along the same to become broken, rotten or out of repair, it shall be the duty of the City Engineer to immediately repair the same in a good, substantial and thorough manner, and to report to the City Council the cost of such repairs in each case, and a description of the lot or parcel of land abutting which such repairs are made, and such report shall be filed and carefully preserved by the City Administrator. And the City Council shall once in each year, at, or as near as conveniently may be, the time of levying the yearly City taxes, assess and levy upon each of the parcels of land fronting or abutting upon sidewalks which have been repaired by the City, the cost of making such repairs. In each case such assessment for all such repairs within the year may be combined in one assessment roll and be collected as provided for in other special assessments in this Charter. In case any such sidewalk shall become so out of repair as to become~~

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~~dangerous and cannot be made safe without being rebuilt, and there are no funds to defray the expense of such rebuilding, it shall be the duty of the City Engineer to remove the same entirely, and the expense of such removal shall be added to the cost of rebuilding when the same shall be reconstructed and collected with the assessment for such reconstruction.~~

~~5. — It shall be the duty of the City Council, before ordering the construction of any new sidewalk, to cause ground on which is to be built to be properly graded.~~

~~6. — No railway company or street company shall have any right in cleaning their tracks through any part of the City or otherwise, to pile up snow or other material and leave the same piled upon any traveled portion of any street in the City. Any such company shall be liable to any person who shall be injured by means of any obstruction caused by the company or its servants for all damages sustained.~~

~~7. — It shall require a two-thirds (2/3) vote of the members elect of the City Council to determine, in the first instance to make any improvement for which a special assessment may be levied, except in respect to sidewalks, when a majority shall suffice. But this restriction shall not apply to any subsequent act of the Council touching such improvement, or the special assessment to provide means therefor.~~

~~8. — The City Council may at its discretion defer payment of certain special assessments for street improvements as defined in Chapter 429 of the Minnesota Statutes where a financial hardship exists. The Council shall by Ordinance define the circumstances wherein such deferments may be made.~~

~~The City Council does endorse the principal of deferment of special assessments for those citizens where the payment of said special assessments constitute a financial hardship. The Council, in accordance therewith, may defer the payment of a special assessment on homestead property owned by a person who has a financial hardship, and the payment of the assessment would create a further financial hardship.~~

~~The deferment may be granted upon an application by the owner on a form prescribed by the County Auditor supplemented by the City Administrator to establish the qualification of the owner for said deferment. All deferments shall be subject to renewal each following year upon the filing of a similar application not later than August 15. The~~

~~Council shall either grant or deny the deferment, and if it grants the deferment, the deferred assessment shall bear interest at the rate established in the Resolution adopting the assessment. If the Council grants the deferment, the Administrator shall notify the County Auditor who shall record a notice of the deferment with the County Recorder setting forth the amount of the assessment.~~

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

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

~~B. — The total special assessments to be deferred exceed the sum specified in the most current Resolution adopted by the City Council setting this amount.~~

~~C. — The applicant certifies that the total assets of the applicant and spouse, exclusive of the homestead, do not exceed the sum specified in the most current Resolution adopted by the City Council setting this amount.~~

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~~D. The Crow Wing County Assessor's estimated market value of the applicant's homestead is less than the sum specified in the most current Resolution adopted by the City Council setting this amount.~~

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

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

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

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

~~C. Loss of homestead status on the property;~~

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

~~E. Failure to file a renewal application within the time prescribed in this section.~~

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## **CHAPTER ~~SIX~~ FIVE**

### **PUBLIC UTILITIES COMMISSION**

1. The Public Utilities Commission shall control, operate and manage the following utilities of the City:
  - a. Water works system, including the filtration plant, water towers and distribution system.
  - b. Wastewater system, including the wastewater treatment facility, force mains and lift stations, but not including the gravity fed wastewater collection system, which is operated by the Public Works Department.
  - c. Electric generation and distribution system.
  - d. Except as provided above, all other public utilities that are hereafter owned by the City.
2. Such Commission shall upon the appointment and qualification of its members, and at such times as it may see fit organize and re-organize such Commission, and in such organization and re-organization, shall appoint from its members a President and Vice-President and shall also appoint a Secretary who shall not be a member of the Commission.
3. The Secretary of the Commission or his/her designee shall attend all meetings of the Commission and keep a record of all proceedings.

. The Secretary shall perform such other and further duties as may be prescribed or directed by said Commission.
4. The City Council shall employ all necessary help for the Commission to properly perform its duties and approve all terms and conditions of employment. Personnel for vacant positions may be recommended by the Commission to the City Council. All Commission personnel are subject to the City's personnel policies.
5. Subject to state law, the Commission shall have power to fix all rates to be paid by consumers of water, wastewater and power, and to make and enforce such rules, regulations and penalties as they may deem proper to affect such collections and to protect all property and rights pertaining to the said departments.
6. The Public Utilities Commission shall have power to institute, prosecute and defend, in the name of the City of Brainerd, all actions which they may deem proper to carry out and enforce their authority as such board; but no real estate or easement shall be acquired by purchase or condemnation proceedings.

No water or wastewater utility listed in Paragraph 1 may be extended beyond the existing service territories unless the City Council shall so order the same by a resolution passed by a majority vote of all its members. With respect to water and

wastewater utilities, the "service territories" are defined as those areas of the City served by existing mains and laterals. Service lines from mains and laterals to customer structures may be extended under the sole authority of the Public Utilities Commission.

The service territory for the electrical utility is established by the Minnesota Public Utilities Commission. Any extension of the electrical utility outside the service territory by contract with another utility shall be approved by the City Council. Any extension of the electrical utility within the service territory, or any contract with another utility to provide power within the Commission's service territory, shall be approved by the Commission.

7. The Commission shall, at the first meeting of the City Council, in December of each year, present an operating budget for the following year as well as a five year capital improvement plan outlining anticipated future capital expenditures. The budget shall set forth all expenditures that can be anticipated for the operation of the Commission, during said fiscal year, and when approved, in whole or such part as may be approved by the City Council, shall constitute the authority for the Commission to make such expenditures, subject to the provisions of this Charter. The Commission shall have the power to purchase and pay for all supplies necessary for the management of said business, when so approved by the City Council either as a part of said budget or by resolution of the City Council authorizing same, except that the Commission shall have the power to purchase supplies and machinery in case of sudden and extraordinary injury to said plants, making such purchases and contracts necessary to repair the same.
8. The Commission's Finance Director shall keep a complete set of accounting records showing in detail all the business and financial affairs and transactions of the Commission and shall receive and safely keep all funds belonging to the Commission in a bank or depository designated by the City Council. All funds shall be deposited in the name of the Commission, and all investments shall be subject to state law and the City of Brainerd Investment Policy. The Commission shall make financial transfers to the City in amounts as specified in Brainerd Public Utilities Policy 2003-01, as amended and approved by the City Council.

## **CHAPTER ~~SEVEN~~ SIX**

### **THE PARK AND RECREATION BOARD**

1. The Park and Recreation Board shall have control and supervision of all parks, parkways, and boulevards within the City, and also of such streets and other public grounds as the City Council shall by proper resolution designate. It shall also establish the recreation policy and conduct and supervise recreation areas, facilities, services, and programs for all types of public recreation. It shall have the authority to conduct activities and pay for the necessary supervision incidental thereto, on the grounds and properties owned, leased, or controlled by the City of Brainerd, or on other properties with the consent of the owners or authorities who control the property. And it is made the duty of said Board to cause to be enforced all laws of the State and Ordinances and Resolutions of the City Council for the improvement, care and protection of the parks and other public property under its charge.
2. The said board shall organize by selecting a President and Vice-President from its members. A Clerk shall keep a full record of all proceedings of said board, and a Treasurer who shall keep books showing all monies received and disbursed and the management of the business committed to said board.
3. Said board shall have the power of coordination of services with other governmental programs, solicit and train volunteers, purchase supplies and equipment, develop and maintain facilities, procure, or lease public or private properties, areas or facilities that may be required for programs, provided, however, that no property shall be procured by lease or otherwise for more than one year without the approval of the City Council. All expenditures shall be within the moneys appropriated by the City for such purposes, together with donations, gifts, bequests of any money, or any funds from earnings. All money received from donations, bequests or earnings shall be deposited in a special account managed by the board.
4. The board shall each year prior to September 1 prepare and present a budget for park and recreation purposes for the ensuing fiscal year; subject to the approval of the City Council.
5. The members of said board shall receive no compensation.

## **CHAPTER ~~EIGHT~~SEVEN**

### **PUBLIC LIBRARY BOARD**

1. The Library Board shall organize by appointing a President, Vice-President, and Secretary from their number; such board shall have charge and supervision of the public library; together with all library buildings, grounds and other property pertaining to the public library, and shall have power to make and enforce such rules and regulations, as it may deem proper for the care, use, preservation and protection of all property. The City Council may pass all proper Ordinances for the care, preservation and protection of library property and provide for and enforce penalties for violation thereof.
2. The Secretary of the Library Board shall keep books of account fully showing all moneys received and disbursed and the purposes therefor, and the exact condition of said fund, and shall annually on or before the first Council meeting in may make a statement fully showing all the receipts and disbursements of said fund for the last year and the exact condition, which report shall be in duplicate, one copy of which shall be preserved in that office and the other copy filed with the City Administrator.
3. The general laws of the state with respect to the establishment and maintaining of public libraries are hereby made a part of this Charter, except so far as the same herein changed or modified.



## **CHAPTER ~~NINE~~ EIGHT**

### **GENERAL PROVISIONS**

1. The City council may from time to time provide for the compilation and publication of the Ordinances of the City, and such resolutions as may be designated, and for the distribution or sale of copies of such compilation in its discretion and may also provide for exchange of such printed compilations for similar publications for other cities.
2. All actions brought to recover any penalty or forfeiture under this act or the ordinances, resolutions, by-laws, or police or health regulations, made in pursuance thereof, shall be brought in the corporate name of the City.
3. No penalty or judgment recovered in favor of the City shall be remitted or discharged, except by a vote of two-thirds of all the members of the City Council; but nothing in this section shall be so construed as to prohibit the judge of a court of jurisdiction from granting new trials or reversing any judgment rendered by the court according to the usual procedure of courts, nor to prohibit said court from suspending execution of sentence in its discretion.
4. No City officer, or employee of the City, shall sell, dispose of, or convert to the officer's own use, any City property in the officer's charge without special authority from the City Council.
5. That the Charter Commission of the City of Brainerd, as prescribed by state law, be composed of seven (7) members, each of whom shall be a qualified voter of the City of Brainerd.

Adopted by ordinance on December 6, 2021.

Ordinance published on January 30, 2021.

Effective May 1, 2022.

# ORDINANCE

No. \_\_\_\_\_

## AN ORDINANCE AMENDING THE CITY CHARTER

THE CITY COUNCIL OF THE CITY OF BRAINERD DOES ORDAIN:

**SECTION ONE:** Chapter One is amended as follows, with underlined language added and deleted language struck out.

### CHAPTER ONE

#### NAME, BOUNDARIES, POWERS AND DIVISIONS

2. The City shall be divided into four wards in accordance with state law. ~~That the Council be empowered to divide the City of Brainerd by ordinance into four (4) wards as equal in size and population as practicable. The Council must, within 60 days after each U.S. decennial census, readjust the boundaries of the four (4) wards provided there is a 10% or more deviation in population among said wards and if the Council does not do so, the Charter Commission of the City of Brainerd is empowered to do so.~~
  - d. ~~FIRST WARD: All of the territory south of the main line of the Burlington Northern Santa Fe Railroad and east of the Mississippi River beginning at the mainline railroad tracks and following said River south to the south City limits/Woodland Hills Lane, thence east to Greenwood Street, thence south to the centerline of the South 6<sup>th</sup> Street/Business Highway 371, thence northeast to the centerline of County Road 117, thence east to the centerline of the Spur Line Trail, thence north to the centerline of Willow Street, thence west to the centerline of South 6<sup>th</sup> Street/Business Highway 371, thence north to the centerline of Rosewood Street, thence east to the centerline of South 7<sup>th</sup> Street, thence north to the centerline of Quince Street, thence east to the centerline of the Spur Line Trail, thence north to the mainline railroad tracks of the Burlington Northern Santa Fe Railroad, thence west to the Mississippi River to the point of beginning.~~
  - b. ~~SECOND WARD: All of the territory within the City limits west/northwest of the Mississippi River, and, southeast of the Mississippi River commencing at the intersection of the centerline of the Mississippi River and the main line of the Burlington Northern Santa Fe Railroad, thence east along the railroad tracks to the centerline of North 8<sup>th</sup> Street, thence north to the centerline of Washington Street, thence east to the centerline of North 10<sup>th</sup> Street, thence north to the centerline of Grove Street, thence east to the centerline of North 11<sup>th</sup> Street, thence north along North 11<sup>th</sup> Street to the centerline of Evergreen Avenue, thence northeast to the Public Access driveway, thence north along the driveway to the centerline of the Mississippi River.~~

- c. ~~THIRD WARD: All of the territory north of the main line of the Burlington Northern Railroad and east of a line commencing at the intersection of the Burlington Northern Santa Fe main line track and the centerline of North 8<sup>th</sup> Street, thence north along North 8<sup>th</sup> Street to the centerline of Washington Street, thence east to the centerline of North 10<sup>th</sup> Street, thence north to center line of Grove Street, thence east to the centerline of North 11<sup>th</sup> Street, thence north to the centerline of Evergreen Avenue, thence northeast to the Public Access Driveway, thence north along the driveway to the centerline of the Mississippi River, thence northeasterly along the centerline of the Mississippi River to the east City limits.~~
- d. ~~FOURTH WARD: All of the territory South of the main line of the Burlington Northern Railroad and east of a line commencing at the intersection of the Burlington Northern Santa Fe main line track and the centerline of the Spur Line Trail, thence south to the centerline of Quince Street, thence west to the centerline of South 7<sup>th</sup> Street, thence south to the centerline of Rosewood Street, thence west to the centerline of South 6<sup>th</sup> Street/Business Highway 371 thence south to the centerline of Willow Street, thence east to the centerline of the Spur Line Trail, thence south to the centerline of County Road 117, thence west to the centerline of South 6<sup>th</sup> Street/Business Highway 371, thence south to the south City limits.~~

**SECTION TWO:** Chapter Two is amended and renumbered as follows, with underlined language added and deleted language struck out.

## CHAPTER TWO

### OFFICERS AND ELECTIONS

14. At the first meeting in January of the City Council after the regular City election it shall proceed to elect by ballot from its members ~~number~~ a President and Vice-President. The President shall preside over the meetings of the City council and appoint all standing and temporary committees thereof, and during absence of the Mayor from the City, or the Mayor's inability for any reason to discharge the duties of the office, the said President shall exercise all the powers and discharge all the duties of the Mayor.
36. The City Council may at its discretion defer payment of certain special assessments for street improvements as defined in Chapter 429 of the Minnesota Statutes where a financial hardship exists. The Council shall by Ordinance or Resolution define the circumstances wherein such deferments may be made.
- ~~36-37.~~ No appropriation shall be made without a vote of a majority of all the members of the City Council in its favor, which shall be taken by ayes and nays vote, and entered among the proceedings of the Council. No vote of the City Council shall

be reconsidered or rescinded at any meeting unless there shall be present at such meeting as large a number of Council Members as were present when said vote was originally taken.

37-38. The City Council shall examine, audit, and adjust the accounts of the City at such times as it deems proper or as otherwise required by law.

38-39. The City Council shall have the power to make purchases on behalf of the City and may make purchases through such methods or designees as the Council may determine from time to time by Ordinance or Resolution. The provisions of this section shall not apply to purchases made by, or on behalf of the Public Utilities Commission or the Park Board or the departments under their control respectively.

**SECTION THREE:** Chapter Three is amended and renumbered as follows, with deleted language struck out.

## CHAPTER THREE

### FINANCES

2. Except as otherwise provided herein, all disbursements shall be made by check or electronic transfer. Checks shall be signed by the Mayor and countersigned by the City Administrator. All payments are to be reviewed and approved by the City Council.

The City Council shall annually levy taxes to provide for the following specifically designated fund:

A PERMANENT IMPROVEMENT FUND, for paying such portion of the cost of improving streets and ~~alleys as shall devolve upon the City, under the provisions of Subdivision (11) of this Section 46.~~ For the support of this fund the City Council shall annually levy on taxable property of the City taxes to an amount not to exceed 9% of the City's previous year's total levy. No part of this fund shall be used for any other purpose. ~~In anticipation of the collection of such taxes for the then current year and succeeding years, the City Council may at the proper time, and from time to time, issue and dispose of certificates of indebtedness in an aggregate amount equal to eighty (80) per cent of such levy in the then current year and estimated amount for not more than ten succeeding years;; provided, that the issuable aggregate of such certificates of indebtedness shall at no time exceed the sum of money then in the permanent improvement revolving fund under the provisions of Section 49 of the City Charter, as herewith amended, together with the additional amount of bonds that may or can be issued thereunder, added to the total of cash payments guaranteed by bonds of owners of real property abutting on such or similar street or alley improvements. These certificates shall be known as Re-paving Certificates of Indebtedness, and on~~

every one shall be stated the particular purpose for which it is issued or describe the specific improvement on which it is based. Such certificates shall be consecutively numbered, with date of issue, date of maturity, bear interest, payable semi-annually, have proper interest coupons attached, be signed by the Mayor, countersigned by the City Administrator, and be attested by the corporate seal; and, so far as practicable, shall be in denominations of not less than \$500.00. Whenever occasion arises for the issuance of such repaying certificates, it shall be the duty of the City Council to make requisite calculations, computations and estimates with respect to the quantity and various times of collection of taxes so levied and to be levied, and thereupon, as the circumstances may require, to issue and sell one or more of such certificates. All such certificates shall be so issued as to mature serially, on proper dates, to the end that eighty (80) per cent of the estimated tax collection for this fund in each and every year will pay the certificates as they mature, and succeeding issues shall appear in regular order following previously issued certificates; and whenever there is an unused or unappropriated margin of such eighty (80) per cent of the estimated tax collection for this fund, over and above the aggregate amount of all such certificates theretofore issued, then and under such circumstances the earliest maturing certificates of the next succeeding issue shall be made to mature at such times and in such manner as to assure payment thereof out of, and at the time of collection of, such prior unused or unappropriated margin of such eighty (80) per cent of such estimated tax collection. If in any year the taxes collected for this fund shall not be sufficient to pay the certificates maturing in that year, the deficit shall be paid from the general fund. The earliest maturing certificates of the first issue hereunder shall mature on the first day of December in the year following the year of their issuance, and the other certificates in such issue, to mature later and serially, shall be distributed in succeeding serials and follow in such order of maturity that eighty (80) per cent of the estimated tax collections, year by year, will pay such certificates in each and every year thereafter. Neither the City Council nor any officer of the City shall in any year appropriate, expend or disburse any part of this fund, or do any other act therewith, at such time or in such manner as to render the available balance thereof insufficient to pay, when due, the certificates maturing in that particular year. The City Council shall, at the proper time, and from time to time, prepare for every issue and sale of such re-paving certificates of indebtedness by appropriate resolution setting forth in sufficient detail the date of issuance, number or quantity, specific denominations, and various dates of maturity thereof, the rate of interest thereon, and the nature or character, location, extent, and approximate total cost of the particular improvement on which the same are founded. The sale of such certificates of indebtedness shall be made, conducted, and carried on in the manner provided for sales of bonds under the certain provisions of section 49 of the City Charter, as herewith amended; provided, further, that no certificate shall be sold for less than par and accrued interest.

**SECTION FOUR:** Chapter Five – Streets – is repealed in its entirety. Chapter Six – Public Utilities Commission – is renumbered as Chapter Five. Chapter Seven – The Park and Recreation Board – is renumbered as Chapter Six. Chapter Eight – Public Library Board – is renumbered as Chapter Seven. Chapter Nine – General Provisions – is renumbered as Chapter Eight.

**SECTION FIVE:** Upon passage, this ordinance becomes effective 90 days 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



# Brainerd City Council Agenda Request

**Requested Meeting Date:**

**Title of Item:**

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

**ORDINANCE**

No. \_\_\_\_\_

**AN ORDINANCE AMENDING THE CITY CHARTER**

THE CITY COUNCIL OF THE CITY OF BRAINERD DOES ORDAIN:

**SECTION ONE:** Chapter Three is amended as follows, with deleted language struck out.

**CHAPTER THREE**

**FINANCES**

- ~~3. That annual amount to be levied for general taxation in any year for all said funds shall not exceed the amounts as established by state statute. There shall be a levy of 1.5% of the previous year's total City levy for an entity within the city limits of Brainerd to provide community action programs and events.~~
- ~~4. There shall be a levy of 1.5% of the previous year's total City levy for the establishment and maintenance of a program for the benefit of senior citizens or to a subsidized non-profit senior citizens organization within the city limits of Brainerd.~~
- ~~5. There shall be a levy of 1.5% of the previous year's total City levy an arboretum or green space organization within the city limits of Brainerd.~~

**SECTION TWO:** Upon passage, this ordinance becomes effective 90 days 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





# Brainerd City Council Agenda Request

**Requested Meeting Date:**

**Title of Item:**

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